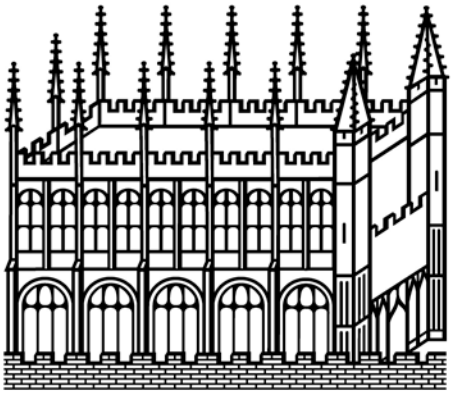

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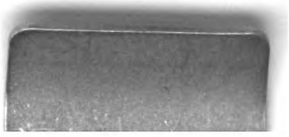

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PUBLIC BILLS,

(Six Volumes,)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

HAM - - HOU

1909.

PUBLIC BILLS, 1909.

(SIX VOLUMES.)

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A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Hamilton Burgh. A.D. 1909.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Hamilton Burgh Order Confirmation Act 1909. Short title.

A.D. 1909.

SCHEDULE.

HAMILTON BURGH.

Provisional Order to confer further powers on the Corporation of the Burgh of Hamilton in relation to their Electricity and Gas Undertakings to extend the period for the repayment of moneys borrowed for sewage purification purposes to confer powers on the Corporation in relation to the searching for and working of minerals to amend certain public and local Acts affecting the Burgh and for other purposes.

WHEREAS the burgh of Hamilton in the county of Lanark (herein-after called "the burgh") is a burgh which contributes to send a member to Parliament and the provost magistrates and councillors of the burgh (herein-after called "the Corporation") are the local and sanitary authority within the burgh under the Burgh Police (Scotland) Acts 1892 to 1903 and the Public Health (Scotland) Act 1897:

And whereas the unrepealed portions of the local Acts and Orders mentioned in the First Schedule to this Order are in force within the burgh:

And whereas the Corporation supply gas and electrical energy within the burgh under and by virtue of the powers conferred on them by the Hamilton New Gas Light Act 1846 and the Hamilton Burgh Act 1878 and the Hamilton Electric Lighting Order 1898 respectively:

And whereas it is expedient that the further powers contained in this Order should be conferred on the Corporation in relation to their gas and electricity undertakings:

And whereas the Corporation have constructed sewage purification works for dealing with the sewage and drainage of the burgh and further works of a like nature are urgently required and will involve a very large expenditure:

And whereas sewage purification works are of a permanent character and the construction of such works imposes a heavy burden upon the ratepayers of the burgh and it is expedient that

the period limited by the Public Health (Scotland) Act 1897 for the repayment of loans to be raised by the Corporation for the purposes of such works should be extended:

And whereas the lands known as the Common Muir form part of the common good of the burgh:

And whereas there are beds of coal underlying the said Common Muir or parts of it a portion whereof has been worked by lessees of the Corporation or by their feuars:

And whereas in the interest of the burgh it is expedient to confer on the Corporation such powers as are contained in this Order with reference to the searching for and working minerals under the Common Muir and adjacent lands and for entering into agreements with companies or persons for those purposes and for contributing towards the expense to be thereby incurred by any such company or person and for subscribing or lending money to any such company or person:

And whereas it is expedient to amend the Hamilton Burgh Act 1878 in relation to the functions and powers of the councillors of the Dean of Guild of the burgh:

And whereas it is expedient to empower the Corporation to raise temporary loans for the purpose of defraying expenses incurred by them in the exercise of any of their statutory powers under any of the local Acts or Orders applicable to the burgh at the commencement of this Order and under this Order:

And whereas it is expedient to authorise the Corporation to adopt the provisions of the Burgh Sewerage Drainage and Water Supply (Scotland) Act 1901 which relate to sewerage and drainage without at the same time adopting the provisions of that Act relating to water supply:

And whereas it is expedient to confer such other powers on the Corporation and to make such other provisions in relation to the government and administration of the affairs of the burgh as are contained in this Order:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

A.D. 1909.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited as the Hamilton Burgh Order 1909 the Hamilton Burgh Acts 1878 to 1903 and this Order may be cited together as the Hamilton Burgh Acts 1878 to 1909 the Hamilton Gas Acts 1846 to 1904 and this Order may be cited together as the Hamilton Gas Acts 1846 to 1909 the Hamilton Water Acts 1854 to 1898 and this Order may be cited together as the Hamilton Water Acts 1854 to 1909 and the Hamilton Electric Lighting Order 1898 and this Order may be cited together as the Hamilton Electric Lighting Orders 1898 and 1909.

Commencement of Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Interpretation of terms.

3. In this Order unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings herein-after assigned to them respectively (that is to say):—

The expression "the burgh" means the burgh of Hamilton;

The expression "the Corporation" means the provost magistrates and councillors of the burgh;

The expression "the Act of 1878" means the Hamilton Burgh Act 1878;

The expression "the Order of 1898" means the Hamilton Electric Lighting Order 1898;

The expression "the Order of 1901" means the Hamilton Burgh Order 1901;

The expression "the sheriff" means the sheriff of the County of Lanark and includes his substitutes;

The expression "sewage purification works" means any works and plant either within or outwith the burgh (including outfall and intercepting sewers and effluent pipes) provided or to be provided for or in connexion with the purification (including the treatment utilisation and disposal during and after such purification) of the

A.D. 1909.

sewage of the burgh or any part or parts thereof and includes any lands wherever situate acquired or used for the purposes of any such works as aforesaid;

The expression "the Police Act of 1892" means the Burgh Police (Scotland) Act 1892;

The expression "the Police Act of 1903" means the Burgh Police (Scotland) Act 1903;

The expression "the Public Health Act" means the Public Health (Scotland) Act 1897.

(1) Electricity.

Electrical fittings.

4.—(1) The Corporation may provide sell let for hire and fix repair alter and remove but shall not manufacture lamps meters electric lines fuses switches fittings lamp-holders motors stoves radiators and other fittings for lighting heating and motive power and for all other purposes for which electrical energy can or may be used (all of which are herein-after in this section included in the expression "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's hypothec or remedy for rent or be liable to diligence under process of law or proceedings against the person in whose possession the same may be in the event of his bankruptcy or insolvency and such fittings notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises shall at all times continue to be the property of and be removable by the Corporation Provided in each case that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing alteration or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including

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interest upon moneys borrowed for those purposes and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed);

(B) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the fixing repairing alteration or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer;

(C) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest instalments and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year;

(D) Any money which has been already expended by the Corporation for the said purposes or for which liability may be incurred under this section shall be deemed to be expenses incurred by them for the purposes of and shall be defrayed in the same manner as expenses incurred by the Corporation under the Order of 1898 and the purposes of this section so far as the same are purposes to which capital is properly applicable shall be deemed to be purposes for which the Corporation may apply any money already borrowed or authorised to be borrowed or may borrow additional money under the provisions of the said Order and the Electric Lighting Acts 1882 to 1902.

As to supply of electricity where consumer has separate supply.

5. Notwithstanding anything contained in the Order of 1898 or the Electric Lighting Acts 1882 and 1888 a person shall not be entitled to demand from the Corporation a stand by supply or the continuance of a supply of electrical energy to premises having a separate supply unless such person shall have previously agreed to pay to the Corporation such minimum annual sum as will give to the Corporation a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation to meet the possible maximum demand for those premises In case the Corporation and the person demanding such supply of electrical energy shall fail

to agree as to the amount of such minimum annual sum the same shall be determined in a summary manner by the sheriff on the application of either party. A.D. 1909.

Electric lighting consumers to give notice to Corporation before removing.

6. At least twenty-four hours' notice in writing shall be given to the Corporation by every consumer before he shall quit any premises supplied with electrical energy by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply electrical energy to such premises whichever shall first occur Notice of the effect of this enactment shall be contained in or endorsed on every demand note for charges for electrical energy payable to the Corporation.

Corporation may refuse to supply energy in certain cases.

7. The Corporation may refuse to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrear (not being the subject of a bonâ fide dispute) whether such payments be due to the Corporation for the same premises in respect of which such supply is demanded or in respect of other premises.

Supply to premises outside area of supply in certain cases.

8.—(1) Where it is proved to the satisfaction of the Board of Trade that the occupier of any premises which are not situate within the area of supply as defined in the Order of 1898 is desirous of obtaining a supply of electricity from the Corporation the Board of Trade may if the local authority within whose district the premises are situate and the undertakers (if any) authorised to supply electricity to such premises consent by order permit the Corporation to give a supply to those premises on such terms and subject to such conditions as the Board of Trade think fit:

Provided that if in the opinion of the Board of Trade any consent required by this subsection is unreasonably withheld the Board of Trade may proceed as if such consent had been given.

(2) An order given by the Board of Trade under this section may for the purpose of enabling a supply to be given thereunder confer any such powers and impose any such duties on the Corporation as would have been conferred or imposed by the Electric Lighting Acts 1882 to 1902 and as might have been

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conferred or imposed by Provisional Order under these Acts if the premises and the route along which lines are to be laid for the purpose of giving the supply were within the area of supply as defined in the Order of 1898 anything in the Order of 1898 to the contrary notwithstanding.

(2) GAS.

Appropriation of lands for gas purposes.

9.—(1) In addition to the lands described in the Seventh Schedule and the Eighth Schedule to the Act of 1878 the Corporation may upon the lands described in the Second Schedule to this Order manufacture and store gas and residual products and may erect and maintain thereon and alter improve enlarge extend and renew or discontinue gasworks retorts gasometers purifiers mains pipes machinery and other works apparatus and conveniences necessary or convenient for the making storing and supplying of gas and residual products.

(2) The lands described in the said Second Schedule and the gasworks erected thereon shall form part of the gas undertaking of the Corporation and be subject to the Acts and Orders relating to that undertaking and shall be vested in and held by the Corporation for the behoof and benefit of the burgh as part of the common good of the burgh in like manner as that undertaking is so vested and held by virtue of the Act of 1878 and the Order of 1901.

Repeal of sections 133 and 135 of Act of 1878.

10. Section 133 (Quality of gas) and section 135 (Burner) of the Act of 1878 are hereby repealed and the provisions contained in the two following sections of this Order shall have effect in substitution therefor.

Quality of gas.

11. The prescribed number of candles shall not be less than fourteen.

Testing for quality.

12.—(1) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2

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the photometer shall be the Bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Corporation shall within three months after the commencement of this Order provide the apparatus required by this Order for the testing of gas and shall at all times keep the same in proper order and repair.

No penalty in case of unavoidable cause.

13. No penalty shall be incurred by the Corporation for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was occasioned by any circumstance beyond the control of the Corporation provided that want of sufficient funds shall not be held to be a circumstance beyond the control of the Corporation.

As to specification of internal fittings &c.

14. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter and (so far as the same are intended to be covered over) on the consumer's premises:

(2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specifications shall be published twice in some newspaper circulating within the limits of the Corporation for the supply of gas and a copy thereof shall be kept exhibited in the office of the gas department of the Corporation:

A.D. 1909.

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid between the Corporation's mains and the meter shall be placed as near as reasonably practicable to such main but within the outside wall of the building:

(5) When any such pipes or meter as aforesaid have been laid or placed notice thereof shall be given to the Corporation at the office of the gas department of the Corporation and the pipes shall not be covered over until after the expiration of twenty-four hours from the giving of such notice to the Corporation:

Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

(6) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to the sheriff against such refusal and the sheriff may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to him proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid and the decision of the sheriff shall be final.

Anti-fluctuators for gas engines.

15. Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Corporation may cease to supply gas to such consumer The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all

reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

Supply of gas for other than lighting purposes.

16. The Corporation may supply gas for heating cooking motive power warming ventilating and other purposes and for the particular requirements of any trade industry manufacture or business and may do all things needful therefor on such terms and conditions in all respects as may be agreed between the Corporation and the person to whom such supply shall be given Provided that the rate charged for gas so supplied shall be the same to all persons under the like circumstances.

Power to deal in gas fittings &c.

17.—(1) The Corporation may sell let for hire fix repair alter and remove (but shall not manufacture) engines stoves ranges pipes and other fittings for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used (all of which are herein-after in this section included in the expression "fittings") and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's hypothec or remedy for rent or be liable to diligence under any process of law or any proceedings against the person in whose possession the same may be in the event of his bankruptcy or insolvency and such fittings notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises shall at all times continue to be the property of and be removable by the Corporation Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(3) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing alteration or removal thereof as to meet any expenditure incurred by them under the

A.D. 1909.

powers of this section in connexion therewith including interest upon moneys borrowed for those purposes and all sums applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed:

(B) Every sum charged by the Corporation in respect of the provision of such fittings or the fixing repairing alteration or removal thereof shall be separately stated on every demand note for gas rates or charges delivered by the Corporation to the consumer:

(C) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest instalments and sinking fund) shall be separately shown in the published accounts of the gas undertaking of the Corporation for that year.

(4) Section 39 of the Hamilton New Gas Light Act 1846 is hereby repealed.

Gas consumers to give notice to Corporation before removing.

18. At least twenty-four hours' notice in writing shall be given to the Corporation by every gas consumer before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas rates or charges payable to the Corporation.

Notice to discontinue supply of gas.

19. A notice to the Corporation for a discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at or sent by post to the office for the time being of the gas department of the Corporation.

Power to refuse supply to persons in debt for other premises.

20. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas rates and charges and meter rent due from him to the

Corporation the Corporation may refuse to furnish to him a supply of gas until he pays the same. A.D. 1909.

Period of error in defective meters.

21. In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas rates and charges are recoverable by the Corporation.

Discounts.

22. The Corporation may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas rates or charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case fifteen per centum Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas rates or charges.

Charge for gas supplied by means of prepayment meters.

23.—(1) The Corporation may demand for any gas supplied through a prepayment meter a not greater rate or charge than for gas supplied to private consumers within their limits of supply through any other kind of meter or by any other method of supply.

(2) The Corporation shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to include the hire of the meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove.

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection and other costs incurred by the Corporation in connexion with the meter and fittings.

A.D. 1909.

(3) The maximum rate or charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter.

(4) For the purposes of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Corporation may contract with local authority &c. for supply in bulk.

24. The Corporation may contract with any local authority company or person whether within or beyond their limits for the supply of gas (but so far as beyond those limits only with the consent in writing of the local authority of the district within which the supply is to be given and of any company or person supplying gas in that district under parliamentary powers) for the supply to them of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon For the purpose of affording a supply of gas under this section beyond their limits for the supply of gas the Corporation may with the consent in writing of the road authority and subject to such conditions as the road authority may prescribe exercise the powers of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying or repairing pipes within the district of the road authority so consenting.

Application of revenue of gas undertaking.

25. From and after the fifteenth day of May one thousand nine hundred and ten the revenue of the gas undertaking of the Corporation shall be applied in the manner and to the purposes following (that is to say):—

(1) In defraying the expenses of the management and maintenance of the gas undertaking:

(2) In payment of the interest on any money already borrowed or hereafter to be borrowed by the Corporation for the purpose of the gas undertaking:

(3) In providing for the repayment of money already borrowed or hereafter to be borrowed by the Corporation for the purpose of the gas undertaking:

(4) In providing a contingency and depreciation of works fund by setting aside annually a sum equal to not less than two per centum of the gross revenue of the gas undertaking in each year and such fund shall from time to time be applied by the Corporation in payment of the cost of enlarging or renewing the mains pipes retorts and other apparatus of the gas

undertaking or of carrying out any extraordinary repairs thereto or in meeting any extraordinary contingency liability or claim which may arise or be incurred in respect of the gasworks or the gas undertaking:

(5) In providing for any other expenses (including so far as may be necessary interest and repayment of money borrowed or hereafter to be borrowed by the Corporation for other than gas purposes) specifically authorised or directed by any Act or Order to be defrayed out of the revenues of the gas undertaking:

(6) In defraying such part of the cost of extending their gasworks or of extending or increasing the number of the mains or pipes as the Corporation may think fit to charge against revenue:

And the surplus after providing such payments shall be applied by the Corporation at their discretion in extinction of debt charged on the gas undertaking or reduction of the rates or charges for gas or reduction of the rates of the burgh or for any other purpose to which the revenue of the common good of the burgh may competently be applied.

(3) Electricity and Gas.

Power to lay pipes in streets not dedicated to public use.

26. The Corporation may on the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to the public use within the limits of the Corporation for the supply of gas or electrical energy supply such premises with gas or electrical energy and may lay down alter relay or renew in across or along such street such pipes cables service lines and other works as may be requisite or proper for furnishing such supply and the provisions of the Gasworks Clauses Act 1847 and of the Order of 1898 with respect to the breaking up of streets for the purpose of laying pipes cables service lines and other works and for the protection of pipes cables service lines and other works when so laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

(4) Miscellaneous.

Extension of period for repayment of

27. Any loan borrowed at any time after the commencement of this Order by the Corporation for sewage purification

A.D. 1909.

moneys borrowed for sewage purification works.

works may notwithstanding anything contained in section 139 of the Public Health Act or in any other Act of Parliament or in any rules or regulations made under any Act of Parliament be repaid within such period not exceeding fifty years from the date or dates of borrowing as the Corporation may in each case determine Provided that if the determined period shall exceed forty years the loan to which the determination relates shall unless the Secretary for Scotland otherwise consents be repaid by the Corporation by equal yearly or half-yearly instalments of principal or by means of a non-accumulating sinking fund to be formed maintained and applied as follows (that is to say):—

(A) Such sinking fund shall be formed by payment to the fund throughout the determined period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed:

(B) Every sum paid to the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments:

(C) The interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund:

(D) The Corporation may at any time apply the whole or any part of the sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed:

(E) If it appears to the Secretary for Scotland or to the Corporation at any time that the amount in the sinking fund with the further payments thereto in accordance with the provisions of this Order will probably not be sufficient to repay within the determined period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased

A.D. 1909.

payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose:

(F) If the Corporation desire to accelerate the repayment of the loan in respect of which the sinking fund is formed they may increase the amount payable to the sinking fund:

(G) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order will in the opinion of the Corporation be more than sufficient to repay within the determined period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the determined period the moneys for the repayment of which the sinking fund is formed:

(H) If the amount in the sinking fund at any time will in the opinion of the Corporation be sufficient to repay the loan in respect of which it is formed within the determined period the Corporation may with the consent of the Secretary for Scotland discontinue the annual payments to the sinking fund:

(I) Any surplus of the sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed may be applied to such purpose as the Corporation may determine:

(J) The period at which the payments into the sinking fund shall commence shall be one year after the date or dates of borrowing.

Powers of Corporation in relation to minerals under the Common Muir.

28.—(1) The Corporation may contribute such sum as they may think fit towards the expense incurred or to be incurred by any company or person in searching for coal or other minerals under the Common Muir forming part of the common good of the burgh or under any lands adjoining or adjacent thereto and that whether the works or operations in connexion therewith are executed or carried out on or under the said Common Muir or on or under any such lands as aforesaid.

A.D. 1909.

(2) The Corporation may for the purpose of searching for or working coal or other minerals under the said Common Muir either in conjunction with the minerals in other lands or otherwise subscribe towards the capital of or lend to any company that may be formed for that purpose or who may agree to search for or work the same or may lend to any person who may so agree such sum or sums as they may think fit and may in respect of such subscription or loan take and hold shares or stock in the capital of or mortgages bonds debentures debenture stock or other securities of any such company or granted by any such person.

(3) The Corporation may enter into and carry into effect agreements or arrangements with any company or person for all or any of the purposes of this section.

(4) The Corporation may defray out of the free revenue of the common good of the burgh the amount of any contribution which the Corporation may agree to make under the powers of this section towards the expense incurred or to be incurred by any company or person in searching for coal or other minerals as aforesaid.

(5) The Corporation may borrow such sum as may be required for the purposes of any subscription towards the capital of or loan to any company or person authorised by this section and may grant mortgages bonds or other dispositions for securing the money so borrowed and the interest thereon of or over the common good of the burgh or the free revenue thereof Provided that any money so borrowed shall be repaid out of the moneys derived from the working of the said coal or other minerals or out of the free revenue of the common good within such period as the Corporation may determine not exceeding thirty years from the date or dates of borrowing.

(6) Nothing in this section shall vary or affect the terms or conditions of any feu contract granted by the Corporation of any part of the Common Muir or the rights and remedies thereunder of the feuar or person claiming from him or confer upon or enable the Corporation or any company or person claiming through them to exercise as between themselves and such feuar or other person any right or power which is not conferred on or reserved to the Corporation by such feu contract.

(7) Section 98 of the Town Councils (Scotland) Act 1900 shall not apply to any agreements or arrangements under this

section relating to the searching for or working of the coal or other minerals under the said Common Muir Provided that any such agreements or arrangements shall not take effect until the same shall have been approved by the Corporation at a meeting specially called for the purpose and confirmed at a subsequent meeting held not sooner than four weeks after the preceding meeting and which subsequent meeting and the purpose thereof shall have been advertised once at least in each of the weeks intervening between the two meetings in some newspaper circulating within the burgh and of which special notice in writing has been given to each member of the Corporation.

Extending powers of councillors of Dean of Guild.

29.—(1) Notwithstanding anything contained in section 47 of the Act of 1878 when the councillors of the Dean of Guild or any of them are present at any proceeding before the Dean of Guild or depute Dean of Guild the councillors present shall each have an equal voice (except as herein-after provided) with the dean or depute dean as the case may be in deciding upon the judgment order or decree to be pronounced or made in such proceeding and the judgment order or decree pronounced or made in such proceeding by the dean or depute dean as the case may be shall be in accordance with the opinion of the majority of the dean or depute dean and councillors present and such judgment order or decree when signed by the dean or depute dean (whose duty it shall be to sign the same) shall for all purposes be deemed to be and have effect as the judgment order or decree of the Dean of Guild Provided that in the case of equality of votes the dean or depute dean as the case may be shall have a casting vote.

(2) Except as expressly provided nothing in this section shall affect or alter the provisions of the Act of 1878 with respect to the Dean of Guild or the Dean of Guild Court.

Power to borrow temporarily.

30. The power to borrow temporarily conferred on the Corporation by section 49 of the Police Act of 1903 may be exercised by the Corporation in respect of the current expenses of the Corporation under any local Act or Order applicable to the burgh at the commencement of this Order and under this Order and in respect of the payment of any expenses which the Corporation are entitled to defray from moneys borrowed under any such Act or Order or this Order and the provisions of the said section shall mutatis mutandis apply to temporary borrowing by the Corporation for defraying such expenses Provided that

A.D. 1909.

the assessments and sinking funds mentioned in the said section shall in the application thereof for the purposes of this section mean the rates rents and charges which the Corporation are authorised to levy recover or demand and the sinking fund (if any) created under any such Act or Order or this Order.

Burgh Sewerage &c. Act 1901 may be adopted in part.

31. It shall be in the power of the Corporation by resolution to adopt Part I. of the Burgh Sewerage Drainage and Water Supply (Scotland) Act 1901 (in this section called "the Act of 1901") so far as the same relates to sewerage and drainage without at the same time adopting the provisions of that Part of the Act of 1901 which relate to water supply and from and after the date specified in such resolution Part I. of the Act of 1901 so far as the same relates to sewerage and drainage shall come into force within the burgh and the sections of the Police Act of 1892 and the Public Health Act specified in the schedule to the Act of 1901 shall in so far as the same apply to the burgh and relate to sewerage and drainage be repealed to the extent mentioned in the said schedule and the Acts and Orders mentioned in the First Schedule to this Order shall so far as inconsistent with or dealing with the same subject matter as the provisions of Part I. of the Act of 1901 which relate to sewerage and drainage be repealed which Acts or Orders or portions of Acts or Orders shall be specified in the resolution Every such resolution shall forthwith be communicated to the Secretary for Scotland Provided that the public water rate and the domestic water rate levied in the burgh and the sewer assessment under the Act of 1901 shall not together exceed the rate of four shillings in the pound.

Costs of Order.

32. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Corporation out of the revenue of the common good of the burgh or the revenue of the electricity undertaking or of the gas undertaking of the Corporation or out of the burgh general assessment or the public health general assessment or out of money which the Corporation are authorised to borrow on the security thereof respectively or out of one or other or all of them proportionally as the Corporation may determine Provided that any money borrowed for paying any such costs charges and expenses shall be repaid within five years from the commencement of this Order.

SCHEDULES referred to in the foregoing Order. A.D. 1909.

THE FIRST SCHEDULE.

The Hamilton New Gas Light Act 1846.
The Hamilton Waterworks Act 1854.
The Hamilton Waterworks Amendment Act 1863.
The Hamilton Water Act 1875.
The Hamilton Burgh Act 1878.
The Hamilton Water Act 1888.
The Hamilton Water Act 1898.
The Hamilton Electric Lighting Order 1898.
The Hamilton Burgh Act 1900.
The Hamilton Burgh Order 1901.
The Hamilton Gas Order 1901.
The Hamilton Burgh Order 1903.
The Hamilton Gas Order 1904.

THE SECOND SCHEDULE.

GAS LANDS.

A piece of land in the parish of Hamilton within the burgh belonging to the Corporation now used in connexion with the gas-works of the Corporation bounded on the north-east by Burnside Lane and on the north and north-west partly by other property of the Corporation and partly by Tuphall Road on the south by Selkirk Street and property of Robert Downie and on the south-east and east partly by property of Thomas Wint Weir and partly by other property of the Corporation.

Hamilton Burgh Order Confirmation. [H.L.]

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Hamilton Burgh.

The Lord Pentland.

Ordered to be printed 15th September 1909.

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E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* 2½*d.*]

(174.)

A

B I L L

INTITULED

An Act to protect the interests of Handloom Weavers and for other purposes in connection therewith. A.D. 1909.

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

Trademark to be woven on certain linen goods.

1.—(1) Every person who weaves in a handloom in Ireland any linen damask table cloth or napkin, or any piece of linen damask goods, shall weave in the selvedge or hem thereof the words "Irish hand-woven linen damask."

(2) Every person who weaves in a handloom in Ireland any piece of cambric or linen diaper goods shall as soon as the piece is woven stamp or print, or cause to be stamped or printed, thereon the words "Irish hand-woven" in legible character.

(3) Any person weaving in a handloom in Ireland any linen damask table cloth or napkin, or any piece of linen damask goods, or cambric or linen diaper goods, who fails or neglects to carry out the requirements of this section shall be guilty of an offence under this Act.

(4) If any manufacturer, agent, or other person causes or procures any person to weave in a handloom in Ireland any linen damask table cloth or napkin, or any piece of linen damask goods, or cambric or linen diaper goods, otherwise than in accordance with the requirements of this section he shall be guilty of an offence under this Act.

Sale of goods bearing false trade-mark.

2. Any person selling or exposing for sale any goods being or purporting to be linen damask goods or cambric or linen diaper goods having woven thereon or stamped or marked thereon the

A.D. 1909.

words "Irish hand-woven" or "Irish hand-made," or other words representing that the goods were woven in a handloom in Ireland, shall, unless the goods were in fact so woven, be guilty of an offence under this Act.

Offences and penalties.

3.—(1) Offences under this Act may be prosecuted, and penalties recoverable under this Act may be recovered in a summary manner.

(2) Any person guilty of an offence under this Act shall be liable on conviction for the first offence to a penalty not exceeding ten pounds, and for the second or any subsequent offence to a penalty not exceeding twenty pounds or to imprisonment for a term not exceeding six months.

Short title.

4. This Act may be cited as the Irish Handloom Weavers Act, 1909, and shall come into operation on the first day of January nineteen hundred and ten.

Handloom Weaving.

A

B I L L

INTITULED

An Act to protect the interests of Handloom Weavers and for other purposes in connection therewith.

(*Brought from the Commons* 26*th July* 1909.)

Ordered to be printed 26th July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
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E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(116.)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to empower Local Authorities in Ireland to strike a Rate for advertising Health Resorts and Watering-Places. A.D. 1909.

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

Power of local authority to strike a rate for advertisement.

1. From and after the passing of this Act the council of any urban or rural district, or the commissioners of any town not being an urban district, may advertise the advantages and amenities of the district, or any part of it, or of the town, as a health resort or watering-place, by the insertion of advertisements in newspapers not published within the area of charge, or by placards or otherwise, as they may see fit, and may expend money for the purpose, provided that the sums so expended shall not in any one financial year exceed the amount that could be raised by a rate of one penny in the pound on the rateable value of the district or town.

Expenses.

2. The expenses incurred under this Act by a district council shall be defrayed out of any rate or fund applicable to the purposes of the Public Health (Ireland) Acts, 1878 to 1907, in like manner as if they had been incurred for the purposes of those Acts, and the expenses incurred under this Act by the commissioners of a town not being an urban district shall be raised by means of the rate levied by them under section sixty of the Towns Improvement (Ireland) Act, 1854, but shall be excluded in ascertaining any limit imposed by law upon such rate.

Short title and extent.

3. This Act may be cited as the Health Resorts and Watering-Places (Ireland) Act, 1909, and shall apply to Ireland only.

Hops Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD EVERSLEY.

11*th May* 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
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E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(7*b.*)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to prohibit the use of Hop Substitutes in the brewing and preservation of Beer, and the Importation of Hops except in bags properly marked. A.D. 1909.

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

Prohibition of use of hop substitutes in brewing.

1.—(1) A brewer for sale shall not use any hop substitute in the brewing or preservation of beer, and shall not receive or have in his custody or possession on any entered premises any beer containing any hop substitute, or in the brewing or preservation of which any hop substitute has been used, or (except for domestic use, the proof whereof shall lie on him) any hop substitute.

(2) If any brewer for sale uses any hop substitute in the brewing or preservation of beer, or receives or has in his custody or possession any article in contravention of this section, he shall incur an Excise penalty of one hundred pounds, and the article shall be forfeited.

(3) For the purposes of this section—

The expression "hop substitute" means any bitter article or bitter substance, or any preservative other than hops, capable of being used in the brewing or preservation of beer, and includes any preparation of hops the use of which in brewing has not been previously sanctioned by the Commissioners for the time being having the management of the duties of Excise;

The expression "beer" includes ale, porter, stout, and any other description of beer (except black beer and spruce

A.D. 1909.

or sold as a description of beer, or as a substitute for beer, and which, on analysis of a sample thereof at any time, is found to contain more than two per cent. of proof spirit;

The expression "brewer for sale" has the meaning assigned to it by section nineteen of the Inland Revenue Act, 1880.

Prohibition of importation of hops except in bags properly marked.

2.—(1) No hops shall be imported into the United Kingdom except in bags or pockets having marked on the outside thereof with durable ink or paint in plain and legible words and figures, of not less than three inches in length and half an inch in breadth, the particulars following (that is to say):—

(*a*) The name of the grower of the hops;

(*b*) The name of the country in which the hops were grown;

(*c*) The parish or postal address of the grower;

(*d*) The year in which the hops were grown; and

(*e*) The gross weight of each bag or pocket;

and if any hops are imported into the United Kingdom in contravention of this section, the importer shall be liable on summary conviction to a fine not exceeding twenty pounds for every such bag or pocket.

(2) The Commissioners of Customs shall detain any hops imported for home use in any bags or pockets not so marked as aforesaid;

If the bags or pockets are not so marked, the hops shall be removed to the King's Warehouse.

(3) No hops shall be imported into the United Kingdom unless the importer has lodged with His Majesty's Consul at the port of embarkation or town from which they were railed, two copies of invoice giving the name of consignee, the port of debarkation, the marks and particulars required by subsection one of section two.

(4) His Majesty's Consul shall forward one copy of said invoice to Customs authority at port of debarkation, who shall refuse delivery unless marks on packets are the same as those on invoice.

(5) Consuls abroad who receive copies of invoices of hops sent to this country shall from time to time make inquiries as to the accuracy of the statements contained in the invoice, and

if they have reasonable grounds for believing that misleading invoices are submitted to them, shall forthwith institute inquiries, and communicate with the Customs authority at the port to which they have been consigned.

(6) The provisions of the Hop (Prevention of Frauds) Act, 1866, shall apply to any owner, grower, factor, merchant, brewer, or importer who may be found in possession of foreign hops exactly and in the same manner as if the hops were grown in this country.

(7) Prosecutions for offences under this section shall be undertaken by the Commissioners of Customs, and this section shall have effect as if it was part of the Customs Consolidation Act, 1876, and the word "importer" as used in this section shall include any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of the hops.

Short title and commencement.

3.—(1) This Act may be cited as the Hop Substitutes and Imported Hops Act, 1909.

(2) This Act shall come into operation on the first day of June nineteen hundred and nine.

Hops. [H.L.]

A

B I L L

INTITULED

An Act to prohibit the use of Hop Substitutes in the brewing and preservation of Beer, and the Importation of Hops except in bags properly marked.

The Viscount Hardinge.

Ordered to be printed 4th March 1909.

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E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(7.)

Hops Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD BALFOUR.

Clause 1, page 1, line 6, leave out ("or preservation")
line 8, leave out ("or preservation")
line 12, leave out ("or preservation")
line 17, after ("any") insert ("bitter"), and after ("article") insert ("or bitter")
line 18, leave out ("or preservative")
line 19, leave out ("or preservation")
line 25, after ("beer") insert ("(except "black beer and spruce beer)")

BY THE VISCOUNT HARDINGE.

Clause 1, page 1, line 17, after ("any") insert ("bitter")
line 18, after ("or") insert ("any")

BY THE LORD DESBOROUGH.

Clause 2, page 2, line 14, after ("country") insert ("and "district and the parish or place")
line 15, leave out ("(c) The parish or "postal address of the grower;").

Hops Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD BALFOUR,

THE VISCOUNT HARDINGE,

AND

THE LORD DESBOROUGH.

10th May 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
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E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(7 *a.*)

Hops Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD EVERSLEY.

Clause 2, page 2, line 13, after the second ("the") insert ("owner or planter or"), and at the end of the line insert ("who "put the hops into the bag or pocket")

Hops Bill. [H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE LORD EVERSLEY.

12th May 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(55 *a.*)

Hops Bill. [H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD EVERSLEY.

Clause 2, page 2, line 13, after the first ("of") insert ("the "owner or planter or"), and after ("hops") insert ("who put the "hops into the bag or pocket")

lines 14 and 15, leave out ("and district "and the parish or place")

line 22, leave out ("shall") and insert ("may")

line 24, after ("aforesaid") insert ("to "enable them to be so marked by the importer, and any expense "incurred by reason of the detention shall be paid by the "importer")

line 25, leave out ("so") and insert ("duly"), and after ("marked") insert ("within fourteen days "after the date of importation or such further period as the "Commissioners may allow")

Leave out subsections (3), (4), (5), and (6).

Hops Bill. [H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD EVERSLEY.

24th May 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(55 *b.*)

A

B I L L

INTITULED

An Act to prohibit the use of Hop Substitutes in brewing, and the Importation of Hops except in bags properly marked. A.D. 1909.

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

Prohibition of use of hop substitutes in brewing.

1.—(1) A brewer for sale shall not use any hop substitute in the brewing of beer, and shall not receive or have in his custody or possession on any entered premises any beer containing any hop substitute, or in the brewing of which any hop substitute has been used, or (except for domestic use, the proof whereof shall lie on him) any hop substitute.

(2) If any brewer for sale uses any hop substitute in the brewing of beer, or receives or has in his custody or possession any article in contravention of this section, he shall incur an excise penalty of one hundred pounds, and the article shall be forfeited.

(3) For the purposes of this section—

The expression "hop substitute" means any article capable of being used in the brewing of beer as a substitute for hops either for flavouring or for preservative purposes, and includes any preparation of hops the use of which in brewing has not been previously sanctioned by the Commissioners of Customs and Excise :

The expression "beer" includes ale, porter, and any other description of beer (except black beer and spruce beer), and any liquor which is made or sold as a description of beer, or as a substitute for beer, and which, on analysis of a sample thereof at any time, is found to contain more than two per cent. of proof spirit :

A.D. 1909.

43 & 44 Vict. c. 20.

The expression "brewer for sale" has the meaning assigned to it by section nineteen of the Inland Revenue Act, 1880.

Prohibition of importation of hops except in bags properly marked.

2.—(1) No hops shall be imported into the United Kingdom except in bags or pockets having marked on the outside thereof with durable ink or paint in plain and legible words and figures, of not less than three inches in length and half an inch in breadth, the particulars following (that is to say):—

(*a*) The name of the owner, planter, or grower who packed the hops into the bag or pocket;

(*b*) The name of the country and district in which the hops were grown;

(*c*) The year in which the hops were grown; and

(*d*) The net weight of the hops in the bag or pocket;

and if any hops are imported into the United Kingdom in contravention of this section, the importer shall be liable on summary conviction to a fine not exceeding twenty pounds for every such bag or pocket.

(2) The Commissioners of Customs and Excise shall not permit to be delivered for home use any imported hops unless they are imported in bags or pockets so marked as aforesaid, and there is produced to the Commissioners an invoice of the hops containing such particulars as aforesaid and verified in such manner as may be prescribed by the Board of Agriculture and Fisheries, subject to the consent of the Commissioners so far as any duties may be thereby entailed upon the officers of Customs, and any hops so detained shall be forfeited unless they are exported within fourteen days after the date of the importation or such further period as the Commissioners may allow. Any expenses incurred by the Commissioners by reason of the detention of any hops under this section shall be paid by the importer.

(3) Prosecutions for offences under this section shall be undertaken by the Commissioners of Customs and Excise, and this section shall have effect as if it was part of the Customs Consolidation Act, 1876, and the word "importer" as used in this section shall include any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of the hops.

39 & 40 Vict. c. 36.

Short title and commencement.

3.—(1) This Act may be cited as the Hop Substitutes and Imported Hops Act, 1909.

(2) This Act shall come into operation on the first day of October nineteen hundred and nine.

Hops (No. 2). [H.L.]

A

B I L L

INTITULED

An Act to prohibit the use of Hop Substitutes in brewing, and the Importation of Hops except in bags properly marked.

The Lord Pentland (*for The Earl Carrington*).

Ordered to be printed 11th May 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(54.)

Hops (No. 2.) Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL CARRINGTON.

Clause 1, page 1, line 6, after ("brewing") insert ("preparation or preservation")

line 8, after ("brewing") insert ("preparation or preservation")

line 12, after ("brewing") insert ("preparation or preservation")

line 17, after ("brewing") insert ("preparation or preservation")

Hops (No. 2.) Bill.
[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL CARRINGTON.

12th July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
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32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(54 *a.*)

Hops (No. 2.) Bill. [H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE VISCOUNT HARDINGE.

Clause 1, page 1, line 6, after ("brewing") insert ("or "preservation")

line 8, after ("brewing") insert ("or "preservation")

line 12, after ("brewing") insert ("or "preservation")

line 17, after ("brewing") insert ("or "preservation")

line 18, after the first ("for") insert ("or supplement to")

line 21, after ("Excise") insert ("and "any bitter article or substance, and any preservative other than "hops used in the brewing or preservation of beer shall, unless the "contrary is proved, be presumed to have been used as a substitute "for hops for flavouring or for preservative purposes")

Clause 2, page 2, line 9, leave out ("owner"), and leave out from ("grower") to the end of paragraph (*a*), and insert ("of the "hops")

lines 11 and 12, leave out paragraph (*b*) and insert the following new paragraph:

(*b*) such particulars as to the place in which the hops were grown as may be prescribed by the Board of Agriculture and Fisheries, and which shall be approximate to the parish and the county in England;

line 14, after paragraph (*d*) insert the following new paragraph:

(*e*) And all bags or pockets shall be marked with the true progressive number of each and every such bag or pocket according to the numbers of the bags or pockets of hops grown by such planter or grower during the current year;

BY THE EARL OF MAYO.

Clause 1, page 1, line 17, after ("brewing") insert ("or "preparation")

line 18, leave out ("either") and leave out ("or for preservative") and after ("purposes") insert ("or "any noxious or deleterious substance capable of being used "for preservative purposes")

Hops (No. 2.) Bill.

[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT HARDINGE

AND

THE EARL OF MAYO.

19th July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, Ltd., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

(54 *l.*)

[*Price* ½*d.*]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to prohibit the use of Hop Substitutes in brewing, and the Importation of Hops except in bags properly marked. A.D. 1909.

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

Prohibition of use of hop substitutes in brewing.

1.—(1) A brewer for sale shall not use any hop substitute in the brewing, preparation, or preservation of beer, and shall not receive or have in his custody or possession on any entered premises any beer containing any hop substitute, or in the brewing, preparation, or preservation of which any hop substitute has been used, or (except for domestic use, the proof whereof shall lie on him) any hop substitute.

(2) If any brewer for sale uses any hop substitute in the brewing, preparation, or preservation of beer, or receives or has in his custody or possession any article in contravention of this section, he shall incur an excise penalty of one hundred pounds, and the article shall be forfeited.

(3) For the purposes of this section—

The expression "hop substitute" means any article capable of being used in the brewing, preparation, or preservation of beer as a substitute for hops either for flavouring or for preservative purposes, and includes any preparation of hops the use of which in brewing has not been previously sanctioned by the Commissioners of Customs and Excise :

A.D. 1909.

The expression "beer" includes ale, porter, and any other description of beer (except black beer and spruce beer), and any liquor which is made or sold as a description of beer, or as a substitute for beer, and which, on analysis of a sample thereof at any time, is found to contain more than two per cent. of proof spirit:

The expression "brewer for sale" has the meaning assigned to it by section nineteen of the Inland Revenue Act, 1880.

43 & 44 Vict. c. 20.

Prohibition of importation of hops except in bags properly marked.

2.—(1) No hops shall be imported into the United Kingdom except in bags or pockets having marked on the outside thereof with durable ink or paint in plain and legible words and figures, of not less than three inches in length and half an inch in breadth, the particulars following (that is to say):—

(*a*) The name of the owner, planter, or grower who packed the hops into the bag or pocket;

(*b*) The name of the country and district in which the hops were grown;

(*c*) The year in which the hops were grown; and

(*d*) The net weight of the hops in the bag or pocket;

and if any hops are imported into the United Kingdom in contravention of this section, the importer shall be liable on summary conviction to a fine not exceeding twenty pounds for every such bag or pocket.

(2) The Commissioners of Customs and Excise shall not permit to be delivered for home use any imported hops unless they are imported in bags or pockets so marked as aforesaid, and there is produced to the Commissioners an invoice of the hops containing such particulars as aforesaid and verified in such manner as may be prescribed by the Board of Agriculture and Fisheries, subject to the consent of the Commissioners so far as any duties may be thereby entailed upon the officers of Customs, and any hops so detained shall be forfeited unless they are exported within fourteen days after the date of the importation or such further period as the Commissioners may allow. Any expenses incurred by the Commissioners by reason of the detention of any hops under this section shall be paid by the importer.

(3) Prosecutions for offences under this section shall be undertaken by the Commissioners of Customs and Excise, and this section shall have effect as if it was part of the Customs

39 & 40 Vict. c. 36.

Consolidation Act, 1876, and the word "importer" as used in this section shall include any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of the hops.

Short title and commencement.

3.—(1) This Act may be cited as the Hop Substitutes and Imported Hops Act, 1909.

(2) This Act shall come into operation on the first day of October nineteen hundred and nine.

Hops (No. 2). [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to prohibit the use of Hop Substitutes in brewing, and the Importation of Hops except in bags properly marked.

The Lord Pentland (*for The Earl Carrington*).

Ordered to be printed 20th July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(111.)

Hops (No. 2.) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL OF MAYO.

[*To be substituted for the Amendment previously circulated.*]

Clause 1, page 1, line 16, after ("article") insert ("other " than various compounds of sulphur dioxide")

Hops (No. 2.) Bill.
[H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL OF MAYO.

[*To be substituted for the Amendment previously circulated.*]

22nd July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C.; and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(111 *a.*) +—

Hops (No. 2.) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE LORD EVERSLEY.

Clause 1, page 1, line 16, after subsection (2) insert the following new subsection:

(3) Nothing in this Act shall prevent the use of any preservatives in the brewing or preservation of beer which in the opinion of the Commissioners of Customs and Excise are necessary for the purpose, and for which hops cannot be substituted without detriment to the beer.

Hops (No. 2.) Bill.
[H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE LORD EVERSLEY.

22nd July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, Ltd., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(111 *b.*)

Hops (No. 2.) Bill. [H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL CARRINGTON.

Clause 2, page 2, lines 17 and 18, leave out paragraph (*b*) and insert:

(*b*) Such particulars as to the place in which the hops were grown as may be prescribed by the Board of Agriculture and Fisheries.

Hops (No. 2.) Bill.
[H.L.]

AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL CARRINGTON.

26th July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, Ltd., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(111 *c.*)

Hops (No. 2.) Bill. [H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE VISCOUNT HARDINGE.

Clause 1, page 1, line 24, after ("Excise") insert ("and any "bitter article or substance, and any preservative other than hops "used in the brewing, preparation, or preservation of beer shall, "unless the contrary is proved, be presumed to have been used as "a substitute for hops for flavouring or for preservative purposes")

Leave out clause 2.

(111 *d.*)

Hops (No. 2.) Bill.
[H.L.]

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE VISCOUNT HARDINGE.

28th July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, Ltd., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(111 *d.*)

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to prohibit the use of Hop Substitutes in brewing, and the Importation of Hops except in bags properly marked. A.D. 1909.

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

Prohibition of use of hop substitutes in brewing.

1.—(1) A brewer for sale shall not use any hop substitute in the brewing, preparation, or preservation of beer, and shall not receive or have in his custody or possession on any entered premises any beer containing any hop substitute, or in the brewing, preparation, or preservation of which any hop substitute has been used, or (except for domestic use, the proof whereof shall lie on him) any hop substitute.

(2) If any brewer for sale uses any hop substitute in the brewing, preparation, or preservation of beer, or receives or has in his custody or possession any article in contravention of this section, he shall incur an excise penalty of one hundred pounds, and the article shall be forfeited.

(3) For the purposes of this section—

The expression "hop substitute" means any article other than sulphur dioxide and its preparations capable of being used in the brewing, preparation, or preservation of beer as a substitute for hops either for flavouring or for preservative purposes, and includes any preparation of hops the use of which in brewing has not been previously sanctioned by the Commissioners of Customs

A.D. 1909.

and Excise; and any bitter article or substance, and any preservative other than hops used in the brewing, preparation, or preservation of beer shall, unless the contrary is proved, be presumed to have been used as a substitute for hops for flavouring or for preservative purposes:

The expression "beer" includes ale, porter, and any other description of beer (except black beer and spruce beer), and any liquor which is made or sold as a description of beer, or as a substitute for beer, and which, on analysis of a sample thereof at any time, is found to contain more than two per cent. of proof spirit:

The expression "brewer for sale" has the meaning assigned to it by section nineteen of the Inland Revenue Act, 1880.

43 & 44 Vict. c. 20.

Short title and commencement.

2.—(1) This Act may be cited as the Hop Substitutes and Imported Hops Act, 1909.

(2) This Act shall come into operation on the first day of October nineteen hundred and nine.

Hops (No. 2). [H.L.]

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to prohibit the use of Hop Substitutes in brewing, and the Importation of Hops except in bags properly marked.

The Earl Carrington.

Ordered to be printed 29th July 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Bookseller, from
WYMAN and SONS, LTD., Fetter Lane, E.C., and
32, Abingdon Street, Westminster, S.W.; or
OLIVER and BOYD, Tweeddale Court, Edinburgh; or
E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(124.)

House Letting and Rating (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.
1. Short title.
2. Interpretation.
3. Exceptions from provisions of Act.
4. Time limit to missives.
5. Lawful date for termination of let.
6. Notice to terminate tenancy.
7. Actions of removing.
8. Notice of removal.
9. Removal of occupier in arrear with rent.
10. Summary application for removing.
11. Delay in actions of removing.
12. Assessments on dwelling-houses to be recovered from owners.
13. Compounding allowances to owners.
14. Revision of scale of compounding allowances.
15. Repayment of assessments paid in respect of unlet dwelling-houses.
16. Saving for remissions of assessments.
17. Notices of assessments to occupiers.
18. Exemptions from hypothec.
19. Adoption of Act.
20. Agreements in contravention of Act to be void.
21. Extent of Act.

A

B I L L

INTITULED

An Act to amend the Law as to the Letting and Rating of small Dwelling-houses in Scotland; and for other purposes relating thereto. A.D. 1909.

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

Short title.

1. This Act may be cited as the House Letting and Rating (Scotland) Act, 1909.

Interpretation.

2. In this Act—

The expression "small dwelling-house" means in burghs to which this Act applies without adoption a dwelling-house entered on the valuation roll at a yearly rent or value of twenty-one pounds or under, unless the burgh contained within the police boundaries thereof at the date of the census of nineteen hundred and one a population of fifty thousand or upwards, in which case it means a dwelling-house entered on the valuation roll at a yearly rent or value of twenty-six pounds or under; and means in burghs in which this Act has been adopted a dwelling-house entered on the valuation roll at a yearly rent or value of fifteen pounds or under;

The expression "assessing authority" includes a town council, a parish council, and every other body entitled to impose an assessment; and

The expression "assessment" includes all rates, charges, and assessments imposed, assessed, or levied by an assessing authority, the proceeds of which are applicable to public local purposes and which are leviable in respect

A.D. 1909.

of the yearly value of lands and heritages, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of an assessment;

The expression "magistrate" includes judge of police;

The expressions "owner" and "occupier" have the meanings assigned to them respectively in the Burgh Police (Scotland) Act, 1892; provided that section fifty-eight of the Burgh Police (Scotland) Act, 1903 (which limits the obligations of factors), shall apply for the purposes of this Act as if it were herein re-enacted with the substitution of this Act for the Burgh Police Acts specified in the said section.

Exceptions from provisions of Act.

3. This Act shall not apply to any dwelling-house occupied by the owner thereof, or in which the owner resides, or to any dwelling-house used as an inn or hotel, or to any dwelling-house let along with land for agricultural, pastoral, or horticultural purposes, or to any dwelling-house let in conjunction with a shop, workshop, stable, or byre; nor shall it apply to any dwelling-house let under any contract or lease current at the date when this Act comes into force in any burgh prior to the expiration of such contract or lease.

Time limit to missives.

4. No agreement, whether verbal or written, for the let of a small dwelling-house shall be binding if the same has been made more than two months prior to the date of entry to such dwelling-house.

Lawful date for termination of let.

5. Notwithstanding the date of entry to any dwelling-house all lets of small dwelling-houses, except those for a shorter period than one month, shall terminate only on the twenty-eighth day of a month, or when that day is a Sunday, on the Monday next following and all lets of small dwelling-houses for a shorter period than one month shall terminate on a Monday.

Notice to terminate tenancy.

6. Either the owner or the occupier may give notice of removal with a view to terminate any tenancy of a small dwelling-house on the day upon which the next payment of rent falls due, or if that day is not a lawful date for the termination of a let under this Act, on the lawful date next following the said day, provided that—

(*a*) If the house be let for a period of more than three months the notice shall be given at least forty days before the said lawful date; and

(*b*) If the house be let for a period of three months or less the notice shall be given as many days before the said lawful date as shall be equivalent to at least one third of the said period; except in the case of a let for a shorter period than one month, in which case the notice shall be given at least five days before the said lawful date. A.D. 1909.

Actions of removing.

7. It shall be competent to raise any action of removing in respect of, or for ejection from, any small dwelling-house in the burgh police court, in which court the same procedure shall be competent as in the sheriff court in respect thereof: Provided that this section shall only apply in burghs where at the passing of this Act the sheriff court is the only court having jurisdiction within the burgh in respect of such actions.

Notice of removal.

8. Notice of removal from a small dwelling-house may be given by messenger-at-arms or sheriff officer, or other competent officer of court, or by registered letter signed by or on behalf of the owner or occupier, posted at any post office within the United Kingdom in time to admit of its being delivered at the address thereon prior to or on the last date upon which by this Act such notice of removal must be given, addressed to the person entitled to receive such notice, and bearing the particular address of such person at the time, if the same be known, or if the same be not known, then at the last known address of such person, in terms of the Sheriff Courts (Scotland) Act, 1907. 7 Edw. 7. c. 51.

Removal of occupier in arrear with rent.

9. Notwithstanding anything hereinbefore contained, if the occupier of a small dwelling-house shall be in arrear with the rent of the same for a period of seven days, the owner shall be entitled to give forty-eight hours' notice of removal to such occupier.

Summary application for removing.

10. If any occupier shall fail to remove from a small dwelling-house upon the expiration of notice of removal in terms of this Act, any person authorised by law to pursue an action of removing may present to the sheriff or magistrate a summary application for removing, and a decree pronounced on such summary application shall have the full force and effect of a decree of removing and warrant of ejection. The production of a post office letter registration receipt, or of a certificate from the messenger-at-arms or sheriff officer, or other competent officer of court shall be sufficient evidence of such notice having been duly given. The production of a certificate signed by the owner that the occupier is in arrear with rent for a period of seven days shall be sufficient evidence thereof.

A.D. 1909.

Delay in actions of removing.

11. In an action of summary removing no delay beyond forty-eight hours shall be granted by the sheriff or magistrate to the occupier of a small dwelling-house, unless on cause shown (which cause the sheriff or magistrate shall state in his order granting delay), or on caution for, or consignation of, the rent due being found or made as the case may be.

Assessments on dwelling-houses to be recovered from owners.

12. Every assessing authority entitled to impose assessments in the burgh, shall levy all assessments which may by law be properly chargeable upon the occupiers of small dwelling-houses, or which, though assessable in respect of occupancy of such dwelling-houses, are by law recoverable from owners, on the owners of such dwelling-houses in place of the occupiers thereof (distinguishing always in each assessment the proportion applicable to ownership and the proportion applicable to occupancy), and that notwithstanding the insertion made in the valuation roll in terms of the Lands Valuation (Scotland) Act, 1854, and Acts amending the same, of the names of occupiers of such dwelling-houses: Provided that nothing in this Act shall prejudice or disqualify any person whose name is entered in such valuation roll in respect of his qualifications in virtue of the Representation of the People Act, 1884. And provided further that section thirty-one of the Lands Valuation (Scotland) Act, 1854, and section three hundred and forty-four of the Burgh Police (Scotland) Act, 1892, and the corresponding section of any local Act shall not apply to any lands or premises being dwelling-houses to which the provisions of this Act apply.

17 & 18 Vict. c. 91.

48 Vict. c. 3.

55 & 56 Vict. c. 55.

Compounding allowances to owners.

13. Every assessing authority as aforesaid entitled to impose assessments in the burgh, shall allow to owners deductions from all assessments levied in terms of the immediately preceding section to cover cost of collection and risk of loss, on such scale, or where expedient on such varying scales, as shall be fixed by the sheriff, after due inquiry, on the petition of any such authority, and such assessments after deduction shall be recoverable from such owners, along with any penalty which may have become exigible thereon, in the same manner as provided for under existing Acts with respect to the recovery of assessments from owners. The decision of the sheriff shall be final. The non-payment by an owner of any such assessment shall not affect the right of any occupier of the dwelling-house in respect of which the assessment has not been paid by the owner to be registered as a voter or to vote at any parliamentary or other election. Owners shall have relief against occupiers of dwelling-houses

for the full amount of such assessments, without deduction, but such assessments shall only be recoverable by such owners from the occupiers along with payments of rent, as such payments are fixed by the terms of let, and shall be paid by the occupiers only in amounts proportionate to the period for which rent is paid: Provided that such owners shall have the same claims and remedies for recovery from the occupiers of assessments and rent, as for the recovery of rent alone.

Revision of scale of compounding allowances.

14. After the expiry of a period of five years from the date of any interlocutor fixing a scale or scales of deduction under the immediately preceding section of this Act, it shall be competent for an assessing authority as aforesaid, or for any ten or more persons having an interest, to present a petition to the sheriff for reconsideration of such scale or scales, and the decision of the sheriff after hearing parties shall be final.

Repayment of assessments paid in respect of unlet dwelling-houses.

15. Notwithstanding the payment by the owner, in terms of this Act, of assessments in respect of the occupancy of a dwelling-house, if any dwelling-house in respect of which such payment has been made shall not be let for the whole period for which assessments have been paid, the owner shall, upon lodging, on or before dates to be fixed by the respective assessing authorities, with the clerk to any such authority, or with such other officer as the assessing authority may appoint for the purpose, a claim therefor, which shall set forth the period or periods during which the dwelling-house was not let, and a declaration to the effect that no rent or other consideration was or is to be paid or given for such period or periods, be entitled to repayment from such authority of the proportionate amount of such assessments for the said period or periods: Provided that in the case of any small dwelling-house appearing in the valuation roll as unlet it shall be the duty of the owner, on receipt of a requisition from an assessing authority, forthwith to furnish the said authority with a return containing particulars of any period or periods during which such dwelling-house has been let, and the owner shall be liable to pay the proportionate amount of assessments for the said period or periods as if the said dwelling-house had not appeared in the valuation roll as unlet.

Any owner knowingly making or causing to be made any false statement in or in connection with any claim or return under this section, or failing to make any such return, shall be liable to a penalty not exceeding fifty pounds.

A.D. 1909.

Saving for remissions of assessments.

16. Nothing in this Act shall be construed as depriving any assessing authority of any power vested in it to remit in whole or part the payment of any assessments on the ground of poverty or inability to pay; and upon production by an occupier of a certificate of such remission in respect of any small dwelling-house granted by an assessing authority the owner of the dwelling-house shall be bound to allow due deductions therefor from any payments of rent and assessments falling due during the period to which the certificate applies.

Notwithstanding any such remission the owner shall pay to the assessing authority the assessments leviable in respect of the dwelling-house as if no such remission had been made, but shall at such periods as the authority may prescribe send to the clerk to such authority or to such other officer as the authority may appoint for the purpose, a statement of the amounts so paid which he has not recovered from occupiers to whom remission has been granted, and shall be entitled to repayment forthwith from such authority of all sums which he has not recovered in respect of such remission and if any such owner shall present or cause to be presented any false statement knowing the same to be false in any of the particulars thereof he shall be liable to a penalty not exceeding fifty pounds.

Notices of assessments to occupiers.

17. Every owner shall deliver to the occupier of a small dwelling-house at the beginning of an occupancy a receipt book, rent book, or certificate stating the amount payable in name of rent and assessments to the owner, and indicating separately on the basis of the last assessments for the time being the proportion thereof payable in name of assessments: Provided that it shall be the duty of an assessing authority on application by the occupier to send him a notice of the assessment properly chargeable in respect of occupancy of the dwelling-house.

Exemptions from hypothec.

18. All bedding material as well as all tools and implements of trade used or to be used by the occupier of a small dwelling-house or any member of his family, as the means of his, her, or their livelihood, which are in the dwelling-house, and furniture and plenishing in a small dwelling-house to the value according to the sheriff officer's inventory, of ten pounds, shall be wholly exempt from the right of hypothec of the landlord.

Adoption of Act.

19. Save as herein-after mentioned this Act shall apply from and after the twenty-eighth day of May, nineteen hundred and ten, to all small dwelling-houses within the police boundaries of

every royal, parliamentary, and police burgh in Scotland, provided that this Act shall not come into operation in any such burgh which, at the date of the census of nineteen hundred and one, contained within the police boundaries thereof a population not exceeding ten thousand, until it has been adopted by a resolution of the town council of such burgh, at a meeting called for the purpose at any time after the passing of this Act, after one month's previous notice in a newspaper published or circulating in the burgh.

Such resolution shall be intimated to the Secretary for Scotland and published in the Edinburgh Gazette, and shall come into force as from the twenty-eighth day of May immediately following such publication.

Agreements in contravention of Act to be void.

20. Any agreement in contravention of the provisions of this Act shall be, and is hereby declared to be, null and void.

Extent of Act.

21. This Act shall extend to Scotland only.

House Letting and Rating (Scotland).

A

B I L L

INTITULED

An Act to amend the Law as to the Letting and Rating of small Dwelling-houses in Scotland; and for other purposes relating thereto.

(*Brought from the Commons* 30*th August* 1909.)

Ordered to be printed 30th August 1909.

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[*Price* 1½*d.*]

(143.)

House Letting and Rating (Scotland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD PENTLAND.

Clause 4, page 2, lines 26 and 27, leave out ("date of entry " to such dwelling-house") and insert ("commencement of " such let")

Clause 7, page 3, line 8, after ("of") insert ("summary")

line 13, leave out ("having") and insert ("exercising")

Clause 10, page 3, line 32, after the second ("of") insert ("summary")

Clause 12, page 4, line 8, after ("assessments") insert ("or " portions of assessments")

Clause 13, page 4, line 33, after ("deduction") insert ("so " fixed")

House Letting and Rating (Scotland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD PENTLAND.

14th September 1909.

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[*Price* ½*d.*]

(143 *a.*)

House Letting and Rating (Scotland) Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD LAMINGTON.

After clause 19 insert the following new clause :

. It shall be permissible for any burgh that may have adopted the Act under section nineteen at any time to rescind the resolution by which the Act was made applicable.

House Letting and Rating (Scotland) Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD LAMINGTON.

27th September 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
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[*Price* ½*d.*]

(143 *b.*)

House Letting and Rating (Scotland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL OF CAMPERDOWN.

In the title, after ("dwelling-houses") insert ("in burghs")

Clause 1, page 1, line 5, leave out ("house") and insert ("small dwelling-houses in burghs")

Clause 5, page 2, line 28, after ("any") insert ("small")

line 29, leave out ("small") and insert ("such")

(143 *c*.)

House Letting and Rating (Scotland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL OF CAMPERDOWN.

28th September 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
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E. PONSONBY, 116, Grafton Street, Dublin.

[*Price* ½*d.*]

(143 *c.*)

House Letting and Rating (Scotland) Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD CLINTON.

Clause 2, page 1, line 8, leave out from ("means") to ("a") in line 9.

line 10, after ("house") insert ("in a "burgh")

line 11, leave out ("twenty-one") and insert ("ten")

line 14, leave out ("fifty") and insert ("twenty")

line 16, leave out ("twenty-six") and insert ("fifteen"), and after ("under") insert ("and in the case of "burghs with a population of five hundred thousand or upwards "means a dwelling-house entered in the valuation roll at a yearly "rent or value of twenty pounds or under")

leave out lines 17, 18, and 19.

line 22, after ("assessment") insert ("in a "burgh")

BY THE LORD SALTOUN.

Clause 6, page 2, line 40, after ("be") insert ("expressly")

page 3, line 1, after ("be") insert ("expressly")

After clause 20 insert the following new clause:

. Nothing in this Act contained shall prejudice or affect the provisions of section seventy-two of the Waterworks Clauses (Scotland) Act, 1847.

Saving section 72 of Waterworks Clauses Act, 1847.

(143 *d.*)

BY THE EARL OF CAMPERDOWN.

Leave out clauses 12 to 17 inclusive and insert the following new clause:

Provisions as to rating.

. Subject to the provisions of this Act, the provisions of all Acts applicable within the respective burghs in which this Act may be in force with regard to the liability for and the imposition and recovery of any assessment shall subsist in full force and effect, subject to the following provisions (that is to say)—

In the burghs named in Schedule II. of the Burgh Police (Scotland) Act, 1892—

(A) Sections three hundred and forty-five and three hundred and forty-six of the Burgh Police (Scotland) Act, 1892, and any corresponding provisions of any local Act shall not apply or be made applicable by adoption to small dwelling-houses of a rent or yearly value not exceeding ten pounds;

(B) Assessments which may by law be imposed or chargeable upon the occupier of a small dwelling-house may be made payable should the assessing authority so determine in such instalments as may be fixed by the assessing authority, and the occupier for the time being shall be liable to pay the instalments of such assessments corresponding with the period of his occupancy, although his name may not be entered as such occupier in the valuation roll. Provided that no occupier shall be liable for any instalment of such assessments for any portion of the year after he has ceased to be the occupier;

(C) Any such instalment of any assessment falling to be paid after the commencement of a financial year and before the date of the imposition of the assessment for that year shall be calculated, charged, and payable on the basis of the corresponding assessment for the preceding financial year, and it shall be lawful for an assessing authority to demand and enforce payment of any such instalment;

(D) The owner of every small dwelling-house shall in addition to making the returns falling to be made

Clause 17—*continued.*

authority so determine in such instalments as may be fixed by the assessing authority, and the occupier for the time being shall be liable to pay the instalments of such assessments corresponding with the period of his occupancy, although his name may not be entered as such occupier in the valuation roll. Provided that no occupier shall be liable for any instalment of such assessments for any portion of the year after he has ceased to be the occupier;

(c) Any such instalment of any assessment falling to be paid after the commencement of a financial year and before the date of the imposition of the assessment for that year shall be calculated, charged, and payable on the basis of the corresponding assessment for the preceding financial year and it shall be lawful for an assessing authority to demand and enforce payment of any such instalment;

(d) The owner of every small dwelling-house shall in addition to making the returns falling to be made by him in accordance with the Lands Valuation (Scotland) Act, 1854, intimate to the assessing authority every notice given or received by him in terms of the section of this Act, the marginal note of which is "Notice to terminate tenancy" within three days of the giving or the receiving thereof, and shall also intimate the name of every new tenant, the rate of his rent, and the period of his tenancy within three days after the commencement of each new tenancy, and any owner wilfully failing to do so or making or causing to be made any false intimation shall be liable in a penalty not exceeding forty shillings.

BY THE LORD COURTNEY OF PENWITH.

* Leave out clause 17 and insert the following new clauses:

. In the burghs to which the Burgh Police (Scotland) Act, 1892, applies, and in which this Act may be in operation, the provisions of all Acts in force in such burghs at the date of the Application to burghs under Burgh Police Act.

Clause 17—*continued.*

passing of this Act, with regard to the liability for and the imposing and recovering of any assessment, shall subsist in full force and effect.

Application to burghs not under Burgh Police Act.

. In the burghs named in Schedule II. of the Burgh Police (Scotland) Act, 1892, the following provisions shall, subject to the provisions of this Act, apply and have effect (that is to say) :—

Owners liable for assessments.

(1) Owners who shall let or re-let small dwelling-houses for less than a year, or for a year other than from Whitsunday to Whitsunday, shall be liable for the assessments which may by law be properly chargeable upon the occupiers of such dwelling-houses, and the same shall be assessed and levied on and recovered from such owners who shall have relief against the occupiers of such dwelling-houses for the full amount of such assessments without deduction:

Provided that the assessing authority shall allow to such owners a deduction from all assessments paid by them under this section in respect of such dwelling-houses entered on the valuation roll at a yearly rent or value of or equal to—

(A) ten pounds per annum or under at the rate of ten per centum; and

(B) upwards of ten pounds per annum at the rate of five per centum;

but such deduction shall not be allowed in respect of any assessments for water.

Assessments on houses in successive occupancy.

(2) When any small dwelling-house in respect of which assessments may by law be properly chargeable upon the occupier of such dwelling-house shall be let for a year from Whitsunday to Whitsunday, and shall not be occupied by the same occupier for the whole year, but shall be occupied for part of such year by a new occupier, the owner of such dwelling-house shall, within seven days from the date of letting or re-letting the same to the new occupier, intimate the change of occupier to the assessing authority, and for the purposes of this Act such dwelling-house shall, if the said assessments for the said year have not been paid, be deemed to have been let for less than a year

Clause 17—*continued.*

If such owner shall fail without reasonable excuse to send the said intimation he shall be liable to a penalty not exceeding ten pounds, and if such owner shall furnish or cause to be furnished any false statement, knowing the same to be false, he shall be liable to a penalty not exceeding twenty pounds.

Certain provisions not to apply.

(3) Section thirty-one of the Lands Valuation (Scotland) Act, 1854, sections three hundred and forty-four, three hundred and forty-five, and three hundred and forty-six of the Burgh Police (Scotland) Act, 1892, and section forty-six of the Glasgow Police Act, 1866, and the sections of any local Act corresponding to any of the said sections or dealing with or relating to the recovery from owners of assessments in respect of occupancy, shall not apply to any lands or premises being small dwelling-houses to which the provisions of this Act apply.

Saving of existing provisions.

(4) Subject to the provisions of this Act nothing in this Act contained shall prejudice or affect the provisions in any public and general or local and personal Act in force at the date of the passing of this Act with respect to imposing, assessing, levying, and recovering assessments by an assessing authority.

Clause 19.

BY THE LORD COURTNEY OF PENWITH.

✱ Leave out clause 19 and insert the following new clauses:

Adoption of letting clauses.

19.—(1) Save as herein-after in this section mentioned this Act, except section thirteen thereof, shall apply from and after the twenty-eighth day of May nineteen hundred and ten to all small dwelling-houses within the police boundaries of every royal parliamentary and police burgh. Provided that no part of this Act shall come into operation in any burgh which at the date of the census of nineteen hundred and one contained within the police boundaries thereof a population not exceeding ten thousand until a resolution adopting the provisions of this Act, other than the provisions of section thirteen thereof, has been passed by the town

Clause 19—*continued.*

council of such burgh at a meeting called for the purpose at any time after the passing of this Act after one month's previous notice in a newspaper published or circulating in the burgh, and on the passing of the said resolution, this Act, except section thirteen thereof, shall come into operation in such burgh as from the date herein-after in this section mentioned.

Adoption of rating clauses.

(2) Section thirteen of this Act shall not come into operation in any burgh until it has been adopted by a resolution of the town council of the burgh at a meeting called for the purpose at any time after the passing of this Act after one month's previous notice in a newspaper published or circulating in the burgh.

Publication of resolutions.

(3) Every resolution adopted by a town council under this section shall be intimated to the Secretary for Scotland and published in the Edinburgh Gazette, and shall come into force as from the twenty-eighth day of May immediately following such publication.

Saving Waterworks Clauses Act.

20. Nothing in this Act contained shall prejudice or affect the provisions of Section seventy-two of the Waterworks Clauses (Scotland) Act, 1847.

After Clause 19.

BY THE LORD LAMINGTON.

Insert the following new clause:

. It shall be permissible for any burgh that may have adopted the Act under section nineteen at any time to rescind the resolution by which the Act was made applicable.

After Clause 20.

BY THE LORD SALTOUN.

Insert the following new clause:

Saving section 72 of Waterworks Clauses Act, 1847.

. Nothing in this Act contained shall prejudice or affect the provisions of section seventy-two of the Waterworks Clauses (Scotland) Act, 1847.

(B) Where the said yearly rent or value exceeds seven pounds but does not exceed ten pounds, ten per centum;

and every such owner shall have relief against the occupiers of such dwelling-houses for the full amount of such assessment without deduction.

House Letting and Rating (Scotland) Bill.

AMENDMENT

TO BE MOVED ON REPORT

BY

THE EARL OF CAMPERDOWN.

7th October 1909.

PRINTED BY EYRE AND SPOTTISWOODE, LTD.,
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(187 *b.*) [*Price* ½*d.*]

House Letting and Rating (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Interpretation.
3. Exceptions from provisions of Act.
4. Time limit to missives.
5. Lawful date for termination of let.
6. Notice to terminate tenancy.
7. Actions of removing.
8. Notice of removal.
9. Removal of occupier in arrear with rent.
10. Summary application for removing.
11. Delay in actions of removing.
12. Provisions as to rating.
13. Exemptions from hypothec.
14. Adoption of Act.
15. Agreements in contravention of Act to be void.
16. Saving section 72 of Waterworks Clauses Act, 1847.
17. Extent of Act.

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law as to the Letting and Rating of small Dwelling-houses in Burghs in Scotland; and for other purposes relating thereto. A.D. 1909.

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

Short title.

1. This Act may be cited as the Small Dwelling-houses in Burghs Letting and Rating (Scotland) Act, 1909.

Interpretation.

2. In this Act—

The expression "small dwelling-house" means a dwelling-house in a burgh entered on the valuation roll at a yearly rent or value of ten pounds or under, unless the burgh contained within the police boundaries thereof at the date of the census of nineteen hundred and one a population of twenty thousand or upwards, in which case it means a dwelling-house entered on the valuation roll at a yearly rent or value of fifteen pounds or under; and in the case of burghs with a population of five hundred thousand or upwards means a dwelling-house entered in the valuation roll at a yearly rent or value of twenty-pounds or under;

The expression "assessing authority" includes a town council and every other body entitled to impose an assessment except a parish council; and

The expression "assessment" includes all rates, charges, and assessments imposed, assessed, or levied by an

A.D. 1909.

assessing authority, the proceeds of which are applicable to public local purposes and which are leviable in respect of the yearly value of lands and heritages, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of an assessment;

The expression "magistrate" includes judge of police;

The expressions "owner" and "occupier" have the meanings assigned to them respectively in the Burgh Police (Scotland) Act, 1892; provided that section fifty-eight of the Burgh Police (Scotland) Act, 1903 (which limits the obligations of factors), shall apply for the purposes of this Act as if it were herein re-enacted with the substitution of this Act for the Burgh Police Acts specified in the said section.

Exceptions from provisions of Act.

3. This Act shall not apply to any dwelling-house occupied by the owner thereof, or in which the owner resides, or to any dwelling-house used as an inn or hotel, or to any dwelling-house let along with land for agricultural, pastoral, or horticultural purposes, or to any dwelling-house let in conjunction with a shop, workshop, stable, or byre; nor shall it apply to any dwelling-house let under any contract or lease current at the date when this Act comes into force in any burgh prior to the expiration of such contract or lease.

Time limit to missives.

4. No agreement, whether verbal or written, for the let of a small dwelling-house shall be binding if the same has been made more than two months prior to the commencement of such let.

Lawful date for termination of let.

5. Notwithstanding the date of entry to any small dwelling-house all lets of such dwelling-houses, except those for a shorter period than one month, shall terminate only on the twenty-eighth day of a month, or when that day is a Sunday, on the Monday next following and all lets of small dwelling-houses for a shorter period than one month shall terminate on a Monday.

Notice to terminate tenancy.

6. Either the owner or the occupier may give notice of removal with a view to terminate any tenancy of a small dwelling-house on the day upon which the next payment of rent falls due, or if that day is not a lawful date for the termination

A.D. 1909.

of a let under this Act, on the lawful date next following the said day, provided that—

(*a*) If the house be let for a period of more than three months the notice shall be given at least forty days before the said lawful date; and

(*b*) If the house be let for a period of three months or less the notice shall be given as many days before the said lawful date as shall be equivalent to at least one third of the said period; except in the case of a let for a shorter period than one month, in which case the notice shall be given at least five days before the said lawful date.

Actions of removing.

7. It shall be competent to raise any action of summary removing in respect of, or for ejection from, any small dwelling-house in the burgh police court, in which court the same procedure shall be competent as in the sheriff court in respect thereof: Provided that this section shall only apply in burghs where at the passing of this Act the sheriff court is the only court exercising jurisdiction within the burgh in respect of such actions.

Notice of removal.

8. Notice of removal from a small dwelling-house may be given by messenger-at-arms or sheriff officer, or other competent officer of court, or by registered letter signed by or on behalf of the owner or occupier, posted at any post office within the United Kingdom in time to admit of its being delivered at the address thereon prior to or on the last date upon which by this Act such notice of removal must be given, addressed to the person entitled to receive such notice, and bearing the particular address of such person at the time, if the same be known, or if the same be not known, then at the last known address of such person, in terms of the Sheriff Courts (Scotland) Act, 1907. 7 Edw. 7. c. 51.

Removal of occupier in arrear with rent.

9. Notwithstanding anything hereinbefore contained, if the occupier of a small dwelling-house shall be in arrear with the rent of the same for a period of seven days, the owner shall be entitled to give forty-eight hours' notice of removal to such occupier.

Summary application for removing.

10. If any occupier shall fail to remove from a small dwelling-house upon the expiration of notice of removal in terms of this Act, any person authorised by law to pursue an action of summary removing may present to the sheriff or magistrate a summary application for removing, and a decree pronounced on such summary application shall have the full force and effect of a decree of removing and warrant of ejection. The production of a

A.D. 1909

post office letter registration receipt, or of a certificate from the messenger-at-arms or sheriff officer, or other competent officer of court shall be sufficient evidence of such notice having been duly given. The production of a certificate signed by the owner that the occupier is in arrear with rent for a period of seven days shall be sufficient evidence thereof.

Delay in actions of removing.

11. In an action of summary removing no delay beyond forty-eight hours shall be granted by the sheriff or magistrate to the occupier of a small dwelling-house, unless on cause shown (which cause the sheriff or magistrate shall state in his order granting delay), or on caution for, or consignation of, the rent due being found or made as the case may be.

Provisions as to rating.

12. Subject to the provisions of this Act, the provisions of all Acts applicable within the respective burghs in which this Act may be in force with regard to the liability for and the imposition and recovery of any assessment shall subsist in full force and effect, subject to the following provisions (that is to say):—

In the burghs named in Schedule II. of the Burgh Police (Scotland) Act, 1892—

(*a*) Sections three hundred and forty-five and three hundred and forty-six of the Burgh Police (Scotland) Act, 1892, and any corresponding provisions of any local Act shall not apply or be made applicable by adoption to small dwelling-houses of a rent or yearly value not exceeding ten pounds;

(*b*) Assessments which may by law be imposed or chargeable upon the occupier of a small dwelling-house may be made payable, should the assessing authority so determine, in such instalments as may be fixed by the assessing authority, and the occupier for the time being shall be liable to pay the instalments of such assessments corresponding with the period of his occupancy, although his name may not be entered as such occupier in the valuation roll: Provided that no occupier shall be liable for any instalment of such assessments for any portion of the year after he has ceased to be the occupier;

(*c*) Any such instalment of any assessment falling to be paid after the commencement of a financial year and before the date of the imposition of the assessment for that year shall be calculated, charged, and payable on the basis of the corresponding assessment for the preceding financial year, and it shall be lawful for an assessing authority to demand and enforce payment of any such instalment;

(*d*) The owner of every small dwelling-house shall, in addition to making the returns falling to be made by him in accordance with the Lands Valuation (Scotland) Act, 1854, intimate to the assessing authority every notice given or received by him in terms of the section of this Act the marginal note of which is "Notice to terminate tenancy" within three days of the giving or the receiving thereof, and shall also intimate the name of every new tenant, the rate of his rent, and the period of his tenancy within three days after the commencement of each new tenancy, and any owner wilfully failing to do so, or making or causing to be made any false intimation, shall be liable in a penalty not exceeding forty shillings.

Exemptions from hypothec.

13. All bedding material as well as all tools and implements of trade used or to be used by the occupier of a small dwelling-house or any member of his family, as the means of his, her, or their livelihood, which are in the dwelling-house, and furniture and plenishing in a small dwelling-house to the value according to the sheriff officer's inventory, of ten pounds, shall be wholly exempt from the right of hypothec of the landlord.

Adoption of Act.

14. Save as herein-after mentioned this Act shall apply from and after the twenty-eighth day of May, nineteen hundred and ten, to all small dwelling-houses within the police boundaries of every royal, parliamentary, and police burgh in Scotland, provided that this Act shall not come into operation in any such burgh which, at the date of the census of nineteen hundred and one, contained within the police boundaries thereof a population not exceeding ten thousand, until it has been adopted by a resolution of the town council of such burgh, at a meeting called for the purpose at any time after the passing of this Act, after one month's previous notice in a newspaper published or circulating in the burgh.

A.D. 1909.

Such resolution shall be intimated to the Secretary for Scotland and published in the Edinburgh Gazette, and shall come into force as from the twenty-eighth day of May immediately following such publication.

Agreements in contravention of Act to be void.

15. Any agreement in contravention of the provisions of this Act shall be, and is hereby declared to be, null and void.

Saving for Removal Terms (Scotland) Acts. 49 & 50 Vict. c. 50, 53 & 54 Vict. c. 36.

16. Nothing in this Act shall prejudice or affect the provisions of the Removal Terms (Scotland) Act, 1886, or the Removal Terms (Scotland) Act, 1886, Amendment Act, 1890, except in so far as such provisions are inconsistent with this Act.

Saving section 72 of Waterworks Clauses Act, 1847.

17. Nothing in this Act contained shall prejudice or affect the provisions of section seventy-two of the Waterworks Clauses (Scotland) Act, 1847.

Extent of Act.

18. This Act shall extend to Scotland only.

House Letting and Rating (Scotland).

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law as to the Letting and Rating of small Dwelling-houses in Burghs in Scotland; and for other purposes relating thereto.

(*Brought from the Commons 30th August* 1909.)

Ordered to be printed 11th October 1909.

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(195.) [*Price* 1*d.*]

Small Dwelling-Houses in Burghs Letting and Rating (Scotland) Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE EARL OF CAMPERDOWN.

[*To be substituted for the Amendments previously circulated.*]

Leave out clause 12 and insert the following new clauses:

Provisions as to rating.

12. Subject to the provisions of this Act, the provisions with regard to the liability for, and the imposition and recovery by an assessing authority of any assessment of all Acts applicable within the respective burghs in which this Act may be in operation shall subsist in full force and effect, provided that in the application of sections three hundred and forty-five and three hundred and forty-six of the Burgh Police (Scotland) Act, 1892, in any burgh which, at the date of the census of nineteen hundred and one, contained a population of fifty thousand or upwards, the following provisions shall apply and have effect (that is to say):—

(1) Section three hundred and forty-five of the Burgh Police (Scotland) Act, 1892, shall be read and construed as if the following provision were added thereto and contained therein (that is to say):—

Provided that where small dwelling-houses within the meaning of the Small Dwelling-Houses in Burghs Letting and Rating (Scotland) Act, 1909, are let for a year or longer and the rent is payable or paid more frequently or at shorter intervals than once in three months, such dwelling-houses shall be deemed, for the purposes of this section, to be let for less than a year.

Allowances to owners.

(2)—(i) Every assessing authority shall, in respect of the occupancy of small dwelling-houses allow to owners from all occupiers' assessments levied on and paid by them in place of the occupiers, under and in terms of section three hundred and forty-five or section three hundred and forty-six of the Burgh Police (Scotland) Act, 1892, as amended by any subsequent Act, a deduction, to cover cost of collection and risk of loss on the following scale (that is to say):—

(A) Where the yearly rent or value entered on the valuation roll exceeds four pounds but does not exceed seven pounds, seven and one-half per centum;

(B) Where the said yearly rent or value exceeds seven pounds but does not exceed ten pounds, five per centum; and

(C) Where the said yearly rent or value exceeds ten pounds but does not exceed the limit of rental fixed by this Act, three per centum:

Revision of scale of allowances.

Provided that, after such scale of deduction has been in operation in any such burgh for a period of not less than three years, it shall be competent for the assessing authority, or for any ten or more persons having an interest, to present a petition to the sheriff for reconsideration of such scale, and the decision of the sheriff, after such intimation by advertisement or in such other manner as he thinks fit, and after such inquiry, if any, as he may deem necessary, shall be final, but after the expiry of a period of not less than five years from the date of such decision, and thereafter at intervals of not less than five years from the date of the final interlocutor by the sheriff on the reconsideration of such scale, the scale may, subject to like procedure, be resubmitted to the sheriff for reconsideration.

(ii) Every such owner shall have relief against the occupiers for the full amount of such assessments without deduction.

(iii) Every such owner shall have the same claims and remedies for recovery from the occupiers of such assessments and rent as for the recovery of rent alone.

(3)—(i) Notwithstanding the payment by the owner of occupiers' assessments in respect of the occupancy of a small dwelling-house, if any small dwelling-house in respect of which such payment has been made shall not be let or occupied for the whole period for which assessments have been paid, the owner shall, upon lodging, on or before dates to be fixed by the respective assessing authorities, with the clerk to any such authority, or with such other officer as such authority may appoint for the purpose, a claim therefor, which shall set forth the period or periods during which the small dwelling-house was not let or occupied and a declaration to the effect that no rent or other consideration was due or was or is to be paid or given for such period or periods, be entitled to repayment from such authority of the proportionate amount of such assessments for the said period or periods.

Repayment of assessments on unlet dwelling-houses.

(ii) In the case of any small dwelling-house appearing in the valuation roll as unlet, the owner, on receipt of a requisition from an assessing authority, shall forthwith furnish such authority with a return containing particulars of any period or periods during which such small dwelling-house has been let or occupied, and the owner shall be liable to pay the proportionate amount of assessments for the said period or periods as if such small dwelling-house had not appeared in the valuation roll as unlet.

(iii) Any owner knowingly making or causing to be made any false statement in or in connection with any claim, declaration, or return under this section, or failing to make any such return, shall be liable to a penalty not exceeding fifty pounds.

Clause 17, page 6, line 13, leave out ("Scotland"), and after ("1847") insert ("nor entitle the owners to any deduction from "the water rates payable by them in virtue of the said section")

Small Dwelling-Houses in Burghs Letting and Rating (Scotland) Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING

BY

THE EARL OF CAMPERDOWN.

[*To be substituted for the Amendments previously circulated.*]

21*st October* 1909.

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[*Price* ½*d.*]

(195 *b.*) +—

Housing, Town Planning, &c. Bill.

ARRANGEMENT OF CLAUSES.

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Clause.

1. Part III. of principal Act to take effect without adoption.
2. Provisions as to acquisition of land under Part III.
3. Loans by Public Works Loan Commissioners to local authorities.
4. Loans by Public Works Loan Commissioners to public utility societies.
5. Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.
6. Provision of public streets in connexion with exercise of powers under Part III.
7. Expenditure of money for housing purposes in case of settled land.
8. Donations for housing purposes.
9. Provisions with respect to money applicable under trusts for housing purposes.

Powers of enforcing Execution of Housing Acts.

10. Power of Local Government Board on complaint to enforce exercise of powers.
11. Power of Local Government Board to order schemes, &c. to be carried out within a limited time.
12. Powers of county council to act in default of rural district council under Part III.
13. Power of county council to exercise powers of rural district council under Part III.

Contracts by Landlord in Letting Working Class Houses.

Clause.
14. Extension of s. 75 of the principal Act.
15. Condition as to keeping houses let to persons of the working classes in repair.
16. Extension of power of making byelaws with respect to lodging-houses for the working classes.

Amendment of Procedure for Closing Orders and Demolition Orders.

17. Duty of local authority as to closing of dwelling-house unfit for human habitation.
18. Order for demolition.
19. Power to redeem annuities charged by charging order under s. 36 of the principal Act.
20. Provision as to priority of charges under s. 37 of the principal Act.
21. Restriction on power of court of summary jurisdiction to extend time.

Amendments with respect to Improvement and Reconstruction Schemes.

22. Amendment of s. 4 of the principal Act as to official representation.
23. Amendment of principal Act as to contents of schemes.
24. Amendment of procedure on improvement or reconstruction scheme authorising compulsory purchase of land.
25. Duty of local authority themselves to carry out improvement scheme.
26. Modification of schemes.
27. Inquiries by Local Government Board inspectors as to unhealthy areas.
28. Amendment as to the vesting of water pipes, &c.
29. Amendment of s. 38 of the principal Act as to distribution of compensation money and as to betterment charges.
30. Explanation of sections 21 (2) and 41 (3) of principal Act.

Amendments with respect to Financial Matters.

31. Amendment as to application of money borrowed for the purpose of the Dwelling-house Improvement Fund.

Clause.

32. Expenses of rural district council under Part III. of the principal Act.
33. Application of proceeds of land sold under Part III.
34. Mode in which contributions by London borough councils to the county council or vice versâ may be made.
35. Exemption from s. 133 of Lands Clauses Consolidation Act, 1845.
36. Exemption of lodging-houses for the working classes from Inhabited House Duty.

General Amendments.

37. Power of entry.
38. Power of Local Government Board to obtain a report on any crowded area.
39. Joint action by local authorities.
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42. Power to prescribe forms and to dispense with advertisements and notices.
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46. Minor amendments of Housing Acts.

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48. Amendment of definitions in Part I. of the principal Act.
49. Amendment of definitions for purpose of Part II. of principal Act.
50. Definition of cottage.
51. Definition of Housing Acts.

Application of Part I. to Scotland.

52. Extension of Acts of 1900 and 1903 to Scotland.
53. Application of Housing Acts to Scotland.

PART II.

TOWN PLANNING.

54. Preparation and approval of town planning scheme.
55. Contents of town planning schemes.

Clause.

56. Procedure regulations of the Local Government Board.
57. Power to enforce scheme.
58. Compensation in respect of property injuriously affected by scheme, &c.
59. Exclusion or limitation of compensation in certain cases.
60. Acquisition by local authorities of land comprised in a scheme.
61. Powers of Local Government Board in case of default of local authority to make or execute town planning scheme.
62. Determination of matters by Local Government Board.
63. Inquiries by Local Government Board.
64. Laying general provisions before Parliament.
65. Definition of local authority, and expenses.
66. Application to London.
67. Application of Part II. to Scotland.

PART III.

COUNTY MEDICAL OFFICERS, COUNTY PUBLIC HEALTH, AND HOUSING COMMITTEE, &C.

68. Appointment of medical officer by county council.
69. Duty of clerk and medical officer of health of district council to furnish information to medical officer of health of county council.
70. Extent of Part III.
71. Public health and housing committee of county councils.
72. Formation and extension of building societies.

PART IV.

SUPPLEMENTAL.

73. Provisions as to commons and open spaces.
74. Provisions as to land in neighbourhood of royal palaces or parks.
75. Repeal.
76. Short title and extent.

SCHEDULES.

A

B I L L

INTITULED

An Act to amend the Law relating to the Housing of the Working Classes, to provide for the making of Town Planning schemes, and to make further provision with respect to the appointment and duties of County Medical Officers of Health, and to provide for the establishment of Public Health and Housing Committees of County Councils. A.D. 1909.

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

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Part III. of principal Act to take effect without adoption. 53 & 54 Vict. c. 70.

1. Part III. of the Housing of the Working Classes Act, 1890 (in this Part of this Act referred to as the principal Act), shall, after the commencement of this Act, extend to and take effect in every urban or rural district, or other place for which it has not been adopted, as if it had been so adopted.

Provisions as to acquisition of land under Part III. 7 Edw. 7. c. 54.

2.—(1) A local authority may be authorised to purchase land compulsorily for the purposes of Part III. of the principal Act, by means of an order submitted to the Local Government Board and confirmed by the Board in accordance with the First Schedule to this Act.

(2) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the

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same purpose under section one hundred and seventy-six of the Public Health Act, 1875, as applied by subsection (1) of section fifty-seven of the principal Act.

(3) A local authority may, with the consent of and subject to any conditions imposed by the Local Government Board, acquire land by agreement for the purposes of Part III. of the principal Act, notwithstanding that the land is not immediately required for those purposes.

Loans by Public Works Loan Commissioners to local authorities.

3. Where a loan is made by the Public Works Loan Commissioners to a local authority for any purposes of the Housing Acts—

(*a*) The loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

(*b*) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loan Commissioners may exceed the period allowed under the principal Act or under any other Act limiting the period for which the loan may be made, but the period shall not exceed the period recommended by the Local Government Board, nor in any case eighty years; and

(*c*) As between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Loans by Public Works Loan Commissioners to public utility societies.

4.—(1) Where a loan is made by the Public Works Loan Commissioners under section sixty-seven, subsection two (*d*), of the principal Act, to a public utility society, the words "two thirds" shall be substituted for the words "one moiety."

(2) For the purposes of this section a public utility society means a society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding five pounds per centum per annum.

Payment of purchase or compensation money (which would otherwise be paid into Court) on

5.—(1) Any purchase money or compensation payable in pursuance of the Housing Acts by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts or by paragraph (20) of the Second

Schedule to the principal Act may, if the Local Government Board consent, instead of being paid into Court, be paid and applied as the Board determine. A.D. 1909. direction of Local Government Board.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

6. Any local authority in connection with the exercise by them of their powers under Part III. of the principal Act may lay out and construct public streets or roads on any land acquired or appropriated by them for the purpose of that Part of that Act or contribute towards the cost of the laying out and construction of any streets or roads on any such land by other persons on the condition that those streets or roads are to be dedicated to the public. Provision of public streets in connexion with exercise of powers under Part III.

7.—(1) The following paragraph shall be substituted for paragraph (*b*) of subsection (1) of section seventy-four of the principal Act:— Expenditure of money for housing purposes in case of settled land. 45 & 46 Vict. c. 38.

(*b*) The improvements on which capital money arising under the Settled Land Act, 1882, may be expended, enumerated in section twenty-five of the said Act and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artisans, whether employed on the settled land or not, include the provision of dwellings available for the working classes, either by means of building new buildings or by means of the reconstruction, enlargement, or improvement of existing buildings, so as to make them available for the purpose, if that provision of dwellings is, in the opinion of the court, not injurious to the estate or is agreed to by the tenant for life and the trustees of the settlement.

(2) The provision by a tenant for life, at his own expense, of dwellings available for the working classes on any settled land, shall not in any case be deemed to be an injury to any interest in reversion or remainder in that land.

8. A local authority may accept a donation of land or money or other property for any of the purposes of the Housing Acts, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888. Donations for housing purposes. 51 & 52 Vict. c. 42.

A.D. 1909.

Provisions with respect to money applicable under trusts for housing purposes.

9.—(1) If in any case it appears to the Local Government Board that the institution of legal proceedings is requisite or desirable with respect to any property applicable or required to be applied under any trusts for the provision of dwellings available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Board may certify the case to the Attorney-General, and the Attorney-General, if he thinks fit, shall institute any legal proceedings or intervene in any legal proceedings already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property applicable or required to be applied under any trusts for the provision of dwellings available for the working classes the Court or body who are responsible for making the scheme shall communicate with the Local Government Board and receive and consider any recommendations made by the Board with reference to the proposed scheme.

Powers of enforcing Execution of Housing Acts.

Power of Local Government Board on complaint to enforce exercise of powers.

10.—(1) If after holding a local inquiry with reference to the matter, the Local Government Board are satisfied—

(*a*) as respects any rural district on the complaint of the council of the county in which the district is situate, or of the parish council or parish meeting of any parish comprised in the district, or any four inhabitant householders of the district; or

(*b*) as respects any county district not being a rural district on the application of the council of the county in which the district is situated, or of four inhabitant householders of the district; or

(*c*) as respects the area of any other local authority on the application of four inhabitant householders of the area;

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, the Board may declare the authority to be in default, and may make an order directing that authority, or, if the Board think fit, in any case where the authority in default is the council of a county district, the county council, within a time limited by the order, to carry out

such works and do such other things as may be mentioned in the order for the purpose of remedying the default. A.D. 1909.

(2) Where an order originally made under this section on the council of a county district is not complied with by that council, the Local Government Board may, if they think fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make an order directing the county council to carry out any works or do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

(3) Where the Board make an order under this section directing a county council to carry out any works or do any other thing the order may for the purpose of enabling the county council to give effect to the order apply any of the provisions of the Housing Acts or of section sixty-three of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

(4) Any order made by the Local Government Board under this section may be enforced by mandamus.

Power of Local Government Board to order schemes, &c to be carried out within a limited time.

11.—(1) Where it appears to the Local Government Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to give effect to any order as respects an obstructive building, or to a reconstruction scheme, under Part II. of that Act, or have failed to cause to be made the inspection of their district required by this Act, the Board may make an order requiring the local authority to remedy the default and to carry out any works or do any other things which are necessary for the purpose under the Housing Acts within a time fixed by the order.

(2) Any order made by the Local Government Board under this section may be enforced by mandamus.

Powers of county council to act in default of rural district council under Part III.

12. If the council of a county on the complaint of the parish council or parish meeting of any parish comprised in any rural district in the county, or of any four inhabitant householders of that district, after holding a local inquiry are satisfied that the rural district council have failed to exercise their powers under Part III. of the principal Act in cases where those powers ought to have been exercised, the county council may resolve that the powers of the district council for the purposes of that Part be

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transferred to the county council with respect either to the whole district or to any parish in the district, and those powers shall be transferred accordingly, and, subject to the provisions of this Act, section sixty-three of the Local Government Act, 1894, shall apply as if the powers had been transferred under that Act.

Power of county council to exercise powers of rural district council under Part III.

13.—(1) Where the council of a county are of opinion that for any reason it is expedient that the council should exercise, as respects any rural district in the county, any of the powers of a local authority under Part III. of the principal Act, the council, after giving notice to the council of the district of their intention to do so, may apply to the Local Government Board for an order conferring such powers on them.

(2) Upon such an application being made the Board may make an order conferring on the county council as respects the rural district all or any of the powers of a local authority under Part III. of the principal Act, and thereupon the provisions of the Housing Acts relating to those powers (including those enabling the Public Works Loans Commissioners to lend, and fixing the terms for which money may be lent and borrowed) shall apply as if the council were a local authority under Part III. of the principal Act: Provided that the expenses incurred by the county council under any such order shall be defrayed as expenses for general county purposes.

(3) Where, under any such order, the county council have executed any works in a rural district they may transfer the works to the council of that district on such terms and subject to such conditions as may be agreed between them.

Contracts by Landlord in Letting Working Class Houses.

Extension of s. 75 of the principal Act.

14.—(1) In any contract made after the passing of this Act for letting for habitation by persons of the working classes a house or part of a house there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation.

(2) In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding:—

(*a*) in the case of a house situate in the administrative county of London, forty pounds;

(*b*) in the case of a house situate in a borough or urban district with a population according to the last census for the time being of fifty thousand or upwards, twenty-six pounds;

(*c*) in the case of a house situate elsewhere, sixteen pounds.

Condition as to keeping houses let to persons of the working classes in repair.

15.—(1) The last foregoing section shall as respects contracts to which that section applies take effect as if the condition implied by that section included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation.

(2) If it appears to the local authority within the meaning of Part II. of the principal Act that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the authority shall, if a closing order is not made with respect to the house, by written notice require the landlord, within a reasonable time, not being less than fourteen days, specified in the notice, to execute such works as the authority may specify in the notice as being necessary to make the house in all respects reasonably fit for human habitation.

(3) If the notice is not complied with the authority may, at the expiration of the time specified in the notice, do the work required to be done and recover the expenses incurred by them in so doing from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts, or, if they think fit, the authority may by order declare any such expenses to be payable by annual instalments within a period not exceeding that of the interest of the landlord in the house nor in any case five years, with interest at a rate not exceeding five pounds per cent. per annum until the whole amount is paid, and any such instalments or interest or any part thereof may be recovered from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts.

(4) A landlord may appeal to the Local Government Board against any notice requiring him to execute works under this section, and against any demand for the recovery of expenses from him under this section or order made with respect to those expenses under this section by the authority, by giving notice of appeal to the Board within fourteen days after the notice is received, or the demand or order is made, as the case may be, and no proceedings shall be taken in respect of such notice requiring works, order or demand, whilst the appeal is pending.

A.D. 1909.

(5) In this section, the expression "landlord" means any person who lets the house under any contract referred to in this section, and includes his successors in title, and the expression "house" includes part of a house.

Sections forty-nine and fifty of the principal Act as amended by section thirteen of the Housing of the Working Classes Act, 1903 (which relate to the service of notices and the description of owner in proceedings), shall apply for the purposes of this section, with the substitution, where required, of the landlord for the owner of a dwelling-house.

(6) Any remedy given by this section for non-compliance with the undertaking implied by virtue of this section, shall be in addition to and not in derogation of any other remedy available to the tenant against the landlord, either at common law or otherwise.

Extension of power of making bye-laws with respect to lodging-houses for the working classes.

16.—(1) The power of making and enforcing byelaws under section ninety of the Public Health Act, 1875, and section ninety-four of the Public Health (London) Act, 1891, with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family, shall, in the case of houses intended for the working classes, extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) upon the owner within the meaning of the said Acts, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed the owner or other person may at all reasonable times enter upon any part of the premises, and section fifty-one of the principal Act shall apply as if for the reference to the provisions of Part II. of that Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.

(3) Where an owner or other person has failed to execute any work which he has been required to execute under the bye-laws, the local authority or sanitary authority, as the case may be, may, after giving to him not less than fourteen days' notice in writing, themselves execute the works and recover the costs and

expenses, and for that purpose the provisions of subsection (3) of the last foregoing section, with respect to the execution of works and the recovery of expenses by local authorities, shall apply as if the owner or other person were the landlord and with such other adaptations as may be necessary.

Amendment of Procedure for Closing Orders and Demolition Orders.

Duty of local authority as to closing of dwelling-house unfit for human habitation.

17.—(1) It shall be the duty of every local authority within the meaning of Part II. of the principal Act to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority and of every officer of the local authority to comply with such regulations and to keep such records as may be prescribed by the Board, if on the representation of the medical officer of health, or of any officer of the authority, or information given, any dwelling-house appears to them to be in such a state.

(2) It shall be their duty to make an order prohibiting the use of the dwelling-house for human habitation (in this Act referred to as a closing order) until in the judgment of the local authority the dwelling-house is rendered fit for that purpose.

(3) Notice of a closing order shall be forthwith served on every owner of the dwelling-house in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board by giving notice of appeal to the Board within fourteen days after the order is served upon him.

(4) Where a closing order has become operative, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house in respect of which the order is made, and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on summary conviction to a fine not exceeding twenty shillings for every day during which the default continues.

(5) The local authority may make to every such tenant such reasonable allowance on account of his expense in removing, as may be determined by the local authority with the consent of the owner of the dwelling-house, or if the owner of the dwelling-house fails to consent to the sum determined by the local

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authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) The local authority shall determine any closing order made by them if they are satisfied that the dwelling-house in respect of which it has been made has been rendered fit for human habitation.

If on the application of any owner of a dwelling-house, the local authority refuse to determine a closing order, the owner may appeal to the Local Government Board by giving notice of appeal to the Board within fourteen days after the application is refused.

(7) Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.

(8) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall for the purposes of this section be deemed to be a dwelling-house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

(*a*) is not sufficiently protected against dampness, effluvia, or exhalation; or

(*b*) is not sufficiently ventilated; or

(*c*) is not in every part thereof at least seven feet in height from floor to ceiling; or

(*d*) is not, to the extent of one foot at least in height, above the level of the surface of the part of the street adjoining or nearest to the room; or

(*e*) has not one or more windows opening directly into the external air, with a total area clear of the sash frames equal to at least one tenth of the floor area of the room, and so constructed that one half at least of each window of the room can be opened, the opening in each case extending to the top of the window; or

(*f*) is not provided along the entire frontage thereof with an open area properly paved, at least four feet wide in every part thereof: Provided that in the area there may be placed steps necessary for access to the room,

and over and across the area there may be steps necessary for access to any buildings above the room, if the steps are so placed in each case as not to be over or across any external window.

This subsection shall not come into operation until the first day of July nineteen hundred and ten, and a closing order made in respect of any room to which this subsection applies shall not be treated as a closing order in respect of a dwelling-house for the purposes of the next succeeding section.

Order for demolition.

18.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the dwelling-house, and shall give every owner of the dwelling-house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the dwelling-house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building being or being part of the dwelling-house is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, they shall order the demolition of the building.

(3) If any owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time not exceeding six months as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

(4) Notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board by giving notice of appeal to the Board within fourteen days after the order is served upon him.

Power to redeem annuities charged by charging

19. Any owner of or other person interested in a dwelling-house on which an annuity has been charged by a charging order made under section thirty-six of the principal Act (which

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order under s. 36 of the principal Act.

relates to the grant of charges) shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Local Government Board.

Provision as to priority of charges under s. 37 of the principal Act.

20. The charges excepted in subsection (1) of section thirty-seven of the principal Act (which relates to the incidence of charges) shall include charges on the dwelling-house created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority.

Restriction on power of court of summary jurisdiction to extend time.

21. Subsection (3) of section forty-seven of the principal Act (which gives power to a court of summary jurisdiction to enlarge the time for certain matters) shall cease to have effect as respects the time allowed for the execution of any works or the demolition of a building under a closing order or under an order for the demolition of a building.

Amendments with respect to Improvement and Reconstruction Schemes.

Amendment of s. 4 of the principal Act as to official representation.

22. In section four of the principal Act (which relates to an official representation), the words "that the most satisfactory "method of dealing with the evils connected with such houses, "courts, or alleys, and the sanitary defects in such area is an "improvement scheme" shall be substituted for the words "that "the evils connected with such houses, courts, or alleys, and the "sanitary defects in such area cannot be effectually remedied "otherwise than by means of an improvement scheme."

Amendment of principal Act as to contents of schemes.

23.—(1) Section six of the principal Act (which relates to the contents of an improvement scheme) shall be read as if in subsection (1) the words "for sanitary purposes" were omitted in paragraph (*a*); and as if the following paragraphs were inserted at the end of that subsection:—

"and

(*e*) may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme; and

(*f*) may provide for giving to the local authority any powers which may be necessary to enable them properly to carry out the scheme and for dispensing so far as necessary with any obligation of the local authority

or any other person to comply with any provision contained in any Local Act, Provisional Order, or Order having the effect of an Act or any byelaw, regulation, or other provision, under whatever authority made, which is in operation in the area."

(2) Provision may be made in a reconstruction scheme under Part II. of the principal Act for any matters for which provision may be made in an improvement scheme made under Part I. of that Act.

Amendment of procedure on improvement or reconstruction scheme authorising compulsory purchase of land. 3 Edw. 7. c. 39.

24.—(1) Paragraphs (*a*) and (*b*) of subsection (2) of section five of the Housing of the Working Classes Act, 1903 (which limit the cases under which an order confirming an improvement scheme takes effect without confirmation by Parliament), shall cease to have effect.

(2) An order of the Local Government Board sanctioning a reconstruction scheme, and authorising the compulsory purchase of land for the purpose shall, notwithstanding anything in section thirty-nine of the principal Act, take effect without confirmation.

Duty of local authority themselves to carry out improvement scheme.

25.—(1) It shall be the duty of the local authority themselves to execute any improvement scheme under Part I. of the principal Act, except so far as provision to the contrary is made in the confirming order, and except so far as they exercise any of the powers given to them in pursuance of the Housing Acts for enabling other persons to execute the scheme.

(2) So much of subsection (3) of section twelve of the principal Act (which relates to the execution of improvement schemes) as restricts the powers of the local authority to execute an improvement scheme shall cease to have effect.

Modification of schemes.

26. The Local Government Board may, in the exercise of their power under section fifteen or subsection (9) of section thirty-nine of the principal Act, permit the local authority to modify their scheme, not only by the abandonment of any part of the scheme which it may appear inexpedient to carry into execution, but also by amending or adding to the scheme in matters of detail in such manner as appears expedient to the Board.

Inquiries by Local Government Board inspectors as to unhealthy areas.

27. Any inspector or officer of the Local Government Board, or any person employed by the Board, may be directed to make any inspection or inquiry which is required for the purposes of section sixteen of the principal Act (which relates to inquiries made on the default of a medical officer), and section eighty-five

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of that Act (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply as respects any inspection or inquiry so held as it applies to local inquiries held under that section.

Amendment as to the vesting of water pipes, &c.

28. An improvement scheme under Part I. of the principal Act may provide for any exceptions, restrictions, or modifications in the application of section twenty-two of the principal Act (which vests in the local authority pipes, sewers, and drains), and that section shall take effect subject to any such exceptions, restrictions, or modifications.

Amendment of s. 38 of the principal Act as to distribution of compensation money and as to betterment charges.

29.—(1) The amount of any compensation payable under section thirty-eight of the principal Act (which relates to obstructive buildings) shall, when settled by arbitration in manner provided by that section, be apportioned by the arbitrator between any persons having an interest in the compensation in such manner as the arbitrator determines.

(2) The power of the arbitrator to apportion compensation under the foregoing provision and to apportion any part of the compensation to be paid for the demolition of an obstructive building amongst other buildings under subsection (8) of the said section thirty-eight may be exercised in cases where the amount to be paid for compensation has been settled otherwise than by arbitration under the principal Act by an arbitrator appointed for the special purpose, on the application of the local authority, by the Local Government Board, and the provisions of that Act shall apply as if the arbitrator so appointed had been appointed as arbitrator to settle the amount to be paid for compensation.

Explanation of sections 21 (2) and 41 (3) of principal Act.

30. For removing doubts it is hereby declared that a local authority may tender evidence before an arbitrator to prove the facts under the headings (first) (secondly) (thirdly) mentioned in subsection (2) of section twenty-one and subsection (3) of section forty-one of the principal Act, notwithstanding that the local authority have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

Amendments with respect to Financial Matters.

Amendment as to application of money borrowed for the purpose

31. No deficiency in the Dwelling-house Improvement Fund shall be supplied under subsection (2) of section twenty-four of the principal Act out of borrowed money unless the deficiency

arises in respect of money required for purposes to which borrowed money is, in the opinion of the Local Government Board, properly applicable.

of the Dwelling-house Improvement Fund.

32.—(1) The expenses incurred by a rural district council after the passing of this Act in the execution of Part III. of the principal Act shall be defrayed as general expenses of the council in the execution of the Public Health Acts, except so far as the Local Government Board on the application of the council declare that any such expenses are to be levied as special expenses charged on specified contributory places or as general expenses charged on specified contributory places in the district in such proportions as the district council may determine, to the exclusion of other parts of the district, and a rural district council may borrow for the purposes of Part III. of the principal Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

Expenses of rural district council under Part III. of the principal Act.

(2) The district council shall give notice to the overseers of any contributory place proposed to be charged, of any apportionment made by them under this section, and the overseers if aggrieved by the apportionment may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after notice has been so given of the apportionment.

33. Where any land vested in a local authority for the purposes of Part III. of the principal Act is sold under section sixty of that Act (which relates to the sale and exchange of lands), the proceeds may be applied not only as provided by that section, but also for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Application of proceeds of land sold under Part III.

34. Any payment or contribution agreed or ordered to be made under subsection (6) or (7) of section forty-six of the principal Act, as amended by section fourteen of the Housing of the Working Classes Act, 1903 (which relate to payments or contributions by borough councils towards the expenses of the county council or by the county council towards the expenses of borough councils in London), may be made either by means of the payment of a lump sum or by means of an annual payment of such amount and for such number of years as may be agreed upon or ordered.

Mode in which contributions by London borough councils to the County Council or vice versâ may be made.

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Exemption from s. 133 of Lands Clauses Consolidation Act, 1845.

35. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to Land Tax and poor rate), shall not apply in the case of any lands of which a local authority becomes possessed by virtue of the Housing Acts.

Exemption of lodging-houses for the working classes from Inhabited House Duty

36.—(1) The assessment to Inhabited House Duty of any house occupied for the sole purpose of letting lodgings to persons of the working classes, at a charge of not exceeding sixpence a night for each person, shall be discharged by the Commissioners acting in the execution of the Acts relating to the Inhabited House Duties, upon the production of a certificate to the effect that the house is solely constructed and used to afford suitable accommodation for the lodgers, and that due provision is made for their sanitary requirements.

53 & 54 Vict. c. 8.

(2) The provisions of subsection two of section twenty-six of the Customs and Inland Revenue Act, 1890, in relation to the certificate mentioned therein, shall, so far as applicable, apply to the certificate to be produced under this section.

General Amendments.

Power of entry.

37. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Local Government Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

(*a*) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under the Housing Acts; and

(*b*) for the purpose of survey and examination, in the case of any dwelling-house in respect of which a closing order or an order for demolition has been made; or

(*c*) for the purpose of survey and examination, where it appears to the authority or board that survey or examination is necessary in order to determine whether any powers under the Housing Acts should be exercised in respect of any house, premises, or building.

Notice may be given to the occupier for the purposes of this section by leaving a notice addressed to the occupier, without name or further description, at the house, buildings, or premises.

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Power of Local Government Board to obtain a report on any crowded area.

38. If it appears to the Local Government Board that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under the Housing Acts should be put into force in that area or not, the Local Government Board may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they direct, and the local authority shall comply with the requirement of the Local Government Board, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of the principal Act as the Local Government Board determine.

Joint action by local authorities.

39. Where the Local Government Board are satisfied that it is expedient that any local authorities should act jointly for any purposes of the Housing Acts, either generally or in any special case, the Board may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a provisional order made under section two hundred and seventy-nine of the Public Health Act, 1875, for the formation of a united district.

Appeals to Local Government Board.

40.—(1) The procedure on any appeal under this Part of this Act to the Local Government Board shall be such as the Board may by rules determine, and on any such appeal the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and where the appeal is against any notice, order, or apportionment given or made by the local authority, the notice, order, or apportionment may be confirmed, varied, or quashed, as the Board think just.

(2) Any notice, order, or apportionment as respects which an appeal to the Local Government Board is given under this Part of this Act shall not become operative until either the time within which an appeal can be made under this Part of this Act has elapsed without an appeal being made, or in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

(3) The Local Government Board may before considering any appeal which may be made to them under this Part of this Act require the appellant to deposit such sum to cover the costs

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of the appeal as may be fixed by the rules made by them with reference to appeals.

Sale and disposal of dwellings.

41. Notwithstanding anything contained in the principal Act it shall not be obligatory upon a local authority to sell and dispose of any lands or dwellings acquired or constructed by them for any of the purposes of the Housing Acts.

Power to prescribe forms and to dispense with advertisements and notices.

42.—(1) The Local Government Board may by order prescribe the form of any notice, advertisement, or other document, to be used in connection with the powers and duties of a local authority or of the Board under the Housing Acts, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

(2) The Local Government Board may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under the Housing Acts, if they are satisfied that there is reasonable cause for dispensing with the publication or service.

(3) Any such dispensation may be given by the Local Government Board either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Board think fit, due care being taken by the Board to prevent the interests of any person being prejudiced by the dispensation.

Provision as to publication in London Gazette.

43. Where under the Housing Acts, any scheme or order or any draft scheme or order is to be published in the London Gazette, or notice of any such scheme or order or draft scheme or order is to be given in the London Gazette, it shall be sufficient in lieu of such publication or notice to insert a notice giving short particulars of the scheme, order, or draft, and stating where copies thereof can be inspected or obtained in two local newspapers circulating in the area affected by the scheme, order, or draft, or to give notice thereof in such other manner as the Local Government Board determine.

Prohibition of back-to-back houses.

44. Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house commenced to be erected after the passing of this Act shall be deemed to be unfit for

human habitation for the purposes of the provisions of the Housing Acts.

Provided that nothing in this section—

(*a*) shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back, if the medical officer of health for the district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement; or

(*b*) shall apply to houses abutting on any streets the plans whereof have been approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, at the passing of this Act, any local Act or byelaws are in force permitting the erection of back-to-back houses.

Saving of sites of ancient monuments, &c.

45. Nothing in the Housing Acts shall authorise the acquisition for the purposes of those Acts of any land which is the site of an ancient monument or other object of archæological interest.

Minor amendments of Housing Acts.

46. The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the Housing Acts specified in the first column of that Schedule, and section sixty-three of the principal Act (which relates to the disqualification of tenants of lodging-houses on receiving poor relief) shall be repealed.

Definitions.

Provisions of this Part to be deemed to be part of the appropriate Part of the principal Act.

47.—(1) Any provisions of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained.

(2) Any reference in the Housing Acts to a closing order or to an order for the demolition of a building shall be construed as a reference to a closing order or an order of demolition under this Act.

Amendment of definitions in Part I. of the principal Act.

48. The expression "street" shall, unless the context otherwise requires, have the same meaning in Part I. of the principal Act as it has in Part II. of that Act, and shall consequently include any court, alley, street, square, or row of houses.

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Amendment of definitions for purpose of Part II. of principal Act.

49.—(1) The words "means any inhabited building and" shall be omitted from the definition of "dwelling-house" in section twenty-nine of the principal Act.

(2) For the definition of owner in the same section the following definition shall be substituted:—

"The expression 'owner,' in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or entitled to the rents and profits of such premises under a lease the original term whereof is less than twenty-one years."

Definition of cottage.

50. For the definition of cottage in section fifty-three of the principal Act the following definition shall be substituted:—

The expression "cottage" in this Part of this Act may include a garden of not more than one acre.

Definition of Housing Acts.

51. In this Part of this Act the expression "Housing Acts" means the principal Act, and any Act amending that Act, including this Act.

Application of Part I. to Scotland.

Extension of Acts of 1900 and 1903 to Scotland.

52. Subject as herein-after provided, the Housing of the Working Classes Act, 1900, and the Housing of the Working Classes Act, 1903, shall as amended by this Act apply to Scotland.

Application of Housing Acts to Scotland.

53. In addition to the provisions of the principal Act respecting the application of that Act to Scotland, the following provisions shall have effect in the application of the Housing Acts to Scotland:—

(1) The Local Government Board for Scotland (herein-after in this section referred to as the Board) shall except as otherwise provided be substituted for the Local Government Board, and shall also in Part III. of the principal Act as amended and in section five of the Housing of the Working Classes Act, 1900, be substituted for the county council:

(2) The Lord Advocate shall be substituted for the Attorney-General:

60 & 61 Vict. c. 38.

(3) The expression "Public Health Acts" means the Public Health (Scotland) Act, 1897, and any Act amending

the same. References to the Public Health Act, 1875, shall unless the context otherwise requires be construed as references to the Public Health (Scotland) Act, 1897, and a reference to an order under section eighty-three of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to a provisional order under section two hundred and seventy-nine of the Public Health Act, 1875, a reference to section seventy-two of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section ninety of the Public Health Act, 1875, and reference to subsection three of section ninety-four of the principal Act as read with the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section one hundred and seventy-six of the Public Health Act, 1875:

(4) The district and the local authority for the purposes of the Public Health (Scotland) Act, 1897, shall respectively be the district and the local authority, and the public health general assessment shall be the local rate, for the purposes of the Housing Acts; provided that such local rate shall not be reckoned in any calculation as to the statutory limit of the public health general assessment; and provided further that a local authority not being a town council may, where so authorised by the Board in terms of the Housing Acts, assess and levy such local rate upon all lands and heritages within one or more of the parishes or special districts comprised in their district, to the exclusion of other parishes or special districts within the district:

(5) A local authority may, with the consent of the Board, borrow money for the purposes authorised in the Housing Acts on the security of the local rate in the same manner and subject to the same conditions as nearly as may be as they may borrow for the provision of permanent hospitals under the Public Health (Scotland) Act, 1897; provided that all money so borrowed shall, notwithstanding the terms of section one hundred and forty-one of the said Act, be wholly repaid together with the accruing interest within such period not exceeding eighty years from the date of the loan as the Board may determine in each case:

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(6) The expressions "urban sanitary authority" and "rural sanitary authority" or "rural district council" mean respectively the local authority (for the purposes of the Public Health (Scotland) Act, 1897) of a burgh and of a district not being a burgh, and the expressions "urban district" and "rural district" shall be construed accordingly :

60 & 61 Vict. c. 38. 52 & 53 Vict. c. 50.

(7) The Acts relating to nuisances mean as respects any place the Public Health (Scotland) Act, 1897, and the Local Government (Scotland) Act, 1889, and any Act amending the same or either of them, and any local Act which contains any provisions with respect to nuisances in that place :

(8) Except so far as inconsistent with the provisions of subsection (1) of section eighty-five of the principal Act, sections seven, eight, nine, and ten of the Public Health (Scotland) Act, 1897, shall apply for the purpose of local inquiries ordered by the Board under the Housing Acts :

(9) Section one, subsection (1) of section four, and section ten of the Housing of the Working Classes Act, 1903, shall not apply. In the last-mentioned Act sections three and twelve shall apply with the substitution of the date of the passing of this Act for the date of the passing of that Act, and the Schedule shall apply with the modifications specified in the Third Schedule to this Act :

(10) If after holding a local inquiry with reference to the matter the Board are satisfied—

(*a*) as respects the district of a local authority not being a town council, on the complaint of the county council or of the parish council or landward committee, of any parish comprised in the district, or of any four inhabitant householders of the district; or

(*b*) as respects any other district on the complaint of any four inhabitant householders of the district, that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary

[*See* Public Health (Scotland) Act, 1897, s. 147.]

petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just. Section ten of this Act shall not apply : A.D. 1909.

(11) Where it appears to the Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to make, or if made, to give effect to, any order as respects an obstructive building, or any reconstruction scheme, under Part II. of that Act, it shall be lawful for the Board to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed as in the immediately preceding subsection. Section eleven of this Act shall not apply :

(12) Sections fifteen, seventeen and eighteen of this Act shall apply with the substitution of the sheriff for the Local Government Board; provided that section one hundred and forty-six of the Public Health (Scotland) Act, 1897 (prescribing the procedure if a local authority neglect its duty), shall apply as if the duties imposed upon a local authority by sections seventeen and eighteen of this Act were duties imposed by that Act: 60 & 61 Vict. c. 38.

(13) In the application to Scotland of section fourteen of this Act the limit of rent shall be sixteen pounds.

(14) References to special expenses shall not apply.

(15) "Overseers" means parish council, "paid into court" means "paid into bank," "as a civil debt in manner provided by the Summary Jurisdiction Acts" means in a summary manner.

PART II.

TOWN PLANNING.

Preparation and approval of town planning scheme.

54.—(1) A town planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used

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for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

(2) The Local Government Board may authorise a local authority within the meaning of this Part of this Act to prepare such a town planning scheme with reference to any land within or in the neighbourhood of their area, if the authority satisfy the Board that there is a primâ facie case for making such a scheme or may authorise a local authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme.

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town planning scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(4) A town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by the Local Government Board, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they think fit to impose.

(5) A town planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.

(6) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government Board on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

(7) The expression land likely to be used for building purposes shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or

recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.

Contents of town planning schemes.

55.—(1) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as approved by the Board for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme defining the area to which the scheme is to apply and the authority who are to be responsible for enforcing the observance, or for the execution, of the scheme (in this Part of this Act referred to as the responsible authority), and providing for any matters which may be dealt with by general provisions and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, byelaws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme:

Provided that where the scheme contains provisions suspending any enactment contained in a public general Act the scheme shall not come into force unless a draft thereof has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and if either of those Houses before the expiration of those forty days presents an Address to His Majesty against the proposed suspension no further proceedings shall be taken on the draft, without prejudice to the making of any new scheme.

(3) Where land included in a town planning scheme is in the area of more than one local authority, the responsible authority may be, as the Local Government Board directs, one of those local

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authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties.

Provided that, except with the consent of the London County Council, no other local authority shall prepare or be responsible for enforcing the observance or for the execution of a town planning scheme under this part of this Act as respects any land in the county of London.

Procedure regulations of the Local Government Board.

56.—(1) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme, obtaining the approval of the Board to a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof.

(2) Provision shall be made by those regulations—

(*a*) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations;

(*b*) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land; and

(*c*) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

Power to enforce scheme.

57.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme,—

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme. A.D. 1909.

(2) Any expenses incurred by a local authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Local Government Board, and the decision of the Board shall be final and conclusive and binding on all persons.

Compensation in respect of property injuriously affected by scheme, &c.

58.—(1) Any person whose property is injuriously affected by the operation of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to claim compensation under this section on account of any building erected on or contract made, or other thing done with respect to land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose:

Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3) Where, by the operation of any town planning scheme, any property is increased in value the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Local Government Board, shall be entitled to recover from any person whose property is so increased in value the amount of that increase.

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(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by the Local Government Board, and the determination of the Board shall be final and conclusive, and binding on all persons.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town planning scheme is revoked by an Order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Exclusion or limitation of compensation in certain cases.

59.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme no compensation shall be paid in respect thereof if or so far as the provisions are such as could reasonably have been inserted in byelaws made by the local authority.

(2) Property shall not be deemed to be injuriously affected so as to give rise to any claim for compensation under this Part of this Act by reason of the operation of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

(3) Where provisions regulating streets, buildings, and other matters dealt with by the scheme (whether contained in local Acts, or Provisional Orders) are, immediately before the approval of the scheme, in force in one part of the area comprised in the scheme and not in another part, or different provisions regulating such matters as aforesaid are in force in different parts of that area, a person whose property is affected by the

scheme shall not be entitled to any greater compensation than he would have been entitled to if those provisions, or, as the case may be, the most stringent of those provisions, had been in force throughout that area.

(4) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

Acquisition by local authorities of land comprised in a scheme.

60.—(1) The responsible authority may for any purpose purchase any land comprised in a town planning scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a local authority may purchase or be authorised to purchase land for the purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by section two of this Act.

(2) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

Powers of Local Government Board in case of default of local authority to make or execute town planning scheme.

61. If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a local authority—

(*a*) have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made; or

(*b*) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted; or

(*c*) have unreasonably refused to consent to any modifications or conditions imposed by the Board;

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the Board may, as the case requires, order the local authority to prepare and submit for the approval of the Board such a town planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so imposed:

Provided that where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Board.

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce the observance of or to execute the scheme, or any provisions thereof, effectively, the Board may order that authority to do all things necessary for enforcing the observance of or to execute the scheme or any provisions thereof effectively.

(3) Any order under this section may be enforced by mandamus.

Determination of matters by Local Government Board. 31 & 32 Vict. c. 119.

62. Where the Local Government Board are authorised by this Part of this Act or any scheme made thereunder to determine any matter, it shall be at their option to determine the matter as arbitrators or otherwise, and if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid:

Provided that where the question to be determined is a question whether property is injuriously affected or increased in value, or as to the amount or manner of payment of the sum which is to be paid as compensation or which the responsible authority are entitled to recover from the person whose property is increased in value, the Local Government Board shall not determine the question otherwise than as arbitrators except with the consent of the parties interested.

Inquiries by Local Government Board.

63. Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes

of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act. A.D. 1909.

Laying general provisions before Parliament.

64. All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

Definition of local authority, and expenses.

65.—(1) For the purposes of this Part of this Act the expression "local authority" means the council of any borough or urban or rural district.

(2) Any expenses incurred by a local authority under this Part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

Application to London.

66.—(1) This Part of this Act shall apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

Application of Part II. to Scotland.

67. This Part of this Act shall apply to Scotland subject to the following modifications:—

(1) The Local Government Board for Scotland (herein-after referred to as the Board) shall be substituted for the Local Government Board, and shall for the purposes of this Part of this Act have the same powers of local inquiry as for the purposes of the Housing Acts as defined in Part I. of this Act.

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(2) Subsection one and subsection three of the section of this Part of this Act which relates to the definition of local authority and expenses shall not apply.

(3) The local authority and the area of such authority for the purposes of this Part of this Act shall respectively be the local authority for the purposes of the Housing Acts as defined in Part I. of this Act, and the district of that authority.

(4) References to the Public Health Acts shall be construed as references to the Housing Acts as defined in Part I. of this Act.

(5) Any local rate for the purposes of this Part of this Act (including the purposes of any loan) shall not be reckoned in any calculation as to the statutory limit of the public health general assessment.

(6) The Board shall not themselves make an order under this Part of this Act on any authority, but in lieu thereof it shall be lawful for the Board, after holding a local inquiry at which the authority shall have had an opportunity of being heard, and with the approval of the Lord Advocate, to apply for such an order by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

(7) In any proceedings under this Part of this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

Part III.

County Medical Officers, County Public Health, and Housing Committee, &c.

Appointment of medical officer by county council.

68.—(1) Every county council shall appoint a medical officer of health under section seventeen of the Local Government Act, 1888.

(2) The Local Government Board may by order prescribe the duties of medical officers of health appointed by a county council under section seventeen of the Local Government Act, 1888, whether before or after the passing of this Act.

51 & 52 Vict. c. 41.

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(3) The power of county councils and district councils under the said section to make arrangements with respect to medical officers of health shall cease, without prejudice to any arrangement made previously to the date of the passing of this Act.

(4) The medical officer of health of a county shall, for the purposes of his duties, have the same powers of entry on premises as are conferred on a medical officer of health of a district by or under any enactment.

(5) A medical officer of health of a county shall be removable by the county council with the consent of the Local Government Board and not otherwise.

(6) A medical officer of health of a county shall not be appointed for a limited period only.

Provided that the county council may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of the medical officer of health of the county, and any person appointed by virtue of any such arrangement to perform those duties or any of them shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of the medical officer of health of the county.

(7) A medical officer of health appointed under the said section as amended by this section shall not engage in private practice, and shall not hold any other public appointment without the express written consent of the Local Government Board.

Duty of clerk and medical officer of health of district council to furnish information to medical officer of health of county council.

69.—(1) The clerk of a rural district council shall forward to the medical officer of health of the county a copy of any representation, complaint, or information, a copy of which it is the duty of the district council to forward to the county council under section forty-five of the Housing of the Working Classes Act, 1890 (which relates to the powers of county councils).

(2) The medical officer of health of a district shall give to the medical officer of health of the county any information which it is in his power to give, and which the medical officer of health of the county may reasonably require from him for the purpose of his duties.

(3) If any dispute or difference shall arise between the clerk or the medical officer of health of a district council and the medical officer of health of a county council under this section the same shall be referred to the Local Government Board, whose decision shall be final and binding.

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(4) If the clerk or medical officer of health of a district council fails to comply with the provisions of this section, he shall on information being laid by the county council, but not otherwise, be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds.

Extent of Part III.

70. The foregoing provisions of this Part of this Act shall not apply to Scotland or the administrative county of London.

Public health and housing committee of county councils.

71.—(1) Every county council shall establish a public health and housing committee, and all matters relating to the exercise and performance by the council of their powers and duties as respects public health and the housing of the working classes (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the public health and housing committee with respect to the matter in question, and the council may also delegate to the public health and housing committee, with or without restrictions or conditions as they think fit, any of their powers as respects public health and the housing of the working classes, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

(2) This section shall not apply to the London County Council.

Formation and extension of building societies.

72.—(1) The county council may promote the formation or extension of and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object or one of their objects the erection or improvement of dwellings for the working classes.

(2) The county council, with the consent of and subject to the regulations made by the Local Government Board, may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment, or otherwise, and on such security as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow:

Provided that the regulations of the Board shall provide that any such advance made on the security of any property shall not exceed two-thirds of the value of that property.

PART IV.

SUPPLEMENTAL.

Provisions as to commons and open spaces.

73.—(1) Where any scheme or order under the Housing Acts or Part II. of this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Local Government Board after consultation with the Board of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange the scheme or order shall vest the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and shall discharge the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions as to land in neighbourhood of royal palaces or parks.

74.—(1) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act, is situate within the prescribed distance from any of the royal palaces or parks the local authority shall, before preparing the scheme or order or acquiring the land,

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communicate with the Commissioners of Works, and the Local Government Board shall, before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Local Government Board after consultation with the Commissioners of Works.

Repeal.

75. The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title and extent.

76.—(1) This Act may be cited as the Housing, Town Planning, &c. Act, 1909, and Part I. of this Act shall be construed as one with the Housing of the Working Classes Acts, 1890 to 1903, and that Part of this Act and those Acts may be cited together as the Housing of the Working Classes Acts, 1890 to 1909.

(2) This Act shall not extend to Ireland.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A LOCAL AUTHORITY FOR THE PURPOSES OF PART III. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

(1) Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(3) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase being compulsory.

(4) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

(5) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of that land as may be prescribed.

(6) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but if such an objection has been

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presented and has not been withdrawn the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

(7) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(8) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear by themselves or their agents, any authorities or parties authorised to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

(9) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily.

(10) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(11) In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

(12) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(13) In this schedule the expression "Board" means the Local Government Board, and the expression "prescribed" means prescribed by the Board.

(14) The provisions of this schedule, except those relating to land belonging to an ecclesiastical benefice, shall apply to Scotland, subject to the following modifications:—

(*a*) for the reference to section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, there shall be

substituted a reference to section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act, 1845, and for the reference to sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845; A.D. 1909.

(*b*) for reference to an arbitrator there shall be substituted references to an arbiter;

(*c*) for the references to the Lord Chancellor there shall be substituted a reference to the Lord Advocate;

(*d*) for the reference to the Local Government Board there shall be substituted a reference to the Local Government Board for Scotland.

SECOND SCHEDULE.

MINOR AMENDMENTS OF HOUSING ACTS.

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70).	
Section 23 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 34 - - -	The words "the order becomes operative" shall be substituted for the words "service of the order."
Section 35 - -	The words "if he is not entitled to appeal to the Local "Government Board against the order" shall be inserted after the word "may" where it first occurs.
Section 38 (1) (*a*) -	The words "or impedes" shall be inserted after the word "stops."
Section 38 (7) - -	The words "house or other building or manufactory" shall be substituted for the words "house or manufactory" wherever they occur in that subsection.
Section 39 (8) - -	The words "as amended by any subsequent Act" shall be inserted after the word "Act" where it first occurs, and the words "to the power of the Local Government "Board to enforce that duty" shall be inserted after the word "execution."
Section 40 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 85 - - -	The words "powers and" shall be inserted before the word "duties."
Section 88 - -	The words "or Part III." shall be inserted after the words "Part II."
Section 89 - -	After the word "Act" where it first occur the words "or "any person authorised to enter dwelling-houses, pre- "mises, or building in pursuance of this Act" shall be inserted; the words "authority or person" shall be substituted for the words "or authority," and the word "he" shall be substituted for the words "such person."

THIRD SCHEDULE.

MODIFICATIONS OF THE SCHEDULE TO THE HOUSING OF THE WORKING CLASSES ACT, 1903, IN ITS APPLICATION TO SCOTLAND.

In the above-mentioned schedule, as applying to Scotland, the expression "district within the meaning of the Public Health (Scotland) "Act, 1897," shall be substituted for the expressions "borough," "urban district," and "parish" respectively; "Local Government "Board for Scotland" shall be substituted for "Local Government "Board"; "every such appropriation of lands shall be recorded as a "real burden affecting such lands in the appropriate register of sasines" shall be substituted for "every conveyance, demise, or lease of any such "lands shall be endorsed with notice of this provision"; "subsections "one and three (with the substitution of the Local Government Board "for Scotland for the Secretary for Scotland) of section ninety-three "of the Local Government (Scotland) Act, 1889" shall be substituted for "subsections one and five of section eighty-seven of the Local "Government Act, 1888"; "Court of Session" shall be substituted for "High Court"; "order of the Court of Session on the application "of the Board" shall be substituted for "mandamus"; and "local "authority for the purposes of the Public Health (Scotland) Act, 1897, "in whose district" shall be substituted for "council of any admini-"strative county and the district council of any county district; or in "London the council of any metropolitan borough, in which."

FOURTH SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE LOCAL GOVERNMENT BOARD.

1. Streets, roads, and other ways, and stopping up, or diversion of existing highways.
2. Buildings, structures, and erections.
3. Open spaces, private and public.
4. The preservation of objects of historical interest or natural beauty.
5. Sewerage, drainage, and sewage disposal.
6. Lighting.
7. Water supply.
8. Ancillary or consequential works.
9. Extinction or variation of private rights of way and other easements.
10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.
11. Power of entry and inspection.

12. Power of the responsible authority to remove, alter, or demolish any obstructive work.

13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

15. Application with the necessary modifications and adaptations of statutory enactments.

16. Carrying out and supplementing the provisions of this Act for enforcing schemes.

17. Limitation of time for operation of scheme.

18. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, &c.

19. Charging on the inheritance of any land the value of which is increased by the operation of a town-planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

FIFTH SCHEDULE.

1. Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme:—

(*a*) Submission of plans and estimates.

(*b*) Publication of notices.

2. Procedure during, on and after the preparation or adoption and before the approval of the scheme:—

(*a*) Submission to the Local Government Board of the proposed scheme, with plans and estimates.

(*b*) Notice of submission of proposed scheme to the Local Government Board.

(*c*) Hearing of objections and representations by persons affected including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

3. Procedure after the approval of the scheme:—

(*a*) Notice to be given of approval of scheme.

(*b*) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

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4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventeen, from "who shall not hold" to end of the section.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The words "for sanitary purposes" in paragraph (*a*) of subsection (1) of section six. Subsection (6) of section eight, and section nine. Subsection (3) of section twelve from "but the local authority" to the end of the subsection; subsection (5) of section twelve. Subsection (2) of section fifteen, including the proviso thereto. Sections seventeen, eighteen, and nineteen. In section twenty-five, the words at the end of the section "such loan shall be repaid "within such period, not exceeding fifty "years, as may be recommended by the "confirming authority." Sections twenty-seven and twenty-eight. In section twenty-nine, the words "means "any inhabited building and" in the definition of "dwelling-house." Sections thirty-two and thirty-three. In section thirty-nine, the words "by agree- "ment" in subsection (4) where those words first occur, and all after the word "sanctioned" to the end of that subsection; subsections (5) and (6); the words "to costs to be awarded in certain cases "by a Committee of either House of "Parliament" in subsection (8); and subsection (9) from "Provided that" to the end. In subsection (3) of section forty-seven, the words "the time allowed under any order "for the execution of any works or the "demolition of a building, or".

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890—*cont.*	In section fifty-three subsection (2). Section fifty-four, so far as unrepealed. Section fifty-five, so far as it applies to Scotland. Section sixty-three. Section sixty-five, from "and (iii)" to the end of the section. In section sixty-six, the words "or special." Section seventy-seven. Section eighty-three. Section ninety-two, from "but in" to the end of the section. Subsection (3) except paragraph (*c*), and subsection (4) of section ninety-four, so far as they apply to Scotland. Subsections (1), (2), (7), (8), and (14) of section 96. The First Schedule, so far as it applies to Scotland. The Third, Fourth, and Fifth Schedules.
59 & 60 Vict. c. 31.	The Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1896.	The whole Act.
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	Sections two, six, and seven. In section eight the words "Scotland or".
3 Edw. 7. c. 39.	The Housing of the Working Classes Act, 1903.	Paragraphs (*a*) and (*b*) of subsection (2) of section five, sections six and eight, in section ten the words "in the manner "provided by subsection three of section "thirty-two of the principal Act," and section sixteen. In section seventeen the words "Scotland or".

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD BELPER.

Clause 10, page 4, line 37, after ("fit") insert ("with the "consent of the county council")

Clause 40, page 17, line 29, after ("just") insert ("unless the "High Court of Justice shall direct a case to be stated on a "question of law on the application of one of the parties, such "application to be made within six months of the decision of the "Local Government Board")

Clause 55, page 25, line 27, leave out ("Statutory enactments")

line 29, leave out from ("scheme") to the end of the subsection.

Clause 68, page 32, lines 38 to 41, leave out subsection (2).

page 33, lines 9 to 11, leave out subsection (5).

Fourth Schedule, page 41, line 11, leave out paragraph 15.

BY THE LORD CLIFFORD OF CHUDLEIGH.

Clause 10, page 4, line 37, after ("fit") insert ("with the "consent of the county council")

Clause 40, page 17, line 29, after ("just") insert ("unless the "High Court of Justice shall direct a case to be stated on a question "of law on the application of one of the parties, such application "to be made within six months of the decision of the Local "Government Board")

Clause 55, page 25, line 27, leave out ("Statutory enactments")
line 29, leave out from ("scheme") to end of line 38.

Clause 68, page 32, lines 38 to 41, leave out subsection (2).
page 33, lines 9 to 11, leave out subsection (5).

Fourth Schedule, page 41, line 11, leave out paragraph 15.

BY THE LORD RITCHIE OF DUNDEE.

Clause 55, page 25, line 31, after ("Act") insert ("or in any "Act under which land shall have been acquired for the purposes "of a railway, dock, canal, water, or other public undertaking")

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD BELPER,

THE LORD CLIFFORD OF CHUDLEIGH,

AND

THE LORD RITCHIE OF DUNDEE.

14th September 1909.

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(158a.) [*Price* ½*d.*]

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE VISCOUNT ST. ALDWYN.

Clause 3, page 2, line 10, leave out ("to a local authority")

Clause 10, page 4, line 25, leave out ("the district") and insert ("such parish")

line 37, leave out from ("authority") to ("within") in line 39.

page 5, line 2, after ("default") insert ("Before "deciding that a rural district council have failed to exercise their "powers under Part III. of the principal Act, the Board shall be "satisfied that there is a necessity for further accommodation for "the housing of the working classes in such district, that there is "no probability that the required accommodation will be otherwise "provided, and that having regard to the liability which will be "incurred by the rates, it is under all the circumstances prudent "for the local authority to undertake the provision of such "accommodation")

Clause 12, page 5, line 35, leave out ("district") and insert ("parish")

Clause 13, page 6, line 23, after ("purposes") insert ("unless "after a local inquiry the county council are satisfied that it is "just to limit the charge for the whole or part of the expenses so "incurred to the rural district or to some contributing place or "places therein, in which case they may order that any such "expenses shall be so charged")

Clause 14, page 6, line 38, leave out ("forty") and insert ("thirty")

page 7, line 4, leave out ("twenty-six") and insert ("eighteen")

Clause 14, page 7, line 4, after (" pounds ") insert:

(*c*) In the case of a house situate in a borough or urban district with a population according to the last census for the time being below fifty thousand and above five thousand, twelve pounds.

line 5, leave out (" sixteen ") and insert (" eight ")

Clause 17, page 10, line 26, leave out (" in every part " thereof ")

line 32, leave out from (" air ") to (" and ") in line 34.

lines 39 and 40, leave out (" at least " four feet wide in every part thereof ")

Clause 40, page 17, line 31, after (" Board ") insert (" or the " High Court of Justice ")

line 38, after (" Board ") insert (" or the " High Court of Justice ")

Clause 45, page 19, line 20, after (" interest ") insert (" or " the compulsory acquisition of any land which is the property of " any local authority or has been acquired by any corporation or " company for the purposes of a railway, dock, canal, water, or " other public undertaking, or which at the date of the order " forms part of any park, garden, or pleasure ground, or is " otherwise required for the amenity or convenience of any " dwelling-house ")

Clause 58, page 28, line 9, after (" persons ") insert (" but " shall be subject to an appeal to the High Court of Justice on any " question of law, such appeal to made within three months after " the decision of the Board ")

First Schedule, page 37, line 18, after (" Act ") insert (" unless " the order shall be wholly or in part set aside by the High Court " of Justice on an application made to the High Court within " three months of its confirmation by the Board on any question " of law ")

BY THE LORD BISHOP OF BIRMINGHAM.

After clause 30 insert the following new clause:

Quinquennial Survey and Register.

Quinquennial survey and register.

30.—(1) It shall be the duty of every local authority within the meaning of this section to cause to be made in every parish within the county or district an inspection and survey of every dwelling-house, to which the limitation as respects rateable value of section fourteen of this Act applies, and to cause to be registered in a book or register, in a form to be prescribed by the Local Government Board, particulars concerning every such dwelling-house, including—

(*a*) situation and address;

(*b*) rated occupier;

(*c*) beneficial owner;

(*d*) freeholder;

(*e*) number and description of rooms and offices in each house;

(*f*) number of occupants, sex, and approximate age at date of survey;

(*g*) state of repair of the dwelling;

(*h*) sanitary condition of the dwelling;

(*i*) water supply;

(*j*) rateable value; and

(*k*) if let in lodgings, number of rooms and of lodgers, distinguishing sex and families.

(2) The first survey and register shall be commenced within twelve months and shall be completed within five years after the passing of this Act, and a new survey shall be made and the register revised within every five years thereafter; and a copy of such register in respect of every parish within the county or district shall be deposited with the clerk of the council and shall be open to inspection within reasonable hours by any ratepayer within the county or district.

(3)—(*a*) For the purpose of facilitating the survey and collection of the necessary particulars for the register, forms of return to be approved by the Local Government Board shall be served upon every owner or reputed owner requiring him to

make such statement or return within one month from date of service as a person is required to make under the Income Tax Acts, and the Valuation (Metropolis) Act, 1869.

(*b*) Such form of return shall include the particulars set out in subsection one of this section and shall contain a declaration to be made by the owner or his agent that the dwelling for which rent is being paid and received is reasonably fit for human habitation.

(4) All notices and forms of return under this section shall be in writing or print, or partly in writing and partly in print; and shall be sufficiently authenticated if bearing the signature in facsimile of the clerk to the local authority; and shall be served—

(i) by delivery of the same personally to the person required to be served, or if such person is absent abroad or cannot be found, to his agent, or, if no agent can be found, then by leaving the same on the premises; or

(ii) by leaving the same at the usual or last-known place of abode of such person as aforesaid; or

(iii) by post, by a prepaid letter, addressed to the usual or last-known place of abode of such person;

and if sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice or form of return was properly addressed and prepaid and put into the post.

(5) If any person wilfully refuses or neglects to make any return lawfully required under this Act within the time limited by this Act in that behalf, he shall be liable on summary conviction to a penalty not exceeding *five pounds*.

If any person wilfully makes or causes to be made a false return or declaration he shall be liable on summary conviction to a penalty not exceeding *ten pounds*.

If the occupier of any dwelling-house, when requested by or on behalf of the local authority to state the name and address of the owner thereof, refuses or wilfully omits to disclose or wilfully misstates the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a fine not exceeding five pounds.

(6)—(*a*) For the purpose of carrying out the survey and compilation of the register,—

(i) a county council may make arrangements with the council of any county, district, or parish within the county for the exercise by the council of that district or parish, as agents for the county council, of the powers conferred by this section, on such terms and subject to such conditions as may be agreed upon, provided always that the county council shall be responsible for the completeness and accuracy of the survey and register;

(ii) every such council shall afford all reasonable facilities and the assistance of their officers and inspectors to the county council, and it shall be lawful for such officers and inspectors to receive special remuneration for their services from the county council.

(*b*) Where the register is compiled under the authority of the county council, a copy of so much of it as relates to every parish within each county district shall be deposited with the clerk of the council.

(7) The expression "local authority" for the purposes of this section shall mean for the administrative county of London, the metropolitan borough councils, for every county borough and urban district having a population exceeding ten thousand according to the last census the council of such borough or district, and elsewhere the county council.

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE VISCOUNT ST. ALDWYN

AND

THE LORD BISHOP OF BIRMINGHAM.

15th September 1909.

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(158_*b.*)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD SALTOUN.

Clause 1, page 1, line 12, leave out ("or rural") and leave out ("or other place")

Clause 15, page 7, line 18, leave out ("may") and insert ("shall")

Clause 17, page 9, line 23, after ("order") insert ("and a "specification of such works as are, in the opinion of the local "authority, necessary to render the dwelling-house fit for human "habitation")

line 24, leave out ("it") and insert ("the "Closing Order")

page 10, line 7, leave out ("it") and insert ("the "Order")

Clause 18, page 11, line 30, leave out ("may if they think fit") and insert ("shall")

line 34, after ("works") insert ("provided "that the local authority may require security from the owner for "the due execution of the works before they postpone the operation "of an order under this section"

Clause 41, page 18, line 6, after ("Acts") insert the following new subsection:

(2) Sections 128 to 131 inclusive of the Lands Clauses Consolidation Act, 1845 (relating to the right of pre-emption of superfluous lands) shall apply upon any sale of any lands acquired by a local authority for any of the purposes of the Housing Acts, notwithstanding any such lands are situate within a town, but, save as aforesaid, the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply.

BY THE EARL OF CAMPERDOWN.

Clause 2, page 1, line 17, leave out ("and confirmed by the "Board")

line 18, after ("Act") insert the following new subsections:

(2) If within the period prescribed by the Board no objection to an Order under this section has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the Order either without modification or subject to such modifications as they think fit, but if such an objection has been presented and has not been withdrawn the Board shall appoint an impartial person not in the employment of any Government Department to hold a public inquiry on their behalf in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land, and such other persons, as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(3) If the person who held the inquiry reports, or if on considering his report, it appears to the Board that by reason of the extent or situation of any land proposed to be acquired compulsorily, or the purposes for which such land is used, or any other circumstances, the land ought not to be acquired compulsorily without the sanction of Parliament, the order of the Board shall be provisional only and shall not have effect unless confirmed by Parliament.

(4) An Order other than a Provisional Order made by the Board under this section shall come into force after it has lain for thirty days during the Session of Parliament on the table of both Houses of Parliament, unless either House during those thirty days presents an address to His Majesty against the Order, in which case no further proceedings shall be taken thereon, but without prejudice to the making of a new Order.

Clause 10, page 4, line 24, leave out ("or any four inhabitant "householders of the district")

Clause 14, page 6, line 34, leave out (in"), and leave out ("the expression") and insert ("shall apply to any contract for")

line 35, leave out ("means the letting for "habitation of")

line 36, leave out from ("house") to the end of the clause.

Clause 15, page 8, line 13, leave out (" be in addition to and "), and after (" not ") insert (" be ")

Clause 17, page 9, lines 11 and 12, leave out (" in a state so " dangerous or injurious to health as to be ")

line 16, leave out (" if ") and insert (" (2) If "), and after (" Board ") insert (" (2) ")

line 19, leave out (" (2) It ") and insert (" it ")

page 10, line 27, leave out from (" ceiling ") to (" This ") in line 5 on page 11.

Leave out clause 24.

After clause 40 insert the following new clause :

41.—(1) In the administration of the Housing Acts regard shall be had to the needs of persons of the working class, and it shall be the duty of the local authority to secure, as far as possible, that dwelling accommodation provided under those Acts is occupied exclusively by persons of the working class.

(2) The local authority shall cause a list to be kept showing particulars of the accommodation comprised in every dwelling provided by them in the exercise of their powers and duties under the Housing Acts, whether let or unlet, and of the rent, and such list shall be open at all reasonable times and subject to such regulations as may be prescribed by the local authority to the inspection, without payment, of ratepayers in the area and of persons of the working class who desire to apply for dwelling accommodation provided by the local authority under the Housing Acts.

After clause 47 insert the following new clause :

48. The expression " working class " throughout the Housing Acts, unless the context otherwise requires, shall mean mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.

First Schedule, page 37, line 11, leave out paragraph 2.

line 34, after (" accordingly ") insert (" provided that where the Board has declared a local authority to " be in default, and in pursuance thereof an order has been made

" and confirmed authorising the compulsory acquisition of land, " the arbitrator shall be appointed by the Lord Chief Justice of " England instead of by the Board ")

First Schedule, page 37, line 39, leave out paragraphs 6, 7, and 8.

page 38, line 23, after (" unnecessarily ") insert (" including the costs of counsel unless before the hearing of the " arbitration he has certified on the application of any party " interested in the proceedings that the case is one in which the " parties concerned should have the right to appear by counsel, or " unless upon a like application he has certified that the evidence " of any particular expert witness or witnesses is requisite or " desirable, in which case the arbitrator shall not disallow the costs " of any witness called in pursuance of his certificate ")

line 24, leave out paragraph 10.

page 39, after line 8 insert :

(*b*) For the reference to the Lord Chief Justice there shall be substituted a reference to the Lord President of the Court of Session :

BY THE LORD CLINTON.

Clause 2, page 1, line 18, after (" Act ") insert the following new subsection :

(2) Land which has been acquired by the owners thereof under any local Act, Provisional Order, or Order having the powers of an Act of Parliament, shall not be authorised to be acquired compulsorily under this section except by a Provisional Order which shall not have effect unless it is confirmed by Parliament.

Clause 10, page 4, line 34, leave out (" or Part III.")

Clause 12, page 5, line 35, after (" or ") insert (" in the case " of an urban district on the application "), and leave out (" four ") and insert (" twelve ")

line 36, after (" district ") insert (" liable to " be rated to the local rate ")

line 37, after (" rural ") insert (" or urban ")

Clause 14, page 6, line 32, leave out (" holding ") and insert (" tenancy ")

Clause 15, page 7, line 7, after (" applies ") insert (" and in " the absence of any express obligation whereby the tenant is " bound to perform necessary repairs ")

Clause 15, page 7, line 9, leave out ("holding") and insert ("tenancy")

line 19, after ("habitation") insert the following new subsection:

(3) Within twenty-eight days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation and thereupon a closing order shall be deemed to have become operative in respect of such house.

line 20, after ("with") insert ("or if the " landlord has not given the notice mentioned in the immediately " preceding subsection")

line 21, after ("notice") insert ("given by " them to the landlord")

Clause 17, page 9, line 36, after ("continues") insert ("provided that a person shall not be convicted of an offence " under this subsection if he shows that having regard to his " circumstances and means of livelihood, he has after making all " reasonable endeavours to secure other house accommodation " failed to do so")

BY THE DUKE OF NORTHUMBERLAND.

Clause 9, page 4, line 3, leave out ("applicable or")

line 12, leave out ("applicable or")

Clause 12, page 5, line 33, leave out ("if")

line 36, leave out ("after holding") and insert ("may if they think fit"), and after ("inquiry") insert ("and if they")

Clause 23, page 12, lines 38 to 41, and lines 1 to 5 on page 13, leave out paragraph (*f*).

BY THE LORD HYLTON.

Clause 10, page 4, line 19, after ("a") insert ("public")

Clause 12, page 5, line 36, after ("a") insert ("public")

Clause 15, page 7, line 27, after ("applies") insert ("and in the " absence of any express obligation whereby the tenant is bound " to perform necessary repairs")

After clause 18 insert the following new clause:

.—(1) If the Local Government Board is satisfied by local inquiry or otherwise that the erection of dwellings for the working classes within any county district is unreasonably impeded by the building byelaws or regulations in force in the district, the Board, after bringing the matter to the attention of the local authority, may require the local authority to amend the same, and, if within three months after such requisition the local authority does not amend such byelaws and regulations to the satisfaction of the Local Government Board, that Board may revoke such byelaws and regulations, and prescribe building byelaws and regulations which shall be in force accordingly within the area of the local authority.

(2) In byelaws and regulations made under the Public Health Acts or the Housing Acts with reference to the erection of dwellings for the working classes, reasonable latitude shall be allowed as to materials and method of construction, special regard being had to the materials and method of construction available or ordinarily employed in the district, and provision shall be made for the licensing of temporary detached structures to meet special local requirements in connection with small holdings or otherwise.

Clause 43, page 18, leave out lines 34 and 35.

BY THE VISCOUNT HILL.

Clause 10, page 4, line 38, after ("district") insert ("the "order may direct")

Clause 39, page 17, line 13, after ("where") insert ("upon "an application made by the local authorities concerned")

BY THE LORD BRODRICK (*V. Midleton*).

Clause 10, page 5, line 17, after ("expedient") insert the following new subsection:

(4) An order relating to Part III. of the principal Act made by the Local Government Board under this section shall not take effect until a draft thereof has lain for thirty days during the Session of Parliament on the table of both Houses of Parliament, and, if either House during those thirty days presents an address

to His Majesty against the draft, no further proceedings shall be taken thereon, but without prejudice to the making of a new Draft Order.

BY THE LORD ZOUCHE OF HARYNGWORTH.

Clause 15, page 7, line 10, after ("habitation") insert ("but "nothing herein contained shall make it obligatory on the "landlord to remedy any defect caused by the act or default of "the tenant or occupier, or any person for whom the tenant is as "between himself and the landlord responsible")

Clause 16, page 8, line 24, after ("owner") insert ("or "occupier")

Clause 17, page 9, line 37, at the beginning of subsection (5) insert ("Unless the dwelling-house has been made unfit for "habitation by the wilful act or default of the tenant or of any "person for whom as between himself and the owner or landlord "he is responsible")

line 24, after ("owner") insert ("or "occupier")

line 25, after ("owner") insert ("or other "person interested who is")

line 40, after ("owner") insert ("or land-"lord in two places")

line 41, after ("house") insert ("as the case "may be")

page 10, line 3, after ("owner") insert ("or the "landlord as the case may be")

line 9, after ("dwelling-house") insert ("or "other person interested")

line 10, after ("owner") insert ("or other "person interested")

BY THE LORD CLIFFORD OF CHUDLEIGH.

Clause 15, page 7, line 16, leave out ("fourteen") and insert ("twenty-eight")

line 38, leave out ("fourteen") and insert ("twenty-eight")

Clause 16, page 8, line 40, leave out ("fourteen") and insert ("twenty-eight")

Clause 17, page 9, line 32, leave out ("seven") and insert ("fourteen")

BY THE MARQUESS OF SALISBURY.

Clause 15, page 7, line 33, leave out ("Local Government "Board") and insert ("county court of the district")

line 38, leave out ("Board") and insert ("local authority")

Clause 17, page 9, line 25, leave out ("Local Government "Board") and insert ("county court of the district")

line 26, leave out ("Board") and insert ("local authority")

page 10, line 11, leave out ("Local Government "Board") and insert ("county court of the district")

line 12, leave out ("Board") and insert ("local authority")

lines 14 to 16, leave out subsection (7).

Clause 18, page 11, line 34, after ("works") insert ("pro-"vided that where the local authority refuses to postpone the "operation of an order under this section the owner may appeal "to the county court of the district by giving notice of appeal to "the local authority within fourteen days after such refusal")

line 38, leave out ("Local Government "Board") and insert ("county court of the district")

line 39, leave out ("Board") and insert ("local authority")

Clause 21, page 12, line 11, at the beginning of the clause insert ("a county court shall be substituted for a court of summary "jurisdiction")

line 13, leave out ("shall cease to have "effect")

BY THE LORD BELPER.

Leave out clause 25.

BY THE LORD MONK BRETTON.

Leave out clause 50.

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

16th September 1909.

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(158 *c.*)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE LORD ZOUCHE OF HARYNGWORTH.

Clause 10, page 5, line 2, after ("default") insert the following new subsection :

(2) The Local Government Board, before considering any complaint or application which may be made to them under this section by inhabitant householders, shall require the complainants or applicants to deposit such sum to cover the costs of the proceeding as the Board direct.

Clause 17, page 9, line 15, leave out ("and to keep such") and insert ("including regulations requiring the keeping of")

page 11, line 9, after ("section") insert the following new subsection :

(7) A draft of every regulation made by the Board under this section shall be laid upon the table of both Houses of Parliament for thirty days during the Session of Parliament, and, if either House during those thirty days presents an Address to His Majesty against the draft, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft regulations.

BY THE EARL OF CAMPERDOWN.

Clause 14, page 6, line 30, after ("classes") insert ("as "defined by this Act")

line 34, leave out subsection (2).

[*This amendment is to be substituted for the previous amendments to clause* 14 *circulated by the Earl of Camperdown.*]

First Schedule, page 37, line 31, after ("appointed") insert ("by the parties or in default of agreement")

(158 *d.*)

BY THE LORD HYLTON.

Clause 14, page 6, lines 31 and 32, leave out ("that the house "is")

line 32, after ("holding") insert ("that the "house shall not be occupied unless or until it is")

Clause 42, page 18, line 14, leave out ("or the service of "notices")

line 15, leave out ("or served")

line 17, leave out ("or service")

line 20, leave out ("or the notice is "required to be served")

line 22, leave out ("or the service of "other notices")

BY THE DUKE OF NORTHUMBERLAND.

Clause 15, page 8, lines 1 to 10, leave out subsection (5).

Clause 38, page 17, line 8, after ("district") insert ("amongst "which shall be with relation to every dwelling-house—

"(*a*) the situation and address;

"(*b*) the rated occupier;

"(*c*) the beneficial owner;

"(*d*) the freeholder")

line 12, after ("determine") insert the following new subsections:

(2) For the purpose of facilitating the collection of the necessary particulars, forms of a return to be approved by the Local Government Board shall be served upon every owner or reputed owner requiring him to make such statement or return within one month from date of service as a person is required to make under the Income Tax Act and the Valuation (Metropolis) Act, 1869.

(3) If any person wilfully refuses or neglects to make any return lawfully required under this section within the time limited by this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds.

Clause 48, page 19, line 38, leave out from ("Act") to the end of the clause.

BY THE VISCOUNT HILL.

Clause 16, page 8, line 28, after ("discharged") insert ("provided that in all cases where an owner or other person is required "to execute any work under this section notice in writing thereof "shall be forthwith served upon that owner or other person")

BY THE MARQUESS OF SALISBURY.

Clause 16, page 9, line 3, after ("authorities") insert ("and "the provisions of subsection (4) of the last foregoing section "with respect to an appeal against any notice requiring the "execution of works and any demand for the recovery of expenses "under this section")

Clause 40, page 17, line 22, after ("Act") insert ("including "costs") and leave out ("the Local Government Board") and insert ("a county court")

line 23, leave out ("Board") and insert ("authority having power to make rules of practice under the "County Courts Act, 1888")

line 29, leave out ("Board") and insert ("court")

line 31, leave out ("the Local Govern- "ment Board") and insert ("a county court")

line 38, leave out ("the Local Govern- "ment Board") and insert ("the county court")

line 39, leave out ("to them")

page 18, line 1, leave out ("by them")

BY THE LORD CLIFFORD OF CHUDLEIGH.

Clause 17, page 9, line 27, leave out ("fourteen") and insert ("twenty-eight")

Clause 18, page 11, line 39, leave out ("fourteen") and insert ("twenty-eight")

BY THE LORD MONK BRETTON.

Clause 44, page 19, line 4, leave out ("a house containing " several tenements in which the tenements") and insert ("houses")

line 7, leave out ("several tenements") and insert ("houses")

line 9, leave out ("in every tenement")

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

17th September 1909.

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Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD NEWTON.

Clause 17, page 11, line 9, after ("section") insert ("the "making of a closing order by a local authority under the "provisions of a Local Act shall be deemed a compliance with "the requirements of this section")

After clause 63 insert the following new clause:

64. Subject to the provisions of any scheme made under this part of this Act, all powers given by this Act shall be deemed to be in addition to, and not in derogation of, any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed.

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD NEWTON.

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Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

BY THE MARQUESS OF SALISBURY.

Clause 7, page 3, line 34, leave out (" in any case ")

line 35, after (" land ") insert (" provided " that the powers conferred upon a tenant for life by this sub-" section shall not be exercised by him without the previous " approval in writing of the trustees of the settlement ")

BY THE VISCOUNT ST. ALDWYN.

Clause 10, page 4, line 19, after (" a ") insert (" public ")

BY THE LORD BISHOP OF HEREFORD.

After clause 13 insert the following new clause:

. On the outside of every dwelling-house subject to the operation of this Act there shall be affixed by the owner or landlord in a conspicuous position over the principal entrance the name and address of the owner, and also (if the house is let) the name and address of the landlord, as defined in this Act.

Any neglect of this requirement shall render the owner, or (if the house is let) the landlord, liable to such fine as may be ordered by the Local Government Board.

BY THE LORD ZOUCHE OF HARYNGWORTH.

Clause 14, page 6, line 36, after the third ("a") insert ("rack")

Clause 58, page 27, line 40, leave out ("recover from") and insert ("levy upon")

line 41, after ("value") insert ("an annual "charge proportionate to")

BY THE EARL OF DARTMOUTH.

Clause 15, page 7, line 10, after ("habitation") insert:

(2) In any contract made after the passing of this Act for letting for habitation by persons of the working classes a house or part of a house there shall be implied the following conditions—

(*a*) That the tenant or occupier will keep the house, buildings, and premises in a clean state and condition:

(*b*) That the tenants and occupiers will not do or permit to be done any act or thing rendering the house or premises in any respect unfit for human habitation:

(*c*) That the tenant and occupier will, if during the holding, the house or premises shall in any respect become to their knowledge unfit for habitation, forthwith give notice in writing to the owner or his agent of the fact, and state in what respects the house or premises have become unfit for habitation:

(3) The landlord or the local authority, or any person authorised by him or them in writing, may at reasonable times of the day, on giving twenty-four hours notice in writing to the tenant or occupier, enter any house, premises, or building to which this section applies for the purpose of viewing the state and condition thereof.

(4) If it appears to the landlord or the local authority that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the landlord or the authority may, by written notice to the tenant or occupier, require such tenant or occupier, within a reasonable time, to comply with such conditions.

(5) If such notice is not complied with the landlord may at the expiration of the time specified in the notice do the work required to be done, and recover the expenses incurred by them in so doing from the tenant or occupier as a civil debt in the manner provided by the Summary Jurisdiction Acts.

(6) If the tenant or occupier fail to comply with the undertakings aforesaid, such tenant or occupier shall forfeit any remedy which he or she may have had against the landlord either at common law or otherwise arising out of the conditions implied on the part of the landlord.

BY THE LORD MONK BRETTON.

Clause 28, page 14, line 10, after ("modifications") insert ("provided that nothing in this Act shall affect the provisions of "that section with respect to compensation")

Clause 68, page 33, line 23, leave out ("private") and insert ("general medical")

line 24, leave out ("and shall not hold any "other public appointment")

line 25, after ("Board") insert ("without "prejudice to any arrangement made previously to the date of the "passing of this Act in the case of a medical officer already "appointed under section seventeen of the Local Government Act "of 1888")

BY THE LORD CLINTON.

Clause 32, page 15, line 6, leave out from ("defrayed") to ("and") in line 13, and insert ("in accordance with section sixty-"five of the Housing of the Working Classes Act, 1890")

Clause 65, page 31, line 14, leave out ("as expenses of the "authority under the Public Health Acts") and insert ("in "accordance with section sixty-five of the Housing of the Working "Classes Act, 1890")

Sixth Schedule, page 43, leave out lines 8 and 9.

BY THE DUKE OF NORTHUMBERLAND.

Clause 38, page 17, line 8, insert:

"if any person wilfully makes or causes to be made a false " return he shall be liable on summary conviction to a " penalty not exceeding ten pounds;

"if the occupier of any dwelling-house when requested by " or on behalf of the local authority to state the name " and address of the owner thereof refuses or wilfully " omits to disclose or wilfully misstates the same he " shall (unless he shows cause to the court for his " refusal) be liable to a fine not exceeding five pounds";

[*This amendment is an addition to the Duke of Northumberland's amendment previously circulated.*]

BY THE EARL OF DERBY.

After clause 47 insert the following new clause:

48. The expression "working classes" throughout the Housing Acts, unless the context otherwise requires, shall mean mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.

BY THE LORD ALVERSTONE.

Clause 58, page 28, line 7, leave out ("the Local Government " Board") and insert ("arbitration under this Act")

First schedule, page 38, lines 9 to 15, leave out paragraph (8).

BY THE EARL OF HARROWBY.

Clause 69, page 33, line 36, after ("duties") insert the following new subsection:

(3) A Medical Officer of Health of a district who is not in private practice shall not be appointed for a limited period only, and shall be removable by the electing authority with the consent of the Local Government Board and not otherwise.

BY THE EARL OF CAMPERDOWN.

Fourth Schedule, page 41, line 23, after ("land") insert:

20. Power to the responsible authority to recover from owners the whole or some part of the expenditure incurred by such authority in the acquisition of land and the construction of roads and sewers in the execution of a scheme.

Housing, Town Planning, &c. Bill.

AMENDMENTS

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Housing, Town Planning, &c. Bill.

AMENDMENTS

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BY THE LORD STEWARD (*E. Beauchamp*).

Clause 10, page 4, lines 19 and 20, leave out ("If after " holding a local inquiry with reference to the matter") and insert (" where a complaint is made to ")

line 20, leave out (" are satisfied ")

line 21, leave out (" on the complaint " of ") and insert (" by ")

line 23, leave out the first (" of ") and insert (" by ")

line 27, leave out (" on the application " of ") and insert (" by ")

line 28, leave out (" of ") and insert (" by ")

lines 30 and 31, leave out (" on the " application of ") and insert (" by ")

line 35, after (" exercised ") insert (" the " Board may cause a public local inquiry to be held, and if after " holding such an inquiry the Board are satisfied that there has " been such a failure on the part of the local authority ")

Clause 12, page 5, line 33, leave out (" If ") and insert "Where a complaint is made to "), and leave out (" on the " complaint of ") and insert (" by ")

line 35, leave out the first (" of ") and insert (" by ")

line 36, after (" district ") insert (" the " county council may cause a public local inquiry to be held, and " if ") and leave out (" a local inquiry ") and insert (" such an inquiry the county council ")

After clause 44 insert the following new clause:

45. If the Local Government Board are satisfied by local inquiry or otherwise that the erection of dwellings for the working Power to Local Government

Board to revoke unreasonable byelaws.

classes within any borough, urban, or rural district is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein the Board may require the local authority to revoke such byelaws or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board.

After clause 74 insert the following new clause:

Saving for the Crown.

75. Nothing in this Act shall affect prejudicially any estate, right, power, privilege, or exemption of the Crown except to such extent as His Majesty or the department of His Majesty's Government concerned may voluntarily agree.

BY THE LORD BRODRICK (*V. Midleton*).

After clause 6 insert the following new clause:

Dispensing with statutory obligations in connection with works under Part III. of the principal Act.

. Any local authority in connection with the exercise by them of their powers under Part III. of the principal Act, may, with the consent of the Local Government Board, and subject to such conditions (if any) as the Board may impose on giving their consent, dispense with any obligation of the local authority or any other person to comply with any local Act, Provisional Order, or order having the effect of an Act, or any byelaw, regulation, or other provision under whatever authority made, which is in operation in the area in which the local authority are exercising any of their powers under Part III. of the principal Act, but nothing in this section shall confer upon any local authority power to dispense with the provisions of the London Building Acts, 1894 to 1905, or any Act amending the same, or any byelaws or regulations in force thereunder without the consent of the London County Council.

Clause 10, page 5, line 19, after ("mandamus") insert:

(5) For the purposes of this section the expression "local "authority" shall not include the London County Council, or the council of any county borough.

Clause 11, page 5, line 30, after (" order ") insert (" Provided " that dwellings erected under Part III. of the Housing Act, 1890, " within one year of any Order of the Local Government Board " under Part I. of the said Act, or dwellings in course of being " erected or to be erected, shall be regarded as the rehousing " accommodation required to be provided in connection with the " displacement on account of public improvements in any case in " which the dwellings so erected are within a radius of three miles " of the displacement ")

line 32, after (" mandamus "). insert:

(3) For the purposes of this section the expression " local " authority " shall not include the London County Council, or the council of any county borough.

Clause 36, page 16, line 7, leave out (" sixpence ") and insert (" one shilling ")

Clause 59, page 28, line 24, after (" authority ") insert (" or " are similar in effect to any enactment which would have been in " force within the area to which the town-planning scheme applies " but for the operation of such scheme ")

Clause 61, page 30, line 20, after (" mandamus ") insert:

(4) For the purposes of this section the expression " local " authority " shall not include the London County Council, or the council of any county borough.

First Schedule, page 37, line 14, leave out (" they think fit ") and insert (" the local authority approve ")

page 38, line 13, leave out from (" witnesses ") to end of paragraph.

BY THE LORD ELLENBOROUGH.

Clause 17, page 10, lines 28 to 30, leave out paragraph (*d*).

line 32, leave out from (" air ") to the end of the clause, and insert (" unless there are skylights which either " by themselves or in addition to the windows give sufficient " ventilation ")

BY THE EARL OF MALMESBURY.

Clause 54, page 23, line 40, leave out (" or appears likely to be " used for building purposes ")

page 24, lines 15 and 16, leave out (" or a piece of " land not likely to be used for building purposes ")

line 17, leave out (" likely to be used for " building purposes ") and insert (" in course of development ")

line 40 to line 5 on page 25, leave out subsection (7).

Clause 59, page 28, lines 25 to 34, leave out subsection (2).

Fifth Schedule, page 41, line 28, after (" publication ") insert (" and service ")

BY THE LORD HYLTON.

Clause 54, page 23, line 40, and line 1 on page 24, leave out (" appears likely to be used for building purposes ") and insert (" is required in order to further such development ")

page 24, line 17, leave out (" likely to be used for " building purposes ") and insert (" in course of development ")

line 40 to line 5 on page 25, leave out subsection (7).

Clause 68, page 33, lines 9 to 11, leave out subsection (5).

BY THE EARL CAWDOR.

Clause 54, page 24, lines 24 to 39, leave out subsections (4), (5), and (6).

page 25, line 5, after (" final ") insert the following new clause:

Confirmation of town planning scheme.

56.—(1) A town planning scheme prepared or adopted by a local authority shall be submitted to the Local Government Board and shall be supported by such evidence as the Board by their regulations require.

(2) If, on consideration of the scheme and on proof of the publication of the notices prescribed by the regulations of the

Local Government Board, the Board think fit to proceed with the case, they shall direct a public local inquiry to be held in or in the vicinity of the area comprised in the scheme.

(3) After receiving the report made upon such inquiry and considering the same the Local Government Board may make an order sanctioning the scheme.

(4) Such order may be made with such modifications and subject to such conditions as the Local Government Board think fit to insert, and it shall be the duty of the authority promoting the scheme to serve in the manner prescribed by the regulations of the Board a notice of any order so made upon the authorities whose area and upon the persons whose property will be affected by the operation of the scheme.

(5) If within the prescribed period no objection presented to the Local Government Board by authority or person interested, or if every objection has been withdrawn, the Board may confirm the Order unless the scheme contains a provision suspending any statutory enactments, in which case, or if such an objection as aforesaid has been presented and has not been withdrawn, the Order shall not be of any validity unless and until it has been confirmed by Parliament.

(6) Where an Order under this section is referred to a Committee of either House of Parliament that Committee shall not hear expert witnesses, that is to say, any witness who receives any fee or reward for his attendance or evidence other than his out-of-pocket expenses, unless before the hearing of the case upon an application by the party desiring to call an expert witness, the Chairman of Committees in the case of an Order referred to a Committee of the House of Lords or the Chairman of Ways and Means in the case of an Order referred to a Committee of the House of Commons certifies that the evidence of any particular expert witness or witnesses is requisite or desirable.

(7) Where an Order under this section is referred to a Committee of either House of Parliament the local authority who has submitted the scheme and any authority whose area or any person whose property will be affected by the scheme shall be entitled to petition and be heard before the Committee.

(8) The Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament that Committee by a majority of the members of the Committee for the time being present and voting, may make such an Order as they think

fit in favour of any authority whose area or of any person whose property was proposed to be affected by the scheme for the allowance of the reasonable costs, charges, and expenses properly incurred at any stage of the proceedings in opposing such scheme and for that purpose shall take into consideration the circumstances under which such opposition was made to the scheme and whether such opposition was or was not justified by such circumstances and shall award costs accordingly to be paid by the local authority promoting the scheme or the opponents of the scheme as may appear just.

(9) All costs, charges, and expenses incurred by the Local Government Board in relation to any Order under this section shall to such amount as the Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament as that Committee think proper to direct, and all costs, charges, and expenses of any authority or person to such amount as may be allowed in pursuance of the aforesaid power shall be taken to be a liability incurred by the authority promoting the Order, and shall be paid to the Board and to such authority or person respectively in such manner and at such times, and either in one sum or by instalments as may be directed.

(10) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and confirmed in accordance with this part of this Act on the application of the responsible authority, or of any other council or person interested.

(11) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Parliamentary Costs Act, 1865.

28 & 29 Vict. c. 27.

Clause 55, page 25, line 14, leave out ("approved by the "Board") and insert ("confirmed")

line 41, leave out ("as the Local "Government Board direct")

Clause 56, page 26, line 14, leave out ("obtaining the "the approval of the Board to") and insert ("the submission "to the Board of")

line 17, leave out ("or the approval")

line 18, leave out the second ("the")

line 19, after ("scheme") insert ("when "confirmed")

Clause 61, page 29, line 39, leave out ("imposed") and insert ("inserted")

Clause 61, page 30, line 2, leave out ("for the approval of") and insert ("to")

line 4, leave out ("imposed") and insert ("inserted")

line 7, leave out ("approved") and insert ("make an Order sanctioning")

line 10, leave out ("and approved by the "Board")

line 15, leave out ("the scheme") and insert ("effectively a scheme which has been confirmed"), and leave out ("effectively")

Fifth Schedule, page 41, line 30, leave out ("approval") and insert ("confirmation")

line 39, leave out ("approval") and insert ("confirmation")

line 40, leave out ("approval") and insert ("confirmation")

page 42, line 6, leave out ("circumstances so "require") and insert ("scheme as confirmed so requires")

BY THE LORD CLIFFORD OF CHUDLEIGH.

Clause 54, page 24, line 34, leave out from ("Act") to the end of the subsection.

BY THE VISCOUNT HILL.

Clause 54, page 25, line 3, leave out from ("not") to the end of the clause.

Clause 56, page 26, line 29, after ("council") insert ("or "person"), and after ("land") insert ("including the council of "the county in whose area the land is situate")

Clause 60, page 29, lines 23 to 27, leave out subsection (2).

After clause 60 insert the following new clause:

Further provisions if a scheme is to be executed outside the area of the responsible authority.

61. If a town planning scheme is intended to be carried out on land in the area of a local authority other than the local authority proposing to prepare the scheme the following provisions shall apply:

(*a*) The authority proposing to prepare the scheme shall give notice of their proposal to the local authority within

whose area any land included in such scheme is situate, and to the county council;

(*b*) The authority preparing the scheme shall submit the same for approval to the authority or the authorities in whose area any land included in such scheme is situate, and shall also furnish the county council with a copy of such scheme;

(*c*) If any such local authority within whose area the scheme is to be executed shall fail or refuse to approve of the scheme, the authority who have prepared the scheme may appeal to the Local Government Board, who shall thereupon hold a public local inquiry and may make an order sanctioning the scheme, in accordance with the provisions of this part of this Act;

(*d*) If it appears to the Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament to that Committee, that any local authority within whose area the scheme is to be carried out will be put to expense in providing sewers, water supply, or other works or things for the purpose of enabling the scheme to be carried out, the Board or the Committee may order that the authority responsible for the execution of the scheme shall contribute to such expenditure.

BY THE EARL OF CAMPERDOWN.

Clause 55, page 25, line 15, after ("provisions") insert the following new subsection:

(2) A draft of all general provisions made under this section shall be laid before both Houses of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days presents an Address to His Majesty against such draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft provisions.

line 30, leave out lines 30 to 38 inclusive.

Clause 59, page 28, line 23, leave out ("reasonably have been "inserted in") and insert ("be enforced by")

Clause 59, page 28, line 35 to line 4 on page 29, leave out subsection (3).

Clause 61, page 29, line 29, after the first ("a") insert ("public")

page 29, lines 31 to 34, leave out paragraph (*a*).

Leave out clause 64.

BY THE MARQUESS OF SALISBURY.

Clause 57, page 27, line 6, after ("authority") insert ("upon "work where the property is increased in value")

line 7, leave out ("the persons in default") and insert ("that person")

line 13, leave out from ("work") to the end of the clause and insert ("the matter may be referred for decision "to the county court of the district in the same manner and "subject to the like provisions as an appeal to that court under "Part I. of this Act")

Clause 58, page 28, line 16, after ("expenditure") insert ("or "has suffered any detriment or damage")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Clause 58, page 27, line 24, leave out ("claim") and insert ("obtain")

line 28, after ("other") insert ("ex- "tended")

lines 34 to 42, leave out subsection (3) and insert the following new subsection:

(3) In determining the amount of compensation under this section regard shall be had to the extent to which lands and hereditaments belonging to the same owner may be affected by a scheme.

Clause 65, page 31, lines 19 to 24, leave out subsection (3).

BY THE DUKE OF NORTHUMBERLAND.

Clause 58, page 28, line 7, leave out from ("be") to the end of the subsection and insert ("referred to arbitration before a single "arbitrator")

Leave out clause 62 and insert the following new clause:

62. The procedure of the Local Government Board upon an application in respect of any matter which they are authorised by this Act or by any scheme made thereunder to determine shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and where the application relates to any notice or order given or made by a local authority the notice or order may be confirmed, varied, or quashed as the Board think just.

BY THE LORD SALTOUN.

Clause 60, page 29, line 13, after ("purpose") insert ("essential "to the scheme")

line 14, leave out ("a town planning") and insert ("such")

Housing, Town Planning, &c., Bill.

AMENDMENTS

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(158 *g.*)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

*The Amendments marked with a * are now printed for the first time.*

Clause 15.

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 7, line 16, leave out ("fourteen") and insert ("twenty-"eight")

BY THE LORD SALTOUN.

Page 7, line 18, leave out ("may") and insert ("shall")

BY THE LORD CLINTON.

Page 7, line 19, after ("habitation") insert the following new subsection:

(3) Within twenty-eight days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation and thereupon a closing order shall be deemed to have become operative in respect of such house.

line 20, after ("with") insert ("or if the landlord has "not given the notice mentioned in the immediately preceding "subsection")

line 21, after ("notice") insert ("given by them to "the landlord")

Clause 15—*continued.*

BY THE MARQUESS OF SALISBURY.

Page 7, line 33, leave out ("Local Government Board") and insert ("county court of the district")

line 38, leave out ("Board") and insert ("local "authority")

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 7, line 38, leave out ("fourteen") and insert ("twenty-"eight")

BY THE DUKE OF NORTHUMBERLAND.

Page 8, lines 1 to 10, leave out subsection (5).

BY THE EARL OF CAMPERDOWN.

Page 8, line 13, leave out ("be in addition to and") and after ("not") insert ("be")

Clause 16.

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 8, line 24, after ("owner") insert ("or occupier")

BY THE VISCOUNT HILL.

Page 8, line 28, after ("discharged") insert ("provided that "in all cases where an owner or other person is required to execute "any work under this section notice in writing thereof shall be "forthwith served upon that owner or other person")

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 8, line 40, leave out ("fourteen") and insert ("twenty-"eight")

BY THE MARQUESS OF SALISBURY.

Page 9, line 3, after ("authorities") insert ("and the pro-"visions of subsection (4) of the last foregoing section with "respect to an appeal against any notice requiring the execution "of works and any demand for the recovery of expenses under "this section")

Clause 17.

BY THE LORD BISHOP OF HEREFORD.

* Page 9, line 10, leave out ("from time to time") and insert ("at least trienially"), and after ("district") insert ("their medical "officer of health")

BY THE EARL OF CAMPERDOWN.

Page 9, lines 11 and 12, leave out ("in a state so dangerous "or injurious to health as to be")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 9, line 15, leave out ("and to keep such") and insert ("including regulations requiring the keeping of")

BY THE EARL OF CAMPERDOWN.

Page 9, line 16, leave out ("if") and insert ("(2) If")
line 19, leave out ("(2) It") and insert ("it")

BY THE LORD SALTOUN.

Page 9, line 23, after ("order") insert ("and a specification "of such works as are, in the opinion of the local authority, "necessary to render the dwelling-house fit for human habi- "tation")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 9, line 24, after ("owner") insert ("or occupier")

BY THE LORD SALTOUN.

Page 9, line 24, leave out ("it") and insert ("the Closing "Order")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 9, line 25, after ("owner") insert ("or other person "interested who is")

BY THE MARQUESS OF SALISBURY.

Page 9, lines 25 and 26, leave out ("Local Government "Board") and insert ("county court of the district")
line 26, leave out ("Board") and insert ("local "authority")

Clause 17—*continued.*

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 9, line 27, leave out ("fourteen") and insert ("twenty-"eight")

line 32, leave out ("seven") and insert ("four-"teen")

BY THE LORD CLINTON.

Page 9, line 36, after ("continues") insert ("provided that "a person shall not be convicted of an offence under this sub-"section if he shows that having regard to his circumstances "and means of livelihood, he has after making all reasonable "endeavours to secure other house accommodation failed to do "so")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 9, line 37, at the beginning of subsection (5) insert ("Unless the dwelling-house has been made unfit for habitation "by the wilful act or default of the tenant or of any person for "whom as between himself and the owner or landlord he is "responsible")

Page 9, line 40, after the first ("owner") insert ("or land-"lord") and after the second ("owner") insert ("or landlord")

line 41, after ("house") insert ("as the case may "be")

Page 10, line 3, after ("owner") insert ("or the landlord "as the case may be")

BY THE LORD SALTOUN.

Page 10, line 7, leave out ("it") and insert ("the Order")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 10, line 9, after ("dwelling-house") insert ("or other "person interested")

line 10, after ("owner") insert ("or other person "interested")

Clause 17—*continued.*

BY THE MARQUESS OF SALISBURY.

Page 10, line 11, leave out ("Local Government Board") and insert ("county court of the district")

line 12, leave out ("Board") and insert ("local "authority")

lines 14 to 16, leave out subsection (7).

BY THE VISCOUNT ST. ALDWYN.

Page 10, line 26, leave out ("in every part thereof")

BY THE EARL OF CAMPERDOWN.

Page 10, line 27, leave out from ("ceiling") to ("This") in line 5 on page 11.

BY THE LORD ELLENBOROUGH.

Page 10, lines 28 to 30, leave out paragraph (*d*).

BY THE VISCOUNT ST. ALDWYN.

Page 10, line 32, leave out from ("air") to ("and") in line 34.

BY THE LORD ELLENBOROUGH.

Page 10, line 32, leave out from ("air") to the end of paragraph (*f*) and insert ("unless there are skylights which, "either by themselves or in addition to the windows, give "sufficient ventilation")

BY THE VISCOUNT ST. ALDWYN.

Page 10, lines 39 and 40, leave out ("at least four feet wide in "every part thereof")

BY THE LORD NEWTON.

Page 11, line 9, after ("section") insert ("the making of a "closing order by a local authority under the provisions of a "Local Act shall be deemed a compliance with the requirements "of this section")

Clause 17—*continued.*

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 11, line 9, after ("section") insert the following new subsection:

(7) A draft of every regulation made by the Board under this section shall be laid upon the table of both Houses of Parliament for thirty days during the Session of Parliament, and, if either House during those thirty days presents an Address to His Majesty against the draft, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft regulations.

Clause 18.

BY THE LORD SALTOUN.

Page 11, line 30, leave out ("may if they think fit") and insert ("shall")

line 34, after ("works") insert ("provided that the "local authority may require security from the owner for the due "execution of the works before they postpone the operation of an "order under this section")

BY THE MARQUESS OF SALISBURY.

Page 11, line 34, after ("works") insert ("provided that "where the local authority refuses to postpone the operation "of an order under this section the owner may appeal to the "county court of the district by giving notice of appeal to the "local authority within fourteen days after such refusal")

line 38, leave out ("Local Government Board)" and insert ("county court of the district")

line 39, leave out ("Board") and insert ("local "authority")

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 11, line 39, leave out ("fourteen") and insert ("twenty-"eight")

After Clause 18.

BY THE LORD HYLTON.

Insert the following new clause:

.—(1) If the Local Government Board is satisfied by local inquiry or otherwise that the erection of dwellings for the working classes within any county district is unreasonably impeded by the building byelaws or regulations in force in the district, the Board, after bringing the matter to the attention of the local authority, may require the local authority to amend the same, and, if within three months after such requisition the local authority does not amend such byelaws and regulations to the satisfaction of the Local Government Board, that Board may revoke such byelaws and regulations, and prescribe building byelaws and regulations which shall be in force accordingly within the area of the local authority.

(2) In byelaws and regulations made under the Public Health Acts or the Housing Acts with reference to the erection of dwellings for the working classes, reasonable latitude shall be allowed as to materials and method of construction, special regard being had to the materials and method of construction available or ordinarily employed in the district, and provision shall be made for the licensing of temporary detached structures to meet special local requirements in connection with small holdings or otherwise.

Clause 21.

BY THE MARQUESS OF SALISBURY.

Page 12, line 11, at the beginning of the clause insert ("A " county court shall be substituted for a court of summary jurisdic- " tion")

line 13, leave out (" shall cease to have effect")

Clause 23.

BY THE DUKE OF NORTHUMBERLAND.

Page 12, lines 38 to 41, and lines 1 to 5 on page 13, leave out paragraph (*f*).

Clause 24.

BY THE EARL OF CAMPERDOWN.

Leave out clause 24.

Clause 25.

BY THE LORD BELPER.

Leave out clause 25.

Clause 28.

BY THE LORD MONK BRETTON.

Page 14, line 10, after ("modifications") insert ("provided "that nothing in this Act shall affect the provisions of that "section with respect to compensation")

After Clause 30.

BY THE LORD BISHOP OF SOUTHWARK.

Insert the following new clause:

* —(1) It shall be the duty of every county council, of the metropolitan borough councils, of every city and county borough council, and every urban and rural district council to cause a register to be kept of every dwelling-house to which the limitation as respects rateable value of section fourteen of this Act applies, and to cause to be registered in such register in a form to be provided by the Local Government Board the following particulars concerning every such dwelling-house—

(*a*) Situation and address of the house;

(*b*) Rated occupier;

(*c*) Name and address of beneficial owner;

(*d*) Name and address of freeholder;

(*e*) Rateable value;

After Clause 30—*continued.*

(2) The first register shall be completed within twelve months, and shall be revised every year thereafter; and a copy of such register in respect of every parish within the county or district shall be deposited with the clerk of the council, and shall be open to inspection within reasonable hours by any ratepayer within the county or district; any ratepayer within such county or district shall be entitled to take copies thereof or extracts therefrom without paying for the same: Provided that when in the district of any local authority the valuation list provided for by the Parochial Assessments Act, 1836, shall contain the same particulars as are required to be contained in the register contemplated by this section; a copy of the same in respect of any parish within the county or district shall, at the cost of the local authority, be deposited with the clerk of the council; and such deposit shall be deemed to be in compliance with so much of this section as provides that a register shall be made and kept.

When any local authority shall deposit a copy of the valuation list in lieu of making and keeping the register provided for by this section the same shall be deposited within twelve months after the passing of this Act, and a fresh copy of the valuation list in force for the time being shall be deposited in the same manner every succeeding twelve months. The copy of such valuation list in respect of every parish within the county or district shall, when deposited, be open to inspection within reasonable hours by any ratepayer within the county or district, and any ratepayer within such county or district shall be entitled to take copies or extracts therefrom without paying for the same.

Clause 32.

BY THE LORD CLINTON.

Page 15, line 6, leave out from ("defrayed") to ("and") in line 13, and insert ("in accordance with section sixty-five of the "Housing of the Working Classes Act, 1890")

Clause 36.

BY THE LORD BRODRICK (*V. Midleton*).

Page 16, line 7, leave out ("sixpence") and insert ("one "shilling")

Clause 38.

BY THE DUKE OF NORTHUMBERLAND.

Page 17, line 8, after ("district") insert ("amongst which "shall be with relation to every dwelling-house—

"(*a*) the situation and address;
"(*b*) the rated occupier;
"(*c*) the beneficial owner;
"(*d*) the freeholder;

"if any person wilfully makes or causes to be made a false "return he shall be liable on summary conviction to a "penalty not exceeding ten pounds;

"if the occupier of any dwelling-house when requested by "or on behalf of the local authority to state the name "and address of the owner thereof refuses or wilfully "omits to disclose or wilfully misstates the same he "shall (unless he shows cause to the court for his refusal) "be liable to a fine not exceeding five pounds");

line 12, after ("determine") insert the following new subsections:

(2) For the purpose of facilitating the collection of the necessary particulars, forms of a return to be approved by the Local Government Board shall be served upon every owner or reputed owner requiring him to make such statement or return within one month from date of service as a person is required to make under the Income Tax Act and the Valuation (Metropolis) Act, 1869.

(3) If any person wilfully refuses or neglects to make any return lawfully required under this section within the time limited by this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds.

Clause 39.

BY THE VISCOUNT HILL.

Page 17, line 13, after ("where") insert ("upon an application "made by the local authorities concerned")

Clause 40.

BY THE MARQUESS OF SALISBURY.

Page 17, line 22, after ("Act") insert ("including costs") and leave out ("the Local Government Board") and insert ("a county court")

line 23, leave out ("Board") and insert ("authority "having power to make rules of practice under the County Courts "Act, 1888")

line 29, leave out ("Board") and insert ("court")

BY THE LORD BELPER AND THE LORD CLIFFORD OF CHUDLEIGH.

Page 17, line 29, after ("just") insert ("unless the High "Court of Justice shall direct a case to be stated on a question "of law on the application of one of the parties, such application "to be made within six months of the decision of the Local "Government Board")

BY THE MARQUESS OF SALISBURY.

Page 17, line 31, leave out ("the Local Government Board") and insert ("a county court")

BY THE VISCOUNT ST. ALDWYN.

Page 17, line 31, after ("Board") insert ("or the High "Court of Justice")

BY THE MARQUESS OF SALISBURY.

Page 17, line 38, leave out ("the Local Government Board") and insert ("the county court")

Clause 40—*continued.*

BY THE VISCOUNT ST. ALDWYN.

Page 17, line 38, after ("Board") insert ("or the High "Court of Justice")

BY THE MARQUESS OF SALISBURY.

Page 17, line 39, leave out ("to them")

Page 18, line 1, leave out ("by them")

After Clause 40.

BY THE EARL OF CAMPERDOWN.

Insert the following new clause:

41.—(1) In the administration of the Housing Acts regard shall be had to the needs of persons of the working class, and it shall be the duty of the local authority to secure, as far as possible, that dwelling accommodation provided under those Acts is occupied exclusively by persons of the working class.

(2) The local authority shall cause a list to be kept showing particulars of the accommodation comprised in every dwelling provided by them in the exercise of their powers and duties under the Housing Acts, whether let or unlet, and of the rent, and such list shall be open at all reasonable times and subject to such regulations as may be prescribed by the local authority to the inspection, without payment, of ratepayers in the area and of persons of the working class who desire to apply for dwelling accommodation provided by the local authority under the Housing Acts.

Clause 41.

BY THE LORD SALTOUN.

Page 18, line 6, after ("Acts") insert the following new subsection:

(2) Sections 128 to 131 inclusive of the Lands Clauses Consolidation Act, 1845 (relating to the right of pre-emption of superfluous lands) shall apply upon any sale of any lands acquired by a local

Clause 41—*continued.*

authority for any of the purposes of the Housing Acts, notwithstanding any such lands are situate within a town, but, save as aforesaid, the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply.

Clause 42.

BY THE LORD HYLTON.

Page 18, line 14, leave out (" or the service of notices ")
line 15, leave out (" or served ")
line 17, leave out (" or service ")
lines 20 and 21, leave out (" or the notice is required " to be served ")
line 22 and 23, leave out (" or the service of other " notices ")

Clause 43.

BY THE LORD HYLTON.

Page 18, leave out lines 34 and 35.

Clause 44.

BY THE LORD MONK BRETTON.

Page 19, line 4 and 5, leave out (" a house containing " several tenements in which the tenements ") and insert (" houses ")
line 7, leave out (" several tenements ") and insert (" houses ")
line 9, leave out (" in every tenement ")

After Clause 44.

BY THE LORD STEWARD (*E. Beauchamp*).

Insert the following new clause :

Power to Local Government Board to revoke unreasonable byelaws.

45. If the Local Government Board are satisfied by local inquiry or otherwise that the erection of dwellings for the working classes within any borough, urban, or rural district is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein the Board may require the local authority to revoke such byelaws or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board.

Clause 45.

BY THE VISCOUNT ST. ALDWYN.

Page 19, line 20, after ("interest") insert ("or the compulsory acquisition of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house")

After Clause 47.

BY THE EARL OF CAMPERDOWN AND THE EARL OF DERBY.

Insert the following new clause :

48. The expression "working classes" throughout the Housing Acts, unless the context otherwise requires, shall mean mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some

After Clause 47—*continued.*

trade or handicraft without employing others except members of their own family, and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.

Clause 48.

BY THE DUKE OF NORTHUMBERLAND.

Page 19, line 38, leave out from ("Act") to the end of the clause.

Clause 50.

BY THE LORD MONK BRETTON.

Leave out clause 50.

Clause 53.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 21, line 11, leave out from ("1875") to the end of subsection (3), and insert:

(4) The reference in section fifty-seven of the principal Act to sections of the Public Health Act, 1875, relating to the purchase of lands, shall be construed as a reference to the corresponding sections of the Public Health (Scotland) Act, 1897; provided that for the purposes of Part III. of the principal Act the procedure under section two of this Act for the compulsory purchase of land shall be substituted for the procedure for the compulsory purchase of land under section one hundred and forty-five of the Public Health (Scotland) Act, 1897.

* Page 22, lines 28 and 29, leave out ("if after holding a local "inquiry with reference to the matter") and insert ("where a "complaint is made to")

* line 29, leave out ("are satisfied")

* line 31, leave out ("on the complaint of") and insert ("by")

Clause 53—*continued.*

* Page 22, line 32, leave out ("of") and insert ("by")

* line 34, leave out ("of") and insert ("by")

* line 36, leave out ("on the complaint of") and insert ("by")

* line 41, after ("exercised") insert ("the Board "may cause a public local inquiry to be held, and if after holding "such an inquiry the Board are satisfied that there has been such "a failure on the part of the local authority")

* Page 23, line 14, after ("Act") insert ("or have failed to "cause to be made the inspection of their district required by this "Act")

* line 20, after ("local") insert ("(12) section "twelve and section thirteen of this Act shall not apply"

* line 21, leave out ("and") and after ("eighteen") insert ("and forty")

* line 23, after ("that") insert ("where an appeal "is competent under any of these sections an appeal shall not be "competent under section thirty-five of the principal Act, and "provided also that the power to make rules under section forty of "this Act shall be exercised by the Court of Session by act of "sederunt")

* line 26, leave out ("apply") and insert ("have "effect")

BY THE LORD SALTOUN.

* Page 23, line 30, leave out ("sixteen") and insert ("eight")

Clause 54.

BY THE EARL OF MALMESBURY.

Page 23, line 40, leave out ("or appears likely to be used for "building purposes")

BY THE LORD HYLTON.

Page 23, line 40, and line 1 on page 24, leave out ("appears "likely to be used for building purposes") and insert ("is required "in order to further such development")

Clause 54—*continued.*

BY THE EARL OF MALMESBURY.

Page 24, lines 15 and 16, leave out ("or a piece of land not "likely to be used for building purposes")

BY THE EARL OF MALMESBURY AND THE LORD HYLTON.

Page 24, line 17, leave out ("likely to be used for building "purposes") and insert ("in course of development")

BY THE EARL CAWDOR.

Page 24, lines 24 to 39, leave out subsections (4), (5), and (6).

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 24, line 34, leave out from ("Act") to the end of the subsection.

BY THE EARL OF MALMESBURY AND THE LORD HYLTON.

Page 24, line 40 to line 5 on page 25, leave out subsection (7).

BY THE VISCOUNT HILL.

Page 25, line 3, leave out from ("not") to the end of the clause.

BY THE LORD CLINTON.

* Page 25, line 5, after ("final") insert the following new subsection:

(8) The provisions of this Act shall not apply to land which at the date of any scheme or order thereunder has been acquired by the owners thereof for the purposes of a railway, dock, canal, water, or other public undertaking.

After Clause 54.

BY THE EARL CAWDOR.

Insert the following new clause:

Confirmation of town planning scheme.

55.—(1) A town planning scheme prepared or adopted by a local authority shall be submitted to the Local Government Board and shall be supported by such evidence as the Board by their regulations require.

(2) If, on consideration of the scheme and on proof of the publication of the notices prescribed by the regulations of the Local Government Board, the Board think fit to proceed with the case, they shall direct a public local inquiry to be held in or in the vicinity of the area comprised in the scheme.

(3) After receiving the report made upon such inquiry and considering the same the Local Government Board may make an order sanctioning the scheme.

(4) Such order may be made with such modifications and subject to such conditions as the Local Government Board think fit to insert, and it shall be the duty of the authority promoting the scheme to serve in the manner prescribed by the regulations of the Board a notice of any order so made upon the authorities whose area and upon the persons whose property will be affected by the operation of the scheme.

(5) If within the prescribed period no objection has been presented to the Local Government Board by an authority or person interested, or if every such objection has been withdrawn, the Board may confirm the Order unless the scheme contains a provision suspending any statutory enactments, in which case, or if such an objection as aforesaid has been presented and has not been withdrawn, the Order shall not be of any validity unless and until it has been confirmed by Parliament.

(6) Where an Order under this section is referred to a Committee of either House of Parliament that Committee shall not hear expert witnesses, that is to say, any witness who receives any fee or reward for his attendance or evidence other than his out-of-pocket expenses, unless before the hearing of the case upon an application by the party desiring to call an expert witness, the Chairman of Committees in the case of an Order referred to a Committee of the House of Lords or the Chairman of Ways and

After Clause 54—*continued.*

Means in the case of an Order referred to a Committee of the House of Commons certifies that the evidence of any particular expert witness or witnesses is requisite or desirable.

(7) Where an Order under this section is referred to a Committee of either House of Parliament the local authority who has submitted the scheme and any authority whose area or any person whose property will be affected by the scheme shall be entitled to petition and be heard before the Committee.

(8) The Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament that Committee by a majority of the members of the Committee for the time being present and voting, may make such an Order as they think fit in favour of any authority whose area or of any person whose property was proposed to be affected by the scheme for the allowance of the reasonable costs, charges, and expenses properly incurred at any stage of the proceedings in opposing such scheme and for that purpose shall take into consideration the circumstances under which such opposition was made to the scheme and whether such opposition was or was not justified by such circumstances and shall award costs accordingly to be paid by the local authority promoting the scheme or the opponents of the scheme as may appear just.

(9) All costs, charges, and expenses incurred by the Local Government Board in relation to any Order under this section shall to such amount as the Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament as that Committee think proper to direct, and all costs, charges, and expenses of any authority or person to such amount as may be allowed in pursuance of the aforesaid power shall be taken to be a liability incurred by the authority promoting the Order, and shall be paid to the Board and to such authority or person respectively in such manner and at such times, and either in one sum or by instalments as may be directed.

(10) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and confirmed in accordance with this part of this Act on the application of the responsible authority, or of any other council or person interested.

(11) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Parliamentary Costs Act, 1865. 28 & 29 Vict. c. 27.

Clause 55.

BY THE EARL CAWDOR.

Page 25, line 14, leave out ("approved by the Board") and insert ("confirmed")

BY THE EARL OF CAMPERDOWN.

Page 25, line 15, after ("provisions") insert the following new subsection:

(2) A draft of all general provisions made under this section shall be laid before both Houses of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days presents an Address to His Majesty against such draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft provisions.

BY THE LORD BELPER AND THE LORD CLIFFORD OF CHUDLEIGH.

Page 25, line 27, leave out ("Statutory enactments")
line 29, leave out from ("scheme") to the end of the subsection.

BY THE EARL OF CAMPERDOWN.

Page 25, line 30, leave out lines 30 to 38 inclusive.

BY THE LORD RITCHIE OF DUNDEE.

Page 25, line 31, after ("Act") insert ("or in any Act "under which land shall have been acquired for the purposes of "a railway, dock, canal, water, or other public undertaking")

BY THE EARL CAWDOR.

Page 24, line 41, leave out ("as the Local Government Board "direct")

Clause 56.

BY THE EARL CAWDOR.

Page 26, line 14, leave out ("obtaining the approval of " the Board to") and insert ("the submission to the Board of")
line 17, leave out ("or the approval")
line 18, leave out the second ("the")
line 19, after ("scheme") insert ("when con-
" firmed")

BY THE VISCOUNT HILL.

Page 26, line 29, after ("council") insert ("or person"), and after ("land") insert ("including the council of the county in " whose area the land is situate")

Clause 57.

BY THE MARQUESS OF SALISBURY.

Page 27, line 6, after ("authority") insert ("upon work " where the property is increased in value")
line 7, leave out ("the persons in default") and insert ("that person")
line 13, leave out from ("work") to the end of the clause and insert ("the matter may be referred for decision " to the county court of the district in the same manner and " subject to the like provisions as an appeal to that cour under " Part I. of this Act")

Clause 58.

BY THE MARQUESS OF SALISBURY.

* Page 27, line 18, after ("purpose") insert ("within three " months of the time when such injury is done or")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 27, line 24, leave out ("claim") and insert ("obtain")
line 28, after ("other") insert ("extended")

Clause 58—*continued.*

BY THE MARQUESS OF SALISBURY.

* Page 27, line 36, after ("purpose") insert ("within three "months of the time when the increased value accrues or")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 27, line 40, leave out ("recover from") and insert ("levy "upon")

line 41, after ("value") insert ("an annual charge "proportionate to")

BY THE MARQUESS OF SALISBURY.

* Page 27, line 41, leave out from ("value") to the end of the subsection and insert ("the amount of the expenditure by the local "authority under the town planning scheme which may be fairly "apportioned as having been expended directly to the advantage "of that property")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 27, line 41, leave out ("the amount of")

lines 34 to 42, leave out subsection (3) and insert the following new subsection:

(3) In determining the amount of compensation under this section regard shall be had to the extent to which lands and hereditaments belonging to the same owner may be benefitted by a scheme.

BY THE DUKE OF NORTHUMBERLAND.

Page 28, line 7, leave out from ("be") to the end of the subsection and insert ("referred to arbitration before a single "arbitrator")

BY THE LORD MONCKTON (*V. Galway*).

* Page 28, line 7, leave out from ("be") to the end of the subsection, and insert ("referred to arbitration under the provisions "of the Lands Clauses Acts")

Clause 58—*continued.*

BY THE LORD ALVERSTONE.

Page 28, line 7, leave out ("the Local Government Board") and insert ("arbitration under this Act")

BY THE VISCOUNT ST. ALDWYN.

Page 28, line 9, after ("persons") insert ("but shall be "subject to an appeal to the High Court of Justice on any "question of law, such appeal to be made within three months "after the decision of the Board")

BY THE MARQUESS OF SALISBURY.

Page 28, line 16, after ("expenditure") insert ("or has "suffered any detriment or damage")

Clause 59.

BY THE EARL OF CAMPERDOWN.

Page 28, line 23, leave out ("reasonably have been inserted "in") and insert ("be enforced by")

BY THE LORD BRODRICK (*V. Midleton*).

Page 28, line 24, after ("authority") insert ("or are similar in "effect to any enactment which would have been in force within "the area to which the town planning scheme applies but for the "operation of such scheme")

BY THE EARL OF MALMESBURY.

Page 28, lines 25 to 34, leave out subsection (2).

BY THE EARL OF CAMPERDOWN.

Page 28, line 35 to line 4 on page 29, leave out subsection (3).

Clause 60.

BY THE LORD SALTOUN.

Page 29, line 13, after ("purpose") insert ("essential to the "scheme")

line 14, leave out ("a town planning") and insert ("such")

BY THE VISCOUNT HILL.

Page 29, lines 23 to 27, leave out subsection (2).

After Clause 60.

BY THE VISCOUNT HILL.

Insert the following new clause:

Further provisions if a scheme is to be executed outside the area of the responsible authority.

61. If a town planning scheme is intended to be carried out on land in the area of a local authority other than the local authority proposing to prepare the scheme the following provisions shall apply:

(*a*) The authority proposing to prepare the scheme shall give notice of their proposal to the local authority within whose area any land included in such scheme is situate, and to the county council;

(*b*) The authority preparing the scheme shall submit the same for approval to the authority or the authorities in whose area any land included in such scheme is situate, and shall also furnish the county council with a copy of such scheme;

(*c*) If any such local authority within whose area the scheme is to be executed shall fail or refuse to approve of the scheme, the authority who have prepared the scheme may appeal to the Local Government Board, who shall thereupon hold a public local inquiry and may make an order sanctioning the scheme, in accordance with the provisions of this part of this Act;

(*d*) If it appears to the Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament to that Committee, that any

After Clause 60—*continued.*

local authority within whose area the scheme is to be carried out will be put to expense in providing sewers, water supply, or other works or things for the purpose of enabling the scheme to be carried out, the Board or the Committee may order that the authority responsible for the execution of the scheme shall contribute to such expenditure.

Clause 61.

BY THE EARL OF CAMPERDOWN.

Page 29, line 29, after the first (" a ") insert (" public ")
lines 31 to 34, leave out paragraph (*a*).

BY THE EARL CAWDOR.

Page 29, line 39, leave out (" imposed ") and insert (" inserted ")

Page 30, line 2, leave out (" for the approval of ") and insert (" to ")
line 4, leave out (" imposed ") and insert (" inserted ")
line 7, leave out (" approved ") and insert (" make an " Order sanctioning ")
line 10, leave out (" and approved by the Board ")
line 15, leave out (" the scheme ") and insert (" effec- " tively a scheme which has been confirmed "), and leave out (" effectively ")

BY THE LORD BRODRICK (*V. Midleton*).

Page 30, line 20, after (" mandamus ") insert the following new subsection:

(4) For the purposes of this section the expression " local " authority " shall not include the London County Council, or the council of any county borough.

Clause 62.

BY THE DUKE OF NORTHUMBERLAND.

Leave out the clause and insert the following new clause:

62. The procedure of the Local Government Board upon an application in respect of any matter which they are authorised by this Act or by any scheme made thereunder to determine shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and where the application relates to any notice or order given or made by a local authority the notice or order may be confirmed, varied, or quashed as the Board think just.

After Clause 63.

BY THE LORD NEWTON.

Insert the following new clause:

64. Subject to the provisions of any scheme made under this part of this Act, all powers given by this Act shall be deemed to be in addition to, and not in derogation of, any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed.

Clause 64.

BY THE EARL OF CAMPERDOWN.

Leave out the clause.

Clause 65.

BY THE LORD CLINTON.

Page 31, line 14, leave out ("as expenses of the authority " under the Public Health Acts") and insert ("in accordance with " section sixty-five of the Housing of the Working Classes Act, " 1890")

Clause 65—*continued.*

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 31, lines 19 to 24, leave out subsection (3).

Clause 67.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 32, line 31, after ("burghs") insert the following new subsection:

(8) The provision respecting the Rules Publication Act, 1893, shall have effect as if section one of that Act applied to Scotland.¶

Clause 68.

BY THE LORD BELPER AND THE LORD CLIFFORD OF CHUDLEIGH.

Page 32, lines 38 to 41, leave out subsection (2).

BY THE LORD BELPER, THE LORD CLIFFORD OF CHUDLEIGH, AND THE LORD HYLTON.

Page 33, lines 9 to 11, leave out subsection (5).

BY THE LORD MONK BRETTON.

Page 33, line 23, leave out ("private") and insert ("general " medical")

line 24, leave out ("and shall not hold any other " public appointment")

line 25, after ("Board") insert ("without prejudice " to any arrangement made previously to the date of the passing " of this Act in the case of a medical officer already appointed " under section seventeen of the Local Government Act of 1888")

Clause 69.

BY THE EARL OF HARROWBY.

Page 33, line 36, after ("duties") insert the following new subsection:

(3) A medical officer of health of a district who is not in private practice shall not be appointed for a limited period only, and shall be removable by the electing authority with the consent of the Local Government Board and not otherwise.

After Clause 74.

BY THE LORD STEWARD (*E. Beauchamp*).

Insert the following new clause:

Saving for the Crown.

. Nothing in this Act shall affect prejudicially any estate, right, power, privilege, or exemption of the Crown except to such extent as His Majesty, or the department of His Majesty's Government concerned, may voluntarily agree.

In the Schedules.

First Schedule.

BY THE EARL OF CAMPERDOWN.

Page 37, line 11, leave out paragraph (2).

BY THE LORD BRODRICK (*V. Midleton*).

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BY THE VISCOUNT ST. ALDWYN.

Page 37, line 18, after ("Act") insert ("unless the order "shall be wholly or in part set aside by the High Court of "Justice on an application made to the High Court within "three months of its confirmation by the Board on any question "of law")

First Schedule—*continued.*

BY THE EARL OF CAMPERDOWN.

Page 37, line 31, after ("appointed") insert ("by the parties "or in default of agreement")

line 34, after ("accordingly") insert ("provided "that where the Board has declared a local authority to be in "default, and in pursuance thereof an order has been made "and confirmed authorising the compulsory acquisition of land, "the arbitrator shall be appointed by the Lord Chief Justice of "England instead of by the Board")

line 39 to the end of line 15 on page 38, leave out paragraphs (6), (7), and (8).

BY THE LORD BRODRICK (*V. Midleton*).

Page 38, line 13, leave out from ("witnesses") to the end of the paragraph.

BY THE LORD ALVERSTONE.

Page 38, lines 9 to 15, leave out paragraph (8).

BY THE EARL OF CAMPERDOWN.

Page 38, line 23, after ("unnecessarily") insert ("including "the costs of counsel unless before the hearing of the arbitration "he has certified on the application of any party interested in the "proceedings that the case is one in which the parties concerned "should have the right to appear by counsel, or unless upon a like "application he has certified that the evidence of any particular "expert witness or witnesses is requisite or desirable, in which case "the arbitrator shall not disallow the costs of any witness called in "pursuance of his certificate")

lines 24 and 25, leave out paragraph (10).

Page 39, after line 8 insert:

(*b*) For the reference to the Lord Chief Justice there shall be substituted a reference to the Lord President of the Court of Session:

Fourth Schedule.

BY THE LORD BELPER AND THE LORD CLIFFORD OF CHUDLEIGH.

Page 41, line 11, leave out paragraph (15).

BY THE EARL OF CAMPERDOWN.

Page 41, line 23, after ("land") insert:

20. Power to the responsible authority to recover from owners the whole or some part of the expenditure incurred by such authority in the acquisition of land and the contruction of roads, and sewers in the execution of a scheme.

Fifth Schedule.

BY THE EARL OF MALMESBURY.

Page 41, line 28, after ("publication") insert ("and service")

BY THE EARL CAWDOR.

Page 41, line 30, leave out ("approval") and insert ("confir-
" mation")

line 39, leave out ("approval") and insert ("confir-
" mation")

line 40, leave out ("approval") and insert ("confir-
" mation")

Page 42, line 6, leave out ("circumstances so require") and insert ("scheme as confirmed so requires")

Sixth Schedule.

BY THE LORD CLINTON.

Page 43, third column, lines 8 and 9, leave out ("section
" sixty-five, from 'and (iii)' to the end of section")

BY THE LORD PENTLAND.

* Page 43, third column, lines 16 and 17, leave out ("so far
" as they apply to Scotland")

Sixth Schedule—*continued.*

✱ Page 43, third column, after line 19, insert (" In sub-
" section (3) of section ninety-seven the words 'the time allowed
" ' under any order for the execution of any works or the
" ' demolition of a building, or' ")

✱ line 23, leave out (" the whole Act ")
and insert (" Section three ")

Housing, Town Planning, &c. Bill.

SECOND MARSHALLED LIST

OF AMENDMENTS TO

BE MOVED IN COMMITTEE.

22nd September 1909.

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(158 ††.)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE.

*The Amendments marked with a * are now printed for the first time.*

Clause 45.

BY THE VISCOUNT ST. ALDWYN.

Page 19, line 20, after ("interest") insert ("or the compulsory acquisition of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house")

After Clause 47.

BY THE EARL OF CAMPERDOWN AND THE EARL OF DERBY.

Insert the following new clause:

48. The expression "working classes" throughout the Housing Acts, unless the context otherwise requires, shall mean mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of

After Clause 47—*continued.*

their own family, and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.

Clause 48.

BY THE DUKE OF NORTHUMBERLAND.

Page 19, line 38, leave out from the second ("Act") to the end of the clause.

Clause 50.

BY THE LORD MONK BRETTON.

Leave out clause 50.

Clause 53.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 21, line 11, leave out from ("1875") to the end of subsection (3), and insert:

(4) The reference in section fifty-seven of the principal Act to sections of the Public Health Act, 1875, relating to the purchase of lands, shall be construed as a reference to the corresponding sections of the Public Health (Scotland) Act, 1897; provided that for the purposes of Part III. of the principal Act the procedure under section two of this Act for the compulsory purchase of land shall be substituted for the procedure for the compulsory purchase of land under section one hundred and forty-five of the Public Health (Scotland) Act, 1897.

Page 22, lines 28 and 29, leave out ("if after holding a local "inquiry with reference to the matter") and insert ("where a "complaint is made to")

line 29, leave out ("are satisfied")

line 31, leave out ("on the complaint of") and insert ("by")

Clause 53—*continued.*

Page 22, line 32, leave out ("of") and insert ("by")

line 34, leave out ("of") and insert ("by")

lines 36 and 37, leave out ("on the complaint of") and insert ("by")

line 41, after ("exercised") insert ("the Board may "cause a public local inquiry to be held, and if after holding "such an inquiry the Board are satisfied that there has been such "a failure on the part of the local authority")

Page 23, line 14, after ("Act") insert ("or have failed to "cause to be made the inspection of their district required by this "Act")

line 20, after ("apply") insert ("(12) section twelve "and section thirteen of this Act shall not apply")

line 21, leave out ("and") and after ("eighteen") insert ("and forty")

line 23, after ("that") insert ("where an appeal is "competent under any of these sections an appeal shall not be "competent under section thirty-five of the principal Act, and "provided also that the power to make rules under section forty of "this Act shall be exercised by the Court of Session by act of "sederunt")

line 26, leave out ("apply") and insert ("have "effect")

BY THE LORD SALTOUN.

Page 23, line 30, leave out ("sixteen") and insert ("eight")

Clause 54.

BY THE EARL OF MALMESBURY.

Page 23, line 40, and line 1 on page 41, leave out ("or appears "likely to be used for building purposes")

BY THE LORD HYLTON.

Page 23, line 40, and line 1 on page 24, leave out ("appears "likely to be used for building purposes") and insert ("is required "in order to further such development")

Clause 54—*continued.*

BY THE EARL OF MALMESBURY.

Page 24, lines 15 and 16, leave out ("or a piece of land not "likely to be used for building purposes")

BY THE EARL OF MALMESBURY AND THE LORD HYLTON.

Page 24, line 17, leave out ("likely to be used for building "purposes") and insert ("in course of development")

BY THE EARL CAWDOR.

Page 24, lines 24 to 31, leave out subsections (4) and (5).

BY THE LORD CLIFFORD OF CHUDLEIGH.

Page 24, line 34, leave out from ("Act") to the end of the subsection.

BY THE EARL CAWDOR.

* Page 24, lines 32 to 39, leave out subsection (6).

BY THE VISCOUNT HILL.

Page 25, line 3, leave out from ("not") to the end of the clause.

BY THE EARL OF MALMESBURY AND THE LORD HYLTON.

Page 24, line 40 to line 5 on page 25, leave out subsection (7).

BY THE LORD CLINTON.

Page 25, line 5, after ("final") insert the following new subsection:

(8) The provisions of this Act shall not apply to land which at the date of any scheme or order thereunder has been acquired by the owners thereof for the purposes of a railway, dock, canal, water, or other public undertaking.

After Clause 54.

BY THE EARL CAWDOR.

Insert the following new clause:

Confirmation of town planning scheme.

55.—(1) A town planning scheme prepared or adopted by a local authority shall be submitted to the Local Government Board and shall be supported by such evidence as the Board by their regulations require.

(2) If, on consideration of the scheme and on proof of the publication of the notices prescribed by the regulations of the Local Government Board, the Board think fit to proceed with the case, they shall direct a public local inquiry to be held in or in the vicinity of the area comprised in the scheme.

(3) After receiving the report made upon such inquiry and considering the same the Local Government Board may make an order sanctioning the scheme.

(4) Such order may be made with such modifications and subject to such conditions as the Local Government Board think fit to insert, and it shall be the duty of the authority promoting the scheme to serve in the manner prescribed by the regulations of the Board a notice of any order so made upon the authorities whose area and upon the persons whose property will be affected by the operation of the scheme.

(5) If within the prescribed period no objection has been presented to the Local Government Board by an authority or person interested, or if every such objection has been withdrawn, the Board may confirm the Order unless the scheme contains a provision suspending any statutory enactments, in which case, or if such an objection as aforesaid has been presented and has not been withdrawn, the Order shall not be of any validity unless and until it has been confirmed by Parliament.

(6) Where an Order under this section is referred to a Committee of either House of Parliament that Committee shall not hear expert witnesses, that is to say, any witness who receives any fee or reward for his attendance or evidence other than his out-of-pocket expenses, unless before the hearing of the case upon an application by the party desiring to call an expert witness, the Chairman of Committees in the case of an Order referred to a Committee of the House of Lords or the Chairman of Ways and

After Clause 54—*continued.*

Means in the case of an Order referred to a Committee of the House of Commons certifies that the evidence of any particular expert witness or witnesses is requisite or desirable.

(7) Where an Order under this section is referred to a Committee of either House of Parliament the local authority who has submitted the scheme and any authority whose area or any person whose property will be affected by the scheme shall be entitled to petition and be heard before the Committee.

(8) The Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament that Committee by a majority of the members of the Committee for the time being present and voting, may make such an Order as they think fit in favour of any authority whose area or of any person whose property was proposed to be affected by the scheme for the allowance of the reasonable costs, charges, and expenses properly incurred at any stage of the proceedings in opposing such scheme and for that purpose shall take into consideration the circumstances under which such opposition was made to the scheme and whether such opposition was or was not justified by such circumstances and shall award costs accordingly to be paid by the local authority promoting the scheme or the opponents of the scheme as may appear just.

(9) All costs, charges, and expenses incurred by the Local Government Board in relation to any Order under this section shall to such amount as the Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament as that Committee think proper to direct, and all costs, charges, and expenses of any authority or person to such amount as may be allowed in pursuance of the aforesaid power shall be taken to be a liability incurred by the authority promoting the scheme and shall be paid to the Board and to such authority or person respectively in such manner and at such times, and either in one sum or by instalments as may be directed.

(10) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and confirmed in accordance with this part of this Act on the application of the responsible authority, or of any other council or person interested.

(11) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Parliamentary Costs Act, 1865.

28 & 29 Vict. c. 27.

Clause 55.

BY THE EARL CAWDOR.

Page 25, line 14, leave out ("approved by the Board") and insert (" confirmed ")

BY THE EARL OF CAMPERDOWN.

Page 25, line 15, after (" provisions ") insert the following new subsection :

(2) A draft of all general provisions made under this section shall be laid before both Houses of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days presents an Address to His Majesty against such draft or any part thereof, no further proceedings shall be taken thereon without prejudice to the making of any new draft provisions.

BY THE LORD BELPER AND THE LORD CLIFFORD OF CHUDLEIGH.

Page 25, line 27, leave out (" Statutory enactments ")

BY THE LORD BELPER, THE LORD CLIFFORD OF CHUDLEIGH, AND THE EARL OF CAMPERDOWN.

Page 25, line 30, leave out lines 30 to 38 inclusive.

BY THE LORD RITCHIE OF DUNDEE.

Page 25, line 31, after (" Act ") insert (" or in any Act " under which land shall have been acquired for the purposes of " a railway, dock, canal, water, or other public undertaking ")

BY THE EARL CAWDOR.

Page 25, line 41, leave out (" as the Local Government Board " direct ")

Clause 56.

BY THE EARL CAWDOR.

Page 26, lines 14 and 15, leave out ("obtaining the approval " of the Board to") and insert ("the submission to he Board of")

line 17, leave out ("or the approval")

line 18, leave out the second ("the") and insert ("a")

line 19, after ("scheme") insert ("when con- " firmed")

BY THE VISCOUNT HILL.

Page 26, line 29, after ("council") insert ("or person"), and after ("land") insert ("including the council of the county in " whose area the land is situate")

Clause 57.

BY THE MARQUESS OF SALISBURY.

Page 27, line 6, after ("authority") insert ("upon work " where the property is increased in value")

line 7, leave out ("the persons in default") and insert ("that person")

line 13, leave out from ("work") to the end of the clause and insert ("the matter may be referred for decision " to the county court of the district in the same manner and " subject to the like provisions as an appeal to that cour under " Part I. of this Act")

Clause 58.

BY THE MARQUESS OF SALISBURY.

Page 27, line 18, after ("purpose") insert ("within three " months of the time when such injury is done or")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 27, line 24, leave out ("claim") and insert ("obtain")

line 28, after ("other") insert ("extended")

Clause 58—*continued.*

BY THE MARQUESS OF SALISBURY.

Page 27, line 36, after ("purpose") insert ("within three "months of the time when the increased value accrues or")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 27, line 40, leave out ("recover from") and insert ("levy "upon")

line 41, after ("value") insert ("an annual charge "proportionate to")

BY THE MARQUESS OF SALISBURY.

Page 27, line 41, leave out from ("value") to the end of the subsection and insert ("the amount of the expenditure by the local "authority under the town planning scheme which may be fairly "apportioned as having been expended directly to the advantage "of that property")

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 27, line 41, leave out ("the amount of")

lines 34 to 42, leave out subsection (3) and insert the following new subsection:

(3) In determining the amount of compensation under this section regard shall be had to the extent to which lands and hereditaments belonging to the same owner may be benefitted by a scheme.

BY THE DUKE OF NORTHUMBERLAND.

Page 28, line 7, leave out from ("be") to the end of the subsection and insert ("referred to arbitration before a single "arbitrator")

BY THE LORD MONCKTON (*V. Galway*).

Page 28, line 7, leave out from ("be") to the end of the subsection, and insert ("referred to arbitration under the provisions "of the Lands Clauses Acts")

Clause 58—*continued.*

BY THE LORD ALVERSTONE.

Page 28, line 7, leave out ("the Local Government Board") and insert ("arbitration under this Act")

BY THE VISCOUNT ST. ALDWYN.

Page 28, line 9, after ("persons") insert ("but shall be "subject to an appeal to the High Court of Justice on any "question of law, such appeal to be made within three months "after the decision of the Board")

BY THE MARQUESS OF SALISBURY.

Page 28, line 16, after ("expenditure") insert ("or has "suffered any detriment or damage")

Clause 59.

BY THE EARL OF CAMPERDOWN.

Page 28, lines 23 and 24, leave out ("reasonably have been "inserted in") and insert ("be enforced by")

BY THE LORD BRODRICK (*V. Midleton*).

Page 28, line 24, after ("authority") insert ("or are similar in "effect to any enactment which would have been in force within "the area to which the town planning scheme applies but for the "operation of such scheme")

BY THE EARL OF MALMESBURY.

Page 28, lines 25 to 34, leave out subsection (2).

BY THE EARL OF CAMPERDOWN.

Page 28, line 35 to line 4 on page 29, leave out subsection (3).

Clause 60.

BY THE VISCOUNT ST. ALDWYN.

* Page 29, line 13, after ("may") insert ("subject to the "provisions of section forty-five of this Act")

BY THE LORD SALTOUN.

Page 29, line 13, after ("purpose") insert ("essential to the "scheme")

line 14, leave out ("a town planning") and insert ("such")

BY THE VISCOUNT HILL.

Page 29, lines 23 to 27, leave out subsection (2).

After Clause 60.

BY THE VISCOUNT HILL.

Insert the following new clause:

Further provisions if a scheme is to be executed outside the area of the responsible authority.

61. If a town planning scheme is intended to be carried out on land in the area of a local authority other than the local authority proposing to prepare the scheme the following provisions shall apply:

(*a*) The authority proposing to prepare the scheme shall give notice of their proposal to the local authority within whose area any land included in such scheme is situate, and to the county council;

(*b*) The authority preparing the scheme shall submit the same for approval to the authority or the authorities in whose area any land included in such scheme is situate, and shall also furnish the county council with a copy of such scheme;

(*c*) If any such local authority within whose area the scheme is to be executed shall fail or refuse to approve of the scheme, the authority who have prepared the scheme may appeal to the Local Government Board, who shall thereupon hold a public local inquiry and may make an order sanctioning the scheme, in accordance with the provisions of this part of this Act;

After Clause 60 —*continued.*

(*d*) If it appears to the Local Government Board, or in the case of an Order referred to a Committee of either House of Parliament to that Committee, that any local authority within whose area the scheme is to be carried out will be put to expense in providing sewers, water supply, or other works or things for the purpose of enabling the scheme to be carried out, the Board or the Committee may order that the authority responsible for the execution of the scheme shall contribute to such expenditure.

Clause 61.

BY THE EARL OF CAMPERDOWN.

Page 29, line 29, after the first ("a") insert ("public")
lines 31 to 34, leave out paragraph (*a*).

BY THE EARL CAWDOR.

Page 29, line 39, leave out ("imposed") and insert ("inserted")

Page 30, line 2, leave out ("for the approval of") and insert ("to")

line 4, leave out ("imposed") and insert ("inserted")

line 7, leave out ("approve") and insert ("make an "Order sanctioning")

lines 10 and 11, leave out ("and approved by the "Board")

line 15, leave out ("the scheme") and insert ("effec- "tively a scheme which has been confirmed"), and leave out ("effectively")

BY THE LORD BRODRICK (*V. Midleton*).

Page 30, line 20, after ("mandamus") insert the following new subsection:

(4) For the purposes of this section the expression "local "authority" shall not include the London County Council, or the council of any county borough.

Clause 62.

BY THE DUKE OF NORTHUMBERLAND.

Leave out the clause and insert the following new clause:

62. The procedure of the Local Government Board upon an application in respect of any matter which they are authorised by this Act or by any scheme made thereunder to determine shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and where the application relates to any notice or order given or made by a local authority the notice or order may be confirmed, varied, or quashed as the Board think just.

After Clause 63.

BY THE LORD NEWTON.

Insert the following new clause:

64. Subject to the provisions of any scheme made under this part of this Act, all powers given by this Act shall be deemed to be in addition to, and not in derogation of, any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed.

Clause 64.

BY THE EARL OF CAMPERDOWN.

Leave out the clause.

Clause 65.

BY THE LORD CLINTON.

Page 31, line 14, leave out ("as expenses of the authority " under the Public Health Acts") and insert ("in accordance with " section sixty-five of the Housing of the Working Classes Act, " 1890")

Clause 65—*continued.*

BY THE LORD ZOUCHE OF HARYNGWORTH.

Page 31, lines 19 to 24, leave out subsection (3).

Clause 67.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 32, line 31, after ("burghs") insert the following new subsection:

(8) The provision respecting the Rules Publication Act, 1893, shall have effect as if section one of that Act applied to Scotland.

Clause 68.

BY THE LORD BELPER AND THE LORD CLIFFORD OF CHUDLEIGH.

Page 32, lines 38 to 41, leave out subsection (2).

BY THE LORD BELPER, THE LORD CLIFFORD OF CHUDLEIGH, AND THE LORD HYLTON.

Page 33, lines 9 to 11, leave out subsection (5).

BY THE LORD MONK BRETTON.

Page 33, line 23, leave out ("private") and insert ("general " medical")

line 24, leave out ("and shall not hold any other " public appointment")

line 25, after ("Board") insert ("without prejudice " to any arrangement made previously to the date of the passing " of this Act in the case of a medical officer already appointed " under section seventeen of the Local Government Act of 1888")

Clause 69.

BY THE EARL OF HARROWBY.

Page 33, line 36, after ("duties") insert the following new subsection:

(3) A medical officer of health of a district who is not in private practice shall not be appointed for a limited period only, and shall be removable by the electing authority with the consent of the Local Government Board and not otherwise.

After Clause 74.

BY THE LORD STEWARD (*E. Beauchamp*).

Insert the following new clause:

. Nothing in this Act shall affect prejudicially any estate, right, power, privilege, or exemption of the Crown except to such extent as His Majesty, or the department of His Majesty's Government concerned, may voluntarily agree. Saving for the Crown.

In the Schedules.

First Schedule.

BY THE EARL OF CAMPERDOWN.

Page 37, lines 11 to 18, leave out paragraph (2).

BY THE LORD BRODRICK (*V. Midleton*).

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BY THE VISCOUNT ST. ALDWYN.

Page 37, line 18, after ("Act") insert ("unless the order "shall be wholly or in part set aside by the High Court of "Justice on an application made to the High Court within "three months of its confirmation by the Board on any question "of law")

First Schedule—*continued.*

BY THE EARL OF CAMPERDOWN.

Page 37, line 31, after ("appointed") insert ("by the parties "or in default of agreement")

line 34, after ("accordingly") insert ("provided "that where the Board has declared a local authority to be in "default, and in pursuance thereof an order has been made "and confirmed authorising the compulsory acquisition of land, "the arbitrator shall be appointed by the Lord Chief Justice of "England instead of by the Board")

line 39 to the end of line 8 on page 38, leave out paragraphs (6) and (7).

BY THE LORD ALVERSTONE AND BY THE EARL OF CAMPERDOWN.

Page 38, lines 9 to 15, leave out paragraph (8).

BY THE LORD BRODRICK (*V. Midleton*).

Page 38, line 13, leave out from ("witnesses") to the end of the paragraph.

BY THE EARL OF CAMPERDOWN.

Page 38, line 23, after ("unnecessarily") insert ("including "the costs of counsel unless before the hearing of the arbitration "he has certified on the application of any party interested in the "proceedings that the case is one in which the parties concerned "should have the right to appear by counsel, or unless upon a like "application he has certified that the evidence of any particular "expert witness or witnesses is requisite or desirable, in which case "the arbitrator shall not disallow the costs of any witness called in "pursuance of his certificate")

lines 24 and 25, leave out paragraph (10).

Page 39, after line 8 insert:

(*b*) For the reference to the Lord Chief Justice there shall be substituted a reference to the Lord President of the Court of Session:

Fourth Schedule.

BY THE LORD BRODRICK (*V. Midleton*).

* Page 40, line 29, after ("erections") insert ("in regard to "their safety and public convenience")

BY THE LORD BELPER AND THE LORD CLIFFORD OF CHUDLEIGH.

Page 41, lines 11 and 12, leave out paragraph (15).

BY THE EARL OF CAMPERDOWN.

Page 41, line 23, after ("land") insert:

20. Power to the responsible authority to recover from owners the whole or some part of the expenditure incurred by such authority in the acquisition of land and the contruction of roads, and sewers in the execution of a scheme.

Fifth Schedule.

BY THE EARL OF MALMESBURY.

Page 41, line 28, after ("publication") insert ("and service")

BY THE EARL CAWDOR.

Page 41, line 30, leave out ("approval") and insert ("confir-"mation")

line 39, leave out ("approval") and insert ("confir-"mation")

line 40, leave out ("approval") and insert ("confir-"mation")

Page 42, line 6, leave out ("circumstances so require") and insert ("scheme as confirmed so requires")

Sixth Schedule.

BY THE LORD CLINTON.

Page 43, third column, lines 8 and 9, leave out ("section " sixty-five, from 'and (iii)' to the end of section")

BY THE LORD PENTLAND.

Page 43, third column, lines 16 and 17, leave out ("so far " as they apply to Scotland")

after line 19, insert ("In sub-" section (3) of section ninety-seven the words 'the time allowed " 'under any order for the execution of any works or the " 'demolition of a building, or'")

line 23, leave out ("the whole Act") and insert ("Section three")

Housing, Town Planning, &c. Bill.

THIRD MARSHALLED LIST OF AMENDMENTS TO BE MOVED IN COMMITTEE.

23rd September 1909.

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(158 ‡‡.)

Housing, Town Planning, &c. Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Clause.

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2. Provisions as to acquisition of land under Part III.
3. Loans by Public Works Loan Commissioners to local authorities.
4. Loans by Public Works Loan Commissioners to public utility societies.
5. Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.
6. Provision of public streets in connexion with exercise of powers under Part III.
7. Expenditure of money for housing purposes in case of settled land.
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A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to the Housing of the Working Classes, to provide for the making of Town Planning schemes, and to make further provision with respect to the appointment and duties of County Medical Officers of Health, and to provide for the establishment of Public Health and Housing Committees of County Councils. A.D. 1909.

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

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Part III. of principal Act to take effect without adoption. 53 & 54 Vict. c. 70.

1. Part III. of the Housing of the Working Classes Act, 1890 (in this Part of this Act referred to as the principal Act), shall, after the commencement of this Act, extend to and take effect in every urban or rural district, or other place for which it has not been adopted, as if it had been so adopted.

Provisions as to acquisition of land under Part III. 7 Edw. 7. c. 54.

2.—(1) A local authority may be authorised to purchase land compulsorily for the purposes of Part III. of the principal Act, by means of an order submitted to the Local Government Board [and confirmed by the Board] in accordance with the First Schedule to this Act.

(2) *If within the period prescribed by the Board no objection to an order under this section has been presented to the Board by*

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a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order either without modification or subject to such modifications as they think fit, but if such an objection has been presented and has not been withdrawn the Board shall appoint an impartial person not in the employment of any Government Department to hold a public inquiry on their behalf in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(3) *If the person who held the inquiry reports, or if, on considering his report, it appears to the Board, that by reason of the extent or situation of any land proposed to be acquired compulsorily, or the purposes for which such land is used, or any other circumstances, the land ought not to be acquired compulsorily without the sanction of Parliament, the order of the Board shall be provisional only, and shall not have effect unless confirmed by Parliament.*

(4) *An order, other than a Provisional Order, made by the Board under this section shall come into force after it has lain for thirty days during the session of Parliament on the table of both Houses of Parliament, unless either House during those thirty days presents an address to His Majesty against the order, in which case no further proceedings shall be taken thereon, but without prejudice to the making of a new order.*

(5) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the same purpose under section one hundred and seventy-six of the Public Health Act, 1875, as applied by subsection (1) of section fifty-seven of the principal Act.

(6) A local authority may, with the consent of and subject to any conditions imposed by the Local Government Board, acquire land by agreement for the purposes of Part III. of the principal Act, notwithstanding that the land is not immediately required for those purposes.

Loans by Public Works Loan Commissioners to local authorities.

3. Where a loan is made by the Public Works Loan Commissioners to a local authority for any purposes of the Housing Acts—

(*a*) The loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

(*b*) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loan Commissioners may exceed the period allowed under the principal Act or under any other Act limiting the period for which the loan may be made, but the period shall not exceed the period recommended by the Local Government Board, nor in any case eighty years; and

(*c*) As between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Loans by Public Works Loan Commissioners to public utility societies.

4.—(1) Where a loan is made by the Public Works Loan Commissioners under section sixty-seven, subsection two (*d*), of the principal Act, to a public utility society, the words "two thirds" shall be substituted for the words "one moiety."

(2) For the purposes of this section a public utility society means a society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding five pounds per centum per annum.

Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.

5.—(1) Any purchase money or compensation payable in pursuance of the Housing Acts by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts or by paragraph (20) of the Second Schedule to the principal Act may, if the Local Government Board consent, instead of being paid into Court, be paid and applied as the Board determine.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Provision of public streets in connexion with exercise of powers under Part III.

6. Any local authority in connection with the exercise by them of their powers under Part III. of the principal Act may lay out and construct public streets or roads on any land acquired or appropriated by them for the purpose of that Part of that Act or contribute towards the cost of the laying out and construction of any streets or roads on any such land by other persons on the condition that those streets or roads are to be dedicated to the public.

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Expenditure of money for housing purposes in case of settled land. 45 & 46 Vict. c. 38.

7.—(1) The following paragraph shall be substituted for paragraph (*b*) of subsection (1) of section seventy-four of the principal Act:—

(*b*) The improvements on which capital money arising under the Settled Land Act, 1882, may be expended, enumerated in section twenty-five of the said Act and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artisans, whether employed on the settled land or not, include the provision of dwellings available for the working classes, either by means of building new buildings or by means of the reconstruction, enlargement, or improvement of existing buildings, so as to make them available for the purpose, if that provision of dwellings is, in the opinion of the court, not injurious to the estate or is agreed to by the tenant for life and the trustees of the settlement.

(2) The provision by a tenant for life, at his own expense, of dwellings available for the working classes on any settled land, shall not [in any case] be deemed to be an injury to any interest in reversion or remainder in that land; *provided that the powers conferred upon a tenant for life by this subsection shall not be exercised by him without the previous approval in writing of the trustees of the settlement.*

Donations for housing purposes.

51 & 52 Vict. c. 42.

8. A local authority may accept a donation of land or money or other property for any of the purposes of the Housing Acts, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

Provisions with respect to money applicable under trusts for housing purposes.

9.—(1) If in any case it appears to the Local Government Board that the institution of legal proceedings is requisite or desirable with respect to any property [applicable or] required to be applied under any trusts for the provision of dwellings available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Board may certify the case to the Attorney-General, and the Attorney-General, if he thinks fit, shall institute any legal proceedings or intervene in any legal proceedings already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property [applicable or] required to be applied under any trusts for the

provision of dwellings available for the working classes the Court or body who are responsible for making the scheme shall communicate with the Local Government Board and receive and consider any recommendations made by the Board with reference to the proposed scheme.

Powers of enforcing Execution of Housing Acts.

Power of Local Government Board on complaint to enforce exercise of powers.

10.—(1) [If after holding a local inquiry with reference to the matter], *Where a complaint is made to* the Local Government Board [are satisfied]—

(*a*) as respects any rural district [on the complaint of] *by* the council of the county in which the district is situate, or [of] *by* the parish council or parish meeting of any parish comprised in the district, or any four inhabitant householders of the district; or

(*b*) as respects any county district not being a rural district [on the application of] *by* the council of the county in which the district is situated, or [of] *by* four inhabitant householders of the district; or

(*c*) as respects the area of any other local authority [on the application of] *by* four inhabitant householders of the area;

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, *the Board may cause a public local inquiry to be held, and if after holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority*, the Board may declare the authority to be in default, and may make an order directing that authority, [or, if the Board think fit, in any case where the authority in default is the council of a county district, the county council], within a time limited by the order, to carry out such works and do such other things as may be mentioned in the order for the purpose of remedying the default. *Before deciding that a local authority have failed to exercise their powers under Part III. of the principal Act, the Board shall be satisfied that there is a necessity which is likely to be permanent for further accommodation for the housing of the working classes in such district, that there is no probability that the required accommodation will be otherwise provided, and that having regard to the liability which will be incurred by the rates, it is under*

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all the circumstances prudent for the local authority to undertake the provision of such accommodation.

(2) Where an order originally made under this section on the council of a county district is not complied with by that council, the Local Government Board may, if they think fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make an order directing the county council to carry out any works or do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

(3) Where the Board make an order under this section directing a county council to carry out any works or do any other thing the order may for the purpose of enabling the county council to give effect to the order apply any of the provisions of the Housing Acts or of section sixty-three of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

(4) *An order relating to Part III. of the principal Act made by the Local Government Board under this section shall not take effect until a draft thereof has lain for thirty days during the Session of Parliament on the table of both Houses of Parliament, and, if either House during those thirty days presents an address to His Majesty against the draft, no further proceedings shall be taken thereon, but without prejudice to the making of a new Draft Order.*

(5) Any order made by the Local Government Board under this section may be enforced by mandamus.

(6) *For the purposes of this section, so far as it relates to Part III. of the principal Act, the expression "local authority" shall not include the London County Council, or the council of any county borough.*

Power of Local Government Board to order schemes, &c. to be carried out within a limited time.

11.—(1) Where it appears to the Local Government Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to give effect to any order as respects an obstructive building, or to a reconstruction scheme, under Part II. of that Act, or have failed to cause to be made the inspection of their district required by this Act, the Board may make an order requiring the local authority to remedy the default and to carry out any works or do any other

things which are necessary for the purpose under the Housing Acts within a time fixed by the order. A.D. 1909.

(2) Any order made by the Local Government Board under this section may be enforced by mandamus.

Powers of county council to act in default of rural district council under Part III.

12. [If] *Where a complaint is made to* the council of a county [on the complaint of] by the parish council or parish meeting of any parish comprised in any rural district in the county, or [of] *by* any four inhabitant householders of that district, *the county council may cause a public local inquiry to be held and if* after holding [a local inquiry] *such an inquiry, the county council* are satisfied that the rural district council have failed to exercise their powers under Part III. of the principal Act in cases where those powers ought to have been exercised, the county council may resolve that the powers of the district council for the purposes of that Part be transferred to the county council with respect either to the whole district or to any parish in the district, and those powers shall be transferred accordingly, and, subject to the provisions of this Act, section sixty-three of the Local Government Act, 1894, shall apply as if the powers had been transferred under that Act.

Power of county council to exercise powers of rural district council under Part III.

13.—(1) Where the council of a county are of opinion that for any reason it is expedient that the council should exercise, as respects any rural district in the county, any of the powers of a local authority under Part III. of the principal Act, the council, after giving notice to the council of the district of their intention to do so, may apply to the Local Government Board for an order conferring such powers on them.

(2) Upon such an application being made the Board may make an order conferring on the county council as respects the rural district all or any of the powers of a local authority under Part III. of the principal Act, and thereupon the provisions of the Housing Acts relating to those powers (including those enabling the Public Works Loans Commissioners to lend, and fixing the terms for which money may be lent and borrowed) shall apply as if the council were a local authority under Part III. of the principal Act: Provided that the expenses incurred by the county council under any such order shall be defrayed as expenses for general county purposes *unless after a local inquiry the county council are satisfied that it is just to limit the charge for the whole or part of the expenses so incurred to the rural district or to some contributing place or places therein, in*

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which case they may order that any such expenses shall be so charged.

(3) Where, under any such order, the county council have executed any works in a rural district they may transfer the works to the council of that district on such terms and subject to such conditions as may be agreed between them.

Contracts by Landlord in Letting Working Class Houses.

Extension of s. 75 of the principal Act.

14.—(1) In any contract made after the passing of this Act for letting for habitation by persons of the working classes a house or part of a house there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation.

(2) In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of a house or part of a house at a rent not exceeding:—

(*a*) in the case of a house situate in the administrative county of London, forty pounds;

(*b*) in the case of a house situate in a borough or urban district with a population according to the last census for the time being of fifty thousand or upwards, twenty-six pounds;

(*c*) in the case of a house situate elsewhere, [sixteen] *eight* pounds.

Condition as to keeping houses let to persons of the working classes in repair.

15.—(1) The last foregoing section shall as respects contracts to which that section applies take effect as if the condition implied by that section included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation, *but nothing herein contained shall make it obligatory on the landlord to remedy any defect caused by the act or default of the tenant or occupier, or any person for whom the tenant is as between himself and the landlord responsible.*

(2) *The landlord or the local authority, or any person authorised by him or them in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any house, premises, or building to which this section applies for the purpose of viewing the state and condition thereof.*

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(3) If it appears to the local authority within the meaning of Part II. of the principal Act that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the authority shall, if a closing order is not made with respect to the house, by written notice require the landlord, within a reasonable time, not being less than [fourteen] *twenty-one* days, specified in the notice, to execute such works as the authority [may] *shall* specify in the notice as being necessary to make the house in all respects reasonably fit for human habitation.

(4) *Within twenty-eight days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation and thereupon a closing order shall be deemed to have become operative in respect of such house.*

(5) If the notice is not complied with, *or if the landlord has not given the notice mentioned in the immediately preceding subsection*, the authority may, at the expiration of the time specified in the notice *given by them to the landlord*, do the work required to be done and recover the expenses incurred by them in so doing from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts, or, if they think fit, the authority may by order declare any such expenses to be payable by annual instalments within a period not exceeding that of the interest of the landlord in the house nor in any case five years, with interest at a rate not exceeding five pounds per cent. per annum until the whole amount is paid, and any such instalments or interest or any part thereof may be recovered from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) A landlord may appeal to the [Local Government Board] *county court of the district* against any notice requiring him to execute works under this section, and against any demand for the recovery of expenses from him under this section or order made with respect to those expenses under this section by the authority, by giving notice of appeal to the [Board] *local authority* within [fourteen] *twenty-one* days after the notice is received, or the demand or order is made, as the case may be, and no proceedings shall be taken in respect of such notice requiring works, order or demand, whilst the appeal is pending.

(7) In this section, the expression "landlord" means any person who lets the house under any contract referred to in

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this section, and includes his successors in title, and the expression "house" includes part of a house.

Sections forty-nine and fifty of the principal Act as amended by section thirteen of the Housing of the Working Classes Act, 1903 (which relate to the service of notices and the description of owner in proceedings), shall apply for the purposes of this section, with the substitution, where required, of the landlord for the owner of a dwelling-house.

(8) Any remedy given by this section for non-compliance with the undertaking implied by virtue of this section, shall be in addition to and not in derogation of any other remedy available to the tenant against the landlord, either at common law or otherwise.

Extension of power of making bye-laws with respect to lodging-houses for the working classes.

16.—(1) The power of making and enforcing byelaws under section ninety of the Public Health Act, 1875, and section ninety-four of the Public Health (London) Act, 1891, with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family, shall, in the case of houses intended for the working classes, extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) upon the owner within the meaning of the said Acts, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed the owner or other person may at all reasonable times enter upon any part of the premises, and section fifty-one of the principal Act shall apply as if for the reference to the provisions of Part II. of that Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.

(3) Where an owner or other person has failed to execute any work which he has been required to execute under the bye-laws, the local authority or sanitary authority, as the case may be, may, after giving to him not less than [fourteen] *twenty-one* days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of sub-section (3) of the last foregoing section, with respect to the

execution of works and the recovery of expenses by local authorities, *and the provisions of subsection* (6) *of the last foregoing section with respect to an appeal against any notice requiring the execution of works and any demand for the recovery of expenses under this section* shall apply as if the owner or other person were the landlord and with such other adaptations as may be necessary. A.D. 1909.

Amendment of Procedure for Closing Orders and Demolition Orders.

Duty of local authority as to closing of dwelling-house unfit for human habitation.

17.—(1) It shall be the duty of every local authority within the meaning of Part II. of the principal Act to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority and of every officer of the local authority to comply with such regulations and to keep such records as may be prescribed by the Board, [if]

(2) *If* on the representation of the medical officer of health, or of any officer of the authority, or information given, any dwelling-house appears to them to be in such a state, [(2) It] *it* shall be their duty to make an order prohibiting the use of the dwelling-house for human habitation (in this Act referred to as a closing order) until in the judgment of the local authority the dwelling-house is rendered fit for that purpose.

(3) Notice of a closing order shall be forthwith served on every owner of the dwelling-house in respect of which it is made, and any owner aggrieved by the order may appeal to the [Local Government Board] *county court of the district* by giving notice of appeal to the [Board] *local authority* within fourteen days after the order is served upon him.

(4) Where a closing order has become operative, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house in respect of which the order is made, and within such period as is specified in the notice, not being less than [seven] *fourteen* days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on summary conviction to a fine not exceeding twenty shillings for every day during which the default continues.

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(5) [The] *Unless the dwelling-house has been made unfit for habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is resposible, the* local authority may make to every such tenant such reasonable allowance on account of his expense in removing, as may be determined by the local authority with the consent of the owner of the dwelling-house, or if the owner of the dwelling-house fails to consent to the sum determined by the local authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) The local authority shall determine any closing order made by them if they are satisfied that the dwelling-house in respect of which [it] *the order* has been made has been rendered fit for human habitation.

If on the application of any owner of a dwelling-house, the local authority refuse to determine a closing order, the owner may appeal to the [Local Government Board] *county court of the district* by giving notice of appeal to the [Board] *local authority* within fourteen days after the application is refused.

[(7) Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.]

(7) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall for the purposes of this section be deemed to be a dwelling-house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

(*a*) is not sufficiently protected against dampness, effluvia, or exhalation; or

(*b*) is not sufficiently ventilated; or

(*c*) is not [in every part thereof] *on an average* at least seven feet in height from floor to ceiling. [; or]

[(*d*) is not, to the extent of one foot at least in height, above the level of the surface of the part of the street adjoining or nearest to the room; or]

[(*e*) has not one or more windows opening directly into the external air, with a total area clear of the sash frames equal to at least one tenth of the floor area

of the room, and so constructed that one half at least of each window of the room can be opened, the opening in each case extending to the top of the window; or] A.D. 1909.

⌈(*f*) is not provided along the entire frontage thereof with an open area properly paved, at least four feet wide in every part thereof: Provided that in the area there may be placed steps necessary for access to the room, and over and across the area there may be steps necessary for access to any buildings above the room, if the steps are so placed in each case as not to be over or across any external window.⌋

It shall be the duty of the local authority to define from time to time, by byelaws to be approved by the Local Government Board, the requirements necessary for sufficient ventilation, or sufficient protection against dampness, effluvia, or exhalation.

This subsection shall not come into operation until the first day of July nineteen hundred and ten, and a closing order made in respect of any room to which this subsection applies shall not be treated as a closing order in respect of a dwelling-house for the purposes of the next succeeding section.

Order for demolition.

18.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the dwelling-house, and shall give every owner of the dwelling-house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the dwelling-house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building being or being part of the dwelling-house is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, they shall order the demolition of the building.

(3) If any owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, and the local authority consider that it can be so rendered

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fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time not exceeding six months as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works, *provided that where the local authority refuses to postpone the operation of an order under this section the owner may appeal to the county court of the district by giving notice of appeal to the local authority within fourteen days after such refusal.*

(4) Notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which it is made, and any owner aggrieved by the order may appeal to the [Local Government Board] *county court of the district* by giving notice of appeal to the [Board] *local authority* within [fourteen] *twenty-one* days after the order is served upon him.

Power to redeem annuities charged by charging order under s. 36 of the principal Act.

19. Any owner of or other person interested in a dwelling-house on which an annuity has been charged by a charging order made under section thirty-six of the principal Act (which relates to the grant of charges) shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Local Government Board.

Provision as to priority of charges under s. 37 of the principal Act.

20. The charges excepted in subsection (1) of section thirty-seven of the principal Act (which relates to the incidence of charges) shall include charges on the dwelling-house created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority.

Restriction on power of court of summary jurisdiction to extend time.

21. *A county court shall be substituted for a court of summary jurisdiction.* Subsection (3) of section forty-seven of the principal Act (which gives power to a court of summary jurisdiction to enlarge the time for certain matters) [shall cease to have effect] as respects the time allowed for the execution of any works or the demolition of a building under a closing order or under an order for the demolition of a building.

Amendments with respect to Improvement and Reconstruction Schemes.

Amendment of s. 4 of the principal Act as to official representation.

22. In section four of the principal Act (which relates to an official representation), the words "that the most satisfactory "method of dealing with the evils connected with such houses, "courts, or alleys, and the sanitary defects in such area is an

" improvement scheme" shall be substituted for the words "that " the evils connected with such houses, courts, or alleys, and the " sanitary defects in such area cannot be effectually remedied " otherwise than by means of an improvement scheme." A.D. 1909.

23.—(1) Section six of the principal Act (which relates to the contents of an improvement scheme) shall be read as if in subsection (1) the words "for sanitary purposes" were omitted in paragraph (*a*); and as if the following paragraphs were inserted at the end of that subsection:— Amendment of principal Act as to contents of schemes.

" and

(*e*) may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme; and

[(*f*) may provide for giving to the local authority any powers which may be necessary to enable them properly to carry out the scheme and for dispensing so far as necessary with any obligation of the local authority or any other person to comply with any provision contained in any Local Act, Provisional Order, or Order having the effect of an Act or any byelaw, regulation, or other provision, under whatever authority made, which is in operation in the area."]

(2) Provision may be made in a reconstruction scheme under Part II. of the principal Act for any matters for which provision may be made in an improvement scheme made under Part I. of that Act.

[**24.**—(1) Paragraphs (*a*) and (*b*) of subsection (2) of section five of the Housing of the Working Classes Act, 1903 (which limit the cases under which an order confirming an improvement scheme takes effect without confirmation by Parliament), shall cease to have effect. Amendment of procedure on improvement or reconstruction scheme authorising compulsory purchase of land. 3 Edw. 7. c. 39.

(2) An order of the Local Government Board sanctioning a reconstruction scheme, and authorising the compulsory purchase of land for the purpose shall, notwithstanding anything in section thirty-nine of the principal Act, take effect without confirmation.]

[**25.**—(1) It shall be the duty of the local authority themselves to execute any improvement scheme under Part I. of the principal Act, except so far as provision to the contrary is Duty of local authority themselves to carry out

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improvement scheme.

made in the confirming order, and except so far as they exercise any of the powers given to them in pursuance of the Housing Acts for enabling other persons to execute the scheme.

(2) So much of subsection (3) of section twelve of the principal Act (which relates to the execution of improvement schemes) as restricts the powers of the local authority to execute an improvement scheme shall cease to have effect.

Modification of schemes.

24. The Local Government Board may, in the exercise of their power under section fifteen or subsection (9) of section thirty-nine of the principal Act, permit the local authority to modify their scheme, not only by the abandonment of any part of the scheme which it may appear inexpedient to carry into execution, but also by amending or adding to the scheme in matters of detail in such manner as appears expedient to the Board.

Inquiries by Local Government Board inspectors as to unhealthy areas.

25. Any inspector or officer of the Local Government Board, or any person employed by the Board, may be directed to make any inspection or inquiry which is required for the purposes of section sixteen of the principal Act (which relates to inquiries made on the default of a medical officer), and section eighty-five of that Act (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply as respects any inspection or inquiry so held as it applies to local inquiries held under that section.

Amendment as to the vesting of water pipes, &c.

26. An improvement scheme under Part I. of the principal Act may provide for any exceptions, restrictions, or modifications in the application of section twenty-two of the principal Act (which vests in the local authority pipes, sewers, and drains), and that section shall take effect subject to any such exceptions, restrictions, or modifications.

Amendment of s. 38 of the principal Act as to distribution of compensation money and as to betterment charges.

27.—(1) The amount of any compensation payable under section thirty-eight of the principal Act (which relates to obstructive buildings) shall, when settled by arbitration in manner provided by that section, be apportioned by the arbitrator between any persons having an interest in the compensation in such manner as the arbitrator determines.

(2) The power of the arbitrator to apportion compensation under the foregoing provision and to apportion any part of the compensation to be paid for the demolition of an obstructive building amongst other buildings under subsection (8) of the

said section thirty-eight may be exercised in cases where the amount to be paid for compensation has been settled otherwise than by arbitration under the principal Act by an arbitrator appointed for the special purpose, on the application of the local authority, by the Local Government Board, and the provisions of that Act shall apply as if the arbitrator so appointed had been appointed as arbitrator to settle the amount to be paid for compensation.

Explanation of sections 21 (2) and 41 (3) of principal Act.

28. For removing doubts it is hereby declared that a local authority may tender evidence before an arbitrator to prove the facts under the headings (first) (secondly) (thirdly) mentioned in subsection (2) of section twenty-one and subsection (3) of section forty-one of the principal Act, notwithstanding that the local authority have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

Amendments with respect to Financial Matters.

Amendment as to application of money borrowed for the purpose of the Dwelling-house Improvement Fund.

29. No deficiency in the Dwelling-house Improvement Fund shall be supplied under subsection (2) of section twenty-four of the principal Act out of borrowed money unless the deficiency arises in respect of money required for purposes to which borrowed money is, in the opinion of the Local Government Board, properly applicable.

Expenses of rural district council under Part III. of the principal Act.

30.—(1) The expenses incurred by a rural district council after the passing of this Act in the execution of Part III. of the principal Act shall be defrayed as general expenses of the council in the execution of the Public Health Acts, except so far as the Local Government Board on the application of the council declare that any such expenses are to be levied as special expenses charged on specified contributory places or as general expenses charged on specified contributory places in the district in such proportions as the district council may determine, to the exclusion of other parts of the district, and a rural district council may borrow for the purposes of Part III. of the principal Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

(2) The district council shall give notice to the overseers of any contributory place proposed to be charged, of any apportionment made by them under this section, and the overseers if aggrieved by the apportionment may appeal to the Local Government Board by giving notice of appeal to the Board

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within twenty-one days after notice has been so given of the apportionment.

Application of proceeds of land sold under Part III.

31. Where any land vested in a local authority for the purposes of Part III. of the principal Act is sold under section sixty of that Act (which relates to the sale and exchange of lands), the proceeds may be applied not only as provided by that section, but also for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Mode in which contributions by London borough councils to the County Council or vice versâ may be made.

32. Any payment or contribution agreed or ordered to be made under subsection (6) or (7) of section forty-six of the principal Act, as amended by section fourteen of the Housing of the Working Classes Act, 1903 (which relate to payments or contributions by borough councils towards the expenses of the county council or by the county council towards the expenses of borough councils in London), may be made either by means of the payment of a lump sum or by means of an annual payment of such amount and for such number of years as may be agreed upon or ordered.

Exemption from s. 133 of Lands Clauses Consolidation Act, 1845.

33. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to Land Tax and poor rate), shall not apply in the case of any lands of which a local authority becomes possessed by virtue of the Housing Acts.

Exemption of lodging-houses for the working classes from Inhabited House Duty.

34.—(1) The assessment to Inhabited House Duty of any house occupied for the sole purpose of letting lodgings to persons of the working classes, at a charge of not exceeding sixpence a night for each person, shall be discharged by the Commissioners acting in the execution of the Acts relating to the Inhabited House Duties, upon the production of a certificate to the effect that the house is solely constructed and used to afford suitable accommodation for the lodgers, and that due provision is made for their sanitary requirements.

53 & 54 Vict. c. 8.

(2) The provisions of subsection two of section twenty-six of the Customs and Inland Revenue Act, 1890, in relation to the certificate mentioned therein, shall, so far as applicable, apply to the certificate to be produced under this section.

General Amendments.

Power of entry.

35. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local

authority or the Local Government Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

(*a*) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under the Housing Acts; and

(*b*) for the purpose of survey and examination, in the case of any dwelling-house in respect of which a closing order or an order for demolition has been made; or

(*c*) for the purpose of survey and examination, where it appears to the authority or board that survey or examination is necessary in order to determine whether any powers under the Housing Acts should be exercised in respect of any house, premises, or building.

Notice may be given to the occupier for the purposes of this section by leaving a notice addressed to the occupier, without name or further description, at the house, buildings, or premises.

Power of Local Government Board to obtain a report on any crowded area.

36. If it appears to the Local Government Board that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under the Housing Acts should be put into force in that area or not, the Local Government Board may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they direct, and the local authority shall comply with the requirement of the Local Government Board, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of the principal Act as the Local Government Board determine.

Joint action by local authorities.

37. Where *upon an appllication made by one of the local authorities concerned*, the Local Government Board are satisfied that it is expedient that any local authorities should act jointly for any purposes of the Housing Acts, either generally or in any special case, the Board may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a provisional order made under section two hundred and seventy-nine of the Public Health Act, 1875, for the formation of a united district.

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Appeals to Local Government Board.

38.—(1) The procedure on any appeal under this Part of this Act, *including costs*, to [the Local Government Board] *a county court* shall be such as the [Board] *authority having power to make rules of practice under the County Courts Act*, 1888, may by rules determine, and on any such appeal the [Board] *court* may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and where the appeal is against any notice, order, or apportionment given or made by the local authority, the notice, order, or apportionment may be confirmed, varied, or quashed, as the [Board] *court* think just.

(2) Any notice, order, or apportionment as respects which an appeal to [the Local Government Board] *a county court* is given under this Part of this Act shall not become operative until either the time within which an appeal can be made under this Part of this Act has elapsed without an appeal being made, or in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

(3) The [Local Government Board] *county court* may before considering any appeal which may be made [to them] under this Part of this Act require the appellant to deposit such sum to cover the costs of the appeal as may be fixed by the rules made [by them] with reference to appeals.

Sale and disposal of dwellings.

39. Notwithstanding anything contained in the principal Act it shall not be obligatory upon a local authority to sell and dispose of any lands or dwellings acquired or constructed by them for any of the purposes of the Housing Acts.

Power to prescribe forms and to dispense with advertisements and notices.

40.—(1) The Local Government Board may by order prescribe the form of any notice, advertisement, or other document, to be used in connection with the powers and duties of a local authority or of the Board under the Housing Acts, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

(2) The Local Government Board may dispense with the publication of advertisements [or the service of notices] required to be published [or served] by a local authority under the Housing Acts, if they are satisfied that there is reasonable cause for dispensing with the publication [or service].

(3) Any such dispensation may be given by the Local Government Board either before or after the time at which the advertisement is required to be published [or the notice is required to be served], and either unconditionally or upon such conditions as to the publication of other advertisements [or the service of other notices] or otherwise as the Board think fit, due care being taken by the Board to prevent the interests of any person being prejudiced by the dispensition.

Provision as to publication in London Gazette.

41. Where under the Housing Acts, any scheme or order or any draft scheme or order is to be published in the London Gazette, or notice of any such scheme or order or draft scheme or order is to be given in the London Gazette, it shall be sufficient in lieu of such publication or notice to insert a notice giving short particulars of the scheme, order, or draft, and stating where copies thereof can be inspected or obtained in two local newspapers circulating in the area affected by the scheme, order, or draft, or to give notice thereof in such other manner as the Local Government Board determine.

Prohibition of back-to-back houses.

42. Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house commenced to be erected after the passing of this Act shall be deemed to be unfit for human habitation for the purposes of the provisions of the Housing Acts.

Provided that nothing in this section—

(*a*) shall prevent the erection or use of [a house containing several tenements in which the tenements are] *houses* placed back to back, if the medical officer of health for the district certifies that the [several tenements] *houses* are so constructed and arranged as to secure effective ventilation of all habitable rooms [in every tenement]; or

(*b*) shall apply to houses abutting on any streets the plans whereof have been approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, at the passing of this Act, any local Act or byelaws are in force permitting the erection of back-to-back houses.

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Power to Local Government Board to revoke unreasonable byelaws.

43. *If the Local Government Board are satisfied, by local inquiry or otherwise, that the erection of dwellings for the working classes within any borough, urban or rural district is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such byelaws or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board.*

Saving of sites of ancient monuments, &c.

44. Nothing in the Housing Acts shall authorise the acquisition for the purposes of those Acts of any land which is the site of an ancient monument or other object of archæological interest, *or the compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act*, 1890, *of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house.*

Minor amendments of Housing Acts.

45. The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the Housing Acts specified in the first column of that Schedule, and section sixty-three of the principal Act (which relates to the disqualification of tenants of lodging-houses on receiving poor relief) shall be repealed.

Definitions.

Provisions of this Part to be deemed to be part of the appropriate Part of the principal Act.

46.—(1) Any provisions of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained.

(2) Any reference in the Housing Acts to a closing order or to an order for the demolition of a building shall be construed as a reference to a closing order or an order of demolition under this Act.

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Definition of "working classes."

47. *The expression "working classes" in any case relating to the provision of housing accommodation under Part III. of the principal Act, unless the context otherwise requires, shall mean mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.*

Amendment of definitions in Part I. of the principal Act.

48. The expression "street" shall, unless the context otherwise requires, have the same meaning in Part I. of the principal Act as it has in Part II. of that Act, and shall [consequently] include any court, alley, street, square, or row of houses.

Amendment of definitions for purpose of Part II. of principal Act.

49.—(1) The words "means any inhabited building and" shall be omitted from the definition of "dwelling-house" in section twenty-nine of the principal Act.

(2) For the definition of owner in the same section the following definition shall be substituted:—

"The expression 'owner,' in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or entitled to the rents and profits of such premises under a lease the original term whereof is less than twenty-one years."

Definition of cottage.

50. For the definition of cottage in section fifty-three of the principal Act the following definition shall be substituted:—

The expression "cottage" in this Part of this Act may include a garden of not more than one acre.

Definition of Housing Acts.

51. In this Part of this Act the expression "Housing Acts" means the principal Act, and any Act amending that Act, including this Act.

Application of Part I. to Scotland.

Extension of Acts of 1900 and 1903 to Scotland.

52. Subject as herein-after provided, the Housing of the Working Classes Act, 1900, and the Housing of the Working Classes Act, 1903, shall as amended by this Act apply to Scotland.

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Application of Housing Acts to Scotland.

53. In addition to the provisions of the principal Act respecting the application of that Act to Scotland, the following provisions shall have effect in the application of the Housing Acts to Scotland:—

(1) The Local Government Board for Scotland (herein-after in this section referred to as the Board) shall except as otherwise provided be substituted for the Local Government Board, and shall also in Part III. of the principal Act as amended and in section five of the Housing of the Working Classes Act, 1900, be substituted for the county council:

(2) The Lord Advocate shall be substituted for the Attorney-General:

60 & 61 Vict. c. 38.

(3) The expression "Public Health Acts" means the Public Health (Scotland) Act, 1897, and any Act amending the same. References to the Public Health Act, 1875, shall unless the context otherwise requires be construed as references to the Public Health (Scotland) Act, 1897, and a reference to an order under section eighty-three of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to a provisional order under section two hundred and seventy-nine of the Public Health Act, 1875, a reference to section seventy-two of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section ninety of the Public Health Act, 1875, [and a reference to subsection three of section ninety-four of the principal Act as read with the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section one hundred and seventy-six of the Public Health Act, 1875:]

(4) *The reference in section fifty-seven of the principal Act to sections of the Public Health Act*, 1875, *relating to the purchase of lands, shall be construed as a reference to the corresponding sections of the Public Health (Scotland) Act*, 1897; *provided that for the purposes of Part III. of the principal Act the procedure under section two of this Act for the compulsory purchase of land shall be substituted for the procedure for the compulsory purchase of land under section one hundred and forty-five of the Public Health (Scotland) Act*, 1897.

(5) The district and the local authority for the purposes of the Public Health (Scotland) Act, 1897, shall respectively be the district and the local authority, and the public health general assessment shall be the local rate, for the purposes of the Housing Acts; provided that such local rate shall not be reckoned in any calculation as to the statutory limit of the public health general assessment; and provided further that a local authority not being a town council may, where so authorised by the Board in terms of the Housing Acts, assess and levy such local rate upon all lands and heritages within one or more of the parishes or special districts comprised in their district, to the exclusion of other parishes or special districts within the district:

(6) A local authority may, with the consent of the Board, borrow money for the purposes authorised in the Housing Acts on the security of the local rate in the same manner and subject to the same conditions as nearly as may be as they may borrow for the provision of permanent hospitals under the Public Health (Scotland) Act, 1897; provided that all money so borrowed shall, notwithstanding the terms of section one hundred and forty-one of the said Act, be wholly repaid together with the accruing interest within such period not exceeding eighty years from the date of the loan as the Board may determine in each case:

(7) The expressions "urban sanitary authority" and "rural sanitary authority" or "rural district council" mean respectively the local authority (for the purposes of the Public Health (Scotland) Act, 1897) of a burgh and of a district not being a burgh, and the expressions "urban district" and "rural district" shall be construed accordingly:

(8) The Acts relating to nuisances mean as respects any place the Public Health (Scotland) Act, 1897, and the Local Government (Scotland) Act, 1889, and any Act amending the same or either of them, and any local Act which contains any provisions with respect to nuisances in that place: 60 & 61 Vict. c. 38. 52 & 53 Vict. c. 50.

(9) Except so far as inconsistent with the provisions of subsection (1) of section eighty-five of the principal Act,

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sections seven, eight, nine, and ten of the Public Health (Scotland) Act, 1897, shall apply for the purpose of local inquiries ordered by the Board under the Housing Acts :

(10) Section one, subsection (1) of section four, and section ten of the Housing of the Working Classes Act, 1903, shall not apply. In the last-mentioned Act sections three and twelve shall apply with the substitution of the date of the passing of this Act for the date of the passing of that Act, and the Schedule shall apply with the modifications specified in the Third Schedule to this Act :

(11) [If after holding a local inquiry with reference to the matter] *Where a complaint is made to* the Board [are satisfied]—

(*a*) as respects the district of a local authority not being a town council, [on the complaint of] *by* the county council or [of] *by* the parish council or landward committee, of any parish comprised in the district, or [of] *by* any four inhabitant householders of the district; or

(*b*) as respects any other district [on the complaint of] *by* any four inhabitant householders of the district,

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, *the Board may cause a public local inquiry to be held, and if after holding such an inquiry the Board are satisfied that there has been such a failure on the part of the local authority* it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just. Section ten of this Act shall not apply :

[*See* Public Health (Scotland) Act, 1897, s. 147.]

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(12) Where it appears to the Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to make, or if made, to give effect to, any order as respects an obstructive building, or any reconstruction scheme, under Part II. of that Act, *or have failed to cause to be made the inspection of their district required by this Act*, it shall be lawful for the Board to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed as in the immediately preceding subsection. Section eleven of this Act shall not apply:

(13) *Section twelve and section thirteen of this Act shall not apply:*

(14) Sections fifteen, seventeen, [and] eighteen, *and thirty-eight* of this Act shall apply with the substitution of the sheriff for the Local Government Board; provided that *where an appeal is competent under any of these sections an appeal shall not be competent under section thirty-five of the principal Act, and provided also that the power to make rules under section thirty-eight of this Act shall be exercised by the Court of Session by act of sederunt.* Section one hundred and forty-six of the Public Health (Scotland) Act, 1897 (prescribing the procedure if a local authority neglect its duty), shall [apply] *have effect* as if the duties imposed upon a local authority by sections seventeen and eighteen of this Act were duties imposed by that Act:

60 & 61 Vict. c. 38.

(15) In the application to Scotland of section fourteen of this Act the limit of rent shall be [sixteen] *eight* pounds:

(16) References to special expenses shall not apply:

(17) "Overseers" means parish council, "paid into court" means "paid into bank," "as a civil debt in manner provided by the Summary Jurisdiction Acts" means in a summary manner.

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PART II.

TOWN PLANNING.

Preparation and approval of town planning scheme.

54.—(1) A town planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

(2) The Local Government Board may authorise a local authority within the meaning of this Part of this Act to prepare such a town planning scheme with reference to any land within or in the neighbourhood of their area, if the authority satisfy the Board that there is a primâ facie case for making such a scheme or may authorise a local authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme.

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town planning scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

[(4) A town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by the Local Government Board, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they think fit to impose.]

[(5) A town planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.]

[(6) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government

Board on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.] A.D. 1909.

(7) The expression land likely to be used for building purposes shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not [and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.]

Confirmation of town planning scheme.

55.—(1) *A town planning scheme prepared or adopted by a local authority shall be submitted to the Local Government Board and shall be supported by such evidence as the Board by their regulations require.*

(2) *If, on consideration of the scheme and on proof of the publication of the notices prescribed by the regulations of the Local Government Board, the Board think fit to proceed with the case, they shall direct a public local inquiry to be held in or in the vicinity of the area comprised in the scheme.*

(3) *After receiving the report made upon such inquiry and considering the same the Local Government Board may make an order sanctioning the scheme.*

(4) *Such order may be made with such modifications and subject to such conditions as the Local Government Board think fit to insert, and it shall be the duty of the authority promoting the scheme to serve in the manner prescribed by the regulations of the Board a notice of any order so made upon the authorities whose area and upon the persons whose property will be affected by the operation of the scheme.*

(5) *If within the prescribed period no objection has been presented to the Local Government Board by an authority or person interested, or if every such objection has been withdrawn, the Board may confirm the order unless the scheme contains a provision suspending any statutory enactments, in which case, or if such an objection as aforesaid has been presented and has not been withdrawn, the order shall not be of any validity unless and until it has been confirmed by Parliament.*

A.D. 1909.

(6) *Where an order under this section is referred to a Committee of either House of Parliament that Committee shall not hear expert witnesses, that is to say, any witness who receives any fee or reward for his attendance or evidence other than his out-of-pocket expenses, unless before the hearing of the case upon an application by the party desiring to call an expert witness, the Chairman of Committees in the case of an order referred to a Committee of the House of Lords or the Chairman of Ways and Means in the case of an order referred to a Committee of the House of Commons certifies that the evidence of any particular expert witness or witnesses is requisite or desirable.*

(7) *Where an order under this section is referred to a Committee of either House of Parliament the local authority who has submitted the scheme and any authority whose area or any person whose property will be affected by the scheme shall be entitled to petition and be heard before the Committee.*

(8) *The Local Government Board, or in the case of an order referred to a Committee of either House of Parliament that Committee by a majority of the members of the Committee for the time being present and voting, may make such an order as they think fit in favour of any authority whose area or of any person whose property was proposed to be affected by the scheme for the allowance of the reasonable costs, charges, and expenses properly incurred at any stage of the proceedings in opposing such scheme and for that purpose shall take into consideration the circumstances under which such opposition was made to the scheme and whether such opposition was or was not justified by such circumstances and shall award costs accordingly to be paid by the local authority promoting the scheme or the opponents of the scheme as may appear just.*

(9) *All costs, charges, and expenses incurred by the Local Government Board in relation to any order under this section shall to such amount as the Local Government Board, or in the case of an order referred to a Committee of either House of Parliament as that Committee think proper to direct, and all costs, charges, and expenses of any authority or person to such amount as may be allowed in pursuance of the aforesaid power shall be taken to be a liability incurred by the authority promoting the scheme and shall be paid to the Board and to such authority or person respectively in such manner and at such times, and either in one sum or by instalments, as may be directed.*

(10) *A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and confirmed in accordance with this Part of this Act on the application of the responsible authority, or of any other council or person interested.*

(11) *Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Parliamentary Costs Act*, 1865. 28 & 29 *Vict.* *c.* 27.

Contents of town planning schemes.

56.—(1) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as [approved by the Board] *confirmed* for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme defining the area to which the scheme is to apply and the authority who are to be responsible for enforcing the observance, or for the execution, of the scheme (in this Part of this Act referred to as the responsible authority), and providing for any matters which may be dealt with by general provisions and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any [statutory enactments], byelaws, regulations, or other provisions, *made under the authority of the Local Government Board* [under whatever authority made], which are in operation in the area included in the scheme:

[Provided that where the scheme contains provisions suspending any enactment contained in a public general Act the scheme shall not come into force unless a draft thereof has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and if either of those Houses before the expiration of those forty days presents an Address to His Majesty against the proposed suspension no further proceedings shall be taken on the draft, without prejudice to the making of any new scheme.]

A.D. 1909.

(3) Where land included in a town planning scheme is in the area of more than one local authority, the responsible authority may be, [as the Local Government Board directs,] one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties.

Provided that, except with the consent of the London County Council, no other local authority shall prepare or be responsible for enforcing the observance or for the execution of a town planning scheme under this part of this Act as respects any land in the county of London.

Procedure regulations of the Local Government Board.

57.—(1) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme, [obtaining the approval of the Board] *the submission to the Board of* [to] a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption [or the approval] of the scheme or preliminary thereto, or in relation to the carrying out of [the] *a* scheme *when confirmed* or enforcing the observance of the provisions thereof.

(2) Provision shall be made by those regulations—

(*a*) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations;

(*b*) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land; and

(*c*) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

Power to enforce scheme.

58.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme,—

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such

as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a local authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, [that question shall be referred to the Local Government Board, and the decision of the Board shall be final and conclusive and binding on all persons] *the matter may be referred for decision to the county court of the district in the same manner and subject to the like provisions as an appeal to that court under Part I. of this Act.*

Compensation in respect of property injuriously affected by scheme, &c.

59.—(1) Any person whose property is injuriously affected by the [operation] *making* of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the [approval] *confirmation* of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to [claim] *obtain* compensation under this section on account of any building erected on or contract made, or other thing done with respect to land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose:

Provided that this provision shall not apply as respects any work done before the date of the [approval] *confirmation* of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

A.D. 1909.

(3) Where, by the [operation] *making* of any town planning scheme, any property is increased in value the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the [approval] *confirmation* of the scheme is first published in the manner prescribed by regulations made by the Local Government Board, shall be entitled to recover from any person whose property is so increased in value the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by [the Local Government Board, and the determination of the Board shall be final and conclusive, and binding on all persons] *arbitration under this Act.*

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town planning scheme is revoked by an Order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Exclusion or limitation of compensation in certain cases.

60.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme no compensation shall be paid in respect thereof if or so far as the provisions are such as could [reasonably have been inserted in] *be enforced by* byelaws made by the local authority, *or are similar in effect to any enactment which would have been in force within the area to which the town planning scheme applies but for the operation of such scheme.*

(2) Property shall not be deemed to be injuriously affected so as to give rise to any claim for compensation under this Part of this Act by reason of the [operation] *making* of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or

any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

[(3) Where provisions regulating streets, buildings, and other matters dealt with by the scheme (whether contained in local Acts, or Provisional Orders) are, immediately before the approval of the scheme, in force in one part of the area comprised in the scheme and not in another part, or different provisions regulating such matters as aforesaid are in force in different parts of that area, a person whose property is affected by the scheme shall not be entitled to any greater compensation than he would have been entitled to if those provisions, or, as the case may be, the most stringent of those provisions, had been in force throughout that area.]

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

Acquisition by local authorities of land comprised in a scheme.

61.—(1) The responsible authority may, *subject to the provisions of section forty-five of this Act*, for [any] *the* purpose *of a town planning scheme* purchase any land comprised in [a town planning] *such* scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a local authority may purchase or be authorised to purchase land for the purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by section two of this Act.

(2) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

A.D. 1909.

Powers of Local Government Board in case of default of local authority to make or execute town planning scheme.

62.—(1) If the Local Government Board are satisfied on any representation, after holding a *public* local inquiry, that a local authority—

(*a*) have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made; or

(*b*) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted; or

(*c*) have unreasonably refused to consent to any modifications or conditions [imposed] *inserted* by the Board;

the Board may, as the case requires, order the local authority to prepare and submit [for the approval of] *to* the Board such a town planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so [imposed] *inserted*:

Provided that where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may [approve] *make an order sanctioning* the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority [and approved by the Board].

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce the observance of or to execute [the scheme] *effectively a scheme which has been confirmed*, or any provisions thereof, [effectively], the Board may order that authority to do all things necessary for enforcing the observance of or to execute the scheme or any provisions thereof effectively.

(3) Any order under this section may be enforced by mandamus.

(4) *For the purposes of this section the expression "local authority" shall not include the London County Council, or the council of any county borough.*

Determination of matters by Local Government Board. 31 & 32 Vict. c. 119.

63. Where the Local Government Board are authorised by this Part of this Act or any scheme made thereunder to determine any matter, it shall be at their option to determine the matter as arbitrators or otherwise, and if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways

Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid: A.D. 1909.

Provided that where the question to be determined is a question whether property is injuriously affected or increased in value, or as to the amount or manner of payment of the sum which is to be paid as compensation or which the responsible authority are entitled to recover from the person whose property is increased in value, the Local Government Board shall not determine the question otherwise than as arbitrators except with the consent of the parties interested.

Inquiries by Local Government Board.

64. Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

Laying general provisions before Parliament.

65. All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

Definition of local authority, and expenses.

66.—(1) For the purposes of this Part of this Act the expression "local authority" means the council of any borough or urban or rural district.

(2) Any expenses incurred by a local authority under this Part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

A.D. 1909.

Application to London.

67.—(1) This Part of this Act shall apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

Application of Part II. to Scotland.

68. This Part of this Act shall apply to Scotland subject to the following modifications:—

(1) The Local Government Board for Scotland (herein-after referred to as the Board) shall be substituted for the Local Government Board, and shall for the purposes of this Part of this Act have the same powers of local inquiry as for the purposes of the Housing Acts as defined in Part I. of this Act.

(2) Subsection one and subsection three of the section of this Part of this Act which relates to the definition of local authority and expenses shall not apply.

(3) The local authority and the area of such authority for the purposes of this Part of this Act shall respectively be the local authority for the purposes of the Housing Acts as defined in Part I. of this Act, and the district of that authority.

(4) References to the Public Health Acts shall be construed as references to the Housing Acts as defined in Part I. of this Act.

(5) Any local rate for the purposes of this Part of this Act (including the purposes of any loan) shall not be reckoned in any calculation as to the statutory limit of the public health general assessment.

(6) The Board shall not themselves make an order under this Part of this Act on any authority, but in lieu thereof it shall be lawful for the Board, after holding a local inquiry at which the authority shall have had an opportunity of being heard, and with the approval of the Lord Advocate, to apply for such an order by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and

to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just. A.D. 1909.

(7) In any proceedings under this Part of this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

(8) *The provision respecting the Rules Publication Act*, 1893, *shall have effect as if section one of that Act applied to Scotland.*

PART III.

COUNTY MEDICAL OFFICERS, COUNTY PUBLIC HEALTH AND HOUSING COMMITTEE, &C.

Appointment of medical officer by county council.

69.—(1) Every county council shall appoint a medical officer of health under section seventeen of the Local Government Act, 1888.

[(2) The Local Government Board may by order prescribe the duties of medical officers of health appointed by a county council under section seventeen of the Local Government Act, 1888, whether before or after the passing of this Act.] 51 & 52 Vict. c. 41.

(2) The power of county councils and district councils] under the said section to make arrangements with respect to medical officers of health shall cease, withoout prejudice to any arrangement made previously to the date of the passing of this Act.

(3) The medical officer of health of a county shall, for the purposes of his duties, have the same powers of entry on premises as are conferred on a medical officer of health of a district by or under any enactment.

[(5) A medical officer of health of a county shall be removable by the county council with the consent of the Local Government Board and not otherwise.]

(4) A medical officer of health of a county shall not be appointed for a limited period only.

Provided that the county council may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of the medical officer of health of the county, and any person appointed by virtue of any such arrangement to perform those duties or any of them shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of the medical officer of health of the county.

A.D. 1909.

(5) A medical officer of health appointed under the said section as amended by this section shall not engage in private practice, and shall not hold any other public appointment without the express written consent of the Local Government Board.

Duty of clerk and medical officer of health of district council to furnish information to medical officer of health of county council.

70.—(1) The clerk of a rural district council shall forward to the medical officer of health of the county a copy of any representation, complaint, or information, a copy of which it is the duty of the district council to forward to the county council under section forty-five of the Housing of the Working Classes Act, 1890 (which relates to the powers of county councils).

(2) The medical officer of health of a district shall give to the medical officer of health of the county any information which it is in his power to give, and which the medical officer of health of the county may reasonably require from him for the purpose of his duties.

(3) If any dispute or difference shall arise between the clerk or the medical officer of health of a district council and the medical officer of health of a county council under this section the same shall be referred to the Local Government Board, whose decision shall be final and binding.

(4) If the clerk or medical officer of health of a district council fails to comply with the provisions of this section, he shall on information being laid by the county council, but not otherwise, be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds.

Extent of Part III.

71. The foregoing provisions of this Part of this Act shall not apply to Scotland or the administrative county of London.

Public health and housing committee of county councils.

72.—(1) Every county council shall establish a public health and housing committee, and all matters relating to the exercise and performance by the council of their powers and duties as respects public health and the housing of the working classes (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the public health and housing committee with respect to the matter in question, and the council may also delegate to the public health and housing committee, with or without restrictions or conditions as they think fit, any of their powers as respects public health and the housing of the working classes, except the power of raising a

rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

(2) This section shall not apply to the London County Council.

Formation and extension of building societies.

73.—(1) The county council may promote the formation or extension of and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object or one of their objects the erection or improvement of dwellings for the working classes.

(2) The county council, with the consent of and subject to the regulations made by the Local Government Board, may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment, or otherwise, and on such security as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow:

Provided that the regulations of the Board shall provide that any such advance made on the security of any property shall not exceed two-thirds of the value of that property.

PART IV.

SUPPLEMENTAL.

Provisions as to commons and open spaces.

74.—(1) Where any scheme or order under the Housing Acts or Part II. of this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Local Government Board after consultation with the Board of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

A.D. 1909.

(3) Where any such scheme or order authorises such an exchange the scheme or order shall vest the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and shall discharge the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions as to land in neighbourhood of royal palaces or parks.

75.—(1) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act, is situate within the prescribed distance from any of the royal palaces or parks the local authority shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Local Government Board shall, before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Local Government Board after consultation with the Commissioners of Works.

Repeal.

76. The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title and extent.

77.—(1) This Act may be cited as the Housing, Town Planning, &c. Act, 1909, and Part I. of this Act shall be construed as one with the Housing of the Working Classes Acts, 1890 to 1903, and that Part of this Act and those Acts may be cited together as the Housing of the Working Classes Acts, 1890 to 1909.

(2) This Act shall not extend to Ireland.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A LOCAL AUTHORITY FOR THE PURPOSES OF PART III. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

(1) Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

[(2) An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.]

(2) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase being compulsory.

(3) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed *by the parties, or, in default of agreement,* by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly; *provided that where the Board has declared a local authority to be in default, and in pursuance thereof an order has been made and confirmed authorising the compulsory acquisition of land, the arbitrator shall be appointed by the Lord Chief Justice of England instead of by the Board.*

A.D. 1909.

(4) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of that land as may be prescribed.

[(6) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but if such an objection has been presented and has not been withdrawn the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.]

[(7) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.]

(5) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear by themselves or their agents, any authorities or parties authorised to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

(6) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily.

(7) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(8) In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

(9) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the

Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(10) In this schedule the expression "Board" means the Local Government Board, and the expression "prescribed" means prescribed by the Board.

(11) The provisions of this schedule, except those relating to land belonging to an ecclesiastical benefice, shall apply to Scotland, subject to the following modifications:—

(*a*) for the reference to section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act, 1845, and for the reference to sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845;

(*b*) for reference to an arbitrator there shall be substituted references to an arbiter;

(*c*) *for the reference to the Lord Chief Justice there shall be substituted a reference to the Lord President of the Court of Session;*

(*d*) for the references to the Lord Chancellor there shall be substituted a reference to the Lord Advocate;

(*e*) for the reference to the Local Government Board there shall be substituted a reference to the Local Government Board for Scotland.

A.D. 1909.

SECOND SCHEDULE.

MINOR AMENDMENTS OF HOUSING ACTS.

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70).	
Section 23 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 34 - - -	The words "the order becomes operative" shall be substituted for the words "service of the order."
Section 35 - -	The words "if he is not entitled to appeal to the Local "Government Board against the order" shall be inserted after the word "may" where it first occurs.
Section 38 (1) (*a*) -	The words "or impedes" shall be inserted after the word "stops."
Section 38 (7) - -	The words "house or other building or manufactory" shall be substituted for the words "house or manufactory" wherever they occur in that subsection.
Section 39 (8) - -	The words "as amended by any subsequent Act" shall be inserted after the word "Act" where it first occurs, and the words "to the power of the Local Government "Board to enforce that duty" shall be inserted after the word "execution."
Section 40 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 85 - - -	The words "powers and" shall be inserted before the word "duties."
Section 88 - -	The words "or Part III." shall be inserted after the words "Part II."
Section 89 - -	After the word "Act" where it first occur the words "or "any person authorised to enter dwelling-houses, pre- "mises, or building in pursuance of this Act" shall be inserted; the words "authority or person" shall be substituted for the words "or authority," and the word "he" shall be substituted for the words "such person."

THIRD SCHEDULE.

MODIFICATIONS OF THE SCHEDULE TO THE HOUSING OF THE WORKING CLASSES ACT, 1903, IN ITS APPLICATION TO SCOTLAND.

In the above-mentioned schedule, as applying to Scotland, the expression "district within the meaning of the Public Health (Scotland) "Act, 1897," shall be substituted for the expressions "borough," "urban district," and "parish" respectively; "Local Government "Board for Scotland" shall be substituted for "Local Government "Board"; "every such appropriation of lands shall be recorded as a

" real burden affecting such lands in the appropriate register of sasines" shall be substituted for "every conveyance, demise, or lease of any such " lands shall be endorsed with notice of this provision"; "subsections " one and three (with the substitution of the Local Government Board " for Scotland for the Secretary for Scotland) of section ninety-three " of the Local Government (Scotland) Act, 1889" shall be substituted for "subsections one and five of section eighty-seven of the Local " Government Act, 1888"; "Court of Session" shall be substituted for "High Court"; "order of the Court of Session on the application " of the Board" shall be substituted for "mandamus"; and "local " authority for the purposes of the Public Health (Scotland) Act, 1897, " in whose district" shall be substituted for "council of any admini- " strative county and the district council of any county district; or in " London the council of any metropolitan borough, in which."

FOURTH SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE LOCAL GOVERNMENT BOARD.

1. Streets, roads, and other ways, and stopping up, or diversion of existing highways.

2. Buildings, structures, and erections.

3. Open spaces, private and public.

4. The preservation of objects of historical interest or natural beauty.

5. Sewerage, drainage, and sewage disposal.

6. Lighting.

7. Water supply.

8. Ancillary or consequential works.

9. Extinction or variation of private rights of way and other easements.

10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

11. Power of entry and inspection.

12. Power of the responsible authority to remove, alter, or demolish any obstructive work.

13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with

A.D. 1909.

respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

[15. Application with the necessary modifications and adaptations of statutory enactments.]

15. Carrying out and supplementing the provisions of this Act for enforcing schemes.

16. Limitation of time for operation of scheme.

17. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, &c.

18. Charging on the inheritance of any land the value of which is increased by the operation of a town-planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

FIFTH SCHEDULE.

1. Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme:—

(*a*) Submission of plans and estimates.

(*b*) Publication of notices.

2. Procedure during, on and after the preparation or adoption and before the [approval] *confirmation* of the scheme:—

(*a*) Submission to the Local Government Board of the proposed scheme, with plans and estimates.

(*b*) Notice of submission of proposed scheme to the Local Government Board.

(*c*) Hearing of objections and representations by persons affected including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

3. Procedure after the [approval] *confirmation* of the scheme:—

(*a*) Notice to be given of [approval] *confirmation* of scheme.

(*b*) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including, wherever the [circumstances so require] *scheme as confirmed so requires*, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

SIXTH SCHEDULE.

A.D. 1909.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventeen, from "who shall not hold" to end of the section.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The words "for sanitary purposes" in paragraph (*a*) of subsection (1) of section six.
		Subsection (6) of section eight, and section nine.
		Subsection (3) of section twelve from "but the local authority" to the end of the subsection; subsection (5) of section twelve.
		Subsection (2) of section fifteen, including the proviso thereto.
		Sections seventeen, eighteen, and nineteen.
		In section twenty-five, the words at the end of the section "such loan shall be repaid "within such period, not exceeding fifty "years, as may be recommended by the "confirming authority."
		Sections twenty-seven and twenty-eight.
		In section twenty-nine, the words "means "any inhabited building and" in the definition of "dwelling-house."
		Sections thirty-two and thirty-three.
		In section thirty-nine, the words "by agree-"ment" in subsection (4) where those words first occur, and all after the word "sanctioned" to the end of that subsection; subsections (5) and (6); the words "to costs to be awarded in certain cases "by a Committee of either House of "Parliament" in subsection (8); and subsection (9) from "Provided that" to the end.
		In subsection (3) of section forty-seven, the words "the time allowed under any order "for the execution of any works or the "demolition of a building, or".
		In section fifty-three subsection (2).
		Section fifty-four, so far as unrepealed.
		Section fifty-five, so far as it applies to Scotland.
		Section sixty-three.
		Section sixty-five, from "and (iii)" to the end of the section.
		In section sixty-six, the words "or special."
		Section seventy-seven.
		Section eighty-three.
		Section ninety-two, from "but in" to the end of the section.

A.D. 1909.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890—*cont.*	Subsection (3) except paragraph (*c*), and subsection (4) of section ninety-four, ⟦so far as they apply to Scotland.⟧ Subsections (1), (2), (7), (8), and (14) of section 96. *In subsection* (3) *of section ninety-seven the words "the time allowed "under any order for the execution of "any works or the demolition of a "building, or"* The First Schedule, so far as it applies to Scotland. The Third, Fourth, and Fifth Schedules.
59 & 60 Vict. c. 31.	The Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1896.	⟦The whole Act.⟧ *Section three.*
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	Sections two, six, and seven. In section eight the words "Scotland or".
3 Edw. 7. c. 39.	The Housing of the Working Classes Act, 1903.	Paragraphs (*a*) and (*b*) of subsection (2) of section five, sections six and eight, in section ten the words "in the manner "provided by subsection three of section "thirty-two of the principal Act," and section sixteen. In section seventeen the words "Scotland or".

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE VISCOUNT ST. ALDWYN.

Clause 62, page 36, line 26, leave out ("or to execute")
line 30, leave out ("or to execute")

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE VISCOUNT ST. ALDWYN.

27th September 1909.

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(182 *a.*) +—

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE EARL OF KIMBERLEY.

Clause 15, page 9, line 31, after ("the") insert ("Local "Government Board or the")

line 36, after ("the") insert ("Board or "the")

Clause 17, page 11, line 27, after the second ("the") insert ("Local Government Board or the")

line 29, after ("the") insert ("Board or "the")

page 12, line 19, after the first ("the") insert ("Local Government Board or the")

line 20, after ("the") insert ("Board or "the")

line 21, after ("refused") insert the following new subsection:

(7) Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.

Clause 18, page 14, line 12, after the first ("the") insert ("Local Government Board or the")

line 13, after ("the") insert ("Board or "the")

Clause 38, page 20, line 2, after ("to") insert ("the Local "Government Board or")

line 3, after ("the") insert ("Board or "the")

Clause 38, page 20, line 5, after ("the") insert ("Board or "the")

line 11, after ("the") insert ("Board or "the")

line 13, after ("to") insert ("the Local "Government Board or")

line 21, after ("the") insert ("Local "Government Board or the")

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE EARL OF KIMBERLEY.

28th September 1909.

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Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD ALVERSTONE.

Clause 59, page 34, line 18, after ("Act") insert ("in accordance with Schedule I. of this Act")

Leave out clause 63.

First Schedule, page 44, lines 17 to 23, leave out paragraph (5).

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT

BY

THE LORD ALVERSTONE.

29th September 1909.

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[*Price* ½*d.*]

(182 *c.*)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT.

*The Amendments marked with a * are now printed for the first time.*

Clause 10.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 5, lines 35 and 36, leave out ("be satisfied that there "is a") and insert ("take into consideration the")

* line 36, leave out ("which is likely to be per- "manent")

* line 38, leave out ("that there is no") and insert ("the")

* line 39, leave out ("that") and insert ("and the "other circumstances of the case, and whether")

* Page 5, line 40, and page 6, line 1, leave out ("under all "the circumstances")

Clause 13.

BY THE VISCOUNT HILL.

* Page 7, line 41, leave out ("contributing") and insert ("contributory")

Clause 14.

BY THE LORD HYLTON.

* Page 8, line 12, after ("habitation") insert ("but the "condition aforesaid shall not be implied when a house or part of "a house is let upon the terms that it be put by the lessee or "occupying tenant into a condition reasonably fit for occupation")

BY THE VISCOUNT ST. ALDWYN.

* Page 8, line 21, after ("pounds") insert—

(*c*) In the case of a house situate in any other borough or urban district, sixteen pounds.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 8, line 23, leave out ("eight") and insert ("sixteen")

Clause 15.

BY THE LORD CLINTON AND THE LORD STEWARD (*E. Beauchamp*).

* Page 9, line 11, leave out ("twenty-eight") and insert ("twenty-one")

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 9, line 16, after ("notice") insert ("given by the "local authority") and leave out ("or") and insert ("and")

BY THE EARL OF KIMBERLEY.

Page 9, line 31, after ("the") insert ("Local Government "Board or the")

BY THE EARL OF CAMPERDOWN.

* Page 9, line 34, after ("or") insert ("against any")

BY THE EARL OF KIMBERLEY.

Page 9, line 36, after ("the") insert ("Board or the")

Clause 15—*continued.*

BY THE DUKE OF NORTHUMBERLAND.

* Page 9, line 42, after ("lets") insert ("to a tenant for "occupation")

Clause 16.

BY THE VISCOUNT HILL.

* Page 10, line 23, leave out ("or in substitution for")

BY THE DUKE OF NORTHUMBERLAND.

* Page 10, line 26, after ("discharge") insert ("provided that "no duty which involves the execution of work shall be imposed "under this section upon the owner where the defect in respect "of which the Order is made has been caused by the act or default "of the tenant or occupier or of any person for whom the tenant "of the premises is responsible")

BY THE VISCOUNT HILL.

* Page 10, line 41, leave out ("(3)") and insert ("(5)")

BY THE MARQUESS OF SALISBURY.

* Page 11, line 4, after ("expenses") insert ("and against "any order made with respect to those expenses")

Clause 17.

BY THE DUKE OF NORTHUMBERLAND.

* Page 11, line 19, after the second ("or") insert ("other")

BY THE EARL OF KIMBERLEY.

Page 11, line 27, after the second ("the") insert ("Local "Government Board or the")

line 29, after ("the") insert ("Board or the")

Clause 17—*continued.*

Page 12, line 19, after the first ("the") insert ("Local " Government Board or the")

line 20, after ("the") insert (" Board or the")

line 21, after (" refused") insert the following new subsection—

(7) Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 11, line 38, leave out from ("to") to the end of line 39, and insert (" be ordered to quit the dwelling-house within " such time as may be specified in the Order")

BY THE DUKE OF NORTHUMBERLAND.

* Page 13, line 16, after (" exhalation") insert the following new paragraph—

Provided that a Closing Order made in respect of a room to which this subsection applies shall not prevent the room being used for purposes other than those of a sleeping place.

Clause 18.

BY THE EARL OF KIMBERLEY.

Page 14, line 12, after the first ("the") insert ("Local " Government Board or the")

line 13, after ("the") insert (" Board or the")

BY THE DUKE OF NORTHUMBERLAND.

* Page 13, line 35, leave out (" being or being part of the " dwelling-house") and insert (" or of any part thereof")

Clause 21.

BY THE MARQUESS OF SALISBURY.

* Page 14, line 29, after (" jurisdiction") insert (" in")

Clause 23.

BY THE VISCOUNT HILL.

* Page 15, line 8, leave out (" paragraphs were ") and insert (" paragraph was ")

Clause 26.

BY THE LORD MONK BRETTON.

* Page 16, line 30, after (" modifications ") insert (" provided " that this section shall apply only where all the persons interested " consent to its being put in operation ")

Clause 38.

BY THE EARL OF KIMBERLEY.

Page 20, line 2, after (" to ") insert (" the Local Government " Board or ")

line 3, after (" the ") insert (" Board or the ")

line 5, after (" the ") insert (" Board or the ")

line 11, after (" the ") insert (" Board or the ")

BY THE MARQUESS OF SALISBURY.

* Page 20, line 11, after subsection (1) insert the following new subsection—

(2) The decision of the judge of county courts of the district on any appeal to the court under this part of this Act shall be final.

BY THE EARL OF KIMBERLEY.

Page 20, line 13, after (" to ") insert (" the Local Government " Board or ")

line 21, after (" the ") insert (" Local Government " Board or the ")

Clause 40.

BY THE VISCOUNT HILL.

* Page 21, line 8, leave out ("dispensition") and insert ("dispensation")

Clause 50.

BY THE LORD MONK BRETTON.

* Page 23, line 29, after ("acre") insert ("provided that the "estimated annual value of such garden shall not exceed three "pounds")

Clause 53.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 24, line 19, leave out ("and")
* line 23, after ("1875") insert ("and")

BY THE EARL OF CAMPERDOWN.

* Page 27, line 20, leave out ("Local Government Board") and insert ("county court of the district")

Clause 55.

BY THE DUKE OF NORTHUMBERLAND.

* Page 29, line 37, leave out ("suspending") and insert ("contravening")

Clause 56.

BY THE MARQUESS OF SALISBURY.

* Page 31, line 20, after ("apply") insert ("including a "schedule showing each parcel of land which it is proposed shall "be affected by the making of the scheme, together with a map or "plan")

Clause 56—*continued.*

BY THE MARQUESS OF SALISBURY.

* Page 31, line 20, after ("and") insert ("specifying")

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 31, line 21, leave out ("or for the execution"), and after ("scheme") insert ("and for the execution of any works "which under the scheme or this Act are to be executed by a local "authority")

BY THE DUKE OF NORTHUMBERLAND.

* Page 31, line 27, leave out ("suspending") and insert ("contravening")

BY THE MARQUESS OF SALISBURY.

* Page 31, line 30, leave out ("made under the authority of "the Local Government Board")

BY THE EARL OF ONSLOW.

* Page 32, line 2, after ("authority") insert ("or is in the area of a local authority by whom the scheme was not prepared")

Clause 58.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 33, line 9, leave out ("local") and insert ("re-"sponsible")

Clause 59.

BY THE DUKE OF NORTHUMBERLAND.

* Page 33, line 36, leave out ("provision") and insert ("sub-"section")

Clause 59—*continued.*

BY THE LORD ALVERSTONE.

Page 34, line 18, after ("Act") insert ("in accordance with "Schedule I. of this Act")

Clause 60.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 34, lines 32 and 33, leave out ("could be enforced by") and insert ("would have been enforceable if they had been contained "in")

BY THE MARQUESS OF SALISBURY.

* Page 34, line 33, leave out from ("or") to the end of the subsection and insert ("under the provisions of a local Act or "Provisional Order in force within the area at the passing of this "Act")

Clause 61.

BY THE VISCOUNT ST. ALDWYN.

* Page 35, lines 25 and 26, leave out ("subject to the "provisions of section forty-five of this Act")

* line 35, leave out ("section two") and insert ("sections two and forty-four")

BY THE EARL OF CAMPERDOWN.

* Page 35, line 26, leave out ("forty-five") and insert ("forty-four")

Clause 62.

BY THE VISCOUNT HILL.

* Page 36, line 22, leave out ("had effect as if it had") and insert ("be deemed to have")

Clause 62—*continued.*

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 36, line 26, after ("enforce") insert ("effectively")

BY THE VISCOUNT ST. ALDWYN.

Page 36, line 26, leave out ("or to execute")

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 36, lines 26 and 27, leave out ("or to execute " effectively")

* line 28, after ("thereof") insert ("or to execute " any works which under the scheme or this Act the authority is " required to execute")

BY THE VISCOUNT ST. ALDWYN.

Page 36, line 30, leave out ("or to execute")

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 36, line 30, leave out ("or to execute") and after ("effectively") insert ("or for executing any works which under " the scheme or this Act the authority is required to execute")

BY THE VISCOUNT ST. ALDWYN.

* Page 36, line 30, after ("effectively") insert ("Provided " that no Order made under this section shall compel the responsible " authority to undertake the erection of houses which they could " not be ordered to erect under the Housing of the Working " Classes Acts as amended by Part I. of this Act")

Clause 63.

BY THE LORD ALVERSTONE.

Leave out clause 63.

Clause 63—*continued.*

BY THE LORD ZOUCHE OF HARYNGWORTH.

✱ Leave out clause 63 and insert the following new clause:

Procedure of Local Government Board on applications.

63. The procedure of the Local Government Board upon an application in respect of any matter which they are authorised by this part of this Act or by any scheme made thereunder to determine shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties.

Clause 67.

BY THE DUKE OF NORTHUMBERLAND.

✱ Page 38, line 1, after (" shall ") insert (" except as otherwise " expressly provided ")

Clause 68.

BY THE LORD STEWARD (*E. Beauchamp*).

✱ Page 38, line 31, leave out (" this Part ") and insert (" section sixty-two ")

✱ Page 39, line 9, after (" Scotland ") insert (" with the " substitution of the Edinburgh Gazette for the London Gazette ")

Clause 69.

BY THE DUKE OF NORTHUMBERLAND.

✱ Page 39, lines 20 to 23, leave out subsection (2).

Clause 69—*continued.*

BY THE EARL OF HARROWBY.

* Page 39, line 27, after subsection (3) insert the following new subsection—

(4) A medical officer of health of a district who is not in private practice shall not be appointed for a limited period only and shall be removable by the electing authority with the consent of the Local Government Board and not otherwise.

Clause 71.

BY THE LORD BRODRICK (*V. Midleton*).

* Page 40, line 27, after ("or") insert ("except subsection (3) " of section sixty-nine to")

Clause 72.

BY THE DUKE OF NORTHUMBERLAND.

* Page 40, line 28, leave out ("establish a public health and " housing") and insert ("appoint a")

* line 29, leave out ("and") and insert ("to whom " shall be referred")

* lines 32 and 33, leave out ("shall stand referred to " the public health and housing committee")

* line 35, leave out ("the public health and " housing") and insert ("that")

* lines 37 and 38, leave out ("the public health and " housing") and insert ("that")

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 41, line 4, after ("to") insert ("Scotland or")

In the Schedules.

First Schedule.

BY THE LORD ALVERSTONE.

Page 44, lines 17 to 23, leave out paragraph (5).

Second Schedule.

BY THE MARQUESS OF SALISBURY.

* Page 46, column 2, lines 11 and 12, leave out ("Local "Government Board") and insert ("county court of the district")

Sixth Schedule.

BY THE EARL OF CAMPERDOWN.

* Page 49, third column, leave out lines 10 and 11.

BY THE LORD BELPER.

* Page 49, third column, lines 12 to 14, leave out ("sub-"section (3) of section twelve from 'but the local authority' "to the end of the subsection")

BY THE EARL OF CAMPERDOWN.

* Page 49, third column, leave out lines 16 and 17.

* third column, leave out lines 29 to 38 inclusive.

BY THE MARQUESS OF SALISBURY.

* Page 49, third column, leave out lines 39 to 42 inclusive.

* Page 50, line 7, leave out from ("96") to the end of line 11.

Sixth Schedule—*continued.*

BY THE EARL OF CAMPERDOWN.

* Page 50, third column, lines 21 and 22, leave out ("paragraphs (*a*) and (*b*) of subsection (2) of section 5, section "six, and") and insert ("section")

Housing, Town Planning, &c., Bill.

MARSHALLED LIST

OF AMENDMENTS TO

BE MOVED ON REPORT.

30th September 1909.

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(182 **.)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON REPORT.

*The Amendments marked with a * are now printed for the first time.*

Clause 10.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 5, lines 35 and 36, leave out ("be satisfied that there "is a") and insert ("take into consideration the")

line 36, leave out ("which is likely to be per- "manent")

line 38, leave out ("that there is no") and insert ("the")

line 39, leave out ("that") and insert ("and the "other circumstances of the case, and whether")

Page 5, line 40, and page 6, line 1, leave out ("under all "the circumstances")

Clause 13.

BY THE VISCOUNT HILL.

Page 7, line 41, leave out ("contributing") and insert ("contributory")

Clause 14.

BY THE DUKE OF MARLBOROUGH.

* Page 8, line 7, leave out ("in letting working-class houses")

* line 9, leave out from ("habitation") to the first ("a") in line 15.

BY THE LORD HYLTON.

Page 8, line 12, after ("habitation") insert ("but the "condition aforesaid shall not be implied when a house or part of "a house is let upon the terms that it be put by the lessee or "occupying tenant into a condition reasonably fit for occupation")

BY THE VISCOUNT ST. ALDWYN.

Page 8, line 21, after ("pounds") insert—

(*c*) In the case of a house situate in any other borough or urban district, sixteen pounds.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 8, line 23, leave out ("eight") and insert ("sixteen")

BY THE DUKE OF MARLBOROUGH.

* Page 8, line 23, after ("pounds") insert ("there shall be "implied a condition that the house is at the commencement of "the holding in all respects reasonably fit for human habitation")

Clause 15.

BY THE LORD CLINTON AND THE LORD STEWARD (*E. Beauchamp*).

Page 9, line 11, leave out ("twenty-eight") and insert ("twenty-one")

BY THE LORD STEWARD (*E. Beauchamp*).

Page 9, line 16, after ("notice") insert ("given by the "local authority") and leave out ("or") and insert ("and")

Clause 15—*continued.*

BY THE EARL OF KIMBERLEY.

Page 9, line 31, after (" the ") insert (" Local Government " Board or the ")

BY THE EARL OF CAMPERDOWN.

Page 9, line 34, after (" or ") insert (" against any ")

BY THE EARL OF KIMBERLEY.

Page 9, line 36, after (" the ") insert (" Board or the ")

BY THE DUKE OF NORTHUMBERLAND.

Page 9, line 42, after (" lets ") insert (" to a tenant for " occupation ")

Clause 16.

BY THE VISCOUNT HILL.

Page 10, line 23, leave out (" or in substitution for ")

BY THE DUKE OF NORTHUMBERLAND.

Page 10, line 26, after (" discharge ") insert (" provided that " no duty which involves the execution of work shall be imposed " under this section upon the owner where the defect in respect " of which the Order is made has been caused by the act or default " of the tenant or occupier or of any person for whom the tenant " of the premises is responsible ")

BY THE VISCOUNT HILL.

Page 10, line 41, leave out (" (3) ") and insert (" (5) ")

BY THE MARQUESS OF SALISBURY.

Page 11, line 4, after (" expenses ") insert (" and against " any order made with respect to those expenses ")

Clause 17.

BY THE DUKE OF NORTHUMBERLAND.

Page 11, line 19, after the second (" or ") insert (" other ")

BY THE EARL OF KIMBERLEY.

Page 11, line 27, after the second (" the ") insert (" Local " Government Board or the ")

line 29, after (" the ") insert (" Board or the ")

BY THE LORD CLINTON.

* Page 11, line 31, leave out subsection (4).

BY THE LORD STEWARD (*E. Beauchamp*).

Page 11, line 38, leave out from (" to ") to the end of line 39, and insert (" be ordered to quit the dwelling-house within such " time as may specified in the order ")

Page 12, line 19, after the first (" the ") insert (" Local " Government Board or the ")

line 20, after (" the ") insert (" Board or the ")

line 21, after (" refused ") insert the following new subsection—

(7) Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 12, leave out lines 31 to 33.

BY THE EARL OF ONSLOW.

* Page 12, line 33, after (" sufficiently ") insert (" lighted " and ")

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 12, line 35, after (" ceiling ") insert (" or

" (*b*) does not comply with such regulations as the Local " Government Board may prescribe for securing the " proper ventilation and lighting of such rooms, and " the protection thereof against dampness, effluvia, or " exhalation ")

* Page 13, leave out lines 13 to 16.

Clause 17—*continued.*

BY THE EARL OF ONSLOW.

* Page 13, line 15, after ("sufficient,") insert ("lighting " and ")

BY THE DUKE OF NORTHUMBERLAND.

Page 13, line 16, after ("exhalation") insert the following new paragraph—

Provided that a Closing Order made in respect of a room to which this subsection applies shall not prevent the room being used for purposes other than those of a sleeping place.

Clause 18.

BY THE DUKE OF NORTHUMBERLAND.

Page 13, line 35, leave out ("being or being part of the " dwelling-house") and insert ("or of any part thereof")

BY THE EARL OF KIMBERLEY.

Page 14, line 12, after the first ("the") insert ("Local " Government Board or the")

line 13, after ("the") insert ("Board or the")

Clause 21.

BY THE MARQUESS OF SALISBURY.

Page 14, line 29, after ("jurisdiction") insert ("in")

Clause 23.

BY THE VISCOUNT HILL.

Page 15, line 8, leave out ("paragraphs were") and insert ("paragraph was")

Clause 26.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 16, line 26, after ("may") insert ("with the consent " of the person or body of persons entitled to any right or " easement which would be extinguished by virtue of section " twenty-two of the principal Act")

* lines 27 and 28, leave out ("of section twenty- " two of the principal Act (which vests in the local authority, " pipes, sewers, and drains") and insert ("to that right or " easement of that section")

BY THE LORD MONK BRETTON.

Page 16, line 30, after ("modifications") insert ("provided " that this section shall apply only where all the persons interested " consent to its being put in operation")

Clause 30.

BY THE LORD CLINTON.

* Page 17, line 25, leave out ("general") and insert ("special")

* line 26, after ("Acts") insert ("but shall be " charged on the whole area of such authority")

* line 28, after ("as") insert ("general expenses " or")

Clause 36.

BY THE EARL OF ONSLOW.

* After clause 36 insert the following new clause:

Duty of local authority in administration of Housing Acts.

.—(1) In the administration of the Housing Acts regard shall be had to the requirements of persons of the working classes, and it shall be the duty of the local authority to secure as far as practicable that dwelling accommodation provided under those Acts is occupied exclusively by persons of the working classes, and other things being equal, the local authority shall give priority to applications made by British subjects belonging to the working classes for such accommodation.

Clause 36—*continued.*

(2) The local authority shall cause a list to be kept showing particulars of the accommodation comprised in every dwelling provided by them in the exercise of their powers and duties under the Housing Acts and of the rent, and such list, so far as it relates to dwellings vacant or about to become vacant, shall be open at all reasonable times and subject to such regulations as may be prescribed by the local authority to the inspection without payment of ratepayers in the area and of persons of the working classes who desire to apply for dwelling accommodation provided by the local authority under the Housing Acts.

Clause 38.

BY THE EARL OF KIMBERLEY.

Page 20, line 2, after ("to") insert ("the Local Government "Board or")

line 3, after ("the") insert ("Board or the")

line 5, after ("the") insert ("Board or the")

line 11, after ("the") insert ("Board or the")

BY THE MARQUESS OF SALISBURY.

Page 20, line 11, after subsection (1) insert the following new subsection—

(2) The decision of the judge of county courts of the district on any appeal to the court under this part of this Act shall be final.

BY THE EARL OF KIMBERLEY.

Page 20, line 13, after ("to") insert ("the Local Government "Board or")

line 21, after ("the") insert ("Local Government "Board or the")

Clause 40.

BY THE VISCOUNT HILL.

Page 21, line 8, leave out (" dispensition ") and insert (" dispensation ")

Clause 47.

BY THE DUKE OF MARLBOROUGH.

* Page 23, line 1, leave out from (" classes ") to (" mechanics ") in line 4, and insert (" in the Housing Acts shall include ")

Clause 50.

BY THE LORD MONK BRETTON.

Page 23, line 29, after (" acre ") insert (" provided that the " estimated annual value of such garden shall not exceed three " pounds ")

Clause 53.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 24, line 19, leave out (" and ")
line 23, after (" 1875 ") insert (" and ")

BY THE EARL OF CAMPERDOWN.

Page 27, line 20, leave out (" Local Government Board ") and insert (" county court of the district ")

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Clause 54.

BY THE LORD HYLTON.

* Page 28, line 5, leave out ("appears likely to be used for "building purposes") and insert ("is required in order to further "such development")

* line 22, leave out ("likely to be used for building "purposes") and insert ("in course of development")

* Page 29, lines 6 to 11, leave out subsection (7).

Clause 55.

BY THE DUKE OF NORTHUMBERLAND.

Page 29, line 37, leave out ("suspending") and insert ("contravening")

Clause 56.

BY THE MARQUESS OF SALISBURY.

Page 31, line 20, after ("apply") insert ("including a "schedule showing each parcel of land which it is proposed shall "be affected by the making of the scheme, together with a map or "plan"), and after ("and") insert ("specifying")

BY THE LORD STEWARD (*E. Beauchamp*).

Page 31, line 21, leave out ("or for the execution"), and after ("scheme") insert ("and for the execution of any works "which under the scheme or this Act are to be executed by a local "authority")

BY THE DUKE OF NORTHUMBERLAND.

Page 31, line 27, leave out ("suspending") and insert ("contravening")

Clause 56—*continued.*

BY THE LORD ALVERSTONE.

✱ Page 31, line 29, after ("any") insert ("statutory enact-
" ments")

BY THE MARQUESS OF SALISBURY.

Page 31, line 30, leave out ("made under the authority of
" the Local Government Board")

BY THE EARL OF ONSLOW.

Page 32, line 2, after ("authority") insert ("or is in the area of a local authority by whom the scheme was not prepared")

Clause 58.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 33, line 9, leave out ("local") and insert ("re-
" sponsible")

Clause 59.

BY THE DUKE OF NORTHUMBERLAND.

Page 33, line 36, leave out ("provision") and insert ("sub-
" section")

BY THE MARQUESS OF SALISBURY.

✱ Page 34, line 8, leave out from ("value") to the end of the subsection, and insert ("such proportion of their expenditure as
" failing agreement in the opinion of the arbitrator has increased
" the value of such property")

BY THE LORD STEWARD (*E. Beauchamp*).

✱ Page 34, line 8, after ("value") insert ("one-half of")

Clause 59—*continued.*

BY THE LORD ALVERSTONE.

Page 34, line 18, after ("Act") insert ("in accordance with "Schedule I. of this Act")

Clause 60.

BY THE LORD STEWARD (*H. Beauchamp*).

Page 34, lines 32 and 33, leave out ("could be enforced by") and insert ("would have been enforceable if they had been contained "in")

BY THE MARQUESS OF SALISBURY.

Page 34, line 33, leave out from ("or") to the end of the subsection and insert ("under the provisions of a local Act or "Provisional Order in force within the area at the time of the "confirmation of the scheme")

BY THE EARL OF MALMESBURY.

* Page 34, line 37, leave out from ("affected") to ("by") in line 39.

* Page 35, line 5, after ("purpose") insert ("provided that if "it shall appear to the arbitrator that such provisions are unusual, "and impose excessive restrictions upon the use of the property, "and that under all the circumstances compensation should be "awarded he may, notwithstanding anything in this subsection "contained, award such compensation as he may think just")

Clause 61.

BY THE VISCOUNT ST. ALDWYN.

Page 35, lines 25 and 26, leave out ("subject to the provisions "of section forty-five of this Act")

line 35, leave out ("section two") and insert ("sections "two and forty-four")

Clause 61—*continued.*

BY THE EARL OF CAMPERDOWN.

Page 35, line 26, leave out ("forty-five") and insert ("forty-four")

Clause 62.

BY THE VISCOUNT HILL.

Page 36, line 22, leave out ("had effect as if it had") and insert ("be deemed to have")

BY THE MARQUESS OF SALISBURY.

* Page 36, line 23, after ("authority") insert as a new sub-section—

(2) Where a local authority refuse or neglect to proceed with an order made by the Local Government Board in pursuance of their powers under this section sanctioning a town planning scheme, the Local Government Board may act in the place of the local authority and do all things necessary for the promotion of the scheme with a view to its confirmation in accordance with the provisions of this Part of this Act, and in the case of an order referred to a Committee of either House of Parliament, that Committee, in the exercise of their powers as to costs, may award costs to the Board against the local authority or to the local authority against the Board in respect of all such costs, charges, and expenses as, in the opinion of the Committee, have been reasonably incurred at any stage of the proceedings by the Board or by the local authority respectively, and all costs so awarded shall be recoverable by the Board or by the local authority as the case may be in accordance with the provisions relating to costs awarded by a Committee of either House of Parliament under this Part of this Act.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 36, line 26, after ("enforce") insert ("effectively")

BY THE VISCOUNT ST. ALDWYN.

Page 36, line 26, leave out ("or to execute")

Clause 62—*continued.*

BY THE LORD STEWARD (*E. Beauchamp*).

Page 36, lines 26 and 27, leave out ("or to execute "effectively")

line 28, after ("thereof") insert ("or to execute "any works which under the scheme or this Act the authority is "required to execute")

BY THE VISCOUNT ST. ALDWYN.

Page 36, line 30, leave out ("or to execute")

BY THE LORD STEWARD (*E. Beauchamp*).

Page 36, line 30, leave out ("or to execute") and after ("effectively") insert ("or for executing any works which under "the scheme or this Act the authority is required to execute")

BY THE VISCOUNT ST. ALDWYN.

Page 36, line 30, after ("effectively") insert ("Provided "that no Order made under this section shall compel the responsible "authority to undertake the erection of houses which they could "not be ordered to erect under the Housing of the Working "Classes Acts as amended by Part I. of this Act")

Clause 63.

BY THE LORD ALVERSTONE.

Leave out clause 63.

BY THE LORD ZOUCHE OF HARYNGWORTH.

Leave out clause 63 and insert the following new clause:

Procedure of Local Government Board on applications.

63. The procedure of the Local Government Board upon an application in respect of any matter which they are authorised by this part of this Act or by any scheme made thereunder to determine shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties.

Clause 66.

BY THE LORD CLINTON.

* Page 37, line 29, after ("Acts") insert ("provided that in "the case of a rural authority such expenses shall be levied in such "manner and by such separate rate and subject to the same "exceptions and provisions as are applicable under the said Acts to "special expenses")

Clause 67.

BY THE DUKE OF NORTHUMBERLAND.

Page 38, line 1, after ("shall") insert ("except as otherwise "expressly provided")

Clause 68.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 38, line 31, leave out ("this Part") and insert ("section "sixty-two")

Page 39, line 9, after ("Scotland") insert ("with the "substitution of the Edinburgh Gazette for the London Gazette")

Clause 69.

BY THE DUKE OF NORTHUMBERLAND.

Page 39, lines 20 to 23, leave out subsection (2).

BY THE EARL OF HARROWBY.

Page 39, line 27, after subsection (3) insert the following new subsection—

(4) A medical officer of health of a district who is not in private practice shall not be appointed for a limited period only and shall be removable by the electing authority with the consent of the Local Government Board and not otherwise.

Clause 71.

BY THE LORD BRODRICK (*V. Midleton*).

Page 40, line 27, after ("or") insert ("except subsection (3) " of section sixty-nine to")

Clause 72.

BY THE DUKE OF NORTHUMBERLAND.

Page 40, line 28, leave out ("establish a public health and " housing") and insert ("appoint a")

line 29, leave out ("and") and insert ("to whom " shall be referred")

lines 32 and 33, leave out ("shall stand referred to " the public health and housing committee")

line 35, leave out ("the public health and " housing") and insert ("that")

lines 37 and 38, leave out ("the public health and " housing") and insert ("that")

BY THE LORD STEWARD (*E. Beauchamp*).

Page 41, line 4, after ("to") insert ("Scotland or")

Clause 74.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 42, line 2, leave out ("vest") and insert ("provide for " vesting")

* line 5, leave out ("shall discharge") and insert (" for discharging")

In the Schedules.

First Schedule.

BY THE LORD ALVERSTONE AND *THE EARL OF CAMPERDOWN.

Page 44, lines 17 to 23, leave out paragraph (5).

BY THE EARL OF CAMPERDOWN.

* Page 44, line 31, after ("unnecessarily") insert ("except " with the leave of the arbitrator not more than one expert witness " shall be called by any party appearing on an arbitration under " this schedule")

Second Schedule.

BY THE MARQUESS OF SALISBURY.

Page 46, column 2, lines 11 and 12, leave out ("Local " Government Board") and insert ("county court of the district")

Sixth Schedule.

BY THE EARL OF CAMPERDOWN.

Page 49, third column, leave out lines 10 and 11.

BY THE LORD BELPER.

Page 49, third column, lines 12 to 14, leave out ("sub- " section (3) of section twelve from 'but the local authority' " to the end of the subsection")

BY THE EARL OF CAMPERDOWN.

Page 49, third column, leave out lines 16 and 17.

third column, leave out lines 29 to 38 inclusive.

Sixth Schedule—*continued.*

BY THE MARQUESS OF SALISBURY.

Page 49, third column, leave out lines 39 to 42 inclusive.

Page 50, line 7, leave out from ("96") to the end of line 11.

BY THE EARL OF CAMPERDOWN.

Page 50, third column, lines 21 and 22, leave out ("paragraphs (*a*) and (*b*) of subsection (2) of section 5, section "six, and") and insert ("section")

Housing, Town Planning, &c., Bill.

SECOND MARSHALLED LIST

OF AMENDMENTS TO

BE MOVED ON REPORT.

1*st October* 1909.

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(182 ††.)

Housing, Town Planning, &c. Bill.

[AS AMENDED ON REPORT.]

ARRANGEMENT OF CLAUSES.

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Clause.

1. Part III. of principal Act to take effect without adoption.
2. Provisions as to acquisition of land under Part III.
3. Loans by Public Works Loan Commissioners to local authorities.
4. Loans by Public Works Loan Commissioners to public utility societies.
5. Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.
6. Provision of public streets in connexion with exercise of powers under Part III.
7. Expenditure of money for housing purposes in case of settled land.
8. Donations for housing purposes.
9. Provisions with respect to money applicable under trusts for housing purposes.

Powers of enforcing Execution of Housing Acts.

10. Power of Local Government Board on complaint to enforce exercise of powers.
11. Power of Local Government Board to order schemes, &c. to be carried out within a limited time.
12. Powers of county council to act in default of rural district council under Part III.
13. Power of county council to exercise powers of rural district council under Part III.

Contracts by Landlord [*in Letting Working Class Houses.*]

Clause.
14. Extension of s. 75 of the principal Act.
15. Condition as to keeping houses let to persons of the working classes in repair.
16. Extension of power of making byelaws with respect to lodging-houses for the working classes.

Amendment of Procedure for Closing Orders and Demolition Orders.

17. Duty of local authority as to closing of dwelling-house unfit for human habitation.
18. Order for demolition.
19. Power to redeem annuities charged by charging order under s. 36 of the principal Act.
20. Provision as to priority of charges under s. 37 of the principal Act.
21. Restriction on power of court of summary jurisdiction to extend time.

Amendments with respect to Improvement and Reconstruction Schemes.

22. Amendment of s. 4 of the principal Act as to official representation.
23. Amendment of principal Act as to contents of schemes.
[24. Amendment of procedure on improvement or reconstruction scheme authorising compulsory purchase of land.]
[25. Duty of local authority themselves to carry out improvement scheme.]
24. Modification of schemes.
25. Inquiries by Local Government Board inspectors as to unhealthy areas.
26. Amendment as to the vesting of water pipes, &c.
27. Amendment of s. 38 of the principal Act as to distribution of compensation money and as to betterment charges.
28. Explanation of sections 21 (2) and 41 (3) of principal Act.

Amendments with respect to Financial Matters.

29. Amendment as to application of money borrowed for the purpose of the Dwelling-house Improvement Fund.

Clause.

30. Expenses of rural district council under Part III. of the principal Act.
31. Application of proceeds of land sold under Part III.
32. Mode in which contributions by London borough councils to the county council or vice versâ may be made.
33. Exemption from s. 133 of Lands Clauses Consolidation Act, 1845.
34. Exemption of lodging-houses for the working classes from Inhabited House Duty.

General Amendments.

35. Power of entry.
36. Power of Local Government Board to obtain a report on any crowded area.
37. *Duty of local authority in administration of Housing Acts.*
38. Joint action by local authorities.
39. Appeals to Local Government Board.
40. Sale and disposal of dwellings.
41. Power to prescribe forms and to dispense with advertisements and notices.
42. Provision as to publication in London Gazette.
43. Prohibition of back-to-back houses.
44. *Power to Local Government Board to revoke unreasonable byelaws.*
45. Saving of sites of ancient monuments, &c.
46. Minor amendments of Housing Acts.

Definitions.

47. Provisions of this Part to be deemed to be part of the appropriate Part of the principal Act.
48. *Definition of "working classes."*
49. Amendment of definitions in Part I. of the principal Act.
50. Amendment of definitions for purpose of Part II. of principal Act.
51. Definition of cottage.
52. Definition of Housing Acts.

Application of Part I. to Scotland.

53. Extension of Acts of 1900 and 1903 to Scotland.
54. Application of Housing Acts to Scotland.

PART II.

TOWN PLANNING.

Clause.
55. Preparation and approval of town planning scheme.
56. *Confirmation of town planning scheme.*
57. Contents of town planning schemes.
58. Procedure regulations of the Local Government Board.
59. Power to enforce scheme.
60. Compensation in respect of property injuriously affected by scheme, &c.
61. Exclusion or limitation of compensation in certain cases.
62. Acquisition by local authorities of land comprised in a scheme.
63. Powers of Local Government Board in case of default of local authority to make or execute town planning scheme.
[63. Determination of matters by Local Government Board.]
64. *Procedure of Local Government Board on applications.*
65. Inquiries by Local Government Board.
66. Laying general provisions before Parliament.
67. Definition of local authority, and expenses.
68. Application to London.
69. Application of Part II. to Scotland.

PART III.

COUNTY MEDICAL OFFICERS, COUNTY PUBLIC HEALTH AND HOUSING COMMITTEE, &C.

70. Appointment of medical officer by county council.
71. Duty of clerk and medical officer of health of district council to furnish information to medical officer of health of county council.
72. Extent of Part III.
73. Public health and housing committee of county councils.
74. Formation and extension of building societies.

PART IV.

SUPPLEMENTAL.

75. Provisions as to commons and open spaces.
76. Provisions as to land in neighbourhood of royal palaces or parks.
77. Repeal.
78. Short title and extent.

SCHEDULES.

The Additions are printed in Italics; the Omissions are shown in Square Brackets.

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to amend the Law relating to the Housing of the Working Classes, to provide for the making of Town Planning schemes, and to make further provision with respect to the appointment and duties of County Medical Officers of Health, and to provide for the establishment of Public Health and Housing Committees of County Councils. A.D. 1909.

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

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

1. Part III. of the Housing of the Working Classes Act, 1890 (in this Part of this Act referred to as the principal Act), shall, after the commencement of this Act, extend to and take effect in every urban or rural district, or other place for which it has not been adopted, as if it had been so adopted. Part III. of principal Act to take effect without adoption. 53 & 54 Vict. c. 70.

2.—(1) A local authority may be authorised to purchase land compulsorily for the purposes of Part III. of the principal Act, by means of an order submitted to the Local Government Board [and confirmed by the Board] in accordance with the First Schedule to this Act. Provisions as to acquisition of land under Part III. 7 Edw. 7. c. 54.

(2) *If within the period prescribed by the Board no objection to an order under this section has been presented to the Board by*

A.D. 1909.

a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order either without modification or subject to such modifications as they think fit, but if such an objection has been presented and has not been withdrawn the Board shall appoint an impartial person not in the employment of any Government Department to hold a public inquiry on their behalf in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(3) *If the person who held the inquiry reports, or if, on considering his report, it appears to the Board, that by reason of the extent or situation of any land proposed to be acquired compulsorily, or the purposes for which such land is used, or any other circumstances, the land ought not to be acquired compulsorily without the sanction of Parliament, the order of the Board shall be provisional only, and shall not have effect unless confirmed by Parliament.*

(4) *An order, other than a Provisional Order, made by the Board under this section shall come into force after it has lain for thirty days during the session of Parliament on the table of both Houses of Parliament, unless either House during those thirty days presents an address to His Majesty against the order, in which case no further proceedings shall be taken thereon, but without prejudice to the making of a new order.*

(5) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the same purpose under section one hundred and seventy-six of the Public Health Act, 1875, as applied by subsection (1) of section fifty-seven of the principal Act.

(6) A local authority may, with the consent of and subject to any conditions imposed by the Local Government Board, acquire land by agreement for the purposes of Part III. of the principal Act, notwithstanding that the land is not immediately required for those purposes.

Loans by Public Works Loan Commissioners to local authorities.

3. Where a loan is made by the Public Works Loan Commissioners to a local authority for any purposes of the Housing Acts—

(*a*) The loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

(*b*) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loan Commissioners may exceed the period allowed under the principal Act or under any other Act limiting the period for which the loan may be made, but the period shall not exceed the period recommended by the Local Government Board, nor in any case eighty years; and

(*c*) As between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Loans by Public Works Loan Commissioners to public utility societies.

4.—(1) Where a loan is made by the Public Works Loan Commissioners under section sixty-seven, subsection two (*d*), of the principal Act, to a public utility society, the words "two thirds" shall be substituted for the words "one moiety."

(2) For the purposes of this section a public utility society means a society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding five pounds per centum per annum.

Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.

5.—(1) Any purchase money or compensation payable in pursuance of the Housing Acts by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts or by paragraph (20) of the Second Schedule to the principal Act may, if the Local Government Board consent, instead of being paid into Court, be paid and applied as the Board determine.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Provision of public streets in connexion with exercise of powers under Part III.

6. Any local authority in connection with the exercise by them of their powers under Part III. of the principal Act may lay out and construct public streets or roads on any land acquired or appropriated by them for the purpose of that Part of that Act or contribute towards the cost of the laying out and construction of any streets or roads on any such land by other persons on the condition that those streets or roads are to be dedicated to the public.

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Expenditure of money for housing purposes in case of settled land. 45 & 46 Vict. c. 38.

7.—(1) The following paragraph shall be substituted for paragraph (*b*) of subsection (1) of section seventy-four of the principal Act:—

(*b*) The improvements on which capital money arising under the Settled Land Act, 1882, may be expended, enumerated in section twenty-five of the said Act and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artisans, whether employed on the settled land or not, include the provision of dwellings available for the working classes, either by means of building new buildings or by means of the reconstruction, enlargement, or improvement of existing buildings, so as to make them available for the purpose, if that provision of dwellings is, in the opinion of the court, not injurious to the estate or is agreed to by the tenant for life and the trustees of the settlement.

(2) The provision by a tenant for life, at his own expense, of dwellings available for the working classes on any settled land, shall not [in any case] be deemed to be an injury to any interest in reversion or remainder in that land; *provided that the powers conferred upon a tenant for life by this subsection shall not be exercised by him without the previous approval in writing of the trustees of the settlement.*

Donations for housing purposes.

51 & 52 Vict. c. 42.

8. A local authority may accept a donation of land or money or other property for any of the purposes of the Housing Acts, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

Provisions with respect to money applicable under trusts for housing purposes.

9.—(1) If in any case it appears to the Local Government Board that the institution of legal proceedings is requisite or desirable with respect to any property [applicable or] required to be applied under any trusts for the provision of dwellings available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Board may certify the case to the Attorney-General, and the Attorney-General, if he thinks fit, shall institute any legal proceedings or intervene in any legal proceedings already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property [applicable or] required to be applied under any trusts for the

provision of dwellings available for the working classes the Court or body who are responsible for making the scheme shall communicate with the Local Government Board and receive and consider any recommendations made by the Board with reference to the proposed scheme.

Powers of enforcing Execution of Housing Acts.

Power of Local Government Board on complaint to enforce exercise of powers.

10.—(1) [If after holding a local inquiry with reference to the matter], *Where a complaint is made to* the Local Government Board [are satisfied]—

(*a*) as respects any rural district [on the complaint of] *by* the council of the county in which the district is situate, or [of] *by* the parish council or parish meeting of any parish comprised in the district, or any four inhabitant householders of the district; or

(*b*) as respects any county district not being a rural district [on the application of] *by* the council of the county in which the district is situated, or [of] *by* four inhabitant householders of the district; or

(*c*) as respects the area of any other local authority [on the application of] *by* four inhabitant householders of the area;

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, *the Board may cause a public local inquiry to be held, and if after holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority,* the Board may declare the authority to be in default, and may make an order directing that authority, [or, if the Board think fit, in any case where the authority in default is the council of a county district, the county council], within a time limited by the order, to carry out such works and do such other things as may be mentioned in the order for the purpose of remedying the default. *Before deciding that a local authority have failed to exercise their powers under Part III. of the principal Act, the Board shall take into consideration the necessity for further accommodation for the housing of the working classes in such district, the probability that the required accommodation will not be otherwise provided, and the other circumstances of the case, and whether having regard to the liability which will be incurred by the rates, it is*

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prudent for the local authority to undertake the provision of such accommodation.

(2) Where an order originally made under this section on the council of a county district is not complied with by that council, the Local Government Board may, if they think fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make an order directing the county council to carry out any works or do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

(3) Where the Board make an order under this section directing a county council to carry out any works or do any other thing the order may for the purpose of enabling the county council to give effect to the order apply any of the provisions of the Housing Acts or of section sixty-three of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

(4) *An order relating to Part III. of the principal Act made by the Local Government Board under this section shall not take effect until a draft thereof has lain for thirty days during the Session of Parliament on the table of both Houses of Parliament, and, if either House during those thirty days presents an address to His Majesty against the draft, no further proceedings shall be taken thereon, but without prejudice to the making of a new Draft Order.*

(5) Any order made by the Local Government Board under this section may be enforced by mandamus.

(6) *For the purposes of this section, so far as it relates to Part III. of the principal Act, the expression "local authority" shall not include the London County Council, or the council of any county borough.*

Power of Local Government Board to order schemes, &c. to be carried out within a limited time.

11.—(1) Where it appears to the Local Government Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to give effect to any order as respects an obstructive building, or to a reconstruction scheme, under Part II. of that Act, or have failed to cause to be made the inspection of their district required by this Act, the Board may make an order requiring the local authority to remedy the default and to carry out any works or do any other

things which are necessary for the purpose under the Housing Acts within a time fixed by the order. A.D. 1909.

(2) Any order made by the Local Government Board under this section may be enforced by mandamus.

Powers of county council to act in default of rural district council under Part III.

12. [If] *Where a complaint is made to* the council of a county [on the complaint of] by the parish council or parish meeting of any parish comprised in any rural district in the county, or [of] *by* any four inhabitant householders of that district, *the county council may cause a public local inquiry to be held and if* after holding [a local inquiry] *such an inquiry, the county council* are satisfied that the rural district council have failed to exercise their powers under Part III. of the principal Act in cases where those powers ought to have been exercised, the county council may resolve that the powers of the district council for the purposes of that Part be transferred to the county council with respect either to the whole district or to any parish in the district, and those powers shall be transferred accordingly, and, subject to the provisions of this Act, section sixty-three of the Local Government Act, 1894, shall apply as if the powers had been transferred under that Act.

Power of county council to exercise powers of rural district council under Part III.

13.—(1) Where the council of a county are of opinion that for any reason it is expedient that the council should exercise, as respects any rural district in the county, any of the powers of a local authority under Part III. of the principal Act, the council, after giving notice to the council of the district of their intention to do so, may apply to the Local Government Board for an order conferring such powers on them.

(2) Upon such an application being made the Board may make an order conferring on the county council as respects the rural district all or any of the powers of a local authority under Part III. of the principal Act, and thereupon the provisions of the Housing Acts relating to those powers (including those enabling the Public Works Loans Commissioners to lend, and fixing the terms for which money may be lent and borrowed) shall apply as if the council were a local authority under Part III. of the principal Act: Provided that the expenses incurred by the county council under any such order shall be defrayed as expenses for general county purposes *unless after a local inquiry the county council are satisfied that it is just to limit the charge for the whole or part of the expenses so incurred to the rural district or to some contributory place or places therein, in*

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which case they may order that any such expenses shall be so charged.

(3) Where, under any such order, the county council have executed any works in a rural district they may transfer the works to the council of that district on such terms and subject to such conditions as may be agreed between them.

Contracts by Landlord [in Letting Working Class Houses.]

Extension of s. 75 of the principal Act.

14.—(1) In any contract made after the passing of this Act for letting for habitation [by persons of the working classes a house or part of a house there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation.]

[(2) In this section the expression "letting for habitation by persons of the working classes" means the letting for habitation of] a house or part of a house at a rent not exceeding:—

(*a*) in the case of a house situate in the administrative county of London, forty pounds;

(*b*) in the case of a house situate in a borough or urban district with a population according to the last census for the time being of fifty thousand or upwards, twenty-six pounds;

(*c*) in the case of a house situate elsewhere, [sixteen] *sixteen* pounds, *but the condition aforesaid shall not be implied when a house or part of a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for occupation. There shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation.*

Condition as to keeping houses let to persons of the working classes in repair.

15.—(1) The last foregoing section shall as respects contracts to which that section applies take effect as if the condition implied by that section included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation, *but nothing herein contained shall make it obligatory on the landlord to remedy any defect caused by the act or default of the tenant or occupier, or any person for whom the tenant is as between himself and the landlord responsible.*

(2) *The landlord or the local authority, or any person authorised by him or them in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any house, premises, or building to which this section applies for the purpose of viewing the state and condition thereof.*

(3) If it appears to the local authority within the meaning of Part II. of the principal Act that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the authority shall, if a closing order is not made with respect to the house, by written notice require the landlord, within a reasonable time, not being less than [fourteen] *twenty-one* days, specified in the notice, to execute such works as the authority [may] *shall* specify in the notice as being necessary to make the house in all respects reasonably fit for human habitation.

(4) *Within twenty-one days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation and thereupon a closing order shall be deemed to have become operative in respect of such house.*

(5) If the notice *given by the local authority* is not complied with, *and if the landlord has not given the notice mentioned in the immediately preceding subsection*, the authority may, at the expiration of the time specified in the notice *given by them to the landlord*, do the work required to be done and recover the expenses incurred by them in so doing from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts, or, if they think fit, the authority may by order declare any such expenses to be payable by annual instalments within a period not exceeding that of the interest of the landlord in the house nor in any case five years, with interest at a rate not exceeding five pounds per cent. per annum until the whole amount is paid, and any such instalments or interest or any part thereof may be recovered from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) A landlord may appeal to the Local Government Board *or the county court of the district* against any notice requiring him to execute works under this section, and against any demand for the recovery of expenses from him under this section or order made with respect to those expenses under this section by the

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authority, by giving notice of appeal to the Board *or the local authority* within [fourteen] *twenty-one* days after the notice is received, or the demand or order is made, as the case may be, and no proceedings shall be taken in respect of such notice requiring works, order or demand, whilst the appeal is pending.

(7) In this section, the expression "landlord" means any person who lets the house under any contract referred to in this section, and includes his successors in title, and the expression "house" includes part of a house.

Sections forty-nine and fifty of the principal Act as amended by section thirteen of the Housing of the Working Classes Act, 1903 (which relate to the service of notices and the description of owner in proceedings), shall apply for the purposes of this section, with the substitution, where required, of the landlord for the owner of a dwelling-house.

(8) Any remedy given by this section for non-compliance with the undertaking implied by virtue of this section, shall be in addition to and not in derogation of any other remedy available to the tenant against the landlord, either at common law or otherwise.

Extension of power of making bye-laws with respect to lodging-houses for the working classes.

16.—(1) The power of making and enforcing byelaws under section ninety of the Public Health Act, 1875, and section ninety-four of the Public Health (London) Act, 1891, with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family, shall, in the case of houses intended for the working classes, extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) upon the owner within the meaning of the said Acts, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed the owner or other person may at all reasonable times enter upon any part of the premises, and section fifty-one of the principal Act shall apply as if for the reference to the provisions of Part II. of that Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.

(3) Where an owner or other person has failed to execute any work which he has been required to execute under the bye-laws, the local authority or sanitary authority, as the case may be, may, after giving to him not less than [fourteen] *twenty-one* days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of sub-section (5) of the last foregoing section, with respect to the execution of works and the recovery of expenses by local authorities, *and the provisions of subsection* (6) *of the last foregoing section with respect to an appeal against any notice requiring the execution of works and any demand for the recovery of expenses and against any order made with respect to those expenses under this section* shall apply as if the owner or other person were the landlord and with such other adaptations as may be necessary.

Amendment of Procedure for Closing Orders and Demolition Orders.

Duty of local authority as to closing of dwelling-house unfit for human habitation.

17.—(1) It shall be the duty of every local authority within the meaning of Part II. of the principal Act to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority and of every officer of the local authority to comply with such regulations and to keep such records as may be prescribed by the Board, [if]

(2) *If* on the representation of the medical officer of health, or of any *other* officer of the authority, or *other* information given, any dwelling-house appears to them to be in such a state, [(2) It] *it* shall be their duty to make an order prohibiting the use of the dwelling-house for human habitation (in this Act referred to as a closing order) until in the judgment of the local authority the dwelling-house is rendered fit for that purpose.

(3) Notice of a closing order shall be forthwith served on every owner of the dwelling-house in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board *or the county court of the district* by giving notice of appeal to the Board *or the local authority* within fourteen days after the order is served upon him.

(4) Where a closing order has become operative, the local authority shall serve notice of the order on every occupying

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tenant of the dwelling-house in respect of which the order is made, and within such period as is specified in the notice, not being less than [seven] *fourteen* days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on summary conviction to [a fine not exceeding twenty shillings for every day during which the default continues] *be ordered to quit the dwelling-house within such time as may be specified in the order.*

(5) [The] *Unless the dwelling-house has been made unfit for habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is resposible, the* local authority may make to every such tenant such reasonable allowance on account of his expense in removing, as may be determined by the local authority with the consent of the owner of the dwelling-house, or if the owner of the dwelling-house fails to consent to the sum determined by the local authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) The local authority shall determine any closing order made by them if they are satisfied that the dwelling-house in respect of which [it] *the order* has been made has been rendered fit for human habitation.

If on the application of any owner of a dwelling-house, the local authority refuse to determine a closing order, the owner may appeal to the Local Government Board *or the county court of the district* by giving notice of appeal to the Board *or the local authority* within fourteen days after the application is refused.

(7) *Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.*

[(7) Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.]

(7) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall for the purposes of this section be deemed to be a dwelling-house

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so dangerous or injurious to health as to be unfit for human habitation, if the room either—

[(*a*) is not sufficiently protected against dampness, effluvia, or exhalation; or]

[(*b*) is not sufficiently ventilated; or]

(*a*) is not [in every part thereof] *on an average* at least seven feet in height from floor to ceiling; or

(*b*) *does not comply with such regulations as the local authority with the consent of the Local Government Board may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation:*

[(*d*) is not, to the extent of one foot at least in height, above the level of the surface of the part of the street adjoining or nearest to the room; or]

[(*e*) has not one or more windows opening directly into the external air, with a total area clear of the sash frames equal to at least one tenth of the floor area of the room, and so constructed that one half at least of each window of the room can be opened, the opening in each case extending to the top of the window; or]

[(*f*) is not provided along the entire frontage thereof with an open area properly paved, at least four feet wide in every part thereof: Provided that in the area there may be placed steps necessary for access to the room, and over and across the area there may be steps necessary for access to any buildings above the room, if the steps are so placed in each case as not to be over or across any external window.]

Provided that a closing order made in respect of a room to which this subsection applies shall not prevent the room being used for purposes other than those of a sleeping place.

This subsection shall not come into operation until the first day of July nineteen hundred and ten, and a closing order made in respect of any room to which this subsection applies shall not be treated as a closing order in respect of a dwelling-house for the purposes of the next succeeding section.

Order for demolition.

18.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the

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demolition of the dwelling-house, and shall give every owner of the dwelling-house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the dwelling-house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building being or being part of the dwelling-house is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, they shall order the demolition of the building.

(3) If any owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time not exceeding six months as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works, *provided that where the local authority refuses to postpone the operation of an order under this section the owner may appeal to the county court of the district by giving notice of appeal to the local authority within fourteen days after such refusal.*

(4) Notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board *or the county court of the district* by giving notice of appeal to the Board *or the local authority* within [fourteen] *twenty-one* days after the order is served upon him.

Power to redeem annuities charged by charging order under s. 36 of the principal Act.

19. Any owner of or other person interested in a dwelling-house on which an annuity has been charged by a charging order made under section thirty-six of the principal Act (which relates to the grant of charges) shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Local Government Board.

Provision as to priority of charges under s. 37 of the principal Act.

20. The charges excepted in subsection (1) of section thirty-seven of the principal Act (which relates to the incidence of charges) shall include charges on the dwelling-house created or

arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority. A.D. 1909.

Restriction on power of court of summary jurisdiction to extend time.

21. *A county court shall be substituted for a court of summary jurisdiction in* subsection (3) of section forty-seven of the principal Act (which gives power to a court of summary jurisdiction to enlarge the time for certain matters) [shall cease to have effect] as respects the time allowed for the execution of any works or the demolition of a building under a closing order or under an order for the demolition of a building.

Amendments with respect to Improvement and Reconstruction Schemes.

Amendment of s. 4 of the principal Act as to official representation.

22. In section four of the principal Act (which relates to an official representation), the words "that the most satisfactory "method of dealing with the evils connected with such houses, "courts, or alleys, and the sanitary defects in such area is an "improvement scheme" shall be substituted for the words "that "the evils connected with such houses, courts, or alleys, and the "sanitary defects in such area cannot be effectually remedied "otherwise than by means of an improvement scheme."

Amendment of principal Act as to contents of schemes.

23.—(1) Section six of the principal Act (which relates to the contents of an improvement scheme) shall be read as if in subsection (1) the words "for sanitary purposes" were omitted in paragraph (*a*); and as if the following [paragraphs were] *paragraph was* inserted at the end of that subsection:—

"and

(*e*) may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme; and

[(*f*) may provide for giving to the local authority any powers which may be necessary to enable them properly to carry out the scheme and for dispensing so far as necessary with any obligation of the local authority or any other person to comply with any provision contained in any Local Act, Provisional Order, or Order having the effect of an Act or any byelaw, regulation, or other provision, under whatever authority made, which is in operation in the area."]

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(2) Provision may be made in a reconstruction scheme under Part II. of the principal Act for any matters for which provision may be made in an improvement scheme made under Part I. of that Act.

Amendment of procedure on improvement or reconstruction scheme authorising compulsory purchase of land. 3 Edw. 7. c. 39.

[**24.**—(1) Paragraphs (*a*) and (*b*) of subsection (2) of section five of the Housing of the Working Classes Act, 1903 (which limit the cases under which an order confirming an improvement scheme takes effect without confirmation by Parliament), shall cease to have effect.

(2) An order of the Local Government Board sanctioning a reconstruction scheme, and authorising the compulsory purchase of land for the purpose shall, notwithstanding anything in section thirty-nine of the principal Act, take effect without confirmation.]

Duty of local authority themselves to carry out improvement scheme.

[**25.**—(1) It shall be the duty of the local authority themselves to execute any improvement scheme under Part I. of the principal Act, except so far as provision to the contrary is made in the confirming order, and except so far as they exercise any of the powers given to them in pursuance of the Housing Acts for enabling other persons to execute the scheme.

(2) So much of subsection (3) of section twelve of the principal Act (which relates to the execution of improvement schemes) as restricts the powers of the local authority to execute an improvement scheme shall cease to have effect.]

Modification of schemes.

24. The Local Government Board may, in the exercise of their power under section fifteen or subsection (9) of section thirty-nine of the principal Act, permit the local authority to modify their scheme, not only by the abandonment of any part of the scheme which it may appear inexpedient to carry into execution, but also by amending or adding to the scheme in matters of detail in such manner as appears expedient to the Board.

Inquiries by Local Government Board inspectors as to unhealthy areas.

25. Any inspector or officer of the Local Government Board, or any person employed by the Board, may be directed to make any inspection or inquiry which is required for the purposes of section sixteen of the principal Act (which relates to inquiries made on the default of a medical officer), and section eighty-five of that Act (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply as respects any inspection or inquiry so held as it applies to local inquiries held under that section.

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Amendment as to the vesting of water pipes, &c.

26. An improvement scheme under Part I. of the principal Act may *with the consent of the person or body of persons entitled to any right or easement which would be extinguished by virtue of section twenty-two of the principal Act* provide for any exceptions, restrictions, or modifications in the application [of section twenty-two of the principal Act (which vests in the local authority pipes, sewers, and drains),] *to that right or easement of that section* and that section shall take effect subject to any such exceptions, restrictions, or modifications.

Amendment of s. 38 of the principal Act as to distribution of compensation money and as to betterment charges.

27.—(1) The amount of any compensation payable under section thirty-eight of the principal Act (which relates to obstructive buildings) shall, when settled by arbitration in manner provided by that section, be apportioned by the arbitrator between any persons having an interest in the compensation in such manner as the arbitrator determines.

(2) The power of the arbitrator to apportion compensation under the foregoing provision and to apportion any part of the compensation to be paid for the demolition of an obstructive building amongst other buildings under subsection (8) of the said section thirty-eight may be exercised in cases where the amount to be paid for compensation has been settled otherwise than by arbitration under the principal Act by an arbitrator appointed for the special purpose, on the application of the local authority, by the Local Government Board, and the provisions of that Act shall apply as if the arbitrator so appointed had been appointed as arbitrator to settle the amount to be paid for compensation.

Explanation of sections 21 (2) and 41 (3) of principal Act.

28. For removing doubts it is hereby declared that a local authority may tender evidence before an arbitrator to prove the facts under the headings (first) (secondly) (thirdly) mentioned in subsection (2) of section twenty-one and subsection (3) of section forty-one of the principal Act, notwithstanding that the local authority have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

Amendments with respect to Financial Matters.

Amendment as to application of money borrowed for the purpose of the Dwelling-house Improvement Fund.

29. No deficiency in the Dwelling-house Improvement Fund shall be supplied under subsection (2) of section twenty-four of the principal Act out of borrowed money unless the deficiency arises in respect of money required for purposes to which borrowed money is, in the opinion of the Local Government Board, properly applicable.

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Expenses of rural district council under Part III. of the principal Act.

30.—(1) The expenses incurred by a rural district council after the passing of this Act in the execution of Part III. of the principal Act shall be defrayed as [general] *special* expenses of the council in the execution of the Public Health Acts, *but shall be charged on the whole area of such authority*, except so far as the Local Government Board on the application of the council declare that any such expenses are to be levied as *general expenses or* special expenses charged on specified contributory places or as general expenses charged on specified contributory places in the district in such proportions as the district council may determine, to the exclusion of other parts of the district, and a rural district council may borrow for the purposes of Part III. of the principal Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

(2) The district council shall give notice to the overseers of any contributory place proposed to be charged, of any apportionment made by them under this section, and the overseers if aggrieved by the apportionment may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after notice has been so given of the apportionment.

Application of proceeds of land sold under Part III.

31. Where any land vested in a local authority for the purposes of Part III. of the principal Act is sold under section sixty of that Act (which relates to the sale and exchange of lands), the proceeds may be applied not only as provided by that section, but also for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Mode in which contributions by London borough councils to the County Council or vice versâ may be made.

32. Any payment or contribution agreed or ordered to be made under subsection (6) or (7) of section forty-six of the principal Act, as amended by section fourteen of the Housing of the Working Classes Act, 1903 (which relate to payments or contributions by borough councils towards the expenses of the county council or by the county council towards the expenses of borough councils in London), may be made either by means of the payment of a lump sum or by means of an annual payment of such amount and for such number of years as may be agreed upon or ordered.

Exemption from s. 133 of Lands Clauses Consolidation Act, 1845.

33. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to Land Tax and poor

rate), shall not apply in the case of any lands of which a local authority becomes possessed by virtue of the Housing Acts. A.D. 1909.

Exemption of lodging-houses for the working classes from Inhabited House Duty.

34.—(1) The assessment to Inhabited House Duty of any house occupied for the sole purpose of letting lodgings to persons of the working classes, at a charge of not exceeding sixpence a night for each person, shall be discharged by the Commissioners acting in the execution of the Acts relating to the Inhabited House Duties, upon the production of a certificate to the effect that the house is solely constructed and used to afford suitable accommodation for the lodgers, and that due provision is made for their sanitary requirements.

(2) The provisions of subsection two of section twenty-six of the Customs and Inland Revenue Act, 1890, in relation to the certificate mentioned therein, shall, so far as applicable, apply to the certificate to be produced under this section. 53 & 54 Vict. c. 8.

General Amendments.

Power of entry.

35. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Local Government Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

(*a*) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under the Housing Acts; and

(*b*) for the purpose of survey and examination, in the case of any dwelling-house in respect of which a closing order or an order for demolition has been made; or

(*c*) for the purpose of survey and examination, where it appears to the authority or board that survey or examination is necessary in order to determine whether any powers under the Housing Acts should be exercised in respect of any house, premises, or building.

Notice may be given to the occupier for the purposes of this section by leaving a notice addressed to the occupier, without name or further description, at the house, buildings, or premises.

A.D. 1909.

Power of Local Government Board to obtain a report on any crowded area.

36. If it appears to the Local Government Board that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under the Housing Acts should be put into force in that area or not, the Local Government Board may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they direct, and the local authority shall comply with the requirement of the Local Government Board, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of the principal Act as the Local Government Board determine.

Duty of local authority in administration of Housing Acts.

37.—(1) *In the administration of the Housing Acts it shall be the duty of the local authority to secure as far as practicable that dwelling accommodation provided under those Acts is occupied exclusively by persons of the working classes, and other things being equal, the local authority shall give priority to applications made by British subjects belonging to the working classes for such accommodation.*

(2) *The local authority shall cause a list to be kept showing particulars of the accommodation comprised in every dwelling provided by them in the exercise of their powers and duties under the Housing Acts and of the rent, and such list, so far as it relates to dwellings vacant or about to become vacant, shall be open at all reasonable times, and subject to such regulations as may be prescribed by the local authority, to the inspection, without payment, of ratepayers in the area and of persons of the working classes who desire to apply for dwelling accommodation provided by the local authority under the Housing Acts.*

Joint action by local authorities.

38. Where *upon an appllication made by one of the local authorities concerned*, the Local Government Board are satisfied that it is expedient that any local authorities should act jointly for any purposes of the Housing Acts, either generally or in any special case, the Board may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a provisional order made under section two hundred and seventy-nine of the Public Health Act, 1875, for the formation of a united district.

Appeals to Local Government Board.

39.—(1) The procedure on any appeal under this Part of this Act, *including costs*, to the Local Government Board *or a county court* shall be such as the Board *or the authority having*

power to make rules of practice under the County Courts Act, 1888, may by rules determine, and on any such appeal the Board or the *court* may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and where the appeal is against any notice, order, or apportionment given or made by the local authority, the notice, order, or apportionment may be confirmed, varied, or quashed, as the Board or the *court* think just.

(2) *The decision of the judge of county courts of the district on any appeal to the court under this Part of this Act shall be final.*

(3) Any notice, order, or apportionment as respects which an appeal to the Local Government Board or *a county court* is given under this Part of this Act shall not become operative until either the time within which an appeal can be made under this Part of this Act has elapsed without an appeal being made, or in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

(4) The Local Government Board or the *county court* may before considering any appeal which may be made [to them] under this Part of this Act require the appellant to deposit such sum to cover the costs of the appeal as may be fixed by the rules made [by them] with reference to appeals.

Sale and disposal of dwellings.

40. Notwithstanding anything contained in the principal Act it shall not be obligatory upon a local authority to sell and dispose of any lands or dwellings acquired or constructed by them for any of the purposes of the Housing Acts.

Power to prescribe forms and to dispense with advertisements and notices.

41.—(1) The Local Government Board may by order prescribe the form of any notice, advertisement, or other document, to be used in connection with the powers and duties of a local authority or of the Board under the Housing Acts, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

(2) The Local Government Board may dispense with the publication of advertisements [or the service of notices] required to be published [or served] by a local authority under the Housing Acts, if they are satisfied that there is reasonable cause for dispensing with the publication [or service].

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(3) Any such dispensation may be given by the Local Government Board either before or after the time at which the advertisement is required to be published [or the notice is required to be served], and either unconditionally or upon such conditions as to the publication of other advertisements [or the service of other notices] or otherwise as the Board think fit, due care being taken by the Board to prevent the interests of any person being prejudiced by the dispensation.

Provision as to publication in London Gazette.

42. Where under the Housing Acts, any scheme or order or any draft scheme or order is to be published in the London Gazette, or notice of any such scheme or order or draft scheme or order is to be given in the London Gazette, it shall be sufficient in lieu of such publication or notice to insert a notice giving short particulars of the scheme, order, or draft, and stating where copies thereof can be inspected or obtained in two local newspapers circulating in the area affected by the scheme, order, or draft, or to give notice thereof in such other manner as the Local Government Board determine.

Prohibition of back-to-back houses.

43. Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house commenced to be erected after the passing of this Act shall be deemed to be unfit for human habitation for the purposes of the provisions of the Housing Acts.

Provided that nothing in this section—

(*a*) shall prevent the erection or use of [a house containing several tenements in which the tenements are] *houses* placed back to back, if the medical officer of health for the district certifies that the [several tenements] *houses* are so constructed and arranged as to secure effective ventilation of all habitable rooms [in every tenement]; or

(*b*) shall apply to houses abutting on any streets the plans whereof have been approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, at the passing of this Act, any local Act or byelaws are in force permitting the erection of back-to-back houses.

Power to Local Government Board to revoke unreasonable byelaws.

44. *If the Local Government Board are satisfied, by local inquiry or otherwise, that the erection of dwellings for the working classes within any borough, urban or rural district is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such byelaws or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board.*

Saving of sites of ancient monuments, &c.

45. Nothing in the Housing Acts shall authorise the acquisition for the purposes of those Acts of any land which is the site of an ancient monument or other object of archæological interest, *or the compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act*, 1890, *of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house.*

Minor amendments of Housing Acts.

46. The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the Housing Acts specified in the first column of that Schedule, and section sixty-three of the principal Act (which relates to the disqualification of tenants of lodging-houses on receiving poor relief) shall be repealed.

Definitions.

Provisions of this Part to be deemed to be part of the appropriate Part of the principal Act.

47.—(1) Any provisions of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained.

(2) Any reference in the Housing Acts to a closing order or to an order for the demolition of a building shall be construed as a reference to a closing order or an order of demolition under this Act.

A.D. 1909.

Definition of "working classes."

48. *The expression "working classes" in this Act shall include mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.*

Amendment of definitions in Part I. of the principal Act.

49. The expression "street" shall, unless the context otherwise requires, have the same meaning in Part I. of the principal Act as it has in Part II. of that Act, and shall [consequently] include any court, alley, street, square, or row of houses.

Amendment of definitions for purpose of Part II. of principal Act.

50.—(1) The words "means any inhabited building and" shall be omitted from the definition of "dwelling-house" in section twenty-nine of the principal Act.

(2) For the definition of owner in the same section the following definition shall be substituted:—

"The expression 'owner,' in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or entitled to the rents and profits of such premises under a lease the original term whereof is less than twenty-one years."

Definition of cottage.

51. For the definition of cottage in section fifty-three of the principal Act the following definition shall be substituted:—

The expression "cottage" in this Part of this Act may include a garden of not more than one acre, *provided that the estimated annual value of such garden shall not exceed three pounds.*

Definition of Housing Acts.

52. In this Part of this Act the expression "Housing Acts" means the principal Act, and any Act amending that Act, including this Act.

Application of Part I. to Scotland.

Extension of Acts of 1900 and 1903 to Scotland.

53. Subject as herein-after provided, the Housing of the Working Classes Act, 1900, and the Housing of the Working Classes Act, 1903, shall as amended by this Act apply to Scotland.

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Application of Housing Acts to Scotland.

54. In addition to the provisions of the principal Act respecting the application of that Act to Scotland, the following provisions shall have effect in the application of the Housing Acts to Scotland:—

(1) The Local Government Board for Scotland (herein-after in this section referred to as the Board) shall except as otherwise provided be substituted for the Local Government Board, and shall also in Part III. of the principal Act as amended and in section five of the Housing of the Working Classes Act, 1900, be substituted for the county council:

(2) The Lord Advocate shall be substituted for the Attorney-General:

(3) The expression "Public Health Acts" means the Public Health (Scotland) Act, 1897, and any Act amending the same. References to the Public Health Act, 1875, shall unless the context otherwise requires be construed as references to the Public Health (Scotland) Act, 1897, [and] a reference to an order under section eighty-three of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to a provisional order under section two hundred and seventy-nine of the Public Health Act, 1875, *and* a reference to section seventy-two of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section ninety of the Public Health Act, 1875, [and a reference to subsection three of section ninety-four of the principal Act as read with the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section one hundred and seventy-six of the Public Health Act, 1875:] 60 & 61 Vict. c. 38.

(4) *The reference in section fifty-seven of the principal Act to sections of the Public Health Act,* 1875, *relating to the purchase of lands, shall be construed as a reference to the corresponding sections of the Public Health (Scotland) Act,* 1897; *provided that for the purposes of Part III. of the principal Act the procedure under section two of this Act for the compulsory purchase of land shall be substituted for the procedure for the compulsory purchase of land under section one hundred and forty-five of the Public Health (Scotland) Act,* 1897.

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(5) The district and the local authority for the purposes of the Public Health (Scotland) Act, 1897, shall respectively be the district and the local authority, and the public health general assessment shall be the local rate, for the purposes of the Housing Acts; provided that such local rate shall not be reckoned in any calculation as to the statutory limit of the public health general assessment; and provided further that a local authority not being a town council may, where so authorised by the Board in terms of the Housing Acts, assess and levy such local rate upon all lands and heritages within one or more of the parishes or special districts comprised in their district, to the exclusion of other parishes or special districts within the district:

(6) A local authority may, with the consent of the Board, borrow money for the purposes authorised in the Housing Acts on the security of the local rate in the same manner and subject to the same conditions as nearly as may be as they may borrow for the provision of permanent hospitals under the Public Health (Scotland) Act, 1897; provided that all money so borrowed shall, notwithstanding the terms of section one hundred and forty-one of the said Act, be wholly repaid together with the accruing interest within such period not exceeding eighty years from the date of the loan as the Board may determine in each case:

(7) The expressions "urban sanitary authority" and "rural sanitary authority" or "rural district council" mean respectively the local authority (for the purposes of the Public Health (Scotland) Act, 1897) of a burgh and of a district not being a burgh, and the expressions "urban district" and "rural district" shall be construed accordingly:

60 & 61 Vict. c. 38. 52 & 53 Vict. c. 50.

(8) The Acts relating to nuisances mean as respects any place the Public Health (Scotland) Act, 1897, and the Local Government (Scotland) Act, 1889, and any Act amending the same or either of them, and any local Act which contains any provisions with respect to nuisances in that place:

(9) Except so far as inconsistent with the provisions of subsection (1) of section eighty-five of the principal Act,

sections seven, eight, nine, and ten of the Public Health (Scotland) Act, 1897, shall apply for the purpose of local inquiries ordered by the Board under the Housing Acts :

(10) Section one, subsection (1) of section four, and section ten of the Housing of the Working Classes Act, 1903, shall not apply. In the last-mentioned Act sections three and twelve shall apply with the substitution of the date of the passing of this Act for the date of the passing of that Act, and the Schedule shall apply with the modifications specified in the Third Schedule to this Act :

(11) [If after holding a local inquiry with reference to the matter] *Where a complaint is made to* the Board [are satisfied]—

(*a*) as respects the district of a local authority not being a town council, [on the complaint of] *by* the county council or [of] *by* the parish council or landward committee, of any parish comprised in the district, or [of] *by* any four inhabitant householders of the district; or

(*b*) as respects any other district [on the complaint of] *by* any four inhabitant householders of the district,

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, *the Board may cause a public local inquiry to be held, and if after holding such an inquiry the Board are satisfied that there has been such a failure on the part of the local authority* it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just. Section ten of this Act shall not apply :

[*See* Public Health (Scotland) Act, 1897, s. 147.]

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(12) Where it appears to the Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to make, or if made, to give effect to, any order as respects an obstructive building, or any reconstruction scheme, under Part II. of that Act, *or have failed to cause to be made the inspection of their district required by this Act*, it shall be lawful for the Board to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed as in the immediately preceding subsection. Section eleven of this Act shall not apply :

(13) *Section twelve and section thirteen of this Act shall not apply :*

(14) Sections fifteen, seventeen, [and] eighteen, *and thirty-nine* of this Act shall apply with the substitution of the sheriff for the Local Government Board *or county court of the district ;* provided that *where an appeal is competent under any of these sections an appeal shall not be competent under section thirty-five of the principal Act, and provided also that the power to make rules under section thirty-nine of this Act shall be exercised by the Court of Session by act of sederunt.* Section one hundred and forty-six of the Public Health (Scotland) Act, 1897 (prescribing the procedure if a local authority neglect its duty), shall [apply] *have effect* as if the duties imposed upon a local authority by sections seventeen and eighteen of this Act were duties imposed by that Act:

60 & 61 Vict. c. 38.

(15) In the application to Scotland of section fourteen of this Act the limit of rent shall be [sixteen] *eight* pounds:

(16) References to special expenses shall not apply:

(17) "Overseers" means parish council, "paid into court" means "paid into bank," "as a civil debt in manner provided by the Summary Jurisdiction Acts" means in a summary manner.

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PART II.

TOWN PLANNING.

Preparation and approval of town planning scheme.

55.—(1) A town planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

(2) The Local Government Board may authorise a local authority within the meaning of this Part of this Act to prepare such a town planning scheme with reference to any land within or in the neighbourhood of their area, if the authority satisfy the Board that there is a primâ facie case for making such a scheme or may authorise a local authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme.

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town planning scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

[(4) A town planning scheme prepared or adopted by a local authority shall not have effect unless it is approved by the Local Government Board, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they think fit to impose.]

[(5) A town planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.]

[(6) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with this Part of this Act, and the Local Government

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Board on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.]

(7) The expression land likely to be used for building purposes shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not [and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.]

Confirmation of town planning scheme.

56.—(1) *A town planning scheme prepared or adopted by a local authority shall be submitted to the Local Government Board and shall be supported by such evidence as the Board by their regulations require.*

(2) *If, on consideration of the scheme and on proof of the publication of the notices prescribed by the regulations of the Local Government Board, the Board think fit to proceed with the case, they shall direct a public local inquiry to be held in or in the vicinity of the area comprised in the scheme.*

(3) *After receiving the report made upon such inquiry and considering the same the Local Government Board may make an order sanctioning the scheme.*

(4) *Such order may be made with such modifications and subject to such conditions as the Local Government Board think fit to insert, and it shall be the duty of the authority promoting the scheme to serve in the manner prescribed by the regulations of the Board a notice of any order so made upon the authorities whose area and upon the persons whose property will be affected by the operation of the scheme.*

(5) *If within the prescribed period no objection has been presented to the Local Government Board by an authority or person interested, or if every such objection has been withdrawn, the Board may confirm the order unless the scheme contains a provision suspending any statutory enactments, in which case, or if such an objection as aforesaid has been presented and has not been withdrawn, the order shall not be of any validity unless and until it has been confirmed by Parliament.*

(6) *Where an order under this section is referred to a Committee of either House of Parliament that Committee shall not hear expert witnesses, that is to say, any witness who receives any fee or reward for his attendance or evidence other than his out-of-pocket expenses, unless before the hearing of the case upon an application by the party desiring to call an expert witness, the Chairman of Committees in the case of an order referred to a Committee of the House of Lords or the Chairman of Ways and Means in the case of an order referred to a Committee of the House of Commons certifies that the evidence of any particular expert witness or witnesses is requisite or desirable.*

(7) *Where an order under this section is referred to a Committee of either House of Parliament the local authority who has submitted the scheme and any authority whose area or any person whose property will be affected by the scheme shall be entitled to petition and be heard before the Committee.*

(8) *The Local Government Board, or in the case of an order referred to a Committee of either House of Parliament that Committee by a majority of the members of the Committee for the time being present and voting, may make such an order as they think fit in favour of any authority whose area or of any person whose property was proposed to be affected by the scheme for the allowance of the reasonable costs, charges, and expenses properly incurred at any stage of the proceedings in opposing such scheme and for that purpose shall take into consideration the circumstances under which such opposition was made to the scheme and whether such opposition was or was not justified by such circumstances and shall award costs accordingly to be paid by the local authority promoting the scheme or the opponents of the scheme as may appear just.*

(9) *All costs, charges, and expenses incurred by the Local Government Board in relation to any order under this section shall to such amount as the Local Government Board, or in the case of an order referred to a Committee of either House of Parliament as that Committee think proper to direct, and all costs, charges, and expenses of any authority or person to such amount as may be allowed in pursuance of the aforesaid power shall be taken to be a liability incurred by the authority promoting the scheme and shall be paid to the Board and to such authority or person respectively in such manner and at such times, and either in one sum or by instalments, as may be directed.*

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(10) *A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and confirmed in accordance with this Part of this Act on the application of the responsible authority, or of any other council or person interested.*

(11) *Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Parliamentary Costs Act*, 1865.

28 & 29 *Vict.* *c.* 27.

Contents of town planning schemes.

57.—(1) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as [approved by the Board] *confirmed* for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme defining the area to which the scheme is to apply *including a schedule showing each parcel of land which it is proposed shall be affected by the making of the scheme, together with a map or plan* and *specifying* the authority who are to be responsible for enforcing the observance, [or for the execution,] of the scheme *and for the execution of any works which under the scheme or this Act are to be executed by a local authority* (in this Part of this Act referred to as the responsible authority), and providing for any matters which may be dealt with by general provisions and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, byelaws, regulations, or other provisions, [under whatever authority made], which are in operation in the area included in the scheme:

[Provided that where the scheme contains provisions suspending any enactment contained in a public general Act the scheme shall not come into force unless a draft thereof has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and if either of those Houses before the expiration of those forty days presents an Address to His Majesty

against the proposed suspension no further proceedings shall be taken on the draft, without prejudice to the making of any new scheme.]

(3) Where land included in a town planning scheme is in the area of more than one local authority, the responsible authority *or is in the area of a local authority by whom the scheme was not prepared* may be, [as the Local Government Board directs,] one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties.

Provided that, except with the consent of the London County Council, no other local authority shall prepare or be responsible for enforcing the observance or for the execution of a town planning scheme under this part of this Act as respects any land in the county of London.

Procedure regulations of the Local Government Board.

58.—(1) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme, [obtaining the approval of the Board] *the submission to the Board of* [to] a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption [or the approval] of the scheme or preliminary thereto, or in relation to the carrying out of [the] *a* scheme *when confirmed* or enforcing the observance of the provisions thereof.

(2) Provision shall be made by those regulations—

(*a*) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations;

(*b*) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land; and

(*c*) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

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Power to enforce scheme.

59.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme,—

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a [local] *responsible* authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, [that question shall be referred to the Local Government Board, and the decision of the Board shall be final and conclusive and binding on all persons] *the matter may be referred for decision to the county court of the district in the same manner and subject to the like provisions as an appeal to that court under Part I. of this Act.*

Compensation in respect of property injuriously affected by scheme, &c.

60.—(1) Any person whose property is injuriously affected by the [operation] *making* of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the [approval] *confirmation* of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to [claim] *obtain* compensation under this section on account of any building erected on or contract made, or other thing done with respect to land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose:

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Provided that this provision shall not apply as respects any work done before the date of the [approval] *confirmation* of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3) Where, by the [operation] *making* of any town planning scheme, any property is increased in value the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the [approval] *confirmation* of the scheme is first published in the manner prescribed by regulations made by the Local Government Board, shall be entitled to recover from any person whose property is so increased in value [the amount of that increase.] *such proportion of the expenditure of the authority as failing agreement in the opinion of the arbitrator has increased the value of such property.*

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by [the Local Government Board, and the determination of the Board shall be final and conclusive, and binding on all persons] *arbitration under this Act in accordance with the First Schedule of this Act.*

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town planning scheme is revoked by an Order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Exclusion or limitation of compensation in certain cases.

61.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme no compensation shall be paid in respect thereof if or so far as the provisions are such as could [reasonably have been inserted in] *be enforced by* byelaws made by the local authority, *or are*

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similar in effect to any enactment which would have been in force within the area to which the town planning scheme applies but for the operation of such scheme.

(2) Property shall not be deemed to be injuriously affected so as to give rise to any claim for compensation under this Part of this Act by reason of the [operation] *making* of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

[(3) Where provisions regulating streets, buildings, and other matters dealt with by the scheme (whether contained in local Acts, or Provisional Orders) are, immediately before the approval of the scheme, in force in one part of the area comprised in the scheme and not in another part, or different provisions regulating such matters as aforesaid are in force in different parts of that area, a person whose property is affected by the scheme shall not be entitled to any greater compensation than he would have been entitled to if those provisions, or, as the case may be, the most stringent of those provisions, had been in force throughout that area.]

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

Acquisition by local authorities of land comprised in a scheme.

62.—(1) The responsible authority may for [any] *the* purpose *of a town planning scheme* purchase any land comprised in [a town planning] *such* scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a local authority may purchase or be authorised to purchase land for the purposes of Part III. of the Housing of the Working

Classes Act, 1890, as amended by [section two] *sections two and forty-four* of this Act.

(2) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

Powers of Local Government Board in case of default of local authority to make or execute town planning scheme.

63.—(1) If the Local Government Board are satisfied on any representation, after holding a *public* local inquiry, that a local authority—

(*a*) have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made; or

(*b*) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted; or

(*c*) have unreasonably refused to consent to any modifications or conditions [imposed] *inserted* by the Board;

the Board may, as the case requires, order the local authority to prepare and submit [for the approval of] *to* the Board such a town planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so [imposed] *inserted*:

Provided that where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may [approve] *make an order sanctioning* the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority [and approved by the Board].

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce *effectively* the observance of [or to execute] [the scheme] *a scheme which has been confirmed*, or any provisions thereof, *or to execute any works which under the scheme or this Act the authority is required to execute* [effectively], the Board may order that authority to do all things necessary for enforcing the observance of [or to execute] the scheme or any provisions thereof effectively *or for executing any works which under the scheme or this Act the authority is required to execute.*

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(3) Any order under this section may be enforced by mandamus.

(4) *For the purposes of this section the expression "local authority" shall not include the London County Council, or the council of any county borough.*

Determination of matters by Local Government Board. 31 & 32 Vict. c. 119.

[**63.** Where the Local Government Board are authorised by this Part of this Act or any scheme made thereunder to determine any matter, it shall be at their option to determine the matter as arbitrators or otherwise, and if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid:

Provided that where the question to be determined is a question whether property is injuriously affected or increased in value, or as to the amount or manner of payment of the sum which is to be paid as compensation or which the responsible authority are entitled to recover from the person whose property is increased in value, the Local Government Board shall not determine the question otherwise than as arbitrators except with the consent of the parties interested.]

Procedure of Local Government Board on applications.

64. *The procedure of the Local Government Board upon an application in respect of any matter which they are authorised by this part of this Act or by any scheme made thereunder to determine shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties.*

Inquiries by Local Government Board.

65. Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

Laying general provisions before Parliament.

66. All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section one of that Act.

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Definition of local authority, and expenses.

67.—(1) For the purposes of this Part of this Act the expression "local authority" means the council of any borough or urban or rural district.

(2) Any expenses incurred by a local authority under this Part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, *provided that in the case of a rural authority such expenses shall be levied in such manner and by such separate rate and subject to the same exceptions and provisions as are applicable under the said Acts to special expenses*, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

Application to London.

68.—(1) This Part of this Act shall, *except as otherwise expressly provided*, apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

Application of Part II. to Scotland.

69. This Part of this Act shall apply to Scotland subject to the following modifications:—

(1) The Local Government Board for Scotland (herein-after referred to as the Board) shall be substituted for the Local Government Board, and shall for the purposes of this Part of this Act have the same powers of local inquiry as for the purposes of the Housing Acts as defined in Part I. of this Act.

(2) Subsection one and subsection three of the section of this Part of this Act which relates to the definition of local authority and expenses shall not apply.

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(3) The local authority and the area of such authority for the purposes of this Part of this Act shall respectively be the local authority for the purposes of the Housing Acts as defined in Part I. of this Act, and the district of that authority.

(4) References to the Public Health Acts shall be construed as references to the Housing Acts as defined in Part I. of this Act.

(5) Any local rate for the purposes of this Part of this Act (including the purposes of any loan) shall not be reckoned in any calculation as to the statutory limit of the public health general assessment.

(6) The Board shall not themselves make an order under [this Part] *section sixty-three* of this Act on any authority, but in lieu thereof it shall be lawful for the Board, after holding a local inquiry at which the authority shall have had an opportunity of being heard, and with the approval of the Lord Advocate, to apply for such an order by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

(7) In any proceedings under this Part of this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

(8) *The provision respecting the Rules Publication Act*, 1893, *shall have effect as if section one of that Act applied to Scotland, with the substitution of the "Edinburgh Gazette" for the "London Gazette."*

PART III.

COUNTY MEDICAL OFFICERS, COUNTY PUBLIC HEALTH AND HOUSING COMMITTEE, &C.

Appointment of medical officer by county council.

70.—(1) Every county council shall appoint a medical officer of health under section seventeen of the Local Government Act, 1888.

[(2) The Local Government Board may by order prescribe the duties of medical officers of health appointed by a county council under section seventeen of the Local Government Act, 1888, whether before or after the passing of this Act.] A.D. 1909. 51 & 52 Vict. c. 41.

(2) The power of county councils and district councils under the said section to make arrangements with respect to medical officers of health shall cease, without prejudice to any arrangement made previously to the date of the passing of this Act.

(3) The medical officer of health of a county shall, for the purposes of his duties, have the same powers of entry on premises as are conferred on a medical officer of health of a district by or under any enactment.

[(5) A medical officer of health of a county shall be removable by the county council with the consent of the Local Government Board and not otherwise.]

(4) A medical officer of health of a county shall not be appointed for a limited period only.

Provided that the county council may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of the medical officer of health of the county, and any person appointed by virtue of any such arrangement to perform those duties or any of them shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of the medical officer of health of the county.

(5) A medical officer of health appointed *after the passing of this Act* under the said section as amended by this section shall not engage in private practice, and shall not hold any other public appointment without the express written consent of the Local Government Board.

Duty of clerk and medical officer of health of district council to furnish information to medical officer of health of county council.

71.—(1) The clerk of a rural district council shall forward to the medical officer of health of the county a copy of any representation, complaint, or information, a copy of which it is the duty of the district council to forward to the county council under section forty-five of the Housing of the Working Classes Act, 1890 (which relates to the powers of county councils).

(2) The medical officer of health of a district shall give to the medical officer of health of the county any information which it is in his power to give, and which the medical officer of health

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of the county may reasonably require from him for the purpose of his duties.

(3) If any dispute or difference shall arise between the clerk or the medical officer of health of a district council and the medical officer of health of a county council under this section the same shall be referred to the Local Government Board, whose decision shall be final and binding.

(4) If the clerk or medical officer of health of a district council fails to comply with the provisions of this section, he shall on information being laid by the county council, but not otherwise, be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds.

Extent of Part III.

72. The foregoing provisions of this Part of this Act shall not apply to Scotland or the administrative county of London.

Public health and housing committee of county councils.

73.—(1) Every county council shall establish a public health and housing committee, and all matters relating to the exercise and performance by the council of their powers and duties as respects public health and the housing of the working classes (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the public health and housing committee with respect to the matter in question, and the council may also delegate to the public health and housing committee, with or without restrictions or conditions as they think fit, any of their powers as respects public health and the housing of the working classes, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

(2) This section shall not apply to *Scotland or* the London County Council.

Formation and extension of building societies.

74.—(1) The county council may promote the formation or extension of and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object or one of their objects the erection or improvement of dwellings for the working classes.

(2) The county council, with the consent of and subject to the regulations made by the Local Government Board, may for the purpose of assisting a society make grants or advances to the

society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment, or otherwise, and on such security as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow:

Provided that the regulations of the Board shall provide that any such advance made on the security of any property shall not exceed two-thirds of the value of that property.

PART IV.

SUPPLEMENTAL.

Provisions as to commons and open spaces.

75.—(1) Where any scheme or order under the Housing Acts or Part II. of this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Local Government Board after consultation with the Board of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange the scheme or order shall [vest] *provide for vesting* the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and [shall discharge] *for discharging* the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used

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for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions as to land in neighbourhood of royal palaces or parks.

76.—(1) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act, is situate within the prescribed distance from any of the royal palaces or parks the local authority shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Local Government Board shall, before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Local Government Board after consultation with the Commissioners of Works.

Repeal.

77. The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title and extent.

78.—(1) This Act may be cited as the Housing, Town Planning, &c. Act, 1909, and Part I. of this Act shall be construed as one with the Housing of the Working Classes Acts, 1890 to 1903, and that Part of this Act and those Acts may be cited together as the Housing of the Working Classes Acts, 1890 to 1909.

(2) This Act shall not extend to Ireland.

SCHEDULES.

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FIRST SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A LOCAL AUTHORITY FOR THE PURPOSES OF PART III. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

(1) Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

[(2) An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.]

(2) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase being compulsory.

(3) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed *by the parties, or, in default of agreement,* by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly; *provided that where the Board has declared a local authority to be in default, and in pursuance thereof an order has been made and confirmed authorising the compulsory acquisition of land, the arbitrator shall be appointed by the Lord Chief Justice of England instead of by the Board.*

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(4) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of that land as may be prescribed.

[(6) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but if such an objection has been presented and has not been withdrawn the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.]

[(7) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.]

[(5) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear by themselves or their agents, any authorities or parties authorised to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.]

(5) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily. *Except with the leave of the arbitrator not more than one expert witness shall be called by any party appearing on an arbitration under this schedule.*

(6) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(7) In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

(8) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compen-

sation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice. A.D. 1909.

(9) In this schedule the expression "Board" means the Local Government Board, and the expression "prescribed" means prescribed by the Board.

(10) The provisions of this schedule, except those relating to land belonging to an ecclesiastical benefice, shall apply to Scotland, subject to the following modifications:—

(*a*) for the reference to section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act, 1845, and for the reference to sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845;

(*b*) for reference to an arbitrator there shall be substituted references to an arbiter;

(*c*) *for the reference to the Lord Chief Justice there shall be substituted a reference to the Lord President of the Court of Session;*

(*d*) for the references to the Lord Chancellor there shall be substituted a reference to the Lord Advocate;

(*e*) for the reference to the Local Government Board there shall be substituted a reference to the Local Government Board for Scotland.

SECOND SCHEDULE.

MINOR AMENDMENTS OF HOUSING ACTS.

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70).	
Section 23 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 34 - - -	The words "the order becomes operative" shall be substituted for the words "service of the order."
Section 35 - -	The words "if he is not entitled to appeal to the Local "Government Board *or the county court of the* "*district* against the order" shall be inserted after the word "may" where it first occurs.
Section 38 (1) (*a*) -	The words "or impedes" shall be inserted after the word "stops."
Section 38 (7) - -	The words "house or other building or manufactory" shall be substituted for the words "house or manufactory" wherever they occur in that subsection.
Section 39 (8) - -	The words "as amended by any subsequent Act" shall be inserted after the word "Act" where it first occurs, and the words "to the power of the Local Government "Board to enforce that duty" shall be inserted after the word "execution."
Section 40 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 85 - - -	The words "powers and" shall be inserted before the word "duties."
Section 88 - -	The words "or Part III." shall be inserted after the words "Part II."
Section 89 - -	After the word "Act" where it first occur the words "or "any person authorised to enter dwelling-houses, pre-"mises, or building in pursuance of this Act" shall be inserted; the words "authority or person" shall be substituted for the words "or authority," and the word "he" shall be substituted for the words "such person."

THIRD SCHEDULE.

MODIFICATIONS OF THE SCHEDULE TO THE HOUSING OF THE WORKING CLASSES ACT, 1903, IN ITS APPLICATION TO SCOTLAND.

In the above-mentioned schedule, as applying to Scotland, the expression "district within the meaning of the Public Health (Scotland) "Act, 1897," shall be substituted for the expressions "borough," "urban district," and "parish" respectively; "Local Government "Board for Scotland" shall be substituted for "Local Government "Board"; "every such appropriation of lands shall be recorded as a

" real burden affecting such lands in the appropriate register of sasines " shall be substituted for " every conveyance, demise, or lease of any such " lands shall be endorsed with notice of this provision "; " subsections " one and three (with the substitution of the Local Government Board " for Scotland for the Secretary for Scotland) of section ninety-three " of the Local Government (Scotland) Act, 1889 " shall be substituted for " subsections one and five of section eighty-seven of the Local " Government Act, 1888 "; " Court of Session " shall be substituted for " High Court "; " order of the Court of Session on the application " of the Board " shall be substituted for " mandamus "; and " local " authority for the purposes of the Public Health (Scotland) Act, 1897, " in whose district " shall be substituted for " council of any admini- " strative county and the district council of any county district; or in " London the council of any metropolitan borough, in which."

FOURTH SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE LOCAL GOVERNMENT BOARD.

1. Streets, roads, and other ways, and stopping up, or diversion of existing highways.

2. Buildings, structures, and erections.

3. Open spaces, private and public.

4. The preservation of objects of historical interest or natural beauty.

5. Sewerage, drainage, and sewage disposal.

6. Lighting.

7. Water supply.

8. Ancillary or consequential works.

9. Extinction or variation of private rights of way and other easements.

10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

11. Power of entry and inspection.

12. Power of the responsible authority to remove, alter, or demolish any obstructive work.

13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with

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respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

[15. Application with the necessary modifications and adaptations of statutory enactments.]

15. Carrying out and supplementing the provisions of this Act for enforcing schemes.

16. Limitation of time for operation of scheme.

17. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, &c.

18. Charging on the inheritance of any land the value of which is increased by the operation of a town-planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

FIFTH SCHEDULE.

1. Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme:—

(*a*) Submission of plans and estimates.

(*b*) Publication of notices.

2. Procedure during, on and after the preparation or adoption and before the [approval] *confirmation* of the scheme:—

(*a*) Submission to the Local Government Board of the proposed scheme, with plans and estimates.

(*b*) Notice of submission of proposed scheme to the Local Government Board.

(*c*) Hearing of objections and representations by persons affected including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

3. Procedure after the [approval] *confirmation* of the scheme:—

(*a*) Notice to be given of [approval] *confirmation* of scheme.

(*b*) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including, wherever the [circumstances so require] *scheme as confirmed so requires*, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventeen, from "who shall not hold" to end of the section.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The words "for sanitary purposes" in paragraph (*a*) of subsection (1) of section six.
		[Subsection (6) of section eight, and section nine.]
		[Subsection (3) of section twelve from "but the local authority" to the end of the subsection.]
		Subsection (5) of section twelve.
		[Subsection (2) of section fifteen, including the proviso thereto.]
		Sections seventeen, eighteen, and nineteen.
		In section twenty-five, the words at the end of the section "such loan shall be repaid "within such period, not exceeding fifty "years, as may be recommended by the "confirming authority."
		Sections twenty-seven and twenty-eight.
		In section twenty-nine, the words "means "any inhabited building and" in the definition of "dwelling-house."
		Sections thirty-two and thirty-three.
		[In section thirty-nine, the words "by agree- "ment" in subsection (4) where those words first occur, and all after the word "sanctioned" to the end of that subsection; subsections (5) and (6); the words "to costs to be awarded in certain cases "by a Committee of either House of "Parliament" in subsection (8); and subsection (9) from "Provided that" to the end.]
		[In subsection (3) of section forty-seven, the words "the time allowed under any order "for the execution of any works or the "demolition of a building, or".]
		In section fifty-three subsection (2).
		Section fifty-four, so far as unrepealed.
		Section fifty-five, so far as it applies to Scotland.
		Section sixty-three.
		Section sixty-five, from "and (iii)" to the end of the section.
		In section sixty-six, the words "or special."
		Section seventy-seven.
		Section eighty-three.
		Section ninety-two, from "but in" to the end of the section.

A.D. 1909.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890—*cont.*	Subsection (3) except paragraph (*c*), and subsection (4) of section ninety-four, ⟦so far as they apply to Scotland.⟧ Subsections (1), (2), (7), (8), and (14) of section 96. The First Schedule, so far as it applies to Scotland. The Third, Fourth, and Fifth Schedules.
59 & 60 Vict. c. 31.	The Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1896.	⟦The whole Act.⟧ *Section three.*
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	Sections two, six, and seven. In section eight the words "Scotland or".
3 Edw. 7. c. 39.	The Housing of the Working Classes Act, 1903.	⟦Paragraphs (*a*) and (*b*) of subsection (2) of section five, sections six and⟧ *section* eight. In section ten the words "in the manner "provided by subsection three of section "thirty-two of the principal Act," and section sixteen. In section seventeen the words "Scotland or".

Housing, Town Planning, &c. Bill.

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE VISCOUNT ST. ALDWYN.

Clause 63, page 37, line 40, after ("execute") insert ("Provided that no order made under this section for enforcing the execution of a scheme shall compel the authority to undertake the erection of houses which they could not be ordered to erect under the Housing of the Working Classes Acts, as amended by this Act")

Housing, Town Planning, &c. Bill.

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE VISCOUNT ST. ALDWYN.

6th October 1909.

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(188 *a.*)

Housing, Town Planning, &c. Bill.

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE EARL CAWDOR.

Clause 56, page 32, after line 7, insert the following new subsection—

(12) If and so long as Development Commissioners are appointed under any Act of the present session, every order of the Local Government Board, which under the foregoing provisions of this section would require before coming into force to be confirmed by Parliament, shall be referred by the Board to the Development Commissioners, and if after holding an inquiry the Commissioners are satisfied that an order should be made, they may confirm the order either without modifications or subject to such modifications as they think fit, and an order when so confirmed shall, notwithstanding anything in this section contained, have effect as if it were an order, not being a Provisional Order, made by the Commissioners in the exercise of their powers under any such Act as aforesaid.

Housing, Town Planning, &c. Bill.

AMENDMENT

TO BE MOVED ON THIRD READING

BY

THE EARL CAWDOR.

11th October 1909.

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(188 *b.*)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING.

[*The Amendments marked with a* * *are now printed for the first time.*]

Clause 15.

BY THE DUKE OF NORTHUMBERLAND.

* Page 10, line 7, after ("lets") insert ("to a tenant for "habitation")

Clause 17.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 13, after line 12, insert ("Provided that if the local "authority, after being required to do so by the Local Government "Board, fail to make such regulations, or such regulations as the "Board approve, the Board may themselves make them, and the "regulations so made shall have effect as if they had been made "by the local authority with the consent of the Board")

Clause 18.

BY THE DUKE OF NORTHUMBERLAND.

* Page 14, line 11, leave out ("any building being or being "part of")

line 12, after ("house") insert ("or of any part "thereof")

Clause 37.

BY THE EARL OF ONSLOW.

* Page 20, line 15, after ("provided") insert ("for the "working classes")

Clause 55.

BY THE LORD HYLTON.

* Page 29, lines 5 and 6, leave out ("appears likely to be used "for building purposes") and insert ("is required in order to "further such development")

* line 22, leave out ("likely to be used for building "purposes") and insert ("in course of development")

* Page 30, lines 6 to 13, leave out subsection (7).

Clause 56.

BY THE DUKE OF NORTHUMBERLAND.

* Page 30, line 33, after ("period") insert ("not being less "than three months")

Clause 57.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 33, line 5, leave out ("the responsible authority")

* line 7, after ("prepared") insert ("the responsible "authority")

BY THE LORD BELPER.

* Page 33, after line 13, insert ("Provided that no local "authority shall be authorised except as a constituent of a joint "body constituted as aforesaid to enforce the observance or the "execution of a town planning scheme under this part of this Act

Clause 57—*continued.*

" in respect of any land within the area of another local authority " unless such other local authority is not prepared to carry out a " town planning scheme for the area in question ")

* Page 33, line 14, after (" Provided ") insert (" also ")

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 33, line 15, after (" shall ") insert (" as respects any " land in the county of London ")

* line 16, leave out (" or for the execution ")

* lines 17 and 18, leave out (" as respects any land " in the county of London ") and insert (" or for the execution " of any works which under the scheme or this Act are to be " executed by a local authority ")

Clause 61.

BY THE EARL OF MALMESBURY.

* Page 36, line 4, leave out from (" affected ") to (" by ") in line 6.

* line 13, after (" purpose ") insert (" provided that " if it shall appear to the arbitrator that such provisions are unusual " and impose excessive restrictions upon the use of the property and " that under all the circumstances compensation should be awarded " he may, notwithstanding anything in this subsection contained " award such compensation as he may think just ")

Clause 63.

BY THE VISCOUNT HILL.

* Page 37, line 29, leave out (" have effect as if it had ") and insert (" be deemed to have ")

BY THE VISCOUNT ST. ALDWYN AND * THE MARQUESS OF SALISBURY.

Page 37, line 40, after (" execute ") insert (" Provided that " no order made under this section for enforcing the execution " of a scheme shall compel the authority to undertake the

Clause 63—*continued.*

" erection of houses which they could not be ordered to erect " under the Housing of the Working Classes Acts, as amended by " this Act ")

Clause 72.

BY THE LORD BRODRICK (*V. Midleton*).

✱ Page 42, line 14, after (" or ") insert (" except subsection (3) " of section sixty-nine to ")

Clause 76.

BY THE MARQUESS OF SALISBURY.

✱ Page 44, line 10, leave out (" acquiring ") and insert (" submitting the order for the acquisition of ")

✱ line 12, leave out (" confirming ") and insert (" sanctioning ")

After Clause 76.

BY THE MARQUESS OF SALISBURY.

✱ Insert the following new clauses:

Application to Crown lands.

77.—(1) This Act shall apply to land belonging to His Majesty in right of the Crown and in right of the Duchy of Lancaster, provided that nothing in this section shall affect any Royal Palace, or any park, garden, or appurtenance thereof, or any right or privilege enjoyed therewith.

(2) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act belongs to His Majesty in right of the Crown or in right of the Duchy of Lancaster, the local authority shall before preparing the scheme or order or submitting the order for acquisition of the land communicate with the Admiralty and the Army Council, and if the Admiralty or the Army Council represent to the Local Government Board that it is contrary to public policy

After Clause 76—*continued.*

that the scheme or order should be sanctioned or that the land should be authorised to be acquired, the Local Government Board shall not sanction the scheme or order or authorise the acquisition of the land.

(3) With respect to any land belonging to His Majesty in right of the Crown, for the purposes of this Act, the Commissioners of Woods or other the proper officer or body having charge of the land for the time being, or in case there is no such officer or body then such person as His Majesty may appoint in writing under the Royal Sign Manual shall represent His Majesty.

(4) With respect to any land belonging to His Majesty in right of the Duchy of Lancaster for the purposes of this Act the Chancellor of the Duchy shall represent His Majesty.

Application to Duchy of Cornwall.

78.—(1) This Act shall apply to land belonging to the Duchy of Cornwall.

(2) With respect to any such land for the purposes of this Act, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints, shall represent the Duke of Cornwall or other the possessor aforesaid, and may do any act or thing under this Act, which the owner of land or a landlord is authorised or required to do thereunder.

In the Schedules.

Fifth Schedule.

BY THE EARL OF MALMESBURY.

* Page 50, line 20, after ("publication") insert ("and "service")

Housing, Town Planning, &c. Bill.

MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON THIRD READING.

7th October 1909.

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(188 *.)

Housing, Town Planning, &c. Bill.

AMENDMENTS

TO BE MOVED ON THIRD READING.

[*The Amendments marked with a* ✱ *are now printed for the first time.*]

Clause 15.

BY THE DUKE OF NORTHUMBERLAND.

Page 10, line 7, after ("lets") insert ("to a tenant for "habitation")

Clause 17.

BY THE VISCOUNT HILL.

✱ Page 11, line 32, after ("purpose") insert ("Provided that "before making a closing order the local authority shall give every "owner of the dwelling-house notice of the time (being some "time not less than one week after the service of the notice) and "place at which the question will be considered and any owner "of the dwelling-house shall be entitled to be heard when the "question is so taken into consideration")

BY THE LORD STEWARD (*E. Beauchamp*).

Page 13, after line 12, insert ("Provided that if the local "authority, after being required to do so by the Local Government "Board, fail to make such regulations, or such regulations as the "Board approve, the Board may themselves make them, and the "regulations so made shall have effect as if they had been made "by the local authority with the consent of the Board")

Clause 18.

BY THE DUKE OF NORTHUMBERLAND.

Page 14, line 11, leave out ("any building being or being " part of ")

line 12, after ("house") insert ("or of any part " thereof")

Clause 37.

BY THE EARL OF ONSLOW.

Page 20, line 15, after ("provided") insert ("for the " working classes")

Clause 54.

BY THE LORD STEWARD (*E. Beauchamp*).

* Page 28, line 19, after ("substitution") insert ("(except as " regards the making of or consenting to regulations)")

* line 21, after ("that") insert ("the reference in " section seventeen to a public local inquiry shall not apply, and " provided further that")

* line 34, leave out ("eight") and insert ("sixteen")

Clause 55.

BY THE LORD HYLTON.

Page 29, lines 5 and 6, leave out ("appears likely to be used " for building purposes") and insert ("is required in order to " further such development")

line 22, leave out ("likely to be used for building " purposes") and insert ("in course of development")

Page 30, lines 6 to 13, leave out subsection (7).

Clause 56.

BY THE DUKE OF NORTHUMBERLAND.

Page 30, line 33, after ("period") insert ("not being less "than three months")

Clause 57.

BY THE LORD STEWARD (*E. Beauchamp*).

Page 33, line 5, leave out ("the responsible authority")
line 7, after ("prepared") insert ("the responsible "authority")

BY THE LORD BELPER.

Page 33, after line 13, insert ("Provided that no local "authority shall be authorised except as a constituent of a joint "body constituted as aforesaid to enforce the observance or the "execution of a town planning scheme under this part of this Act "in respect of any land within the area of another local authority "unless such other local authority is not prepared to carry out a "town planning scheme for the area in question")
Page 33, line 14, after ("Provided") insert ("also")

BY THE LORD STEWARD (*E. Beauchamp*).

Page 33, line 15, after ("shall") insert ("as respects any "land in the county of London")
line 16, leave out ("or for the execution")
lines 17 and 18, leave out ("as respects any land "in the county of London") and insert ("or for the execution "of any works which under the scheme or this Act are to be "executed by a local authority")

Clause 61.

BY THE EARL OF MALMESBURY.

Page 36, line 4, leave out from ("affected") to ("by") in line 6.

Clause 61—*continued.*

Page 36, line 13, after ("purpose") insert ("provided that " if it shall appear to the arbitrator that such provisions are unusual " and impose excessive restrictions upon the use of the property and " that under all the circumstances compensation should be awarded " he may, notwithstanding anything in this subsection contained " award such compensation as he may think just")

Clause 63.

BY THE VISCOUNT HILL.

Page 37, line 29, leave out ("have effect as if it had") and insert ("be deemed to have")

BY THE VISCOUNT ST. ALDWYN AND THE MARQUESS OF SALISBURY.

Page 37, line 40, after ("execute") insert ("Provided that " no order made under this section for enforcing the execution " of a scheme shall compel the authority to undertake the " erection of houses which they could not be ordered to erect " under the Housing of the Working Classes Acts, as amended by " this Act")

Clause 72.

BY THE LORD BRODRICK (*V. Midleton*).

Page 42, line 14, after ("or") insert ("except subsection (3) " of section sixty-nine to")

Clause 76.

BY THE MARQUESS OF SALISBURY.

Page 44, line 10, leave out ("acquiring") and insert ("submitting the order for the acquisition of")

line 12, leave out ("confirming") and insert ("sanctioning")

After Clause 76.

BY THE MARQUESS OF SALISBURY.

Insert the following new clauses:

Application to Crown lands.

77.—(1) This Act shall apply to land belonging to His Majesty in right of the Crown and in right of the Duchy of Lancaster, provided that nothing in this section shall affect any Royal Palace, or any park, garden, or appurtenance thereof, or any right or privilege enjoyed therewith.

(2) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act belongs to His Majesty in right of the Crown or in right of the Duchy of Lancaster, the local authority shall before preparing the scheme or order or submitting the order for acquisition of the land communicate with the Admiralty and the Army Council, and if the Admiralty or the Army Council represent to the Local Government Board that it is contrary to public policy that the scheme or order should be sanctioned or that the land should be authorised to be acquired, the Local Government Board shall not sanction the scheme or order or authorise the acquisition of the land.

(3) With respect to any land belonging to His Majesty in right of the Crown, for the purposes of this Act, the Commissioners of Woods or other the proper officer or body having charge of the land for the time being, or in case there is no such officer or body then such person as His Majesty may appoint in writing under the Royal Sign Manual shall represent His Majesty.

(4) With respect to any land belonging to His Majesty in right of the Duchy of Lancaster for the purposes of this Act the Chancellor of the Duchy shall represent His Majesty.

Application to Duchy of Cornwall.

78.—(1) This Act shall apply to land belonging to the Duchy of Cornwall.

(2) With respect to any such land for the purposes of this Act, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints, shall represent the Duke of Cornwall or other the possessor aforesaid, and may do any act or thing under this Act, which the owner of land or a landlord is authorised or required to do thereunder.

In the Schedules.

First Schedule.

BY THE LORD STEWARD (*E. Beauchamp*).

✱ Page 47, line 30, at end of line insert (" provided that for the " words 'where the Board has declared a local authority to be in " 'default' there shall be substituted the words 'where the Board " 'has made an application to the Court of Session' ")

Fifth Schedule.

BY THE EARL OF MALMESBURY.

Page 50, line 20, after (" publication ") insert (" and " service ")

Housing, Town Planning, &c. Bill.

SECOND MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON THIRD READING.

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(188 ††.)

Housing, Town Planning, &c. Bill.

[AS AMENDED ON THIRD READING.]

ARRANGEMENT OF CLAUSES.

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Clause.

1. Part III. of principal Act to take effect without adoption.
2. Provisions as to acquisition of land under Part III.
3. Loans by Public Works Loan Commissioners to local authorities.
4. Loans by Public Works Loan Commissioners to public utility societies.
5. Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.
6. Provision of public streets in connexion with exercise of powers under Part III.
7. Expenditure of money for housing purposes in case of settled land.
8. Donations for housing purposes.
9. Provisions with respect to money applicable under trusts for housing purposes.

Powers of enforcing Execution of Housing Acts.

10. Power of Local Government Board on complaint to enforce exercise of powers.
11. Power of Local Government Board to order schemes, &c. to be carried out within a limited time.
12. Powers of county council to act in default of rural district council under Part III.
13. Power of county council to exercise powers of rural district council under Part III.

Contracts by Landlord.

Clause.

14. Extension of s. 75 of the principal Act.
15. Condition as to keeping houses let to persons of the working classes in repair.
16. Extension of power of making byelaws with respect to lodging-houses for the working classes.

Amendment of Procedure for Closing Orders and Demolition Orders.

17. Duty of local authority as to closing of dwelling-house unfit for human habitation.
18. Order for demolition.
19. Power to redeem annuities charged by charging order under s. 36 of the principal Act.
20. Provision as to priority of charges under s. 37 of the principal Act.
21. Restriction on power of court of summary jurisdiction to extend time.

Amendments with respect to Improvement and Reconstruction Schemes.

22. Amendment of s. 4 of the principal Act as to official representation.
23. Amendment of principal Act as to contents of schemes.
24. Modification of schemes.
25. Inquiries by Local Government Board inspectors as to unhealthy areas.
26. Amendment as to the vesting of water pipes, &c.
27. Amendment of s. 38 of the principal Act as to distribution of compensation money.
28. Explanation of sections 21 (2) and 41 (3) of principal Act.

Amendments with respect to Financial Matters.

29. Amendment as to application of money borrowed for the purpose of the Dwelling-house Improvement Fund.
30. Expenses of rural district council under Part III. of the principal Act.

Clause.

31. Application of proceeds of land sold under Part III.
32. Mode in which contributions by London borough councils to the county council or vice versâ may be made.
33. Exemption from s. 133 of Lands Clauses Consolidation Act, 1845.
34. Exemption of lodging-houses for the working classes from Inhabited House Duty.

General Amendments.

35. Power of entry.
36. Power of Local Government Board to obtain a report on any crowded area.
37. Duty of local authority in administration of Housing Acts.
38. Joint action by local authorities.
39. Appeals to Local Government Board.
40. Sale and disposal of dwellings.
41. Power to prescribe forms and to dispense with advertisements and notices.
42. Provision as to publication in London Gazette.
43. Prohibition of back-to-back houses.
44. Power to Local Government Board to revoke unreasonable byelaws.
45. Saving of sites of ancient monuments, &c.
46. Minor amendments of Housing Acts.

Definitions.

47. Provisions of this Part to be deemed to be part of the appropriate Part of the principal Act.
48. Definition of "working classes."
49. Amendment of definitions in Part I. of the principal Act.
50. Amendment of definitions for purpose of Part II. of principal Act.
51. Definition of cottage.
52. Definition of Housing Acts.

Application of Part I. to Scotland.

53. Extension of Acts of 1900 and 1903 to Scotland.
54. Application of Housing Acts to Scotland.

PART II.

TOWN PLANNING.

Clause.
55. Preparation and approval of town planning scheme.
56. Confirmation of town planning scheme.
57. Contents of town planning schemes.
58. Procedure regulations of the Local Government Board.
59. Power to enforce scheme.
60. Compensation in respect of property injuriously affected by scheme, &c.
61. Exclusion or limitation of compensation in certain cases.
62. Acquisition by local authorities of land comprised in a scheme.
63. Powers of Local Government Board in case of default of local authority to make or execute town planning scheme.
64. Procedure of Local Government Board on applications.
65. Inquiries by Local Government Board.
66. Laying general provisions before Parliament.
67. Definition of local authority, and expenses.
68. Application to London.
69. Application of Part II. to Scotland.

PART III.

COUNTY MEDICAL OFFICERS, COUNTY PUBLIC HEALTH AND HOUSING COMMITTEE, &C.

70. Appointment of medical officer by county council.
71. Duty of clerk and medical officer of health of district council to furnish information to medical officer of health of county council.
72. Extent of Part III.
73. Public health and housing committee of county councils.
74. Formation and extension of building societies.

PART IV.

SUPPLEMENTAL.

75. Provisions as to commons and open spaces.
76. Provisions as to land in neighbourhood of royal palaces or parks.
77. Repeal.
78. Short title and extent.

SCHEDULES.

A

B I L L

[AS AMENDED ON THIRD READING]

INTITULED

An Act to amend the Law relating to the Housing of the Working Classes, to provide for the making of Town Planning schemes, and to make further provision with respect to the appointment and duties of County Medical Officers of Health, and to provide for the establishment of Public Health and Housing Committees of County Councils. A.D. 1909.

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

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

1. Part III. of the Housing of the Working Classes Act, 1890 (in this Part of this Act referred to as the principal Act), shall, after the commencement of this Act, extend to and take effect in every urban or rural district, or other place for which it has not been adopted, as if it had been so adopted. Part III. of principal Act to take effect without adoption. 53 & 54 Vict. c. 70.

2.—(1) A local authority may be authorised to purchase land compulsorily for the purposes of Part III. of the principal Act, by means of an order submitted to the Local Government Board in accordance with the First Schedule to this Act. Provisions as to acquisition of land under Part III. 7 Edw. 7. c. 54.

(2) If within the period prescribed by the Board no objection to an order under this section has been presented to the Board by

A.D. 1909.

a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order either without modification or subject to such modifications as they think fit, but if such an objection has been presented and has not been withdrawn the Board shall appoint an impartial person not in the employment of any Government Department to hold a public inquiry on their behalf in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(3) If the person who held the inquiry reports, or if, on considering his report, it appears to the Board, that by reason of the extent or situation of any land proposed to be acquired compulsorily, or the purposes for which such land is used, or any other circumstances, the land ought not to be acquired compulsorily without the sanction of Parliament, the order of the Board shall be provisional only, and shall not have effect unless confirmed by Parliament.

(4) An order, other than a Provisional Order, made by the Board under this section shall come into force after it has lain for thirty days during the session of Parliament on the table of both Houses of Parliament, unless either House during those thirty days presents an address to His Majesty against the order, in which case no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

(5) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the same purpose under section one hundred and seventy-six of the Public Health Act, 1875, as applied by subsection (1) of section fifty-seven of the principal Act.

(6) A local authority may, with the consent of and subject to any conditions imposed by the Local Government Board, acquire land by agreement for the purposes of Part III. of the principal Act, notwithstanding that the land is not immediately required for those purposes.

Loans by Public Works Loan Commissioners to local authorities.

3. Where a loan is made by the Public Works Loan Commissioners to a local authority for any purposes of the Housing Acts—

(*a*) The loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

(*b*) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loan Commissioners may exceed the period allowed under the principal Act or under any other Act limiting the period for which the loan may be made, but the period shall not exceed the period recommended by the Local Government Board, nor in any case eighty years; and

(*c*) As between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Loans by Public Works Loan Commissioners to public utility societies.

4.—(1) Where a loan is made by the Public Works Loan Commissioners under section sixty-seven, subsection two (*d*), of the principal Act, to a public utility society, the words "two thirds" shall be substituted for the words "one moiety."

(2) For the purposes of this section a public utility society means a society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding five pounds per centum per annum.

Payment of purchase or compensation money (which would otherwise be paid into Court) on direction of Local Government Board.

5.—(1) Any purchase money or compensation payable in pursuance of the Housing Acts by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts or by paragraph (20) of the Second Schedule to the principal Act may, if the Local Government Board consent, instead of being paid into Court, be paid and applied as the Board determine.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Provision of public streets in connexion with exercise of powers under Part III.

6. Any local authority in connection with the exercise by them of their powers under Part III. of the principal Act may lay out and construct public streets or roads on any land acquired or appropriated by them for the purpose of that Part of that Act or contribute towards the cost of the laying out and construction of any streets or roads on any such land by other persons on the condition that those streets or roads are to be dedicated to the public.

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Expenditure of money for housing purposes in case of settled land. 45 & 46 Vict. c. 38.

7.—(1) The following paragraph shall be substituted for paragraph (*b*) of subsection (1) of section seventy-four of the principal Act:—

(*b*) The improvements on which capital money arising under the Settled Land Act, 1882, may be expended, enumerated in section twenty-five of the said Act and referred to in section thirty of the said Act, shall, in addition to cottages for labourers, farm servants, and artisans, whether employed on the settled land or not, include the provision of dwellings available for the working classes, either by means of building new buildings or by means of the reconstruction, enlargement, or improvement of existing buildings, so as to make them available for the purpose, if that provision of dwellings is, in the opinion of the court, not injurious to the estate or is agreed to by the tenant for life and the trustees of the settlement.

(2) The provision by a tenant for life, at his own expense, of dwellings available for the working classes on any settled land, shall not be deemed to be an injury to any interest in reversion or remainder in that land; provided that the powers conferred upon a tenant for life by this subsection shall not be exercised by him without the previous approval in writing of the trustees of the settlement.

Donations for housing purposes. 51 & 52 Vict. c. 42.

8. A local authority may accept a donation of land or money or other property for any of the purposes of the Housing Acts, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

Provisions with respect to money applicable under trusts for housing purposes.

9.—(1) If in any case it appears to the Local Government Board that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of dwellings available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Board may certify the case to the Attorney-General, and the Attorney-General, if he thinks fit, shall institute any legal proceedings or intervene in any legal proceedings already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of

dwellings available for the working classes the Court or body who are responsible for making the scheme shall communicate with the Local Government Board and receive and consider any recommendations made by the Board with reference to the proposed scheme.

Powers of enforcing Execution of Housing Acts.

Power of Local Government Board on complaint to enforce exercise of powers.

10.—(1) Where a complaint is made to the Local Government Board—

(*a*) as respects any rural district by the council of the county in which the district is situate, or by the parish council or parish meeting of any parish comprised in the district, or any four inhabitant householders of the district; or

(*b*) as respects any county district not being a rural district by the council of the county in which the district is situated, or by four inhabitant householders of the district; or

(*c*) as respects the area of any other local authority by four inhabitant householders of the area;

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, the Board may cause a public local inquiry to be held, and if after holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority, the Board may declare the authority to be in default, and may make an order directing that authority, within a time limited by the order, to carry out such works and do such other things as may be mentioned in the order for the purpose of remedying the default. Before deciding that a local authority have failed to exercise their powers under Part III. of the principal Act, the Board shall take into consideration the necessity for further accommodation for the housing of the working classes in such district, the probability that the required accommodation will not be otherwise provided, and the other circumstances of the case, and whether having regard to the liability which will be incurred by the rates, it is prudent for the local authority to undertake the provision of such accommodation.

(2) Where an order originally made under this section on the council of a county district is not complied with by that council,

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the Local Government Board may, if they think fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make an order directing the county council to carry out any works or do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

(3) Where the Board make an order under this section directing a county council to carry out any works or do any other thing the order may for the purpose of enabling the county council to give effect to the order apply any of the provisions of the Housing Acts or of section sixty-three of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

(4) An order relating to Part III. of the principal Act made by the Local Government Board under this section shall not take effect until a draft thereof has lain for thirty days during the Session of Parliament on the table of both Houses of Parliament, and, if either House during those thirty days presents an address to His Majesty against the draft, no further proceedings shall be taken thereon, but without prejudice to the making of a new Draft Order.

(5) Any order made by the Local Government Board under this section may be enforced by mandamus.

(6) For the purposes of this section, so far as it relates to Part III. of the principal Act, the expression "local authority" shall not include the London County Council, or the council of any county borough.

Power of Local Government Board to order schemes, &c. to be carried out within a limited time.

11.—(1) Where it appears to the Local Government Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to give effect to any order as respects an obstructive building, or to a reconstruction scheme, under Part II. of that Act, or have failed to cause to be made the inspection of their district required by this Act, the Board may make an order requiring the local authority to remedy the default and to carry out any works or do any other things which are necessary for the purpose under the Housing Acts within a time fixed by the order.

(2) Any order made by the Local Government Board under this section may be enforced by mandamus.

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Powers of county council to act in default of rural district council under Part III

12. Where a complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any four inhabitant householders of that district, the county council may cause a public local inquiry to be held, and if after holding such an inquiry the county council are satisfied that the rural district council have failed to exercise their powers under Part III. of the principal Act in cases where those powers ought to have been exercised, the county council may resolve that the powers of the district council for the purposes of that Part be transferred to the county council with respect either to the whole district or to any parish in the district, and those powers shall be transferred accordingly, and, subject to the provisions of this Act, section sixty-three of the Local Government Act, 1894, shall apply as if the powers had been transferred under that Act.

Power of county council to exercise powers of rural district council under Part III.

13.—(1) Where the council of a county are of opinion that for any reason it is expedient that the council should exercise, as respects any rural district in the county, any of the powers of a local authority under Part III. of the principal Act, the council, after giving notice to the council of the district of their intention to do so, may apply to the Local Government Board for an order conferring such powers on them.

(2) Upon such an application being made the Board may make an order conferring on the county council as respects the rural district all or any of the powers of a local authority under Part III. of the principal Act, and thereupon the provisions of the Housing Acts relating to those powers (including those enabling the Public Works Loans Commissioners to lend, and fixing the terms for which money may be lent and borrowed) shall apply as if the council were a local authority under Part III. of the principal Act: Provided that the expenses incurred by the county council under any such order shall be defrayed as expenses for general county purposes unless after a local inquiry the county council are satisfied that it is just to limit the charge for the whole or part of the expenses so incurred to the rural district or to some contributory place or places therein, in which case they may order that any such expenses shall be so charged.

(3) Where, under any such order, the county council have executed any works in a rural district they may transfer the works to the council of that district on such terms and subject to such conditions as may be agreed between them.

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Contracts by Landlord.

Extension of s. 75 of the principal Act.

14. In any contract made after the passing of this Act for letting for habitation a house or part of a house at a rent not exceeding:—

(*a*) in the case of a house situate in the administrative county of London, forty pounds;

(*b*) in the case of a house situate in a borough or urban district with a population according to the last census for the time being of fifty thousand or upwards, twenty-six pounds;

(*c*) in the case of a house situate elsewhere, sixteen pounds;

there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation, but the condition aforesaid shall not be implied when a house or part of a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for occupation.

Condition as to keeping houses let to persons of the working classes in repair.

15.—(1) The last foregoing section shall as respects contracts to which that section applies take effect as if the condition implied by that section included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation, but nothing herein contained shall make it obligatory on the landlord to remedy any defect caused by the act or default of the tenant or occupier, or any person for whom the tenant is as between himself and the landlord responsible.

(2) The landlord or the local authority, or any person authorised by him or them in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any house, premises, or building to which this section applies for the purpose of viewing the state and condition thereof.

(3) If it appears to the local authority within the meaning of Part II. of the principal Act that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the authority shall, if a closing order is not made with respect to the house, by written notice require the landlord, within a reasonable time, not being less than twenty-one days, specified in the notice, to execute such works as the authority

shall specify in the notice as being necessary to make the house in all respects reasonably fit for human habitation.

(4) Within twenty-one days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation and thereupon a closing order shall be deemed to have become operative in respect of such house.

(5) If the notice given by the local authority is not complied with, and if the landlord has not given the notice mentioned in the immediately preceding subsection, the authority may, at the expiration of the time specified in the notice given by them to the landlord, do the work required to be done and recover the expenses incurred by them in so doing from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts, or, if they think fit, the authority may by order declare any such expenses to be payable by annual instalments within a period not exceeding that of the interest of the landlord in the house nor in any case five years, with interest at a rate not exceeding five pounds per cent. per annum until the whole amount is paid, and any such instalments or interest or any part thereof may be recovered from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) A landlord may appeal to the Local Government Board or the county court of the district against any notice requiring him to execute works under this section, and against any demand for the recovery of expenses from him under this section or order made with respect to those expenses under this section by the authority, by giving notice of appeal to the Board or the local authority within twenty-one days after the notice is received, or the demand or order is made, as the case may be, and no proceedings shall be taken in respect of such notice requiring works, order or demand, whilst the appeal is pending.

(7) In this section the expression "landlord" means any person who lets to a tenant for his own habitation the house under any contract referred to in this section, and includes his successors in title, and the expression "house" includes part of a house.

Sections forty-nine and fifty of the principal Act as amended by section thirteen of the Housing of the Working Classes Act, 1903 (which relate to the service of notices and the description

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of owner in proceedings), shall apply for the purposes of this section, with the substitution, where required, of the landlord for the owner of a dwelling-house.

(8) Any remedy given by this section for non-compliance with the undertaking implied by virtue of this section, shall be in addition to and not in derogation of any other remedy available to the tenant against the landlord, either at common law or otherwise.

Extension of power of making bye-laws with respect to lodging-houses for the working classes.

16.—(1) The power of making and enforcing byelaws under section ninety of the Public Health Act, 1875, and section ninety-four of the Public Health (London) Act, 1891, with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family, shall, in the case of houses intended for the working classes, extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) upon the owner within the meaning of the said Acts, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed the owner or other person may at all reasonable times enter upon any part of the premises, and section fifty-one of the principal Act shall apply as if for the reference to the provisions of Part II. of that Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.

(3) Where an owner or other person has failed to execute any work which he has been required to execute under the byelaws, the local authority or sanitary authority, as the case may be, may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and recover the costs and expenses, and for that purpose the provisions of subsection (5) of the last foregoing section, with respect to the execution of works and the recovery of expenses by local authorities, and the provisions of subsection (6) of the last foregoing section with respect to an appeal against any notice requiring the execution of works and any demand for the recovery of expenses and against any order made with respect to those expenses under

this section shall apply as if the owner or other person were the landlord and with such other adaptations as may be necessary. A.D. 1909.

Amendment of Procedure for Closing Orders and Demolition Orders.

Duty of local authority as to closing of dwelling-house unfit for human habitation.

17.—(1) It shall be the duty of every local authority within the meaning of Part II. of the principal Act to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority and of every officer of the local authority to comply with such regulations and to keep such records as may be prescribed by the Board.

(2) If on the representation of the medical officer of health, or of any other officer of the authority, or other information given, any dwelling-house appears to them to be in such a state, it shall be their duty to make an order prohibiting the use of the dwelling-house for human habitation (in this Act referred to as a closing order) until in the judgment of the local authority the dwelling-house is rendered fit for that purpose.

(3) Notice of a closing order shall be forthwith served on every owner of the dwelling-house in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board or the county court of the district by giving notice of appeal to the Board or the local authority within fourteen days after the order is served upon him.

(4) Where a closing order has become operative, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house in respect of which the order is made, and within such period as is specified in the notice, not being less than fourteen days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on summary conviction to be ordered to quit the dwelling-house within such time as may be specified in the order.

(5) Unless the dwelling-house has been made unfit for habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is responsible, the local authority may make to every such tenant

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such reasonable allowance on account of his expense in removing, as may be determined by the local authority with the consent of the owner of the dwelling-house, or if the owner of the dwelling-house fails to consent to the sum determined by the local authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) The local authority shall determine any closing order made by them if they are satisfied that the dwelling-house in respect of which the order has been made has been rendered fit for human habitation.

If on the application of any owner of a dwelling-house, the local authority refuse to determine a closing order, the owner may appeal to the Local Government Board or the county court of the district by giving notice of appeal to the Board or the local authority within fourteen days after the application is refused.

(7) Where an appeal is made to the Local Government Board under this section the Local Government Board shall not dismiss the appeal without having first held a public local inquiry.

(8) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall for the purposes of this section be deemed to be a dwelling-house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

(*a*) is not on an average at least seven feet in height from floor to ceiling; or

(*b*) does not comply with such regulations as the local authority with the consent of the Local Government Board may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation: Provided that if the local authority, after being required to do so by the Local Government Board, fail to make such regulations, or such regulations as the Board approve, the Board may themselves make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Board.

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Provided that a closing order made in respect of a room to which this subsection applies shall not prevent the room being used for purposes other than those of a sleeping place.

This subsection shall not come into operation until the first day of July nineteen hundred and ten, and a closing order made in respect of any room to which this subsection applies shall not be treated as a closing order in respect of a dwelling-house for the purposes of the next succeeding section.

Order for demolition.

18.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the dwelling-house, and shall give every owner of the dwelling-house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the dwelling-house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building being or being part of the dwelling-house is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, they shall order the demolition of the building.

(3) If any owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time, not exceeding six months, as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works : Provided that where the local authority refuses to postpone the operation of an order under this section the owner may appeal to the county court of the district by giving notice of appeal to the local authority within fourteen days after such refusal.

(4) Notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which

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it is made, and any owner aggrieved by the order may appeal to the Local Government Board or the county court of the district by giving notice of appeal to the Board or the local authority within twenty-one days after the order is served upon him.

Power to redeem annuities charged by charging order under s. 36 of the principal Act.

19. Any owner of or other person interested in a dwelling-house on which an annuity has been charged by a charging order made under section thirty-six of the principal Act (which relates to the grant of charges) shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Local Government Board.

Provision as to priority of charges under s. 37 of the principal Act.

20. The charges excepted in subsection (1) of section thirty-seven of the principal Act (which relates to the incidence of charges) shall include charges on the dwelling-house created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority.

Restriction on power of court of summary jurisdiction to extend time.

21. A county court shall be substituted for a court of summary jurisdiction in subsection (3) of section forty-seven of the principal Act (which gives power to a court of summary jurisdiction to enlarge the time for certain matters) as respects the time allowed for the execution of any works or the demolition of a building under a closing order or under an order for the demolition of a building.

Amendments with respect to Improvement and Reconstruction Schemes.

Amendment of s. 4 of the principal Act as to official representation.

22. In section four of the principal Act (which relates to an official representation), the words "that the most satisfactory "method of dealing with the evils connected with such houses, "courts, or alleys, and the sanitary defects in such area is an "improvement scheme" shall be substituted for the words "that "the evils connected with such houses, courts, or alleys, and the "sanitary defects in such area cannot be effectually remedied "otherwise than by means of an improvement scheme."

Amendment of principal Act as to contents of schemes.

23.—(1) Section six of the principal Act (which relates to the contents of an improvement scheme) shall be read as if in subsection (1) the words "for sanitary purposes" were omitted

in paragraph (*a*); and as if the following paragraph was inserted at the end of that subsection:— A.D. 1909.

" and

(*e*) may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme.

(2) Provision may be made in a reconstruction scheme under Part II. of the principal Act for any matters for which provision may be made in an improvement scheme made under Part I. of that Act.

Modification of schemes.

24. The Local Government Board may, in the exercise of their power under section fifteen or subsection (9) of section thirty-nine of the principal Act, permit the local authority to modify their scheme, not only by the abandonment of any part of the scheme which it may appear inexpedient to carry into execution, but also by amending or adding to the scheme in matters of detail in such manner as appears expedient to the Board.

Inquiries by Local Government Board inspectors as to unhealthy areas.

25. Any inspector or officer of the Local Government Board, or any person employed by the Board, may be directed to make any inspection or inquiry which is required for the purposes of section sixteen of the principal Act (which relates to inquiries made on the default of a medical officer), and section eighty-five of that Act (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply as respects any inspection or inquiry so held as it applies to local inquiries held under that section.

Amendment as to the vesting of water pipes, &c.

26. An improvement scheme under Part I. of the principal Act may, with the consent of the person or body of persons entitled to any right or easement which would be extinguished by virtue of section twenty-two of the principal Act, provide for any exceptions, restrictions, or modifications in the application to that right or easement of that section, and that section shall take effect subject to any such exceptions, restrictions, or modifications.

Amendment of s. 38 of the principal Act as to distribution of compensation money.

27.—(1) The amount of any compensation payable under section thirty-eight of the principal Act (which relates to obstructive buildings) shall, when settled by arbitration in manner provided by that section, be apportioned by the arbitrator between any persons having an interest in the compensation in such manner as the arbitrator determines.

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(2) The power of the arbitrator to apportion compensation under the foregoing provision and to apportion any part of the compensation to be paid for the demolition of an obstructive building amongst other buildings under subsection (8) of the said section thirty-eight may be exercised in cases where the amount to be paid for compensation has been settled otherwise than by arbitration under the principal Act by an arbitrator appointed for the special purpose, on the application of the local authority, by the Local Government Board, and the provisions of that Act shall apply as if the arbitrator so appointed had been appointed as arbitrator to settle the amount to be paid for compensation.

Explanation of sections 21 (2) and 41 (3) of principal Act.

28. For removing doubts it is hereby declared that a local authority may tender evidence before an arbitrator to prove the facts under the headings (first) (secondly) (thirdly) mentioned in subsection (2) of section twenty-one and subsection (3) of section forty-one of the principal Act, notwithstanding that the local authority have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

Amendments with respect to Financial Matters.

Amendment as to application of money borrowed for the purpose of the Dwelling-house Improvement Fund.

29. No deficiency in the Dwelling-house Improvement Fund shall be supplied under subsection (2) of section twenty-four of the principal Act out of borrowed money unless the deficiency arises in respect of money required for purposes to which borrowed money is, in the opinion of the Local Government Board, properly applicable.

Expenses of rural district council under Part III. of the principal Act.

30.—(1) The expenses incurred by a rural district council after the passing of this Act in the execution of Part III. of the principal Act shall be defrayed as special expenses of the council in the execution of the Public Health Acts, but shall be charged on the whole area of such authority, except so far as the Local Government Board on the application of the council declare that any such expenses are to be levied as general expenses or special expenses charged on specified contributory places or as general expenses charged on specified contributory places in the district in such proportions as the district council may determine, to the exclusion of other parts of the district, and a rural district council may borrow for the purposes of Part III. of the principal Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

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(2) The district council shall give notice to the overseers of any contributory place proposed to be charged, of any apportionment made by them under this section, and the overseers if aggrieved by the apportionment may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after notice has been so given of the apportionment.

Application of proceeds of land sold under Part III.

31. Where any land vested in a local authority for the purposes of Part III. of the principal Act is sold under section sixty of that Act (which relates to the sale and exchange of lands), the proceeds may be applied not only as provided by that section, but also for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Mode in which contributions by London borough councils to the County Council or vice versâ may be made.

32. Any payment or contribution agreed or ordered to be made under subsection (6) or (7) of section forty-six of the principal Act, as amended by section fourteen of the Housing of the Working Classes Act, 1903 (which relate to payments or contributions by borough councils towards the expenses of the county council or by the county council towards the expenses of borough councils in London), may be made either by means of the payment of a lump sum or by means of an annual payment of such amount and for such number of years as may be agreed upon or ordered.

Exemption from s. 133 of Lands Clauses Consolidation Act, 1845.

33. Section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to Land Tax and poor rate), shall not apply in the case of any lands of which a local authority becomes possessed by virtue of the Housing Acts.

Exemption of lodging-houses for the working classes from Inhabited House Duty.

34.—(1) The assessment to Inhabited House Duty of any house occupied for the sole purpose of letting lodgings to persons of the working classes, at a charge of not exceeding sixpence a night for each person, shall be discharged by the Commissioners acting in the execution of the Acts relating to the Inhabited House Duties, upon the production of a certificate to the effect that the house is solely constructed and used to afford suitable accommodation for the lodgers, and that due provision is made for their sanitary requirements.

(2) The provisions of subsection two of section twenty-six of the Customs and Inland Revenue Act, 1890, in relation to the certificate mentioned therein, shall, so far as applicable, apply to the certificate to be produced under this section.

53 & 54 Vict. c. 8.

General Amendments.

Power of entry.

35. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Local Government Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

(*a*) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under the Housing Acts; and

(*b*) for the purpose of survey and examination, in the case of any dwelling-house in respect of which a closing order or an order for demolition has been made; or

(*c*) for the purpose of survey and examination, where it appears to the authority or board that survey or examination is necessary in order to determine whether any powers under the Housing Acts should be exercised in respect of any house, premises, or building.

Notice may be given to the occupier for the purposes of this section by leaving a notice addressed to the occupier, without name or further description, at the house, buildings, or premises.

Power of Local Government Board to obtain a report on any crowded area.

36. If it appears to the Local Government Board that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under the Housing Acts should be put into force in that area or not, the Local Government Board may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they direct, and the local authority shall comply with the requirement of the Local Government Board, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of the principal Act as the Local Government Board determine.

Duty of local authority in administration of Housing Acts.

37.—(1) In the administration of the Housing Acts it shall be the duty of the local authority to secure as far as practicable that dwelling accommodation provided for the working classes under those Acts is occupied exclusively by persons of the working classes, and other things being equal, the local authority shall

give priority to applications made by British subjects belonging to the working classes for such accommodation.

(2) The local authority shall cause a list to be kept showing particulars of the accommodation comprised in every dwelling provided by them in the exercise of their powers and duties under the Housing Acts and of the rent, and such list, so far as it relates to dwellings vacant or about to become vacant, shall be open at all reasonable times, and subject to such regulations as may be prescribed by the local authority, to the inspection, without payment, of ratepayers in the area and of persons of the working classes who desire to apply for dwelling accommodation provided by the local authority under the Housing Acts.

Joint action by local authorities.

38. Where upon an application made by one of the local authorities concerned, the Local Government Board are satisfied that it is expedient that any local authorities should act jointly for any purposes of the Housing Acts, either generally or in any special case, the Board may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a provisional order made under section two hundred and seventy-nine of the Public Health Act, 1875, for the formation of a united district.

Appeals to Local Government Board.

39.—(1) The procedure on any appeal under this Part of this Act, including costs, to the Local Government Board or a county court shall be such as the Board or the authority having power to make rules of practice under the County Courts Act, 1888, may by rules determine, and on any such appeal the Board or the court may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and where the appeal is against any notice, order, or apportionment given or made by the local authority, the notice, order, or apportionment may be confirmed, varied, or quashed, as the Board or the court think just.

(2) The decision of the judge of county courts of the district on any appeal to the court under this Part of this Act shall be final.

(3) Any notice, order, or apportionment as respects which an appeal to the Local Government Board or a county court is given under this Part of this Act shall not become operative until either the time within which an appeal can be made under this Part of this Act has elapsed without an appeal being made,

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or in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

(4) The Local Government Board or the county court may before considering any appeal which may be made under this Part of this Act require the appellant to deposit such sum to cover the costs of the appeal as may be fixed by the rules made with reference to appeals.

Sale and disposal of dwellings.

40. Notwithstanding anything contained in the principal Act it shall not be obligatory upon a local authority to sell and dispose of any lands or dwellings acquired or constructed by them for any of the purposes of the Housing Acts.

Power to prescribe forms and to dispense with advertisements and notices.

41.—(1) The Local Government Board may by order prescribe the form of any notice, advertisement, or other document, to be used in connection with the powers and duties of a local authority or of the Board under the Housing Acts, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

(2) The Local Government Board may dispense with the publication of advertisements required to be published by a local authority under the Housing Acts, if they are satisfied that there is reasonable cause for dispensing with the publication.

(3) Any such dispensation may be given by the Local Government Board either before or after the time at which the advertisement is required to be published, and either unconditionally or upon such conditions as to the publication of other advertisements or otherwise as the Board think fit, due care being taken by the Board to prevent the interests of any person being prejudiced by the dispensation.

Provision as to publication in London Gazette.

42. Where under the Housing Acts, any scheme or order or any draft scheme or order is to be published in the London Gazette, or notice of any such scheme or order or draft scheme or order is to be given in the London Gazette, it shall be sufficient in lieu of such publication or notice to insert a notice giving short particulars of the scheme, order, or draft, and stating where copies thereof can be inspected or obtained in two local newspapers circulating in the area affected by the scheme, order, or draft, or to give notice thereof in such other manner as the Local Government Board determine.

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Prohibition of back-to-back houses.

43. Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house commenced to be erected after the passing of this Act shall be deemed to be unfit for human habitation for the purposes of the provisions of the Housing Acts.

Provided that nothing in this section—

(*a*) shall prevent the erection or use of houses placed back to back, if the medical officer of health for the district certifies that the houses are so constructed and arranged as to secure effective ventilation of all habitable rooms; or

(*b*) shall apply to houses abutting on any streets the plans whereof have been approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, at the passing of this Act, any local Act or byelaws are in force permitting the erection of back-to-back houses.

Power to Local Government Board to revoke unreasonable byelaws.

44. If the Local Government Board are satisfied, by local inquiry or otherwise, that the erection of dwellings for the working classes within any borough, urban or rural district, is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such byelaws or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board.

Saving of sites of ancient monuments, &c.

45. Nothing in the Housing Acts shall authorise the acquisition for the purposes of those Acts of any land which is the site of an ancient monument or other object of archæological interest, or the compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890, of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the

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date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house.

Minor amendments of Housing Acts.

46. The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the Housing Acts specified in the first column of that Schedule, and section sixty-three of the principal Act (which relates to the disqualification of tenants of lodging-houses on receiving poor relief) shall be repealed.

Definitions.

Provisions of this Part to be deemed to be part of the appropriate Part of the principal Act.

47.—(1) Any provisions of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained.

(2) Any reference in the Housing Acts to a closing order or to an order for the demolition of a building shall be construed as a reference to a closing order or an order of demolition under this Act.

Definition of "working classes."

48. The expression "working classes" in this Act shall include mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.

Amendment of definitions in Part I. of the principal Act.

49. The expression "street" shall, unless the context otherwise requires, have the same meaning in Part I. of the principal Act as it has in Part II. of that Act, and shall include any court, alley, street, square, or row of houses.

Amendment of definitions for purpose of Part II. of principal Act.

50.—(1) The words "means any inhabited building and" shall be omitted from the definition of "dwelling-house" in section twenty-nine of the principal Act.

(2) For the definition of owner in the same section the following definition shall be substituted:—

"The expression 'owner,' in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or

entitled to the rents and profits of such premises under a lease the original term whereof is less than twenty-one years." A.D. 1909.

Definition of cottage.

51. For the definition of cottage in section fifty-three of the principal Act the following definition shall be substituted:—

The expression "cottage" in this Part of this Act may include a garden of not more than one acre, provided that the estimated annual value of such garden shall not exceed three pounds.

Definition of Housing Acts.

52. In this Part of this Act the expression "Housing Acts" means the principal Act, and any Act amending that Act, including this Act.

Application of Part I. to Scotland.

Extension of Acts of 1900 and 1903 to Scotland.

53. Subject as herein-after provided, the Housing of the Working Classes Act, 1900, and the Housing of the Working Classes Act, 1903, shall as amended by this Act apply to Scotland.

Application of Housing Acts to Scotland.

54. In addition to the provisions of the principal Act respecting the application of that Act to Scotland, the following provisions shall have effect in the application of the Housing Acts to Scotland:—

(1) The Local Government Board for Scotland (herein-after in this section referred to as the Board) shall except as otherwise provided be substituted for the Local Government Board, and shall also in Part III. of the principal Act as amended and in section five of the Housing of the Working Classes Act, 1900, be substituted for the county council:

(2) The Lord Advocate shall be substituted for the Attorney-General:

(3) The expression "Public Health Acts" means the Public Health (Scotland) Act, 1897, and any Act amending the same. References to the Public Health Act, 1875, shall unless the context otherwise requires be construed as references to the Public Health (Scotland) Act, 1897, a reference to an order under section eighty-three of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to a provisional order under section two hundred and seventy-nine of the 60 & 61 Vict. c. 38.

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Public Health Act, 1875, and a reference to section seventy-two of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section ninety of the Public Health Act, 1875:

(4) The reference in section fifty-seven of the principal Act to sections of the Public Health Act, 1875, relating to the purchase of lands, shall be construed as a reference to the corresponding sections of the Public Health (Scotland) Act, 1897: Provided that for the purposes of Part III. of the principal Act the procedure under section two of this Act for the compulsory purchase of land shall be substituted for the procedure for the compulsory purchase of land under section one hundred and forty-five of the Public Health (Scotland) Act, 1897:

(5) The district and the local authority for the purposes of the Public Health (Scotland) Act, 1897, shall respectively be the district and the local authority, and the public health general assessment shall be the local rate, for the purposes of the Housing Acts; provided that such local rate shall not be reckoned in any calculation as to the statutory limit of the public health general assessment; and provided further that a local authority not being a town council may, where so authorised by the Board in terms of the Housing Acts, assess and levy such local rate upon all lands and heritages within one or more of the parishes or special districts comprised in their district, to the exclusion of other parishes or special districts within the district:

(6) A local authority may, with the consent of the Board, borrow money for the purposes authorised in the Housing Acts on the security of the local rate in the same manner and subject to the same conditions as nearly as may be as they may borrow for the provision of permanent hospitals under the Public Health (Scotland) Act, 1897; provided that all money so borrowed shall, notwithstanding the terms of section one hundred and forty-one of the said Act, be wholly repaid together with the accruing interest within such period not exceeding eighty years from the date of the loan as the Board may determine in each case:

(7) The expressions "urban sanitary authority" and "rural sanitary authority" or "rural district council" mean respectively the local authority (for the purposes of the Public Health (Scotland) Act, 1897) of a burgh and of a district not being a burgh, and the expressions "urban district" and "rural district" shall be construed accordingly : A.D. 1909.

(8) The Acts relating to nuisances mean as respects any place the Public Health (Scotland) Act, 1897, and the Local Government (Scotland) Act, 1889, and any Act amending the same or either of them, and any local Act which contains any provisions with respect to nuisances in that place : 60 & 61 Vict. c. 38. 52 & 53 Vict. c. 50.

(9) Except so far as inconsistent with the provisions of subsection (1) of section eighty-five of the principal Act, sections seven, eight, nine, and ten of the Public Health (Scotland) Act, 1897, shall apply for the purpose of local inquiries ordered by the Board under the Housing Acts :

(10) Section one, subsection (1) of section four, and section ten of the Housing of the Working Classes Act, 1903, shall not apply. In the last-mentioned Act sections three and twelve shall apply with the substitution of the date of the passing of this Act for the date of the passing of that Act, and the Schedule shall apply with the modifications specified in the Third Schedule to this Act :

(11) Where a complaint is made to the Board—

(*a*) as respects the district of a local authority not being a town council, by the county council or by the parish council or landward committee, of any parish comprised in the district, or by any four inhabitant householders of the district; or

(*b*) as respects any other district by any four inhabitant householders of the district,

that the local authority have failed to exercise their powers under Part II. or Part III. of the principal Act in cases where those powers ought to have been exercised, the Board may cause a public local inquiry to be held, and if after holding such an inquiry the Board are satisfied that there has been such a failure [*See* Public Health (Scotland) Act, 1897, s. 147.]

on the part of the local authority it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just. Section ten of this Act shall not apply :

(12) Where it appears to the Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I. of the principal Act, or have failed to make, or if made, to give effect to, any order as respects an obstructive building, or any reconstruction scheme, under Part II. of that Act, or have failed to cause to be made the inspection of their district required by this Act, it shall be lawful for the Board to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed as in the immediately preceding subsection. Section eleven of this Act shall not apply :

(13) Section twelve and section thirteen of this Act shall not apply :

(14) Sections fifteen, seventeen, eighteen, and thirty-nine of this Act shall apply with the substitution (except as regards the making of, or consenting to, regulations) of the sheriff for the Local Government Board or county court of the district ; provided that the reference in section seventeen to a public local inquiry shall not apply, and provided further where an appeal is competent under any of these sections an appeal shall not be competent under section thirty-five of the principal Act, and provided also that the power to make rules under section thirty-nine of this Act shall be exercised by the Court of Session by act of sederunt. Section one hundred and forty-six of the Public Health (Scotland) Act, 1897 (prescribing the procedure if a

60 & 61 Vict. c. 38.

local authority neglect its duty), shall have effect as if the duties imposed upon a local authority by sections seventeen and eighteen of this Act were duties imposed by that Act:

(15) In the application to Scotland of section fourteen of this Act the limit of rent shall be sixteen pounds:

(16) References to special expenses shall not apply:

(17) "Overseers" means parish council, "paid into court" means "paid into bank," "as a civil debt in manner provided by the Summary Jurisdiction Acts" means in a summary manner.

PART II.

TOWN PLANNING.

Preparation and approval of town planning scheme.

55.—(1) A town planning scheme may be made in accordance with the provisions of this Part of this Act as respects any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

(2) The Local Government Board may authorise a local authority within the meaning of this Part of this Act to prepare such a town planning scheme with reference to any land within or in the neighbourhood of their area, if the authority satisfy the Board that there is a primâ facie case for making such a scheme or may authorise a local authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme.

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town planning scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

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(4) The expression land likely to be used for building purposes shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not.

Confirmation of town planning scheme.

56.—(1) A town planning scheme prepared or adopted by a local authority shall be submitted to the Local Government Board and shall be supported by such evidence as the Board by their regulations require.

(2) If, on consideration of the scheme and on proof of the publication of the notices prescribed by the regulations of the Local Government Board, the Board think fit to proceed with the case, they shall direct a public local inquiry to be held in or in the vicinity of the area comprised in the scheme.

(3) After receiving the report made upon such inquiry and considering the same the Local Government Board may make an order sanctioning the scheme.

(4) Such order may be made with such modifications and subject to such conditions as the Local Government Board think fit to insert, and it shall be the duty of the authority promoting the scheme to serve in the manner prescribed by the regulations of the Board a notice of any order so made upon the authorities whose area and upon the persons whose property will be affected by the operation of the scheme.

(5) If within the prescribed period, not being less than three months, no objection has been presented to the Local Government Board by an authority or person interested, or if every such objection has been withdrawn, the Board may confirm the order unless the scheme contains a provision suspending any statutory enactments, in which case, or if such an objection as aforesaid has been presented and has not been withdrawn, the order shall not be of any validity unless and until it has been confirmed by Parliament.

(6) Where an order under this section is referred to a Committee of either House of Parliament that Committee shall not hear expert witnesses, that is to say, any witness who receives any fee or reward for his attendance or evidence other than his out-of-pocket expenses, unless before the hearing of the case upon an application by the party desiring to call an expert witness, the Chairman of Committees in the case of an order referred to a

Committee of the House of Lords, or the Chairman of Ways and Means in the case of an order referred to a Committee of the House of Commons, certifies that the evidence of any particular expert witness or witnesses is requisite or desirable. A.D. 1909.

(7) Where an order under this section is referred to a Committee of either House of Parliament the local authority who has submitted the scheme and any authority whose area or any person whose property will be affected by the scheme shall be entitled to petition and be heard before the Committee.

(8) The Local Government Board or, in the case of an order referred to a Committee of either House of Parliament, that Committee, by a majority of the members of the Committee for the time being present and voting, may make such an order as they think fit in favour of any authority whose area or of any person whose property was proposed to be affected by the scheme, for the allowance of the reasonable costs, charges, and expenses properly incurred at any stage of the proceedings in opposing such scheme, and for that purpose shall take into consideration the circumstances under which such opposition was made to the scheme, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly, to be paid by the local authority promoting the scheme or the opponents of the scheme, as may appear just.

(9) All costs, charges, and expenses incurred by the Local Government Board in relation to any order under this section shall, to such amount as the Local Government Board or, in the case of an order referred to a Committee of either House of Parliament, as that Committee think proper to direct, and all costs, charges, and expenses of any authority or person, to such amount as may be allowed in pursuance of the aforesaid power, shall be taken to be a liability incurred by the authority promoting the scheme, and shall be paid to the Board and to such authority or person respectively in such manner and at such times, and either in one sum or by instalments, as may be directed.

(10) A town planning scheme may be varied or revoked by a subsequent scheme, prepared or adopted and confirmed in accordance with this Part of this Act, on the application of the responsible authority, or of any other council or person interested.

(11) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Parliamentary Costs Act, 1865. 28 & 29 Vict. c. 27.

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Contents of town planning schemes.

57.—(1) The Local Government Board may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general objects of town planning schemes, and in particular for dealing with the matters set out in the Fourth Schedule to this Act and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall take effect as part of every scheme, except so far as provision is made by the scheme as confirmed for the variation or exclusion of any of those provisions.

(2) Special provisions shall in addition be inserted in every town planning scheme defining the area to which the scheme is to apply, including a schedule showing each parcel of land which it is proposed shall be affected by the making of the scheme, together with a map or plan, and specifying the authority who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority (in this Part of this Act referred to as the responsible authority), and providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, byelaws, regulations, or other provisions which are in operation in the area included in the scheme.

(3) Where land included in a town planning scheme is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties:

Provided that no local authority shall be authorised, except as a constituent of a joint body constituted as aforesaid, to enforce the observance or the execution of a town planning scheme under this Part of this Act in respect of any land within the area of another local authority, unless such other local authority is not

prepared to carry out a town planning scheme for the area in question: A.D. 1909.

Provided also that, except with the consent of the London County Council, no other local authority shall, as respects any land in the county of London, prepare or be responsible for enforcing the observance of a town planning scheme under this Part of this Act, or for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority.

Procedure regulations of the Local Government Board.

58.—(1) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme, the submission to the Board of a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption of the scheme or preliminary thereto, or in relation to the carrying out of a scheme when confirmed or enforcing the observance of the provisions thereof.

(2) Provision shall be made by those regulations—

(*a*) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations;

(*b*) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land; and

(*c*) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

Power to enforce scheme.

59.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme,—

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears

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to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, the matter may be referred for decision to the county court of the district in the same manner and subject to the like provisions as an appeal to that court under Part I. of this Act.

Compensation in respect of property injuriously affected by scheme, &c.

60.—(1) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the confirmation of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on or contract made, or other thing done with respect to land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose:

Provided that this provision shall not apply as respects any work done before the date of the confirmation of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3) Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the confirmation of the scheme is first published in the manner prescribed by regulations made by the Local Government Board), shall be entitled to recover from any person whose property is so increased in value such proportion

of the expenditure of the authority as, failing agreement, in the opinion of the arbitrator has increased the value of such property. A.D. 1909.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by arbitration under this Act in accordance with the First Schedule of this Act.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

(6) Where a town planning scheme is revoked by an Order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Exclusion or limitation of compensation in certain cases.

61.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme no compensation shall be paid in respect thereof if or so far as the provisions are such as could be enforced by byelaws made by the local authority, or are similar in effect to any enactment which would have been in force within the area to which the town planning scheme applies but for the operation of such scheme.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose: Provided that if it shall appear to the arbitrator that such provisions are unusual and impose excessive restrictions upon the use of the property, and that under all the circumstances compensation should be awarded,

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he may, notwithstanding anything in this subsection contained, award such compensation as he may think just.

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

Acquisition by local authorities of land comprised in a scheme.

62.—(1) The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a local authority may purchase or be authorised to purchase land for the purposes of Part III. of the Housing of the Working Classes Act, 1890, as amended by sections two and forty-five of this Act.

(2) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

Powers of Local Government Board in case of default of local authority to make or execute town planning scheme.

63.—(1) If the Local Government Board are satisfied on any representation, after holding a public local inquiry, that a local authority—

(*a*) have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made; or

(*b*) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted; or

(*c*) have unreasonably refused to consent to any modifications or conditions inserted by the Board;

the Board may, as the case requires, order the local authority to prepare and submit to the Board such a town planning scheme,

or to adopt the scheme, or to consent to the modifications or conditions so inserted:

Provided that where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may make an order sanctioning the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority.

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works which under the scheme or this Part of this Act the authority is required to execute, the Board may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Part of this Act the authority is required to execute.

(3) Any order under this section may be enforced by mandamus.

(4) For the purposes of this section the expression "local authority" shall not include the London County Council or the council of any county borough.

Procedure of Local Government Board on applications.

64. The procedure of the Local Government Board, upon an application in respect of any matter which they are authorised by this Part of this Act or by any scheme made thereunder to determine, shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties.

Inquiries by Local Government Board.

65. Section eighty-five of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

Laying general provisions before Parliament.

66. All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they

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were statutory rules within the meaning of section one of that Act.

Definition of local authority, and expenses.

67.—(1) For the purposes of this Part of this Act the expression "local authority" means the council of any borough or urban or rural district.

(2) Any expenses incurred by a local authority under this Part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, provided that in the case of a rural authority such expenses shall be levied in such manner and by such separate rate and subject to the same exceptions and provisions as are applicable under the said Acts to special expenses, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under subsections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875.

Application to London.

68.—(1) This Part of this Act shall, except as otherwise expressly provided, apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

Application of Part II. to Scotland.

69. This Part of this Act shall apply to Scotland subject to the following modifications:—

(1) The Local Government Board for Scotland (herein-after referred to as the Board) shall be substituted for the Local Government Board, and shall for the purposes of this Part of this Act have the same powers of local inquiry as for the purposes of the Housing Acts as defined in Part I. of this Act.

(2) Subsection one and subsection three of the section of this Part of this Act which relates to the definition of local authority and expenses shall not apply.

(3) The local authority and the area of such authority for the purposes of this Part of this Act shall respectively be the local authority for the purposes of the Housing Acts as defined in Part I. of this Act, and the district of that authority.

(4) References to the Public Health Acts shall be construed as references to the Housing Acts as defined in Part I. of this Act.

(5) Any local rate for the purposes of this Part of this Act (including the purposes of any loan) shall not be reckoned in any calculation as to the statutory limit of the public health general assessment.

(6) The Board shall not themselves make an order under section sixty-three of this Act on any authority, but in lieu thereof it shall be lawful for the Board, after holding a local inquiry at which the authority shall have had an opportunity of being heard, and with the approval of the Lord Advocate, to apply for such an order by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

(7) In any proceedings under this Part of this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

(8) The provision respecting the Rules Publication Act, 1893, shall have effect as if section one of that Act applied to Scotland, with the substitution of the "Edinburgh Gazette" for the "London Gazette."

Part III.

County Medical Officers, County Public Health and Housing Committee, &c.

Appointment of medical officer by county council.

70.—(1) Every county council shall appoint a medical officer of health under section seventeen of the Local Government Act, 1888.

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(2) The power of county councils and district councils under the said section to make arrangements with respect to medical officers of health shall cease, without prejudice to any arrangement made previously to the date of the passing of this Act.

(3) The medical officer of health of a county shall, for the purposes of his duties, have the same powers of entry on premises as are conferred on a medical officer of health of a district by or under any enactment.

(4) A medical officer of health of a county shall not be appointed for a limited period only:

Provided that the county council may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of the medical officer of health of the county, and any person appointed by virtue of any such arrangement to perform those duties or any of them shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of the medical officer of health of the county.

(5) A medical officer of health appointed after the passing of this Act under the said section as amended by this section shall not engage in private practice, and shall not hold any other public appointment without the express written consent of the Local Government Board.

Duty of clerk and medical officer of health of district council to furnish information to medical officer of health of county council.

71.—(1) The clerk of a rural district council shall forward to the medical officer of health of the county a copy of any representation, complaint, or information, a copy of which it is the duty of the district council to forward to the county council under section forty-five of the Housing of the Working Classes Act, 1890 (which relates to the powers of county councils).

(2) The medical officer of health of a district shall give to the medical officer of health of the county any information which it is in his power to give, and which the medical officer of health of the county may reasonably require from him for the purpose of his duties.

(3) If any dispute or difference shall arise between the clerk or the medical officer of health of a district council and the medical officer of health of a county council under this section the same shall be referred to the Local Government Board, whose decision shall be final and binding.

(4) If the clerk or medical officer of health of a district council fails to comply with the provisions of this section, he shall

on information being laid by the county council, but not otherwise, be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds. A.D. 1909.

Extent of Part III.

72. The foregoing provisions of this Part of this Act shall not apply to Scotland or, except subsection (3) of section seventy, to the administrative county of London.

Public health and housing committee of county councils.

73.—(1) Every county council shall establish a public health and housing committee, and all matters relating to the exercise and performance by the council of their powers and duties as respects public health and the housing of the working classes (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the public health and housing committee with respect to the matter in question, and the council may also delegate to the public health and housing committee, with or without restrictions or conditions as they think fit, any of their powers as respects public health and the housing of the working classes, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

(2) This section shall not apply to Scotland or the London County Council.

Formation and extension of building societies.

74.—(1) The county council may promote the formation or extension of and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object or one of their objects the erection or improvement of dwellings for the working classes.

(2) The county council, with the consent of and subject to the regulations made by the Local Government Board, may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment, or otherwise, and on such security as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow:

Provided that the regulations of the Board shall provide that any such advance made on the security of any property shall not exceed two-thirds of the value of that property.

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PART IV.

SUPPLEMENTAL.

Provisions as to commons and open spaces.

75.—(1) Where any scheme or order under the Housing Acts or Part II. of this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Local Government Board after consultation with the Board of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions as to land in neighbourhood of royal palaces or parks.

76.—(1) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II. of this Act, or any land proposed to be acquired under the Housing Acts or Part II. of this Act, is situate within the prescribed distance from any of the royal palaces or parks the local authority

shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Local Government Board shall, before confirming or sanctioning the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works with reference to the proposal. A.D. 1909.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Local Government Board after consultation with the Commissioners of Works.

Repeal.

77. The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title and extent.

78.—(1) This Act may be cited as the Housing, Town Planning, &c. Act, 1909, and Part I. of this Act shall be construed as one with the Housing of the Working Classes Acts, 1890 to 1903, and that Part of this Act and those Acts may be cited together as the Housing of the Working Classes Acts, 1890 to 1909.

(2) This Act shall not extend to Ireland.

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SCHEDULES.

FIRST SCHEDULE.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND BY A LOCAL AUTHORITY FOR THE PURPOSES OF PART III. OF THE HOUSING OF THE WORKING CLASSES ACT, 1890.

(1) Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase being compulsory.

(3) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845) and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the parties, or, in default of agreement, by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly; provided that where the Board has declared a local authority to be in default, and in pursuance thereof an order has been made and confirmed authorising the compulsory acquisition of land, the arbitrator shall be appointed by the Lord Chief Justice of England instead of by the Board.

(4) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of that land as may be prescribed.

(5) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and

shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily. Except with the leave of the arbitrator not more than one expert witness shall be called by any party appearing on an arbitration under this schedule.

(6) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(7) In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

(8) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(9) In this schedule the expression "Board" means the Local Government Board, and the expression "prescribed" means prescribed by the Board.

(10) The provisions of this schedule, except those relating to land belonging to an ecclesiastical benefice, shall apply to Scotland, subject to the following modifications:—

(*a*) for the reference to section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section one hundred and twenty of the Lands Clauses Consolidation (Scotland) Act, 1845, and for the reference to sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845;

(*b*) for reference to an arbitrator there shall be substituted references to an arbiter;

(*c*) for the reference to the Lord Chief Justice there shall be substituted a reference to the Lord President of the Court of Session;

(*d*) for the references to the Lord Chancellor there shall be substituted a reference to the Lord Advocate;

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(*e*) for the reference to the Local Government Board there shall be substituted a reference to the Local Government Board for Scotland: Provided that for the words "where the Board has declared a local authority to be in default" there shall be substituted the words "where the Board has made an application to the Court of Session."

SECOND SCHEDULE.

MINOR AMENDMENTS OF HOUSING ACTS.

Enactment to be amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 & 54 Vict. c. 70).	
Section 23 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 34 - - -	The words "the order becomes operative" shall be substituted for the words "service of the order."
Section 35 - -	The words "if he is not entitled to appeal to the Local "Government Board or the county court of the "district against the order" shall be inserted after the word "may" where it first occurs.
Section 38 (1) (*a*) -	The words "or impedes" shall be inserted after the word "stops."
Section 38 (7) - -	The words "house or other building or manufactory" shall be substituted for the words "house or manufactory" wherever they occur in that subsection.
Section 39 (8) - -	The words "as amended by any subsequent Act" shall be inserted after the word "Act" where it first occurs, and the words "to the power of the Local Government "Board to enforce that duty" shall be inserted after the word "execution."
Section 40 - -	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 85 - - -	The words "powers and" shall be inserted before the word "duties."
Section 88 - -	The words "or Part III." shall be inserted after the words "Part II."
Section 89 - -	After the word "Act" where it first occur the words "or "any person authorised to enter dwelling-houses, pre-"mises, or building in pursuance of this Act" shall be inserted; the words "authority or person" shall be substituted for the words "or authority," and the word "he" shall be substituted for the words "such person."

THIRD SCHEDULE.

MODIFICATIONS OF THE SCHEDULE TO THE HOUSING OF THE WORKING CLASSES ACT, 1903, IN ITS APPLICATION TO SCOTLAND.

In the above-mentioned schedule, as applying to Scotland, the expression "district within the meaning of the Public Health (Scotland) "Act, 1897," shall be substituted for the expressions "borough," "urban district," and "parish" respectively; "Local Government "Board for Scotland" shall be substituted for "Local Government "Board"; "every such appropriation of lands shall be recorded as a "real burden affecting such lands in the appropriate register of sasines" shall be substituted for "every conveyance, demise, or lease of any such "lands shall be endorsed with notice of this provision"; "subsections "one and three (with the substitution of the Local Government Board "for Scotland for the Secretary for Scotland) of section ninety-three "of the Local Government (Scotland) Act, 1889" shall be substituted for "subsections one and five of section eighty-seven of the Local "Government Act, 1888"; "Court of Session" shall be substituted for "High Court"; "order of the Court of Session on the application "of the Board" shall be substituted for "mandamus"; and "local "authority for the purposes of the Public Health (Scotland) Act, 1897, "in whose district" shall be substituted for "council of any adminis- "strative county and the district council of any county district; or in "London the council of any metropolitan borough, in which."

FOURTH SCHEDULE.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE LOCAL GOVERNMENT BOARD.

1. Streets, roads, and other ways, and stopping up, or diversion of existing highways.

2. Buildings, structures, and erections.

3. Open spaces, private and public.

4. The preservation of objects of historical interest or natural beauty.

5. Sewerage, drainage, and sewage disposal.

6. Lighting.

7. Water supply.

8. Ancillary or consequential works.

9. Extinction or variation of private rights of way and other easements.

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10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

11. Power of entry and inspection.

12. Power of the responsible authority to remove, alter, or demolish any obstructive work.

13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

15. Carrying out and supplementing the provisions of this Act for enforcing schemes.

16. Limitation of time for operation of scheme.

17. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, &c.

18. Charging on the inheritance of any land the value of which is increased by the operation of a town-planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

FIFTH SCHEDULE.

1. Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme:—

(*a*) Submission of plans and estimates.

(*b*) Publication of notices.

2. Procedure during, on and after the preparation or adoption and before the confirmation of the scheme:—

(*a*) Submission to the Local Government Board of the proposed scheme, with plans and estimates.

(*b*) Notice of submission of proposed scheme to the Local Government Board.

(*c*) Hearing of objections and representations by persons affected including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme.

3. Procedure after the confirmation of the scheme :—

(*a*) Notice to be given of confirmation of scheme.

(*b*) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.

4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

5. The details to be specified in plans, including, wherever the scheme as confirmed so requires, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

SIXTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventeen, from "who shall not hold" to end of the section.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The words "for sanitary purposes" in paragraph (*a*) of subsection (1) of section six. Subsection (5) of section twelve. Sections seventeen, eighteen, and nineteen. In section twenty-five, the words at the end of the section "such loan shall be repaid "within such period, not exceeding fifty "years, as may be recommended by the "confirming authority." Sections twenty-seven and twenty-eight. In section twenty-nine, the words "means "any inhabited building and" in the definition of "dwelling-house." Sections thirty-two and thirty-three. In section fifty-three subsection (2). Section fifty-four, so far as unrepealed. Section fifty-five, so far as it applies to Scotland. Section sixty-three. Section sixty-five, from "and (iii)" to the end of the section. In section sixty-six, the words "or special." Section seventy-seven. Section eighty-three. Section ninety-two, from "but in" to the end of the section.

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Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890—*cont.*	Subsection (3) except paragraph (*c*), and subsection (4) of section ninety-four. Subsections (1), (2), (7), (8), and (14) of section 96. The First Schedule, so far as it applies to Scotland. The Third, Fourth, and Fifth Schedules.
59 & 60 Vict. c. 31.	The Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1896.	Section three.
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	Sections two, six, and seven. In section eight the words "Scotland or".
3 Edw. 7. c. 39.	The Housing of the Working Classes Act, 1903.	Section eight. In section ten the words "in the manner "provided by subsection three of section "thirty-two of the principal Act," and section sixteen. In section seventeen the words "Scotland or".

Housing, Town Planning, &c. Bill.

ON CONSIDERATION OF
COMMONS DISAGREEMENTS WITH,
AND AMENDMENTS TO, THE
LORDS AMENDMENTS.

Lords Amendments and Amendments to be moved in lieu thereof

BY

THE LORD STEWARD (*E. Beauchamp*).

18*th November* 1909.

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Housing, Town Planning, &c. Bill.

COMMONS REASONS FOR DISAGREEING WITH CERTAIN OF THE LORDS AMENDMENTS AND COMMONS AMENDMENTS TO LORDS AMENDMENTS.

[NOTE.—*The references are to Bill* (158.) *as first printed for the House of Lords.*

The Commons Reasons and Amendments are printed in italics.]

Lords Amendments.

Clause 1, page 1, line 17, leave out ("and confirmed by the "Board")

line 18, after ("Act") insert—

(2) If within the period prescribed by the Board no objection to an Order under this section has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the Order either without modification or subject to such modifications as they think fit, but if such an objection has been presented and has not been withdrawn the Board shall appoint an impartial person not in the employment of any Government Department to hold a public inquiry on their behalf in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land, and such other persons, as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry.

(3) If the person who held the inquiry reports, or if on considering his report, it appears to the Board that by reason of the extent or situation of any land proposed to be acquired compulsorily, or the purposes for which such land is used, or any other circumstances, the land ought not to be acquired compulsorily without the sanction of Parliament, the order of the Board shall be provisional only, and shall not have effect unless confirmed by Parliament.

(4) An order, other than a Provisional Order, made by the Board under this section shall come into force after it has lain for thirty days during the Session of Parliament on the Table of both Houses of Parliament, unless either House during those thirty days presents an Address to His Majesty against the order, in which case no further proceedings shall be taken thereon, but without prejudice to the making of a new order.

The Commons disagree to these amendments for the following reason :—

Because they consider the procedure for the compulsory acquisition of land under the Small Holdings and Allotments Act, 1908, *is more appropriate.*

Lords Amendment.

Clause 10, page 5, line 17, after ("expedient") insert the following new subsection—

(4) An order relating to Part III. of the principal Act made by the Local Government Board under this section shall not take effect until a draft thereof has lain for thirty days during the Session of Parliament on the Table of both Houses of Parliament, and, if either House during those thirty days presents an Address to His Majesty against the draft, no further proceedings shall be taken thereon, but without prejudice to the making of a new Draft Order.

The Commons disagree to this amendment for the following reason :—

Because they consider that an administrative order should not require submission to Parliament, and that it is inexpedient to adopt a procedure which might involve considerable delay.

Lords Amendment.

Clause 10, page 5, line 19, after ("mandamus") insert the following new subsection—

(6) For the purposes of this section, so far as it relates to Part III. of the principal Act, the expression "local authority" shall not include the London County Council, or the council of any county borough.

The Commons disagree to this amendment for the following reason :—

Because they consider that the provisions in question should apply to the London County Council and county borough councils as well as to other local authorities.

Lords Amendment.

Clause 13, page 6, line 23, after (" purposes ") insert (" unless " after a local inquiry the county council are satisfied that it is " just to limit the charge for the whole or part of the expenses so " incurred to the rural district or to some contributory place or " places therein, in which case they may order that any such " expenses shall be so charged "

The Commons disagree to this amendment for the following reason :—

Because it alters the incidence of rates; and the Commons consider it is unnecessary to offer any further reason, hoping the above reason may be deemed sufficient.

Lords Amendment.

Clause 14, page 7, line 5, after (" pounds ") insert (" there shall " be implied a condition that the house is at the commencement of " the holding in all respects reasonably fit for human habitation, " but the condition aforesaid shall not be implied when a house or " part of a house is let for a term of not less than three years " upon the terms that it be put by the lessee into a condition " reasonably fit for occupation."

The Commons propose to amend this amendment by inserting after the word (" years,") in line 6, the following words: (" and " the lease is not determinable at the option of either party before " the expiration of that term ")

Lords Amendment.

Clause 15, page 7, line 10, after (" habitation ") insert (" but " nothing herein contained shall make it obligatory on the landlord " to remedy any defect caused by the act or default of the tenant " or occupier, or any person for whom the tenant is as between " himself and the landlord responsible.

" (2) The landlord or the local authority, or any person " authorised by him or them in writing, may at reasonable times " of the day, on giving twenty-four hours' notice in writing to " the tenant or occupier, enter any house, premises, or building " to which this section applies for the purpose of viewing the " state and condition thereof ")

The Commons propose to amend this amendment by leaving out the words inserted before the new subsection.

Lords Amendment.

Clause 15, page 7, line 33, after (" Board ") insert (" or the " county court of the district ")

The Commons disagree to this amendment for the following reason :—

Because the county court is not a tribunal suitable for the purpose.

Lords Amendment.

Clause 15, page 7, line 38, after (" Board ") insert (" or the " local authority ")

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the amendment to page 7, line 33.

Lords Amendment.

Clause 15, page 8, line 2, after (" lets ") insert (" to a tenant " for his own habitation ")

The Commons disagree to this amendment for the following reason :—

Because they consider it unnecessary, and that it might lead to evasion.

Lords Amendment.

Clause 16, page 9, line 3, after (" authorities ") insert (" and " the provisions of subsection (6) of the last foregoing section " with respect to an appeal against any notice requiring the " execution of works and any demand for the recovery of expenses " and against any order made with respect to those expenses under " this section ")

The Commons disagree to this said amendment for the following reason :—

Because the case is not one in which there is any necessity for an appeal.

Lords Amendments.

Clause 17, page 9, line 26, after the first (" Board ") insert (" or " the county court of the district ") and after the second (" Board ") insert (" or the local authority ")

Clause 17, page 10, line 11, after ("Board") insert ("or the "county court of the district")

line 12, after ("Board") insert ("or the "local authority")

The Commons disagree to these amendments for the following reason:—

Because they are consequential on the amendment to page 7, line 33.

Lords Amendment.

Clause 17, page 10, line 28 to the end of line 4 on page 11, leave out paragraphs (*d*) (*e*) and (*f*), and insert—

(*b*) does not comply with such regulations as the local authority with the consent of the Local Government Board may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation: Provided that if the local authority, after being required to do so by the Local Government Board, fail to make such regulations, or such regulations as the Board approve, the Board may themselves make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Board.

Provided that a closing order made in respect of a room to which this subsection applies shall not prevent the room being used for purposes other than those of a sleeping place.

The Commons propose to amend this amendment by inserting at the end thereof the following words: ("and if the occupier of "the room after notice of an order has been served upon him "fails to comply with the order, an order to comply therewith "may, on summary conviction, be made against him")

Lords Amendment.

Clause 18, page 11, line 34, after ("works") insert ("Provided "that where the local authority refuses to postpone the operation "of an order under this section the owner may appeal to the "county court of the district by giving notice of appeal to the "local authority within fourteen days after such refusal")

The Commons disagree to this amendment for the following reason:—

Because they consider that there should not be an appeal against a refusal to grant an indulgence.

Lords Amendments.

Clause 18, page 11, line 38, after ("Board") insert ("or the "county court of the district")

line 39, after ("Board") insert ("or the "local authority")

Clause 21, page 12, line 11, at the beginning of the clause insert ("a county court shall be substituted for a court of summary "jurisdiction in")

line 13, leave out ("shall cease to have effect")

The Commons disagree to these amendments for the following reason:—

Because they are consequential on the amendment to page 7, line 33.

Lords Amendment.

Page 13, leave out clause 24.

The Commons disagree to this amendment for the following reason:—

Because they do not consider that confirmation by Parliament is required in the cases referred to in the clause.

Lords Amendments.

Clause 32, page 15, line 6, leave out ("general") and insert ("special")

line 7, after ("Acts") insert ("but shall "be charged on the whole area of such authority")

line 9, after ("as") insert ("general "expenses or")

The Commons disagree to these amendments for the following reason:—

Because the effect of these amendments is to alter the incidence of the rates; and the Commons consider it unnecessary to offer any further reason, hoping the above reason will be deemed sufficient.

Lords Amendment.

Page 17, after clause 38, insert the following new clause A.—

Duty of local authority in administration of Housing Acts.

A.—(1) In the administration of the Housing Acts it shall be the duty of the local authority to secure as far as practicable that dwelling accommodation provided for the working classes under those Acts is occupied exclusively by persons of the

working classes, and other things being equal, the local authority shall give priority to applications made by British subjects belonging to the working classes for such accommodation.

(2) The local authority shall cause a list to be kept showing particulars of the accommodation comprised in every dwelling provided by them in the exercise of their powers and duties under the Housing Acts and of the rent, and such list, so far as it relates to dwellings vacant or about to become vacant, shall be open at all reasonable times, and subject to such regulations as may be prescribed by the local authority, to the inspection, without payment, of ratepayers in the area and of persons of the working classes who desire to apply for dwelling accommodation provided by the local authority under the Housing Acts.

The Commons disagree to this amendment for the following reason :—

Because they consider that it is undesirable to impose a duty on local authorities which would be unenforceable.

Lords Amendments.

Clause 40, page 12, line 22, after (" Board ") insert (" or a " county court ")

Page 17, line 23, after the first (" Board ") insert (" or the " authority having power to make rules of practice under the " County Courts Act, 1888 ") and after the second (" Board ") insert (" or the court ")

line 29, after (" Board ") insert (" or the court ") and after (" just ") insert—

(2) The decision of the judge of county courts of the district on any appeal to the court under this Part of this Act shall be final.

line 31, after (" Board ") insert (" or a county " court ")

line 38, after (" Board ") insert (" or a county " court ")

line 39, leave out (" to them ")

Page 18, line 1, leave out (" by them ")

The Commons disagree to these amendments for the following reason :—

Because they are consequential on the amendment to page 7, *line* 33.

The Commons propose to insert after ("*just*") *on page* 17, *line* 29, *the following words:* ("*Provided that the Local Government Board may at any stage of the proceedings on appeal, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the appeal*")

Lords Amendments.

Clause 42, page 18, line 14, leave out ("or the service of notices")

line 15, leave out ("or served")

line 17, leave out ("or service")

lines 20 and 21, leave out ("or the notice is required to be served")

lines 22 and 23, leave out ("or the service of other notices")

The Commons disagree to these amendments for the following reason:—

Because it is desirable to retain the power of dispensing with the service of notices in proper cases.

Lords Amendments.

Clause 44, page 19, line 4, leave out from ("of") to ("placed") in line 5, and insert ("houses")

line 7, leave out ("several tenements") and insert ("houses")

line 9, leave out ("in every tenement")

The Commons disagree to these amendments for the following reason:—

Because it is undesirable to facilitate the provision of back to back houses.

Lords Amendment.

Page 19, after clause 47 insert the following new clause C.—

Definition of "working classes."

C. The expression "working classes" in this Act shall include mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others

except members of their own family, and persons whose income does not exceed an average of thirty shillings a week and such persons as may be residing with them.

The Commons disagree to this amendment for the following reason:—

Because the absence of a definition of the "working classes" applicable to the general provisions of the Housing Acts has occasioned no inconvenience, and it is inexpedient now to introduce such a definition.

Lords Amendment.

Clause 50, page 20, line 16, after ("acre") insert ("Provided "that the estimated annual value of such garden shall not exceed "three pounds")

The Commons disagree to this amendment for the following reason:—

Because it is undesirable to insert a limitation on the annual value of a cottage garden.

Lords Amendment.

Clause 52, page 23, line 23, after ("Board") insert ("or county "court of the district")

The Commons disagree to this amendment for the following reason:—

Because it is consequential on the amendment to page 7, line 33.

Lords Amendment.

Clause 53, page 23, line 23, after ("that") insert ("the "reference in section seventeen to a public local inquiry shall not "apply, and provided further where an appeal is competent under "any of these sections an appeal shall not be competent under "section thirty-five of the principal Act, and provided also that "the power to make rules under section thirty-nine of this Act "shall be exercised by the Court of Session by act of sederunt")

The Commons propose to amend this amendment by inserting after ("sederunt") in the last line, the following words: ("and "the appeal in section forty shall apply with the substitution of the "Court of Session for the High Court")

Lords Amendment.

Clause 54, page 24, lines 24 to 39, leave out subsections (4), (5), and (6).

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the new clause D. with which the Commons disagree.

Lords Amendment.

Clause 54, page 25, line 3, leave out from ("not") to the end of the clause.

The Commons disagree to this amendment for the following reason :—

Because it is desirable to provide how the question whether land is likely to be used for building purposes or not should be determined.

Lords Amendment.

Page 25, after clause 54 insert the following new clause D.—

Confirmation of town planning scheme

D.—(1) A town planning scheme prepared or adopted by a local authority shall be submitted to the Local Government Board and shall be supported by such evidence as the Board by their regulations require.

(2) If, on consideration of the scheme and on proof of the publication of the notices prescribed by the regulations of the Local Government Board, the Board think fit to proceed with the case, they shall direct a public local inquiry to be held in or in the vicinity of the area comprised in the scheme.

(3) After receiving the report made upon such inquiry and considering the same the Local Government Board may make an order sanctioning the scheme.

(4) Such order may be made with such modifications and subject to such conditions as the Local Government Board think fit to insert, and it shall be the duty of the authority promoting the scheme to serve in the manner prescribed by the regulations of the Board a notice of any order so made upon the authorities whose area and upon the persons whose property will be affected by the operation of the scheme.

(5) If within the prescribed period, not being less than three months, no objection has been presented to the Local Government Board by an authority or person interested, or if every such objection has been withdrawn, the Board may confirm the order unless the scheme contains a provision suspending any statutory enactments, in which case, or if such an objection as aforesaid has been presented and has not been withdrawn, the order shall not be of any validity unless and until it has been confirmed by Parliament.

(6) Where an order under this section is referred to a Committee of either House of Parliament, that Committee shall not hear expert witnesses, that is to say, any witness who receives any fee or reward for his attendance or evidence other than his out-of-pocket expenses, unless before the hearing of the case upon an application by the party desiring to call an expert witness, the Chairman of Committees in the case of an order referred to a Committee of the House of Lords, or the Chairman of Ways and Means in the case of an order referred to a Committee of the House of Commons, certifies that the evidence of any particular expert witness or witnesses is requisite or desirable.

(7) Where an order under this section is referred to a Committee of either House of Parliament the local authority who has submitted the scheme and any authority whose area or any person whose property will be affected by the scheme shall be entitled to petition and be heard before the Committee.

(8) The Local Government Board or, in the case of an order referred to a Committee of either House of Parliament, that Committee, by a majority of the members of the Committee for the time being present and voting, may make such an order as they think fit in favour of any authority whose area or of any person whose property was proposed to be affected by the scheme, for the allowance of the reasonable costs, charges, and expenses properly incurred at any stage of the proceedings in opposing such scheme, and for that purpose shall take into consideration the circumstances under which such opposition was made to the scheme, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly, to be paid by the local authority promoting the scheme or the opponents of the scheme, as may appear just.

(9) All costs, charges, and expenses incurred by the Local Government Board in relation to any order under this section shall, to such amount as the Local Government Board or, in the case of

an order referred to a Committee of either House of Parliament, as that Committee think proper to direct, and all costs, charges, and expenses of any authority or person, to such amount as may be allowed in pursuance of the aforesaid power, shall be taken to be a liability incurred by the authority promoting the scheme, and shall be paid to the Board and to such authority or person respectively in such manner and at such times, and either in one sum or by instalments, as may be directed.

(10) A town planning scheme may varied or revoked by a subsequent scheme, prepared or adopted and confirmed in accordance with this Part of this Act, on the application of the responsible authority, or of any other council or person interested.

(11) Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Parliamentary Costs Act, 1865.

28 & 29 Vict. c. 27.

The Commons disagree to this amendment for the following reason :—

Because it would entail such delay and expense as to render Part II. of the Bill nugatory.

Lords Amendment.

Clause 55, page 25, line 14, leave out ("approved by the " Board") and insert ("confirmed")

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the new clause D.

Lords Amendments.

Clause 55, page 25, line 18, after ("apply") insert ("including " a schedule showing each parcel of land which it is proposed shall " be affected by the making of the scheme, together with a map " or plan") and after ("and") insert ("specifying")

The Commons disagree to these amendments for the following reason :—

Because the matter is one which should be dealt with by regulations.

Lords Amendment.

Clause 55, page 25, line 29, leave out from (" scheme ") to the end of the subsection.

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the new clause D.

Lords Amendments.

Clause 55, page 26, line 5, after (" duties ") insert (" Provided " that no local authority shall be authorised, except as a constituent " of a joint body constituted as aforesaid, to enforce the observance " or the execution of a town planning scheme under this Part of " this Act in respect of any land within the area of another local " authority, unless such other local authority is not prepared to " carry out a town planning scheme for the area in question ")

line 6, after (" Provided ") insert (" also ")

The Commons disagree to these amendments for the following reason :—

Because it may be desirable that a local authority should be responsible for enforcing the observance of a town planning scheme outside the district of that authority.

Lords Amendments.

Clause 56, page 26, lines 14 and 15, leave out (" obtaining " the approval of the Board to ") and insert (" the submission to " the Board of ")

line 17, leave out (" or the approval ")

line 18, leave out the second (" the ") and insert (" a ")

line 19, after (" scheme ") insert (" when " confirmed ")

The Commons disagree to these amendments for the following reason :—

Because they are consequential on the new clause D.

Lords Amendment.

Clause 57, page 27, line 13, leave out from (" work ") to the end of the subsection, and insert (" the matter may be referred for " decision to [the county court of the district in the same manner

" and subject to the like provisions as an appeal to that court " under Part I. of this Act ")

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the amendment to page 7, *line* 33.

Lords Amendments.

Clause 58, page 27, line 20, leave out (" approval ") and insert (" confirmation ")

line 31, leave out (" approval ") and insert (" confirmation ")

line 38, leave out (" approval ") and insert (" confirmation ")

The Commons disagree to these amendments for the following reason :—

Because they are consequential on the new clause D.

Lords Amendment.

Clause 58, page 27, lines 41 and 42, leave out (" the amount of " that increase ") and insert (" such proportion of the expenditure " of the authority as, failing agreement, in the opinion of the " arbitrator has increased the value of such property ")

The Commons disagree to this amendment for the following reason :—

Because the expenditure of the local authority has no necessary relation to any increase in the value of land attributable to the making of a town planning scheme.

Lords Amendment.

Clause 58, page 28, line 7, leave out from (" by ") to the end of the subsection and insert (" arbitration under this Act in " accordance with the first schedule to this Act ")

The Commons propose to amend this amendment by substituting for the words proposed to be inserted the following words : (" *the arbitration of a single arbitrator appointed by the Local* " *Government Board, unless the parties agree on some other* " *method of determination* ")

Lords Amendments.

Clause 59, page 28, lines 23 and 24, leave out ("reasonably " have been inserted in") and insert ("be enforced by")

The Commons propose to leave out the word ("could") in line 23 and to amend this amendment by substituting for the words proposed to be inserted the following words: ("would have " been enforceable if they had been contained in")

Lords Amendment.

Clause 59, page 28, line 24, after ("authority") insert ("or " are similar in effect to any enactment which would have been " in force within the area to which the town planning scheme " applies but for the operation of such scheme")

The Commons disagree to this amendment for the following reason:—

Because it is unnecessary, and might throw doubt on the effect of the Bill.

Lords Amendment.

Clause 59, page 28, line 34, after ("purpose") insert ("Pro- " vided that if it shall appear to the arbitrator that such provisions " are unusual and impose excessive restrictions upon the use of the " property, and that under all the circumstances compensation " should be awarded, he may, notwithstanding anything in this " subsection contained, award such compensation as he may think " just")

The Commons disagree to this amendment for the following reason:—

Because the matter will have to be settled by the scheme and ought not to be subject to revision by an arbitrator.

Lords Amendments.

Clause 61, page 29, line 39, leave out ("imposed") and insert ("inserted")

page 30, line 2, leave out ("for the approval of") and insert ("to")

line 4, leave out ("imposed") and insert ("inserted")

line 7, leave out ("approve") and insert ("make an order sanctioning")

Clause 61, page 30, lines 10 and 11, leave out (" and approved " by the Board ")

The Commons disagree to these amendments for the following reason :—

Because they are consequential on the new clause D.

Lords Amendment.

Clause 62, page 30, line 20, after (" mandamus ") insert the following new subsection —

(4) For the purposes of this section the expression " local authority " shall not include the London County Council or the council of any county borough.

The Commons disagree to this amendment for the following reason :—

Because it is desirable that the provisions of the clause should apply to the London Coanty Council and county borough councils as well as to other local authorities.

Lords Amendment.

Leave out clause 62 and insert the following new clause E.—

Procedure of Local Government Board on application.

E. The procedure of the Local Government Board, upon an application in respect of any matter which they are authorised by this Part of this Act or by any scheme made thereunder to determine, shall be such as the Board may by rules determine, and on any such application the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties.

The Commons disagree to this amendment, but propose the substitution therefor of the following amendment :—

Clause 62, *page* 30, *line* 29, *leave out from* (" *aforesaid* ") *to the end of the clause.*

Lords Amendment.

Clause 65, page 31, line 14, after (" Acts ") insert (" provided " that in the case of a rural authority such expenses shall be " levied in such manner and by such separate rate and subject

" to the same exceptions and provisions as are applicable under " the said Acts to special expenses ")

The Commons disagree to this amendment for the following reason :—

Because the effect of the amendment is to alter the incidence of the rates, and the Commons consider it unnecessary to offer any further reasons, hoping the above reason may be deemed sufficient.

Lords Amendment.

Clause 66, page 31, line 25, after (" shall ") insert (" except " as otherwise expressly provided ")

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the amendment to page 30, *line* 20.

Lords Amendment.

Clause 68, page 32, lines 38 to 41, leave out subsection (2).

The Commons agree with the Lords in the said amendment, but propose to insert the following additional amendments :—

Clause 68, *page* 32, *line* 37, *after subsection* (1) *insert the following new subsection —*

(2) *The duties of a medical officer of health of a county shall be such general duties as may be prescribed by order of the Local Government Board and such other duties as may be assigned to him by the county council.*

Clause 69, *page* 33, *line* 36, *leave out* (" *duties* ") *and insert* (" *general duties prescribed by the Local Government Board* ")

Lords Amendment.

Clause 68, page 33, lines 9 to 11, leave out subsection (5).

The Commons disagree to this amendment for the following reason :—

Because, as recommended by the Select Committee on the Housing Bill of 1906, *it is desirable that county medical officers of health should be removable only with the consent of the Local Government Board.*

Lords Amendment.

Clause 70, page 34, line 7, after ("or") insert ("except sub-"section (3) of section seventy to")

The Commons agree with the Lords in the said amendment, but propose the following consequential amendment:—

Clause 70, *page* 34, *line* 7, *after* ("*London*") *insert* ("*and in* "*the application of the said subsection to London, the reference* "*to a medical officer of health of a district shall be construed* "*as a reference to the medical officer of health of a metropolitan* "*borough*")

Lords Amendment.

Clause 74, page 36, line 2, after ("confirming") insert ("or "sanctioning")

The Commons disagree to this amendment for the following reason:—

Because it is consequential on the new clause D.

Lords Amendment.

First Schedule, page 37, leave out lines 11 to 18.

The Commons disagree to this amendment for the following reason:—

Because it is consequential on the amendments to page 1.

Lords Amendment.

First Schedule, page 37, line 31, after ("appointed") insert ("by the parties, or in default of agreement")

The Commons disagree to this amendment for the following reason:—

Because it is desirable to follow the precedent of the Small Holdings and Allotments Act, 1908.

Lords Amendment.

First Schedule, page 37, line 34, after ("accordingly") insert ("provided that where the Board has declared a local authority "to be in default, and in pursuance thereof an order has been "made and confirmed authorising the compulsory acquisition of

" land, the arbitrator shall be appointed by the Lord Chief " Justice of England instead of by the Board ")

The Commons disagree to this amendment for the following reason :—

Because there seems no reason to draw a distinction between cases where the Local Government Board has declared a local authority to be in default and other cases.

Lords Amendment.

First Schedule, page 37, line 39 to page 38, line 15, leave out paragraphs (6), (7), and (8).

The Commons disagree to this amendment for the following reason :—

Because it is consequential on other amendments with which the Commons disagree.

Lords Amendment.

First Schedule, page 38, line 23, after (" unnecessarily ") insert (" Except with the leave of the arbitrator not more than " one expert witness shall be called by any party appearing on an " arbitration under this schedule ")

The Commons disagree to this amendment for the following reason :—

Because it is desirable to follow the precedent of the Small Holdings and Allotments Act, 1908.

Lords Amendments.

First Schedule, page 39, line 8, after (" arbiter ") insert—

(*c*) for the reference to the Lord Chief Justice there shall be substituted a reference to the Lord President of the Court of Session;

line 13, after (" Scotland ") insert (" Provided that for the words ' where the Board has declared " ' a local authority to be in default ' there shall be substituted " the words ' where the Board has made an application to the " ' Court of Session ' ")

The Commons disagree to these amendments for the following reason :—

Because they are consequential on the amendment to page 37, *line* 34.

Lords Amendments.

Second Schedule, page 39, line 25, after ("Board") insert ("the county court of the district")

The Commons disagree to this amendment for the following reason :—

Because it is consequential on this amendment to page 7, line 33.

Lords Amendment.

Fourth Schedule, page 41, leave out lines 11 and 12.

The Commons disagree to this amendment for the following reason :—

Because it is desirable to enable general provisions to be made applying enactments with the necessary modifications.

Lords Amendments.

Fifth Schedule, page 41, line 30, leave out ("approval") and insert ("confirmation")

line 39, leave out ("approval") and insert ("confirmation")

line 40, leave out ("approval") and insert ("confirmation")

page 42, line 6, leave out ("circumstances so "require") and insert ("scheme as confirmed so requires")

The Commons disagree to these amendments for the following reason :—

Because they are consequential on the new Clause D.

Lords Amendment.

Sixth Schedule, page 42, line 17, leave out from ("six") to the second ("subsection") in line 22.

The Commons disagree with the Lords in the said amendment but propose to substitute the following amendment :—

Sixth Schedule, page 42, line 19, leave out from ("nine") to the second ("subsection") in line 22.

Lords Amendment.

Sixth Schedule, page 42, leave out lines 24 and 25.

The Commons disagree to this amendment for the following reason :—

Because it is consequential on the omission of clause 24.

Lords Amendment.

Sixth Schedule, page 42, leave out lines 37 to 50.

The Commons disagree with the Lords in this amendment, but propose to insert the following amendment in lieu thereof:—

Page 43, *line* 19, *column* 3, *at end insert* (" *In subsection* (3) " *of section ninety-seven the words the time allowed under any* " *order for the execution of any works or the demolition of a* " *building or* ")

Lords Amendment.

Sixth Schedule, page 43, lines 30 and 31, leave out (" para- " graphs (*a*) and (*b*) of subsection (2) of section five, section six, " and ") and insert (" section ")

The Commons disagree to this amendment for the following reason:—

Because it is consequential on the omission of clause 24.

Housing, Town Planning, &c., Bill.

COMMONS REASONS FOR DISAGREEING WITH CERTAIN OF THE LORDS AMENDMENTS AND COMMONS AMENDMENTS TO LORDS AMENDMENTS.

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