

PUBLIC HEALTH (AMENDMENT) ACT,

1890.

MODEL BYELAWS.

KNIGHT & Co.

J. E. Saml.
27 Dec. 1891

J. M. PORTER

KNIGHT & Co.'s
Model Byelaws

UNDER

THE PUBLIC HEALTH ACTS
AMENDMENT ACT, 1890,

RELATING TO

**Telegraph Wires, Sanitary Conveniences,
Decent Conduct of Persons using Sanitary
Conveniences, New Streets and Buildings,
Nuisances, Whirligigs, &c.,
Alteration of Buildings.**



London :

KNIGHT & CO., 90 FLEET STREET, E.C.

1891.

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J. M. PORTER

PUBLIC HEALTH ACTS AMENDMENT
ACT, 1890.

MODEL
BYELAWS

WITH RESPECT TO

TELEGRAPH AND OTHER WIRES.

B.

London:
KNIGHT & CO., 90 FLEET STREET.

1891.

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MEMORANDUM.

These byelaws are framed under Section 13 of the Public Health Acts (Amendment) Act, 1890, and may be made by any Urban Sanitary Authority, who have adopted Part II. (Telegraph, &c. Wires) of the Act.

The byelaws should, before being sealed, be sent to the Board of Trade for provisional approval, and when that has been obtained, two copies should be adopted under seal, and formally submitted to the Board of Trade for confirmation.

The following sections of the Act of 1890, above referred to, indicate the course that should be followed in making byelaws on this subject, and in dealing with offences.

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PUBLIC HEALTH ACTS (AMENDMENT)
ACT, 1890.

PART II.

TELEGRAPH, &C. WIRES.

Byelaws for Prevention of Danger from Telegraph Wires, &c.

13.—(1.) An Urban Authority may from time to time make, alter, and repeal byelaws for prevention of danger or obstruction to the public from posts, wires, tubes, or any other apparatus stretched or placed above, over, along, or across any street (whether before or after the adoption of this part of this Act) for the purpose of any telegraph, telephone, lighting, railway signalling, or other purpose.

(2.) By such byelaws provisions may be made for the inspection and examination by the Urban Authority of any such posts, wires, tubes, or other apparatus, and for the prohibition of any such posts, wires, tubes, or other apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or to cause obstruction to the public.

(3.) Offenders against such byelaws shall be liable to such penalties as may be thereby prescribed not exceeding *five pounds* for each offence, and a daily penalty not exceeding *forty shillings*, and the court in addition to awarding any penalty may order the removal of any post, wire, tube, or other apparatus stretched or placed in contravention of any such byelaw made under this section.

(4.) Byelaws made under this section and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade, which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper.

(5.) Reasonable notice of the intended submission for confirmation of any such byelaw, alteration, or repeal shall be given by the Urban Authority by advertisement in one or more local newspapers circulating in the district to which such byelaws relate, and by circular letter to any company or person owning or leasing any post, wire, tube, or other apparatus to which any byelaw is intended to apply, and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation, alteration, or repeal of any byelaw, and all costs incurred by any parties in reference to the application for or objection to the confirmation, alteration, or repeal of any such byelaw shall be in the discretion of the Board of Trade.

(6.) The Board of Trade may exempt from the operation of any such byelaw, alteration, or repeal, for such period as they think proper, not exceeding five years from the confirmation thereof, any post, wire, tube, or other apparatus which shall have been stretched or placed, in the case of a new byelaw, before the confirmation thereof, and in the case of the alteration or repeal of a byelaw, in accordance with such byelaw.

(7.) Nothing in such byelaws shall extend to or include any apparatus belonging to any railway or canal company, or used by them in connection with their business, and which now is or hereafter shall be fixed or placed by any such company across, over, or along any railway or the towing-path of any canal, provided such apparatus do not project or be not stretched or placed beyond such railway or towing-path over any street, or be not stretched or placed over any street crossing over such railway other than streets crossing any railway on the level.

Danger from Exempted Telegraph Wires.

14.—(1.) If any post, wire, tube, or other apparatus so exempted as aforesaid is during the period of such exemption in the opinion of the surveyor of the Urban Authority in such a state or position that immediate danger to any person is to be apprehended, he may give information to any justice, who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction.

(2.) The court may thereupon—

- (a.) Make an order requiring such owner, lessee, or other person, or all or any of them, to remove or remedy the source of danger; or
- (b.) Make an order authorizing the surveyor to do so at the expense of such owner, lessee, or other person, or of all or any of them; or
- (c.) Make such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

Savings.

15.—(1.) Nothing contained in this part of this Act shall—

- (a.) Extend to any post, wire, tube, or other apparatus or property of the Postmaster-General:
- (b.) Extend to any works of any undertakers within the meaning of the Electric Lighting Acts, 1882 to 1888, to which the provisions of those Acts apply.

(2.) Nothing contained in this part of this Act shall limit or interfere with the working of any mines or minerals lying under or adjacent to any street along or across which any posts, wires, tubes, or other apparatus shall be stretched or placed, nor shall the owner, lessee, or occupier of those mines or minerals be liable for any damage which may be occasioned by the working thereof in the ordinary course to such posts, wires, tubes, or apparatus.

J. M. PORTER

J. M. Porter

PUBLIC HEALTH ACTS (AMENDMENT)
ACT, 1890.

BYELAWS

*Made by the*¹

as the Urban Sanitary Authority for the District
*of*² *, with respect to*
Telegraph and other Wires.

Interpretation of Terms.

1. Throughout these byelaws the expression “the Sanitary Authority” means the¹

*as the Urban Sanitary Authority; and the expression “the District” means the Urban Sanitary District of*²

³

¹ “Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council;” or “Local Board for the District of _____, acting;” or “Improvement Commissioners for the District of _____, acting;” as the case may be.

² *Insert the name of the District.*

³ *Insert any further definitions that may be desirable.*

For prevention of danger or obstruction to the public from posts, wires, tubes, or any other apparatus stretched or placed above, over, along, or across any street for the purpose of any telegraph, telephone, or other purpose.

2. A person who shall stretch or place above, over, along, or across any street, any wire for the purpose of any telegraph or telephone, or for any other similar purpose, shall comply with the following regulations:—

He shall cause such wire to be maintained by adequate supports at a height of not less in any part than ⁴ feet above the level of the centre of the carriageway of the street:

He shall cause such wire to be shackled off and securely attached to insulators at the supports:

He shall cause every support intended to maintain any wire stretched or placed above, over, along, or across any street to be of durable material, and properly stayed against forces due to wind pressure, change of direction of the wires, or unequal lengths of span:

He shall cause every support, if of metal, to be efficiently connected to earth, and if of wood, or other non-conducting material, to be protected from lightning by a proper and efficient lightning conductor:

He shall cause every wire that may be attached to a chimney, or to any other part of a building, to be supported by suitable angle plates of iron:

He shall cause such wire to be so fixed, that it shall cross any street as near as possible at right angles to the course or direction of such street at the point of crossing, and so that it shall not cross any street at a less angle than 60 degrees:

Provided always, that wherever such wire shall be stretched or placed above, over, along, or across any point of junction of two or more streets, it may be fixed at any other angle that may be most suitable in the circumstances of the case, having regard to the prevention of danger or obstruction to the public.

3. A person who shall stretch or place above, over, along, or across any street, any wire for the purpose of any telegraph or telephone, or for any other similar purpose, shall cause such wire to be supported at distances apart of not more than ⁵ yards.

⁴ "Thirty" is suggested.

⁵ "One Hundred" is suggested.

4. A person who shall use any support for the maintenance of any wire for the purpose of any telegraph or telephone, or for any other similar purpose, shall cause such support and all the appliances, insulators, stays, and structural parts thereof belonging to or connected with such support to be maintained in an efficient and proper condition, so as to prevent danger or obstruction to the public.

For the inspection and examination by the Urban Authority of any such posts, wires, tubes, or other apparatus.

5. A person who shall stretch or place above, over, along, or across any street, any wire for the purpose of any telegraph or telephone, or for any other similar purpose, shall comply with the following regulations:—

He shall give written notice to the Sanitary Authority of the completion of the fixing of such wire, and shall, within a period of ⁶ days from the giving of such notice, afford every duly authorized officer of the Authority free access to such wire, and to every support thereof, for the purposes of inspection and examination:

He shall in such notice accurately define and describe the position, span, mode of fixing, and intended use of such wire.

For the prohibition of any such posts, wires, tubes, or other apparatus being or continuing to be stretched or placed as aforesaid, in such manner as to be dangerous, or to cause obstruction to the public.

6. Where, by a notice in writing, signed by the clerk to the Sanitary Authority, and duly served upon or delivered to the owner of a post, wire, tube, or other apparatus stretched or placed above, over, along, or across any street, whether before or after the adoption of Part II. of the Public Health Acts Amendment Act, 1890, by the Sanitary Authority, for the purpose of any telegraph or telephone, or for any other similar purpose, the Sanitary Authority shall certify that it has been represented to them that any post, wire, tube, or other apparatus is stretched or placed in such a manner as to be dangerous, or to cause obstruction to the public, and that, unless on or before such day as shall be specified in such notice, such owner shall show sufficient cause why the continuance of such post, wire, tube, or other apparatus

⁶ "Seven" is suggested.

shall not be prohibited, the Sanitary Authority will prohibit such post, wire, tube, or other apparatus being or continuing to be stretched or placed above, over, along, or across any street in such a manner as to be dangerous, or to cause obstruction to the public after a certain date, a person shall not after such date suffer any such post, wire, tube, or other apparatus to continue to be stretched or placed above, over, along, or across any street.

Penalties.

7. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuing offence to a daily penalty of *forty shillings*.

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this regulation.

MODEL REGULATIONS

FOR THE USE OF

Sanitary Authorities.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

WITH RESPECT TO

THE MANAGEMENT OF SANITARY
CONVENIENCES.

SECOND EDITION, REVISED.

E.

London:
KNIGHT & CO., 90 FLEET STREET.

1891.

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MEMORANDUM.

By section 20, contained in Part III. of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict., c. 59), it is enacted as follows:—

“20.—(1.) Where an Urban Authority provide and maintain for public accommodation any sanitary conveniences, such authority may—

“(i.) Make regulations with respect to the management thereof and make byelaws as to the decent conduct of persons using the same ;

“(ii.) Let the same from time to time for any term not exceeding three years at such rent and subject to such conditions as they may think fit ;

“(iii.) Charge such fees for the use of any waterclosets provided by them as they may think proper.

“(2.) No public sanitary convenience shall, after the adoption of this Part of this Act, be erected in or accessible from any street without the consent in writing of the Urban Authority, who may give such consent upon such terms as to the use thereof or the removal thereof at any time, if required by the Urban Authority, as they may think fit.

“(3.) Any person who erects a sanitary convenience in contravention of this enactment, and after a notice in writing to that effect from the Urban Authority does not remove the same, shall be liable to a penalty not exceeding *five pounds*, and to a daily penalty not exceeding *twenty shillings*.

“(4.) Nothing in this section shall extend to any sanitary convenience now or hereafter to be erected by any railway com-

pany within their railway station yard or the approaches thereto."

The accompanying regulations are drawn up under sub-section 1 (i.) of the above enactment, and they relate exclusively to such general matters as affect the management of sanitary conveniences. Special circumstances may exist in certain cases requiring additional regulations, and these may be added in the same form as those comprised in the series. It is to be observed that the expression "Sanitary convenience" is defined in Section 11 of the Public Health Acts Amendment Act, 1890, as including "urinals, waterclosets, earthclosets, privies, ashpits, and any similar convenience."

There is no power to impose penalties on persons offending against regulations as to the management of sanitary conveniences. Such regulations do not require confirmation by the Local Government Board or any other confirming authority, but they must be adopted by the Sanitary Authority under seal. They will be in operation immediately after adoption.

J. E. Barry

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

S. 20.

Regulations for Management of Sanitary Conveniences.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

REGULATIONS

*Made by the*¹

*as the*²

*District of*³

Sanitary Authority for the

with respect to the

management of SANITARY CONVENIENCES provided and maintained by the said Authority for public accommodation.

Interpretation of Terms.

1. Throughout these regulations the expression "the Sanitary Authority" means the¹

¹ "Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council;" or "Local Board for the District of _____, acting;" or "Improvement Commissioners for the District of _____, acting;" or "Guardians of the Poor of the _____ Union, acting" as the case may be.

² Insert "Urban" or "Rural."

³ Insert the name of the District.

as the² Sanitary Authority; and the expression "sanitary convenience" means a sanitary convenience provided and maintained by the Sanitary Authority for public accommodation.⁴

With respect to the Management of Sanitary Conveniences.

2. Where any part of a sanitary convenience is set apart as a watercloset, for the use of which a fee is charged, no person shall enter such watercloset without having previously paid to a person duly authorized in that behalf, the authorized fee for the use of the same, and obtained from such person a ticket, on which shall be stated the amount of fee so paid, together with any other particulars that the Sanitary Authority may from time to time direct.

3. A person using a sanitary convenience shall not, after using the same, loiter or remain without reasonable excuse in any part thereof.

4. A person using a sanitary convenience shall not use any part thereof for any purpose other than that for which it shall be intended and assigned by the Sanitary Authority.

5. A person using a sanitary convenience shall not cause or allow any dog belonging to him, or under his control, to enter or remain therein.

6. The person in charge of a sanitary convenience shall comply with the following rules:—

He shall cause every sanitary convenience that may not be intended to be at all times open for the use of the public to be opened at the hour of _____ o'clock in the noon, and closed at the hour of _____ o'clock in the noon of every day throughout the year.

He shall cleanse every sanitary convenience, or cause the same to be cleansed once at least on every day on which the same may be open to the use of the public, and from time to time as often as may be necessary to maintain the same in a cleanly and proper state.

⁴ Add any further terms that it may be desirable to define.

He shall, on every day before the hour appointed for the opening of any sanitary convenience, inspect the same, and ascertain and take care that every part thereof is clean and in good order, and ready and fit for the use of persons resorting thereto.

He shall, on every day after the hour appointed for the closing of any sanitary convenience, visit and inspect every part thereof and ascertain that everything therein is properly maintained and adjusted, so that no leakage or waste of water or gas may take place.

He shall report to the Sanitary Authority in writing, as soon as may be practicable after he shall become aware thereof, any defect of which he may ascertain the existence in any sanitary convenience, or in any furniture, fittings, appliances, or articles therein.

He shall from time to time, as often as he may ascertain that any breach of any byelaw as to the decent conduct of persons using sanitary conveniences has been committed, report the facts of the case in writing to the Sanitary Authority.

*

The foregoing regulations were made and adopted
 L. S. by the Sanitary Authority this _____ day
 of _____ 189 .

Chairman.

Clerk.

* Here add any further Rules that may be necessary

MODEL
BYELAWS

FOR THE USE OF

Sanitary Authorities.

THE PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

WITH RESPECT TO

DECENT CONDUCT OF PERSONS USING
SANITARY CONVENIENCES.

SECOND EDITION, REVISED.

E 1.

London:

KNIGHT & CO., 90 FLEET STREET.

1891.

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MEMORANDUM.

By section 20, contained in Part III. of the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59), it is enacted as follows :—

“ 20.—(1.) Where an Urban Authority provide and maintain for public accommodation any sanitary conveniences, such authority may—

“ (i.) Make regulations with respect to the management thereof and make byelaws as to the decent conduct of persons using the same ;

“ (ii.) Let the same from time to time for any term not exceeding three years at such rent and subject to such conditions as they may think fit ;

“ (iii.) Charge such fees for the use of any waterclosets provided by them as they may think proper.

“ (2.) No public sanitary convenience shall, after the adoption of this part of this Act, be erected in or accessible from any street without the consent in writing of the Urban Authority, who may give such consent upon such terms as to the use thereof or the removal thereof at any time, if required by the Urban Authority, as they may think fit.

“ (3.) Any person who erects a sanitary convenience in contravention of this enactment, and after a notice in writing to that effect from the Urban Authority does not remove the same, shall be liable to a penalty not exceeding *five pounds*, and to a daily penalty not exceeding *twenty shillings*.

“ (4.) Nothing in this section shall extend to any sanitary convenience now or hereafter to be erected by any railway company within their railway station yard or the approaches thereto.”

The accompanying byelaws are drawn up under sub-section 1 (i.) of the above enactment, and they relate to such general matters of conduct as are likely to require control. Special circumstances may in some cases necessitate the addition of further clauses by Sanitary Authorities adopting this series, but no clauses should be added which do not clearly come within the scope of the enactment.

It is to be observed that the expression "Sanitary convenience" is defined in section 11 of the Public Health Acts Amendment Act, 1890, as including "urinals, waterclosets, earthclosets, privies, ashpits, and any similar convenience." As regards urinals, there is a provision in the Indecent Advertisements Act, 1889 (section 3), to the effect that whoever affixes to or inscribes on any public urinal any picture, or printed or written matter which is of an indecent or obscene nature, shall be liable to fine or imprisonment. The matters with which that enactment deals are therefore excluded from this series.

These byelaws require the confirmation of the Local Government Board, as by section 9 of the Public Health Acts Amendment Act, 1890, all the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act, 1875, are rendered applicable.

In a Circular which the Local Government Board issued some years ago, in reference to byelaws under the Public Health Act, 1875, it is stated as follows:—

"It is provided by section 182 that 'no byelaw made under this Act by a Local Authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.' From this enactment several important rules may be deduced. A byelaw to be in harmony with the laws of England must be certain and determinate, and likewise reasonable, and hence arises the necessity for the use of certain and definite language in prescribing rules which are destined to have, locally, the binding effect of a statute."

"The Board have, from time to time, had occasion to point out to Sanitary Authorities that the assumption in their byelaws of the power of suspending the operation of particular provisions in individual cases is open to much objection. Frequently the conditions under which this power may be exercised have been left undetermined in the byelaws; and the result is to impart a

general uncertainty to provisions of which the precise scope should be clearly defined. * * * * * The Board think that every person who, by neglect of the rules which a byelaw is intended to prescribe, may be rendered liable to a penalty, is entitled to demand from those who impose such rules a clear statement of the course of action which must be followed or avoided."

It must always be remembered that byelaws are designed to supplement, and not to vary or supersede the express provisions of the statute law. A byelaw which merely repeats a statutory enactment is, to that extent, surplusage, and a byelaw which aims at altering or amending such an enactment is rendered invalid by the proviso in section 182 of the Public Health Act, 1875.

Before any byelaw is adopted, a draft of it should be submitted to the Local Government Board for their preliminary approval. When this has been obtained, the provisions of section 184 of the Public Health Act, 1875, should be complied with. These require that notice of intention to apply for confirmation must be given in one or more of the local newspapers, circulated within the district to which the byelaws relate, one month at least before the making of the application; and, for one month at least before the application, a copy of the proposed byelaws must be kept at the office of the Sanitary Authority, and must be open during office hours thereat for the inspection of the ratepayers of the district to which the byelaws relate, without fee or reward. Further, the clerk of the Sanitary Authority is required, on the application of any ratepayer, to furnish him with a copy of the proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in the copy.

Section 183 of the Act empowers the Sanitary Authority to impose on offenders such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence. A penalty clause to that effect is included in the Model Series, but it is not thought necessary to fix a penalty for a continuing offence.

T. C. Barry

PUBLIC HEALTH ACTS AMEND-
MENT ACT, 1890.

S. 20.

*Byelaws as to the Decent Conduct
of Persons.*

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

BYELAWS

Made by the¹

*as the² Sanitary Authority for the
District of³ as to the
decent conduct of persons using Sanitary Conveniences,
provided and maintained by the said Authority for public
accommodation.*

Interpretation of Terms.

1. Throughout these byelaws the expression "the Sanitary Authority" means the¹

¹ "Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council"; or "Local Board for the District of _____, acting"; or "Improvement Commissioners for the District of _____, acting"; or "Guardians of the Poor of the _____ Union, acting" as the case may be.

² Insert "Urban" or "Rural."

³ Insert the name of the District.

as the² Sanitary Authority ; the
 expression " the District " means the²
 Sanitary District of³
 and the expression " Sanitary Convenience " means a Sanitary
 Convenience provided and maintained by the Sanitary Authority
 for public accommodation.

*As to the Decent Conduct of Persons using Sanitary
 Conveniences.*

2. A person using a sanitary convenience shall not by forcible
 or improper means seek or obtain entrance to any closet or com-
 partment therein, or seek to obtain the use of any other part
 thereof, which may be already occupied by any other person.

3. A person using a sanitary convenience shall not knowingly
 intrude upon, or interfere with, the privacy of any other person
 using such sanitary convenience.

4. A person of the male sex, above the age of five years,
 shall not enter any sanitary convenience set apart exclusively for
 the use of persons of the female sex ; and a person of the
 female sex shall not enter any sanitary convenience set apart
 exclusively for the use of persons of the male sex.

5. A person using a sanitary convenience shall not wilfully
 and improperly foul or pollute any wall, floor, door, fitting, or
 appliance in or forming part of such sanitary convenience.

6. A person using a sanitary convenience consisting of a
 watercloset, earthcloset, or privy, shall not inscribe or write any
 indecent figure, word, or representation, or post or affix any bill
 in or on any part thereof, not being a part to which the provisions
 of the Indecent Advertisements Act, 1889, apply.

Penalties.

7. Every person who shall offend against any of the fore-
 going byelaws shall be liable for every such offence to a penalty
 of *five pounds* :

⁴ Add any further terms that it may be desirable to define.

Provided nevertheless, that the justices or court before whom
 any complaint may be made or any proceedings may be taken in
 respect of any such offence, may, if they think fit, adjudge the
 payment as a penalty of any sum less than the full amount of
 the penalty imposed by this byelaw.

MODEL BYELAWS

FOR THE USE OF

Sanitary Authorities.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

WITH RESPECT TO

NEW STREETS & BUILDINGS.

SECOND EDITION, REVISED.

G.

London:
KNIGHT & CO., 90 FLEET STREET.

1891.

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MEMORANDUM.

By section 23 of the Public Health Acts Amendment Act, 1890, it is provided as follows:—

“23.—(1.) Section one hundred and fifty-seven of the Public Health Act, 1875, shall be extended so as to empower every urban authority to make byelaws with respect to the following matters; that is to say:—

“The keeping waterclosets supplied with sufficient water for flushing.

“The structure of floors, hearths, and staircases, and the height of rooms intended to be used for human habitation;

“The paving of yards and open spaces in connection with dwelling-houses; and

“The provision in connection with the laying out of new streets of secondary means of access where necessary for the purpose of the removal of house refuse and other matters.

“(2.) Any byelaws under that section as above extended with regard to the drainage of buildings, and to waterclosets, earth-closets, privies, ashpits, and cesspools, in connection with buildings, and the keeping waterclosets supplied with sufficient water for flushing, may be made so as to affect buildings erected before the times mentioned in the said section.

“(3.) The provisions of the said section (as amended by this Act), so far as they relate to byelaws with respect to the structure of walls and foundations of new buildings for purposes of health, and with respect to the matters mentioned in subsections (3) and (4) of the said section, and with respect to the structure of floors, the height of rooms to be used for human habitation, and to the keeping of waterclosets supplied with sufficient water for flushing, shall be extended so as to empower rural authorities to make byelaws in respect to the said matters, and to provide for the observance of such byelaws, and to

enforce the same as if such powers were conferred on the rural authorities by virtue of an order of the Local Government Board made on the day when this part of this Act is adopted; and section one hundred and fifty-eight of the Public Health Act, 1875, shall also apply to any such authority, and shall be in force in every rural district where this part of this Act is adopted.

“(4.) Every local authority may make byelaws to prevent buildings which have been erected in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so constructed they would have contravened the byelaws.”

The accompanying Model Series has been framed with a view of assisting local authorities in the adoption of byelaws which would enable them to take advantage of the new powers now placed within their reach. The publishers have made every endeavour to secure that the series, whilst carrying out the probable wishes of local authorities, does not contain any matter that may be of doubtful legality. It will be observed that, in the case of the byelaw regulating roof timbers, the terms of section one hundred and fifty-seven of the Public Health Act, 1875, have been relied on, and this course has been adopted with the object of securing the greater perfection of the code, as it was thought that where there is a desire to regulate floor timbers, there would also be a wish to control roof timbers.

As regards the byelaws relating to timbers, it ought to be pointed out that there are great difficulties in the way of framing rules which, whilst not being oppressive, are at the same time sufficiently comprehensive to meet all ordinary cases of construction; and these difficulties are rendered greater by the fact that there are very few places in the United Kingdom in which any rules on the subject have been enforced. However, an attempt has been made to supply a code of rules which, though far from being either perfect or complete, will, it is hoped, form a groundwork on which Sanitary Authorities may themselves frame something under which they will be enabled to enforce proper construction of roofs and floors.

The byelaws comprised in this series require the confirmation of the Local Government Board, as by section 9 of the Public Health Acts Amendment Act, 1890, all the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act, 1875, are rendered applicable.

In a Circular which the Local Government Board issued

some years ago, in reference to byelaws under the Public Health Act, 1875, it is stated as follows:—

“It is provided by section 182 that ‘no byelaw made under this Act by a local authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.’ From this enactment several important rules may be deduced. A byelaw to be in harmony with the laws of England must be certain and determinate, and likewise reasonable, and hence arises the necessity for the use of certain and definite language in prescribing rules which are destined to have, locally, the binding effect of a statute.”

“The Board have, from time to time, had occasion to point out to sanitary authorities that the assumption in their byelaws of the power of suspending the operation of particular provisions in individual cases is open to much objection. Frequently the conditions under which this power may be exercised have been left undetermined in the byelaws; and the result is to impart a general uncertainty to provisions of which the precise scope should be clearly defined. * * * * * The Board think that every person who, by neglect of the rules which a byelaw is intended to prescribe, may be rendered liable to a penalty, is entitled to demand from those who impose such rules a clear statement of the course of action which must be followed or avoided.”

It must always be remembered that byelaws are designed to supplement, and not to vary or supersede the express provisions of the statute law. A byelaw which merely repeats a statutory enactment is, to that extent, surplusage, and a byelaw which aims at altering or amending such an enactment is rendered invalid by the proviso in section 182 of the Public Health Act, 1875.

Before any byelaw is adopted, a draft of it should be submitted to the Local Government Board for their preliminary approval. When this has been obtained, the provisions of section 184 of the Public Health Act, 1875, should be complied with. These require that notice of intention to apply for confirmation must be given in one or more of the local newspapers, circulated within the district to which the byelaws relate, one month at least before the making of the application; and, for one month at least before the application, a copy of the proposed byelaws must be kept at the office of the Sanitary Authority, and must be open during office hours thereat for the inspection of the ratepayers of the district to which the byelaws relate, without fee or reward. Further, the clerk of the Sanitary

Authority is required, on the application of any ratepayer, to furnish him with a copy of the proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in the copy.

Section 183 of the Act empowers the Sanitary Authority to impose on offenders such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence. A penalty clause to that effect is included in the Model Series, and a clause has also been added empowering the local authority to pull down any work done contrary to the byelaws.

it should be noted that Rural Authorities can only make such of the byelaws as fall within their powers as set forth in subsection (4) of section 23, unless, in any case, further powers have been conferred upon them.

J. E. Parnell

PUBLIC HEALTH ACT, 1875, AND THE PUBLIC
HEALTH ACTS AMENDMENT ACT, 1890.

BYELAWS

*Made by the*¹

•
*as the*²

*District of*³

New Streets and Buildings.

Sanitary Authority for the

with respect to

Interpretation of terms.

1. In the construction of the following byelaws words and expressions shall have the meanings herein-after respectively assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words or expressions occur; that is to say:—

“Sanitary Authority” means the¹

•
•
•
*as the*²

“District” means the²
Sanitary District of³

Sanitary Authority:

¹ “Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council”; or “Local Board for the District of _____”; or “Improvement Commissioners for the District of _____ the Poor of the _____ Union, acting” *as the case may be.*

² Insert “Urban” or “Rural.”

³ Insert the name of the District.

_____ , acting
acting”; or
acting”; or “Guardians of

“Public building” means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church, chapel, or other place of public worship, or as a hospital, workhouse, college, school (not being merely a dwelling-house so used), theatre, public hall, public concert room, public ball-room, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto, by tickets or otherwise, or used or constructed or adapted to be used, either ordinarily or occasionally, for any other public purpose :

“Building of the warehouse class” means a warehouse, factory, manufactory, brewery or distillery :

“Domestic building” means a dwelling-house or an office building, or other outbuilding appurtenant to a dwelling-house, whether attached thereto or not, or a shop, or any other building not being a public building, or of the warehouse class :

“Dwelling-house” means a building used or constructed or adapted to be used wholly or principally for human habitation.

Exempted Buildings.

2. The following buildings shall be exempt from the operation of these byelaws :—

(a.) Any building in Her Majesty's possession, or employed or intended to be employed for Her Majesty's use or service :

(b.) Any county or borough lunatic asylum :

(c.) Any gaol, house of correction, bridewell, penitentiary, or other prison, and any building or part of a building used or intended to be used for the detention of any prisoners, and any building occupied or intended to be occupied by any prison officer for the use of such prison and contiguous thereto :

(d.) Any building (not being a dwelling-house) belonging to any person or body of persons authorized by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation of such river or canal, or the use of such dock, harbour, or basin, and used or intended to be used exclusively under the provisions of such Act of Parliament for the purposes of such river, canal, dock, harbour, or basin :

(e.) Any building (not being a dwelling-house) erected or intended to be erected in connexion with any mine, and used or intended to be used exclusively for the working of such mine :

(f.) Any building erected or to be erected according to plans previously approved by the Land Commissioners for England or the Board of Agriculture, under the Improvement of Land Act, 1864, or other Act or Acts for the improvement of land :

(g.) Any building which may not be exempt by the operation of any of the preceding clauses of this byelaw, and which may be erected or may be intended to be erected in accordance with such plan and in such manner as may be approved or directed in pursuance of any statutory provision in that behalf by one of Her Majesty's Principal Secretaries of State :

(h.) Any building erected and used, or intended to be erected and used, exclusively for the purpose of a plant-house, orchard-house, summer-house, poultry-house, or aviary which shall be wholly detached, and at a distance of *ten feet* at the least from any other building, and which shall not be heated otherwise than by hot water, and in which the fireplaces (if any) shall be detached, with no flues of any kind within such plant-house, orchard-house, summer-house, poultry-house, or aviary :

(i.) Any building which shall not exceed in height *thirty feet* as measured from the footings of the walls, and shall not exceed in extent *one hundred and twenty-five thousand cubic feet*, and shall not be a public building, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade, or business, and shall be distant at least *eight feet* from the nearest street, and at least *thirty feet* from the nearest building and from the boundary of any adjoining lands or premises :

(j.) Any building which shall exceed in height *thirty feet* as measured from the footings of the walls, and shall exceed in extent *one hundred and twenty-five thousand cubic feet*, and shall not be a public building, and shall not be constructed or adapted to be used either wholly or partly for human habitation, or as a place of habitual employment for any person in any manufacture, trade, or business, and shall be distant at least *thirty feet* from the nearest street, and at least *sixty feet* from the nearest building and from the boundary of any adjoining lands or premises :

(k.) Any building erected or intended to be erected for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous infectious disorder.

With respect to the provision in connection with the laying out of new streets of secondary means of access where necessary for the purpose of the removal of house refuse and other matters.

3. Every person who shall lay out a new street, which shall be intended for use as the principal approach to any building, shall provide in connection with such street and communicating therewith, or with some other street, a secondary means of access where necessary for the purpose of the removal of house refuse and other matters.

With respect to the height of rooms intended to be used for human habitation.

4. Every person who shall erect a new building, and shall construct any room therein so that it may be used for human habitation, shall comply with the following requirements:—

If such room is not intended to be used as a sleeping room, he shall construct such room so that it shall be not less in any part thereof than *nine feet* in height.

If such room is intended to be used as a sleeping room, and is not an attic or a room in the roof of such building, he shall construct such room so that it shall be not less in any part than *nine feet* in height.

If such room is intended to be used as a sleeping room, and is an attic or a room in the roof of such building, he shall construct such room so that it shall be not less in any part than *five feet* in height, and so that it shall to the extent of *two-thirds* of the superficial area of the floor be of a height of not less than *nine feet*.

With respect to hearths.

5. A person who shall erect a new building shall place and fix in front of every chimney opening in such building a proper

hearth of stone, slate, bricks, tiles, or other incombustible substance, at the least *six inches* longer at each end than the width of such opening, and projecting not less than *eighteen inches* distant from the chimney breast.

He shall cause such hearth to be laid at the level of the floor of the room in which such chimney opening is situated, and to be borne wholly upon stone or iron bearers, or upon a brick trimmer arch, and bedded wholly on brick, stone, or other incombustible substance, extending to a depth of *seven inches* at the least beneath the upper surface of the hearth, provided that, in the lowest storey, the hearth may be bedded on the solid ground.

With respect to the roofs and the structure of the floors of new buildings.

ROOFS.

6. Every person who shall erect a new building shall, as regards the construction of the roof of such building, comply with such of the following rules as may be applicable to such building; that is to say:—

COMMON RAFTERS.

(i.) He shall in the construction of the roof of a domestic building, public building, or building of the warehouse class, cause every common rafter to be of not less than the size and strength following:—

(a.) If the rafter does not exceed *six feet* in clear bearing, it shall be *three inches* in depth and *two and a half inches* in thickness: ^{Length up to 6 ft.}

(b.) If the rafter exceeds *six feet* and does not exceed ^{6 to 7½ ft.} *seven and a half feet* in clear bearing, it shall be *three inches* in depth and *three inches* in thickness:

(c.) If the rafter exceeds *seven and a half feet* and ^{7½ to 9 ft.} does not exceed *nine feet* in clear bearing, it shall be *four inches* in depth and *three inches* in thickness.

PURLINS.

(ii.) He shall in the construction of the roof of a domestic building, public building, or building of the warehouse class,

cause every purlin to be of not less than the size and strength following:—

- Length up to 6 ft. 4 in. (a.) If the purlins do not exceed *six feet four inches* in clear bearing, and are not more than *six feet* apart, each purlin shall be *five inches* in depth and *three inches* in thickness, or if more than *six feet* and not more than *seven and a half feet* apart, each purlin shall be *five and a half inches* in depth and *three inches* in thickness, or if more than *seven and a half feet* and not more than *nine feet* apart, each purlin shall be *six inches* in depth and *three inches* in thickness.
- 6 ft. 4 in. to 8 ft. 4 in. (b.) If the purlins exceed *six feet four inches* and do not exceed *eight feet four inches* in clear bearing and are not more than *six feet* apart, each purlin shall be *six inches* in depth and *four inches* in thickness, or if more than *six feet* and not more than *seven and a half feet* apart, each purlin shall be *six and a-half inches* in depth and *four inches* in thickness, or if more than *seven and a half feet* and not more than *nine feet* apart, each purlin shall be *seven inches* in depth and *four inches* in thickness:
- 8 ft. 4 in. to 10 ft. 4 in. (c.) If the purlins exceed *eight feet four inches* and do not exceed *ten feet four inches* in clear bearing, and are not more than *six feet* apart, each purlin shall be *seven inches* in depth and *five inches* in thickness, or if more than *six feet* and not more than *seven and a half feet* apart each purlin shall be *seven and a half inches* in depth and *five inches* in thickness, or if more than *seven and a half feet* and not more than *nine feet* apart, each purlin shall be *eight inches* in depth and *five inches* in thickness:
- 10 ft. 4 in. to 12 ft. 4 in. (d.) If the purlins exceed *ten feet four inches* and do not exceed *twelve feet four inches* in clear bearing, and are not more than *six feet* apart, each purlin shall be *eight inches* in depth and *six inches* in thickness, or if more than *six feet* and not more than *seven and a half feet* apart, each purlin shall be *eight and a half inches* in depth and *six inches* in thickness, or if more than *seven and a half feet* and not more than *nine feet* apart, each purlin shall be *nine inches* in depth and *six inches* in thickness:
- 12 ft. 4 in. to 14 ft. 4 in. (e.) If the purlins exceed *twelve feet four inches* and do not exceed *fourteen feet four inches* in clear bearing, and are not more than *six feet* apart, each purlin shall be

nine inches in depth and *six inches* in thickness, or if more than *six feet* and not more than *seven and a half feet* apart, each purlin shall be *nine and a half inches* in depth and *six inches* in thickness, or if more than *seven and a half feet* and not more than *nine feet* apart, each purlin shall be *ten inches* in depth and *six inches* in thickness.

(f.) If the purlins exceed *fourteen feet four inches* ^{14 ft. 4 in.} and do not exceed *sixteen feet four inches* ^{16 ft. 4 in.} in clear bearing, and are not more than *six feet* apart, each purlin shall be *eleven inches* in depth and *six inches* in thickness, or if more than *six feet* and not more than *seven and a half feet* apart, each purlin shall be *eleven and a half inches* in depth and *six inches* in thickness, or if more than *seven and a half feet* and not more than *nine feet* apart, each purlin shall be *twelve inches* in depth and *six inches* in thickness.

(g.) If the purlins exceed *sixteen feet four inches* ^{16 ft. 4 in.} and do not exceed *eighteen feet four inches* ^{18 ft. 4 in.} in clear bearing, and are not more than *six feet* apart, each purlin shall be *eleven inches* in depth and *seven inches* in thickness, or if more than *six feet* and not more than *seven and a half feet* apart, each purlin shall be *eleven and a half inches* in depth and *seven inches* in thickness, or if more than *seven and a half feet* and not more than *nine feet* apart, each purlin shall be *twelve inches* in depth and *seven inches* in thickness.

FLOORS.

Domestic Buildings.

7. Every person who shall erect a new building shall, as regards the structure of every floor of such building, comply with such of the following rules as may be applicable to such building, that is to say:—

JOISTS.

(i.) He shall, in the construction of the floor of a domestic building, cause every common bearing joist to be of not less than the size and strength following:—

(a) If the joist does not exceed *three feet four inches* ^{Length up to 3 ft. 4 in.} in clear bearing, it shall be *three inches* in depth and *three inches* in thickness.

3 ft. 4 in. to 5 ft. 4 in. (b) If the joist exceeds *three feet four inches* and does not exceed *five feet four inches* in clear bearing, it shall be *three and a half inches* in depth and *three inches* in thickness.

5 ft. 4 in. to 7 ft. 4 in. (c) If the joist exceeds *five feet four inches* and does not exceed *seven feet four inches* in clear bearing, it shall be *four inches* in depth and *three inches* in thickness.

7 ft. 4 in. to 9 ft. 4 in. (d) If the joist exceeds *seven feet four inches* and does not exceed *nine feet four inches* in clear bearing, it shall be *five inches* in depth and *two and a half inches* in thickness.

9 ft. 4 in. to 11 ft. 4 in. (e) If the joist exceeds *nine feet four inches* and does not exceed *eleven feet four inches* in clear bearing, it shall be *six inches* in depth and *two and a-half inches* in thickness.

11 ft. 4 in. to 13 ft. 4 in. (f) If the joist exceeds *eleven feet four inches* and does not exceed *thirteen feet four inches* in clear bearing, it shall be *seven inches* in depth and *two and a half inches* in thickness.

13 ft. 4 in. to 14 ft. 4 in. (g) If the joist exceeds *thirteen feet four inches* and does not exceed *fourteen feet four inches* in clear bearing, it shall be *seven inches* in depth and *three inches* in thickness.

14 ft. 4 in. to 16 ft. 4 in. (h) If the joist exceeds *fourteen feet four inches* and does not exceed *sixteen feet four inches* in clear bearing, it shall be *eight inches* in depth and *three inches* in thickness.

16 ft. 4 in. to 18 ft. 4 in. (i) If the joist exceeds *sixteen feet four inches* and does not exceed *eighteen feet four inches* in clear bearing, it shall be *nine inches* in depth and *three inches* in thickness.

18 ft. 4 in. to 20 ft. 4 in. (j) If the joist exceeds *eighteen feet four inches* and does not exceed *twenty feet four inches* in clear bearing, it shall be *ten inches* in depth and *three inches* in thickness.

20 ft. 4 in. to 22 ft. 4 in. (k) If the joist exceeds *twenty feet four inches* and does not exceed *twenty-two feet four inches* in clear bearing, it shall be *eleven inches* in depth and *three inches* in thickness.

TRIMMING AND TRIMMER JOISTS.

(l) A trimmer joist shall not receive more than six common joists, and the thickness of a trimming joist receiving a trimmer

at not more than *three feet* from one end, and of every trimmer joist receiving not more than six common joists, shall be *one inch* greater than the thickness hereinbefore specified for a common joist of the same bearing.

BEAMS.

(ii.) He shall in the construction of the floor of a domestic building, cause every beam or girder of such floor, which is not used to support any wall, pier, or other similar structure, to be of not less than the size and strength following:—

(a) If the beam exceeds *eight feet*, and does not exceed ^{8 to 10 ft.} *ten feet* in clear bearing, it shall be *ten inches* in depth and *six inches* in thickness.

(b) If the beam exceeds *ten feet*, and does not exceed ^{10 to 12 ft.} *twelve feet* in clear bearing, it shall be *eleven inches* in depth and *seven inches* in thickness.

(c) If the beam exceeds *twelve feet*, and does not exceed ^{12 to 14 ft.} *fourteen feet* in clear bearing, it shall be *twelve inches* in depth and *eight inches* in thickness.

(d) If the beam exceeds *fourteen feet*, and does not exceed ^{14 to 16 ft.} *sixteen feet* in clear bearing, it shall be *thirteen inches* in depth and *nine inches* in thickness.

(e) If the beam exceeds *sixteen feet*, and does not exceed ^{16 to 18 ft.} *eighteen feet* in clear bearing, it shall be *fourteen inches* in depth and *ten inches* in thickness.

(f) If the beam exceeds *eighteen feet*, and does not exceed ^{18 to 20 ft.} *twenty feet* in clear bearing, it shall be *fifteen inches* in depth and *eleven inches* in thickness.

Warehouse Buildings.

JOISTS.

(iii.) He shall in the construction of the floor of a building of the warehouse class cause every common bearing joist to be of not less than the size and strength following:—

(a.) If the joist does not exceed *three feet* in clear bearing, it shall be *four and a half inches* in depth and ^{Length up to 3 ft.} *three inches* in thickness:

(b.) If the joist exceeds *three feet*, and does not exceed ^{3 to 4 ft.} *four feet* in clear bearing, it shall be *six inches* in depth and *two and a half inches* in thickness:

- 4 to 5 ft. (c.) If the joist exceeds *four feet*, and does not exceed *five feet* in clear bearing, it shall be *seven inches* in depth and *two and a half inches* in thickness :
- 5 to 6 ft. (d.) If the joist exceeds *five feet*, and does not exceed *six feet* in clear bearing, it shall be *seven inches* in depth and *three inches* in thickness :
- 6 to 7 ft. (e.) If the joist exceeds *six feet*, and does not exceed *seven feet* in clear bearing, it shall be *seven and a half inches* in depth and *three inches* in thickness :
- 7 to 8 ft. (f.) If the joist exceeds *seven feet*, and does not exceed *eight feet* in clear bearing, it shall be *eight inches* in depth and *three inches* in thickness :
- 8 to 10 ft. (g.) If the joist exceeds *eight feet*, and does not exceed *ten feet* in clear bearing, it shall be *nine inches* in depth and *three inches* in thickness :
- 10 to 12 ft. (h.) If the joist exceeds *ten feet*, and does not exceed *twelve feet* in clear bearing, it shall be *ten inches* in depth and *three inches* in thickness :
- 12 to 14 ft. (i.) If the joist exceeds *twelve feet*, and does not exceed *fourteen feet* in clear bearing, it shall be *eleven inches* in depth and *three inches* in thickness :
- 14 to 16 ft. (j.) If the joist exceeds *fourteen feet*, and does not exceed *sixteen feet* in clear bearing, it shall be *twelve inches* in depth and *three inches* in thickness :
- 16 to 18 ft. (k.) If the joist exceeds *sixteen feet*, and does not exceed *eighteen feet* in clear bearing, it shall be *nine inches* in depth and *six inches* in thickness :
- 18 to 20 ft. (l.) If the joist exceeds *eighteen feet*, and does not exceed *twenty feet* in clear bearing, it shall be *eleven inches* in depth and *four and a half inches* in thickness.

TRIMMING AND TRIMMER JOISTS.

(m.) A trimmer joist shall not receive more than six common joists, and the thickness of a trimming joist receiving a trimmer at not more than *three feet* from one end shall be *one inch and a half* greater than the thickness hereinbefore specified for a common joist of the same bearing; and the thickness of a trimmer joist receiving not more than six common joists, shall, for every such joist, be increased by *one quarter of an inch* additional to the thickness hereinbefore specified for a common joist of the same bearing.

BEAMS.

(iv.) He shall, in the construction of the floor of a building of the warehouse class, cause every beam or girder of such floor which is not used to support any wall, pier, or other similar structure, to be of not less than the size and strength following :—

(a.) If the beam exceeds *eight feet*, and does not exceed *ten feet* in clear bearing, it shall be *twelve inches* in depth and *eleven inches* in thickness :

(b.) If the beam exceeds *ten feet*, and does not exceed *twelve feet* in clear bearing, it shall be *thirteen inches* in depth and *twelve inches* in thickness :

(c.) If the beam exceeds *twelve feet*, and does not exceed *fourteen feet* in clear bearing, it shall be *fourteen inches* in depth and *thirteen inches* in thickness :

(d.) If the beam exceeds *fourteen feet*, and does not exceed *sixteen feet* in clear bearing, it shall be *fifteen inches* in depth and *fourteen inches* in thickness :

(e.) If the beam exceeds *sixteen feet*, and does not exceed *eighteen feet* in clear bearing, it shall be *eighteen inches* in depth and *fifteen inches* in thickness :

(f.) If the beam exceeds *eighteen feet*, and does not exceed *twenty feet* in clear bearing, it shall be *twenty-four inches* in depth and *fifteen inches* in thickness.

Public Buildings.

(v.) He shall, in the construction of every floor of a public building, not being a floor in a small room intended to be used for private purposes, or of an ante-room, cause every bearing joist and every beam or girder of such floor which is not used to support any wall, pier, or other similar structure, to be of a sufficient and proper depth and thickness for the purpose for which it is intended, such depth and thickness, in every case where such joists are laid and fixed at distances of not more than *twelve inches* apart, and where such beams are laid and fixed at not more than *eight feet* apart, measured in either case from the middle of one joist or beam to the middle of the next or to the nearest wall, being not less than the thickness hereinbefore prescribed for joists and beams of domestic buildings, and in every other case the depth and thickness being one-fifth greater than the depth and thickness so prescribed.

GENERAL RULES.

8. The requirements of the preceding byelaws relating to roofs and the structure of floors shall be subject to the following rules, that is to say:—

Timbers
of fir or
pine.

(1.) The sizes and strengths hereinbefore prescribed apply only to beams, joists, purlins and rafters of any species of fir or pine of sound and good quality, and if any other kind of wood is used the size and strength of every beam, joist, purlin and rafter, shall be such as may be adequate to secure due stability.

Minimum
size.

(2.) The sizes prescribed for the timbers mentioned in the foregoing rules shall represent the least size and strength which any such timber may have at any part.

Timbers
on edge.

(3.) Every beam, joist, purlin, and rafter, shall be laid and fixed on edge, its greatest side being in a vertical position or nearly so, as may be requisite, and when laid and fixed in such position, the distance between the upper and lower surfaces thereof shall, for the purposes of this byelaw, be deemed to be the depth thereof.

Calcula-
tion of
equal
strength.

(4.) In calculating the size and strength required for any beam or other timber intended to be of a strength equal to or greater than that of any particular beam or other timber of the same length and of the dimensions specified in the byelaw in that behalf, the following method shall be adopted:—In both cases the number of inches in the depth of such beam or other timber shall be multiplied by itself and the product shall be multiplied by the number of inches in the breadth. The number thus obtained shall be taken to represent the strength of such beam or other timber.

Floors of
usual kind.

(5.) The rules relating to joists and beams in floors are applicable only to floors formed of joists laid on edge in the ordinary way and covered with boards.

Floors of
unusual
kind.

(6.) In the case of a framed floor, or of a floor formed with beams at short distances apart, and covered with battens, deals or planks, without joists, the several timbers of such floor shall be of such size and strength as may be adequate to secure due stability.

Distance
apart of
Joists
and
Beams.

(7.) The rules relating to joists and beams in floors are applicable only to joists laid at a distance of not more than *fifteen inches* apart, measured from the middle of one joist to the middle of the next or to the nearest wall, and to beams laid at a distance of not more than *ten feet* apart, measured from the middle of one beam to the middle of the next or the nearest wall. And joists and beams, not exceeding the dimensions

specified in the foregoing rules, shall be laid and fixed at not more than the aforesaid distances apart, namely, *fifteen inches* and *ten feet* respectively:

(i.) Provided that in the case of a floor formed of joists or beams of greater dimensions than the respective dimensions specified, such joists or beams may be laid and fixed at a proportionately greater distance apart than *fifteen inches* and *ten feet* respectively; and

Timbers
larger than
in
Rules.

(ii.) In the case of a floor formed of joists or beams of less dimensions than the respective dimensions specified, or of timber of inferior quality, such joists or beams shall be laid and fixed at a proportionately less distance apart than *fifteen inches* and *ten feet* respectively.

Timbers
smaller than
in
Rules.

(8.) In the case of a floor in which any joist or beam is of a length for which no provision is made in the foregoing rules, such joist or beam shall be of such size and strength as may be adequate to secure due stability, and in any case where herring-bone strutting is constructed between joists, the size and strength of such joists may be reduced by such an amount as is equivalent to the strength represented by the strutting.

Lengths
not in
Rules.

(9.) The rules relating to rafters and purlins in roofs are applicable only to roofs formed of rafters and purlins laid in the ordinary way and covered with slates of the usual kind.

Roofs of
usual
kind.

(10.) In the case of a roof formed of coupled rafters or of rafters laid horizontally, or in the case of a boarded roof covered with slates, or in the case of a roof covered with glass, lead tiles, stone, iron, cement, or other material not being slates of the usual kind, the several timbers of such roof shall be of such size and strength as may be adequate to secure due stability.

Roofs of
unusual
kind.

(11.) The rules relating to rafters and purlins in roofs are applicable only to rafters laid at a distance of not more than *fifteen inches* apart, measured from the middle of one rafter to the middle of the next or to the nearest wall, and to purlins laid at a distance of from *six* to *nine feet* apart, measured from the middle of one purlin to the middle of the next or to the ridge or to the bearing upon the wall. And rafters and purlins not exceeding the dimensions specified, shall be laid and fixed at not more than the aforesaid distances apart, namely, *fifteen inches* and *nine feet* respectively:

Distance
apart of
Rafters
and
Purlins.

Provided that—

(i.) In the case of a roof formed of rafters or purlins of greater dimensions than the respective dimensions specified, such rafters or purlins may be laid and fixed at a propor-

Timbers
larger than
in
Rules.

tionately greater distance apart than *fifteen inches* and *nine feet* respectively.

Timbers
smaller
than in
Rules.

(ii.) In the case of a roof formed of rafters or purlins of less dimensions than the respective dimensions specified, such rafters or purlins shall be laid and fixed at a proportionately less distance apart than *fifteen inches* and *six feet* respectively.

Lengths
not in
Rules.

(12.) In the case of a roof in which any rafter or purlin is of a length for which no provision is made in the foregoing rules, such rafter or purlin shall be of such size and strength as may be adequate to secure due stability.

With respect to floors and staircases.

9. Every person who shall erect a new public building shall construct the floor of every lobby, corridor, passage, and landing, and every flight of stairs in any staircase in such building, and all the supports of every such floor and flight of stairs, of stone or other incombustible and fire-resisting material, and of adequate strength.

Provided always, that the foregoing requirements shall not apply to the floor of a lobby, corridor, passage, or landing, or to any flight of stairs intended to be used otherwise than as means of access to any part of a public building intended to be used for any public purpose.

With respect to the keeping of waterclosets supplied with sufficient water for flushing.

10. The occupier of any premises in or for which any water-closet shall be provided shall cause such water-closet to be at all times properly supplied with a sufficient quantity of water for the proper flushing thereof.

Where, however, any water-closet is provided for the use of persons occupying two or more separately occupied premises, the foregoing requirement shall apply to the person having the care and control of such water-closet.

Penalties.

11. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty

of *five pounds*, and in the case of a continuing offence to a further penalty of *forty shillings* for each day after written notice of the offence from the Sanitary Authority :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this byelaw.

As to the power of the Sanitary Authority to remove, alter, or pull down any work begun or done in contravention of the byelaws.

12. If any work to which any of the foregoing byelaws may apply be begun or done in contravention of any such byelaw, the person by whom such work shall be so begun or done, by a notice in writing, which shall be signed by the clerk to the Sanitary Authority, and shall be duly served upon or delivered to such person, shall be required on or before such day as shall be specified in such notice by a statement in writing under his hand or under the hand of an agent duly authorized in that behalf, and addressed to and duly served upon the Sanitary Authority, to show sufficient cause why such work shall not be removed, altered, or pulled down; or shall be required on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorized in that behalf before the Sanitary Authority, and show sufficient cause why such work shall not be removed, altered, or pulled down.

If such person shall fail to show sufficient cause why such work shall not be removed, altered, or pulled down, the Sanitary Authority shall be empowered, subject to any statutory provision in that behalf, to remove, alter, or pull down such work.

J. M. PORTER

MODEL
BYELAWS

FOR THE USE OF

Sanitary Authorities.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

WITH RESPECT TO

Nuisances in Connexion with the Removal
of Offensive or Noxious Matters.

SECOND EDITION, REVISED.

I.

London:

KNIGHT & CO., 90 FLEET STREET.

1891.

[COPYRIGHT.]

MEMORANDUM.

By section 26 (1) contained in Part III. of the Public Health Acts Amendment Act, 1890, it is provided that—

“An Urban Authority may make byelaws in respect of the following matters, namely :—

- “(a.) For prescribing the times for the removal or carriage through the streets of any foecal or offensive or noxious matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through their district :
- “(b.) For providing that the vessel, receptacle, cart or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid :
- “(c.) For compelling the cleansing of any place whereon such matter or liquid shall have been dropped or spilt in such removal or carriage.”

The accompanying model byelaws are limited to the few matters with which the sub-section deals, and no explanation of their purpose is necessary. It may, however, be desirable to point out as regards number two, that in the case of a byelaw made under section 44 of the Public Health Act, 1875, and limited to filth removed from any privy, cesspool, or receptacle, or from premises situated within a certain distance from a street or other premises, the Local Government Board have insisted on the removal taking place during the hours of daylight, and have agreed to the time being fixed at from six to half-past eight a.m. from March to October, and seven to half-past nine a.m. from November to February.

These byelaws require the confirmation of the Local Government Board, as by section 9 of the Public Health Acts Amendment Act, 1890, all the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act, 1875, are rendered applicable.

In a Circular which the Local Government Board issued some years ago, in reference to byelaws under the Public Health Act, 1875, it is stated as follows:—

“It is provided by section 182 that ‘no byelaw made under this Act by a Local Authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.’ From this enactment several important rules may be deduced. A byelaw to be in harmony with the laws of England must be certain and determinate, and likewise reasonable, and hence arises the necessity for the use of certain and definite language in prescribing rules which are destined to have, locally, the binding effect of a statute.”

“The Board have, from time to time, had occasion to point out to Sanitary Authorities that the assumption in their byelaws of the power of suspending the operation of particular provisions in individual cases is open to much objection. Frequently the conditions under which this power may be exercised have been left undetermined in the byelaws; and the result is to impart a general uncertainty to provisions of which the precise scope should be clearly defined. * * * * * The Board think that every person who, by neglect of the rules which a byelaw is intended to prescribe, may be rendered liable to a penalty is entitled to demand from those who impose such rules a clear statement of the course of action which must be followed or avoided.”

It must always be remembered that byelaws are designed to supplement, and not to vary or supersede the express provisions of the statute law. A byelaw which merely repeats a statutory enactment is, to that extent, surplusage, and a byelaw which aims at altering or amending such an enactment is rendered invalid by the proviso in section 182 of the Public Health Act, 1875.

Before any byelaw is adopted, a draft of it should be submitted to the Local Government Board for their preliminary approval. When this has been obtained, the provisions of

section 184 of the Public Health Act, 1875, should be complied with. These require that notice of intention to apply for confirmation must be given in one or more of the local newspapers, circulated within the district to which the byelaws relate, one month at least before the making of the application; and, for one month at least before the application, a copy of the proposed byelaws must be kept at the office of the Sanitary Authority, and must be open during office hours thereat for the inspection of the ratepayers of the district to which the byelaws relate, without fee or reward. Further, the clerk of the Sanitary Authority is required, on the application of any ratepayer, to furnish him with a copy of the proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in the copy.

Section 183 of the Act empowers the Sanitary Authority to impose on offenders such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence. A penalty clause to that effect is included in the Model Series.

T. E. Samy

PUBLIC HEALTH AGTS AMEND-
MENT ACT, 1890.
Section 26.

*Byelaws as to Nuisances from
Carriage of Filth.*

BYELAWS

Made by the¹

*as the² Sanitary Authority for the
District of³*

*as to Nuisances in connection with the removal of offensive
or noxious matters.*

Interpretation of Terms.

1. Throughout these byelaws the expression "the Sanitary Authority" means the¹

*as the² Sanitary Authority ; and the
expression "the District" means the²
Sanitary District of³*

*For prescribing the times for the removal or carriage through the
streets of any faecal or offensive or noxious matter or liquid,
whether such matter or liquid shall be in course of removal
or carriage from within or without or through the district.*

2. A person who shall remove or carry through any street in the district, any faecal or offensive or noxious matter or liquid,

¹ "Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council ;" or "Local Board for the District of _____, acting ;" or "Improvement Commissioners for the District of _____, acting ;" or "Guardians of the Poor of the _____ Union, acting" as the case may be.

² Insert "Urban" or "Rural."

³ Insert the name of the District.

whether such matter or liquid shall be in course of removal or carriage from within or without or through the district, shall not remove or carry such matter or liquid through such street except between the hours of _____ and _____ in the _____ noon, and _____ and _____ in the _____ noon, during the months of March, April, May, June, July, August, September, and October, and except between the hours of _____ and _____ in the _____ noon _____ and _____ in the _____ noon, during the months of November, December, January, and February.⁴

Provided always that this byelaw shall not be taken to apply to the removal or carriage of horse dung manure.

For providing that the vessel, receptacle, cart, or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid.

3. A person who shall remove or carry through any street in the district, any faecal or offensive or noxious matter or liquid whether such matter or liquid shall be in course of removal or carriage from within or without or through the district, shall use a suitable vessel or receptacle, properly constructed and furnished with a sufficient covering so as to prevent the escape of any such matter or liquid :

Provided always that this byelaw shall not be taken to apply to the removal or carriage of horse dung manure.

For compelling the cleansing of any place whereon any such matter or liquid shall have been dropped or spilt in such removal or carriage.

4. If in the process of removal or carriage through any street in the district of any faecal or offensive or noxious matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without or through the district, any person shall drop or spill or cause or allow to be dropped or spilt upon any footway, pavement, or carriageway any such matter or liquid, he shall forthwith remove such matter or liquid from the place whereon the same may have been

⁴The hours to be inserted here should be during daylight, as the Local Government Board will not agree to hours being fixed which are those of the night. See "Knight's Annotated Model Byelaws."

dropped or spilt, and shall immediately thereafter thoroughly sweep or otherwise thoroughly cleanse such place.

Penalties.

5. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of *five pounds* :

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence, may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this byelaw.

MODEL BYELAWS

FOR THE USE OF

Sanitary Authorities.

PUBLIC HEALTH ACTS AMENDMENT
ACT, 1890.

WITH RESPECT TO

The Prevention of Danger from Whirligigs,
Shooting Galleries, &c.

SECOND EDITION, REVISED.

K.

London:
KNIGHT & CO., 90 FLEET STREET.

1891.

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MEMORANDUM.

By section 38 contained in Part III. of the Public Health Acts Amendment Act, 1890 (53 and 54 Vict. c. 59), it is enacted as follows:—

“38. An Urban Authority may make byelaws for the prevention of danger from whirligigs and swings when such whirligigs and swings are driven by steam power, and from the use of firearms in shooting ranges and galleries.”

The accompanying byelaws are drawn up under the above enactment, and they relate to such general matters as are likely to require control. Special circumstances may in some cases necessitate the addition of further clauses by Sanitary Authorities adopting this series, but no clauses should be added which do not clearly come within the scope of the enactment.

These byelaws require the confirmation of the Local Government Board, as by section 9 of the Public Health Acts Amendment Act, 1890, all the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act, 1875, are rendered applicable.

In a circular which the Local Government Board issued some years ago, in reference to byelaws under the Public Health Act, 1875, it is stated as follows:—

“It is provided by section 182 that ‘no byelaw made under this Act by a Local Authority shall be of any effect if repugnant to the laws of England or to the provisions of this Act.’ From

this enactment several important rules may be deduced. A byelaw to be in harmony with the laws of England must be certain and determinate, and likewise reasonable, and hence arises the necessity for the use of certain and definite language in prescribing rules which are destined to have, locally, the binding effect of a statute."

"The Board have from time to time had occasion to point out to Sanitary Authorities that the assumption in their byelaws of the power of suspending the operation of particular provisions in individual cases is open to much objection. Frequently the conditions under which this power may be exercised have been left undetermined in the byelaws; and the result is to impart a general uncertainty to provisions of which the precise scope should be clearly defined. * * * * * The Board think that every person who, by neglect of the rules which a byelaw is intended to prescribe, may be rendered liable to a penalty, is entitled to demand from those who impose such rules a clear statement of the course of action which must be followed or avoided."

It must always be remembered that byelaws are designed to supplement, and not to vary or supersede the express provisions of the statute law. A byelaw which merely repeats a statutory enactment is, to that extent, surplusage, and a byelaw which aims at altering or amending such an enactment is rendered invalid by the proviso in section 182 of the Public Health Act, 1875.

Before any byelaw is adopted, a draft of it should be submitted to the Local Government Board for their preliminary approval. When this has been obtained, the provisions of section 184 of the Public Health Act, 1875, should be complied with. These require that notice of intention to apply for confirmation must be given in one or more of the local newspapers, circulated within the district to which the byelaws relate, one month at least before the making of the application; and, for one month at least before the application, a copy of the proposed byelaws must be kept at the office of the Sanitary Authority, and must be open during office hours thereat for the inspection of the ratepayers of the district to which the byelaws relate

without fee or reward. Further, the clerk of the Sanitary Authority is required, on the application of any ratepayer, to furnish him with a copy of the proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in the copy.

Section 183 of the Act empowers the Sanitary Authority to impose on offenders such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence. A penalty clause to that effect is included in the Model Series.

J. E. Parry

PUBLIC HEALTH ACTS AMEND-
MENT ACT, 1890.
Section 38.

Whirligigs, Shooting Galleries, &c.

BYELAWS

Made by the¹

*as the² Sanitary Authority for the
District of³*

*for the prevention of danger from Whirligigs and Swings,
and from the use of Firearms in Shooting Ranges and
Galleries.*

Interpretation of Terms.

1. Throughout these byelaws the expression "the Sanitary Authority" means the¹

as the² Sanitary Authority; the
expression "the District" means the²
Sanitary District of³; and the
expression "Target" includes the whole of a screen or other
portion of a shooting range or gallery on which it is intended
that missiles may fall, but does not include any article or thing
placed in front of a screen as an object to be fired at.

¹ "Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council;" or "Local Board for the District of _____, acting;" or "Improvement Commissioners for the District of _____, acting;" or "Guardians of the Poor of the _____ Union, acting" as the case may be.

² Insert "Urban" or "Rural."

³ Insert the name of the District.

For the prevention of danger from Whirligigs and Swings, when such Whirligigs and Swings are driven by steam power.

2. A person who shall cause or suffer any whirligig or swing driven by steam power, to be let or used for hire, shall comply with the following regulations, that is to say:—

He shall cause every such whirligig or swing to be so placed that it shall have a free space around it on every side, equal at least to its greatest height:

He shall cause every such whirligig or swing to be firmly and properly fixed, and erected so that it may be used for the purpose for which it is intended, without danger to any person:

He shall cause every such whirligig or swing to be under the management and control of not less than two competent persons during the whole time that it may be driven by steam power, and he shall cause one of such persons to be exclusively occupied in taking charge of the apparatus by which such steam power is applied to the whirligig or swing:

He shall not cause or suffer a greater number of persons to use such whirligig at any one time than the number for which sitting accommodation is provided therein or thereon:

He shall not cause or suffer such whirligig or swing to be at any time worked at a greater speed than shall be consistent with the safety of every person riding on or in, or using the same.

3. A person who shall ride on or in, or who shall use a whirligig or swing driven by steam power, shall not do any act whereby his own safety, or the safety of any other person may be endangered.

4. The person having control of the apparatus by which steam power is applied to a whirligig or swing, immediately on his becoming aware that any person in or on, or using such whirligig or swing is ill, or desires to dismount therefrom, shall cause such whirligig or swing to be brought to a standstill as speedily as may be practicable.

For the prevention of danger from the use of Firearms in Shooting Ranges and Galleries.

5. A person who shall let out for hire any firearms in a shooting range or gallery to which the public have access, either by payment or otherwise, shall comply with the following regulations, that is to say:

He shall cause every target in such shooting range or gallery to be constructed of iron of such a thickness in every part as to be capable of resisting any missile intended to be shot thereon, so as to provide complete protection against danger to every person in or about such range or gallery:

He shall not cause or suffer any firearms to be used in a shooting range or gallery for the purpose of firing at any target, unless such target shall be capable of resisting any missile intended to be shot thereat:

He shall cause every target to be securely and safely fixed, so that its position cannot be altered by the missiles shot at and falling thereon:

He shall cause every part of a shooting range or gallery other than a target to be so constructed and fitted as to provide complete protection against danger to every person in or about such range or gallery.

6. A person who shall use any firearms in a shooting range or gallery, shall at all times whilst such firearms may be loaded, keep the same directed towards a target, and he shall not whilst such firearms may be loaded, remove the same from the shooting range or gallery.

Penalties.

7. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuing offence to a further penalty of *forty shillings* for each day after written notice of the offence from the Sanitary Authority:

Provided nevertheless, that the justices or court before whom any complaint may be made, or any proceedings may be taken, in respect of any such offence, may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this byelaw.

MODEL BYELAWS

FOR THE USE OF

Sanitary Authorities.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

WITH RESPECT TO

THE ALTERATION OF BUILDINGS.

L.



London :

KNIGHT & CO., 90 FLEET STREET.

1891.

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MEMORANDUM.

By section 23 of the Public Health Acts Amendment Act, 1890, it is provided as follows:—

“(4.) Every local authority may make byelaws to prevent buildings which have been erected in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so constructed they would have contravened the byelaws.”

The accompanying Model Series has been framed with a view of assisting local authorities in the adoption of byelaws which would enable them to take advantage of the new powers now placed within their reach.

The byelaws comprised in this series require the confirmation of the Local Government Board, as by section 9 of the Public Health Acts Amendment Act, 1890, all the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act, 1875, are rendered applicable.

Before any byelaw is adopted, a draft of it should be submitted to the Local Government Board for their preliminary approval. When this has been obtained, the provisions of section 184 of the Public Health Act, 1875, should be complied with. These require that notice of intention to apply for confirmation must be given in one or more of the local newspapers, circulated within the district to which the byelaws relate, one month at least before the making of the application; and, for one month at least before the application, a copy of the proposed byelaws must be kept at the office of the Sanitary Authority, and must be open during office hours thereat for the inspection of the ratepayers of the district to which the byelaws relate, without fee or reward. Further, the clerk of the Sanitary Authority is required, on the application of any ratepayer, to furnish him with a copy of the proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in the copy.

Section 183 of the Act empowers the Sanitary Authority to impose on offenders such reasonable penalties as they think fit, not exceeding the sum of *five pounds* for each offence, and in the case of a continuing offence a further penalty not exceeding *forty shillings* for each day after written notice of the offence. A penalty clause to that effect is included in the Model Series.

J. C. Perry

PUBLIC HEALTH ACTS AMEND-
MENT ACT, 1890.
Section 23.

*Byelaws as to Alterations in
Buildings.*

BYELAWS

*Made by the*¹

*as the*²

Sanitary Authority for the

*District of*³

as to the alteration of buildings.

Interpretation of Terms.

1. Throughout these byelaws the expression "the Sanitary Authority" means the¹

*as the*²

*Sanitary Authority; and the expression "the District" means the*²
*Sanitary District of*³

¹ "Mayor, Aldermen, and Burgesses of the Borough of _____, acting by the Council;" or "Local Board for the District of _____, acting;" or "Improvement Commissioners for the District of _____, acting;" or "Guardians of the Poor of the _____ Union, acting" as the case may be.

² Insert "Urban" or "Rural."

³ Insert the name of the District.

For preventing buildings, which have been erected in accordance with byelaws made under the Public Health Acts, from being altered in such a way that, if at first so constructed, they would have contravened the byelaws.

2. Where any building has been erected in accordance with the requirements of any byelaws made under the Public Health Acts and in force at the time of such erection, no person shall alter such building in such a way that the same as altered would, if at first so constructed, have contravened any such byelaws.

As to the giving of notices, deposit of plans and sections by persons intending to alter buildings; and as to inspection by the Sanitary Authority.

3. Every person who shall intend to alter a building, in regard to any matter as to which a byelaw was in force when such building was erected, shall give to the Sanitary Authority notice in writing of such intention, which shall be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, and shall at the same time deliver or send, or cause to be delivered or sent to their clerk at his or their office, or to their surveyor at his or their office, complete plans and sections of every such intended alteration, which shall be drawn to a scale of not less than *one inch* to every *eight feet*, and shall show the position, form, and dimensions of the several parts of such building intended to be altered.

Such person shall at the same time deliver or send, or cause to be delivered or sent, to the clerk to the Sanitary Authority at his or their office, or to their surveyor at his or their office, a description in writing of the materials of which it is intended that the proposed alteration of such building shall be constructed.

Such person shall at the same time deliver or send, or cause to be delivered or sent, to the clerk to the Sanitary Authority at his or their office, or to their surveyor at his or their office, a block plan of the proposed alteration of such building, which

shall be drawn to a scale of not less than *one inch* to every *forty-four feet*.

4. In every case :—

Where a person who shall alter a building, shall, at any reasonable time during the progress or after the completion of the alteration of such building, receive from the surveyor of the Sanitary Authority notice in writing specifying any matters in respect of which the alteration of such building may be in contravention of any byelaw relating to buildings which was in force when such building was erected, and requiring such person within a reasonable time, which shall be specified in such notice, to cause anything done contrary to any such byelaw to be amended, or to do anything which by any such byelaw may be required to be done but which has been omitted to be done :—

Such person shall, within the time specified in such notice, comply with the several requirements thereof so far such requirements relate to matters in respect of which the alteration of such building, if at first so constructed, would have been in contravention of any such byelaw.

Such person, within a reasonable time after the completion of any work which may have been executed in accordance with any such requirement, shall deliver or send, or cause to be delivered or sent, to the surveyor of the Sanitary Authority at his or their office, notice in writing of the completion of such work, and shall at all reasonable times, within a period of *seven* days after such notice shall have been so delivered or sent, afford such surveyor free access to such work for the purpose of inspection.

5. Every person who shall alter a building in regard to any matter as to which a byelaw was in force when such building was first erected shall, at all reasonable times, during the alteration of such building, afford the surveyor of the Sanitary Authority free access to such building, for the purpose of inspection.

Penalties.

6. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty

of *five pounds*, and in the case of a continuing offence to a further penalty of *forty shillings* for each day after written notice of the offence from the Sanitary Authority.

Provided nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this byelaw.



