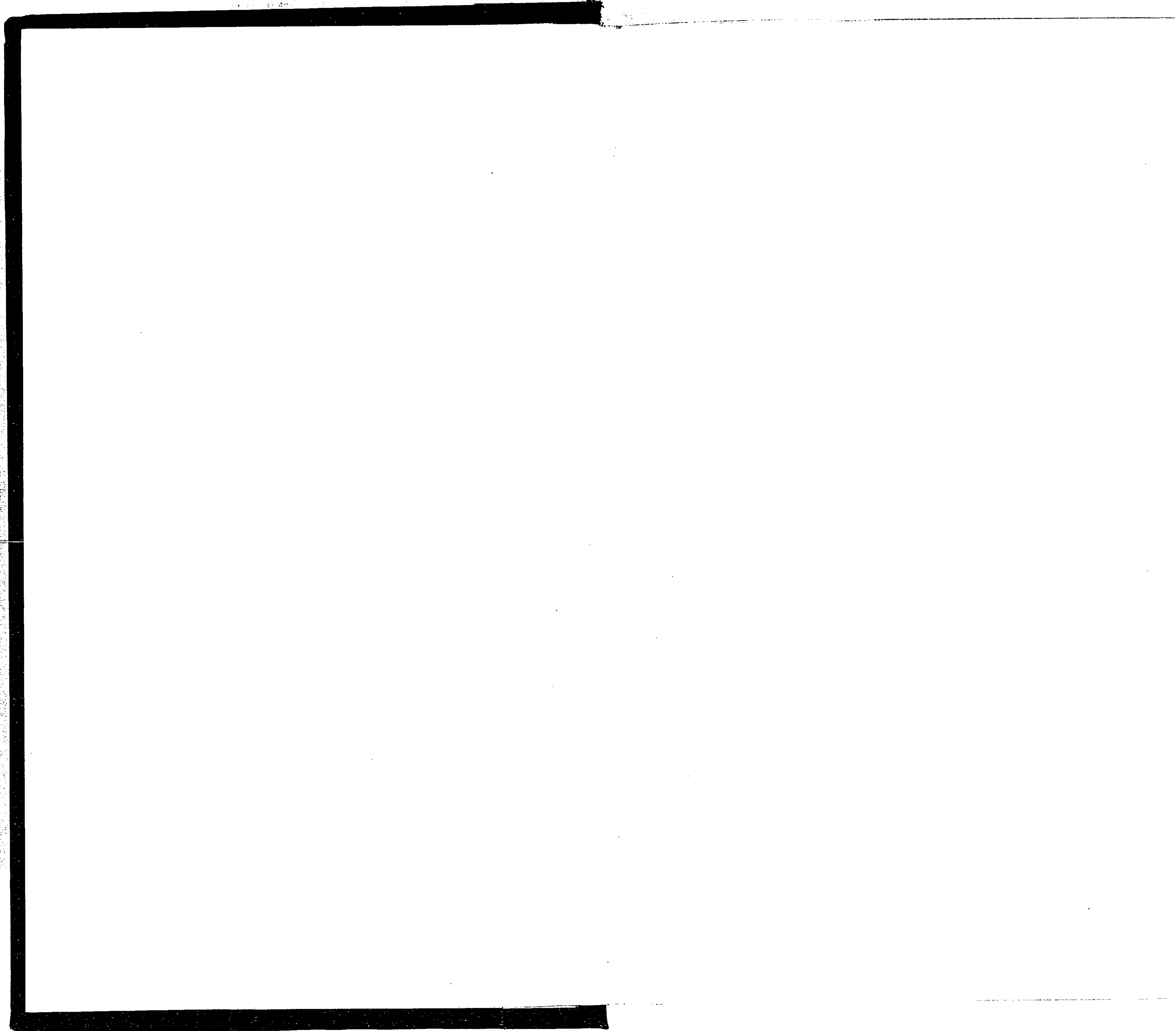


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**THE
PUBLIC HEALTH
ACT, 1936**

THE PUBLIC HEALTH ACT, 1936

By

HAROLD B. WILLIAMS, LL.D. (Lond.)

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW
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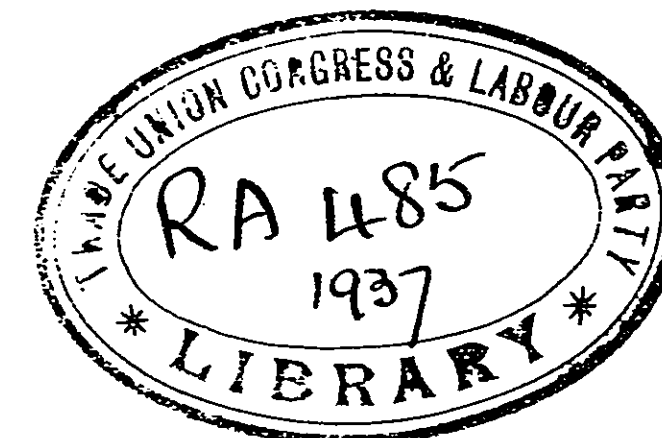
OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW

With Introduction by

SIR ARTHUR MAULE OLIVER, M.A., O.B.E.

SOLICITOR, TOWN CLERK AND CLERK OF THE PEACE, CITY AND
COUNTY BOROUGH OF NEWCASTLE-UPON-TYNE

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PREFACE

The Public Health Act, 1936, received the Royal Assent on 31st July, 1936, and will come into operation on 1st October, 1937. In the meantime it will be necessary for those responsible for public administration to become acquainted with the alteration in the law effected by the Act. It is doubtful whether an exhaustive treatise on the Act, dealing not only with the alteration in the law but also with the extensive alteration in the language in which familiar provisions are expressed, and the effect of this alteration in language on the validity of decisions based on the language of the former Acts, can be produced before October, 1937.

I have therefore accepted the Publishers' invitation to prepare a shorter book, which can be available in a reasonable time, to assist in the study of the Act, and I hope the notes on the 347 sections, together with Sir Arthur Oliver's comprehensive introduction, will serve this purpose.

I have endeavoured to give complete references to the sections of the former Acts which are replaced or reproduced in the Act, and for the convenience of those who are familiar with those Acts I have included two tables of reference to the corresponding sections. A table of incorporated provisions is also included.

The Act is based on a Bill drafted by the Local Government and Public Health Consolidation Committee, and the Second Interim Report of that Committee, annotated to facilitate reference to the Act, is printed in full. A study of this Report is of material assistance in

understanding the alterations in the law and the reasons for those alterations, though it must not be assumed that the meaning of the Act necessarily corresponds with the intention of the Committee. I am indebted to the Controller of H.M. Stationery Office for his courtesy in permitting me to reproduce this Report (Cmd. 5059) and the Report by the Joint Committee of the House of Lords and the House of Commons on Public Sewers (Contributions by Frontagers) (H.L. 123; H. C.122).

Each Part of the Act, except Part XII, is in substance a code in itself in relation to one or more subjects and I have prefaced each Part with an introductory note calling attention to the more important matters dealt with in that Part.

I have commented in the Introductory Note to Part II (p. 69, *post*) on the nature and extent of the right of appeal under the Act, and the necessity of giving notice of this right in any document notifying a decision against which an appeal lies.

It will be observed that it is not provided that the Act is to be construed as one with the Public Health Acts. It follows that general provisions relating to such matters as compensation, appeals, service of notices, right of entry, etc., in the earlier Acts do not apply to this Act, and appropriate provision is made in the Act. It also follows that procedure under this Act is not available in respect of the unrepealed provisions of the earlier Acts, and that definitions used in the earlier Acts do not extend to this Act, even when an expression is not given a statutory meaning in this Act.

In *Portsmouth Corporation v. Smith* (1885), 10 A. C. 364; 24 Digest 274, 128; 42 Digest 666, 770, Lord Blackburn said that the practice of introducing interpretations into Acts had become inveterate. In this Act 121 words and expressions are defined, of which 9 have two distinct

meanings, so that there may be said to be 130 definitions. These are contained in 38 sections of the Act. Of these 38 sections, no less than 7, including the "interpretation" section (s. 343), contain definitions applicable to the whole Act. In addition 12 sections contain definitions applicable to Parts of the Act, 16 sections contain definitions limited to a single section, 2 contain definitions limited to two sections and one contains definitions limited to a group of fourteen sections. When it is said that 12 sections contain definitions applicable to Parts of the Act it must be added that in two cases the meaning of a word extends to a single section outside the Part, once by reference and once by re-definition in the same meaning.

The sections which contain definitions are ss. 1, 2, 17, 20, 24, 27, 37, 62, 64, 87, 90, 92, 93, 94, 101, 103, 107, 110, 121, 142, 144, 151, 172, 184, 185, 199, 200, 206, 220, 235, 258, 268, 269, 284, 326, 327, 341, 343.

It has therefore seemed desirable to prepare a consolidated Table of these definitions for convenience of reference and an attempt has been made in the notes to each section to refer to the definition section appropriate to each defined word or expression. It has not been thought necessary constantly to remind readers that "the Minister" means the Minister of Health, but other expressions often repeated are noted. The expression "local authority" occurs throughout the Act, but it is as well to bear its meaning in mind and it is included in the notes.

I am conscious that I may here and there have failed to detect the use of one of nearly a gross of defined terms. For these and other errors that may have passed unobserved I cannot more aptly express my regret than in the words used by a great Master of the Common Law, in a work in which I am not aware that it has ever been possible to discover an error—

“ animum erexi ad vetera judicia justorum perscrutanda diligenter non sine vigiliis et labore . . . postulans a lectore, ut si quid superfluum vel perperam positum in hoc opere invenerit, illud corrigat et emendet, vel conniventibus oculis pertranseat, cum omnia habere in memoria et in nullo peccare, divinum sit potius quam humanum.”¹

In addition to the constant and valuable assistance which Mr. W. L. Roots, of the Middle Temple, has given me throughout the preparation of the book, I am indebted to Mr. Stanley Prescott, of Grays Inn, for very important help in the compilation of indexes and the references to definitions.

HAROLD B. WILLIAMS.

2 MITRE COURT BUILDINGS,
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31st December, 1936.

¹ Bracton, Lib. I, Cap. I. fo. 1.

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THE ENGLISH AND EMPIRE DIGEST

After each case mentioned in the Table of Cases and in the text, in addition to the usual citation of the report, there will be found a reference to the volume, page, and number at which the case appears in the Digest. Thus:

Hill v. Wallasey Local Board, [1894] 1 Ch. 133; 43 Digest
1062, 34.

HALSBURY'S COMPLETE STATUTES OF ENGLAND

After each reference to a section of an Act there will be found a reference to the volume and page of Halsbury's Complete Statutes of England at which the text is printed in full. Thus:

Public Health Act, 1875, s. 285; 13 Halsbury's Statutes
744.

ABBREVIATIONS

L.G.A.	Local Government Act.
L.G.B.	Local Government Board.
P.H.A.	Public Health Act.
P.H.A.A.	Public Health Acts Amend- ment Act.
R.D.C.	Rural District Council.
T. & C.P.A.	Town and Country Planning Act.
U.D.C.	Urban District Council.
Second Interim Report.	Second Interim Report of the Local Government and Public Health Consolida- tion Committee.
Lumley	Lumley's Public Health Acts, 10th Edn., by Joshua Scholefield, K.C., and Erskine Simes, M.A.

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PART I INTRODUCTION

INTRODUCTION.

Commencement of Act. 1st October, 1937 (s. 347).

The Public Health Act, 1936, is the second of a series of Acts which the Local Government and Public Health Consolidation Committee recommended. The first was the Local Government Act, 1933, and the present Act is based upon the recommendations of the second interim report of that Committee, who propose to make still further recommendations for the consolidation and amendment of other statutory provisions relating to public health.

The Committee were appointed by Mr. Greenwood, when Minister of Health, the terms of reference, so far as public health matters are concerned, being: With a view to consolidation of the enactments applying to England and Wales, exclusive of London, and dealing with matters relating to public health, to consider under what headings these enactments should be grouped in consolidating legislation, and what amendments of the existing law are desirable for facilitating consolidation and securing simplicity, uniformity and conciseness.

The Minister explained that the expression *enactments relating to public health* was not intended to be limited to the Public Health Acts themselves, but that it was intended to include analogous services such as those relating to maternity and child welfare and the welfare of the blind.

The Act of 1936 deals with provisions of a strictly public health character relating to the prevention and treatment of disease, that is, as regards environment, to such matters as drains and sewers, buildings, water supply and the abatement of nuisances, and as regards personal hygiene to such matters as the provision of hospitals, maternity centres and the like.

The Public Health Acts contained provisions dealing with the structure of local government, which have been incorporated in the Local Government Act, 1933, and in addition to the matters dealt with in the Act now under consideration, they deal with other matters which will be the subject of future reports. These are principally streets and building lines, food, recreation grounds, etc., burial and cremation, offences in streets and places of public resort and river pollution.

There are other matters which might be deemed to be included within the ambit of the reference to the Committee such as housing, lunacy and mental deficiency, but as these are dealt with by statutory provisions which in themselves form special codes, the Committee do not propose to deal with them excepting with regard to some minor details.

On the other hand, there are subjects closely akin to the provisions of the Public Health Acts themselves which have been dealt with by the Committee, such as the Maternity and Child Welfare Act, 1918, Nursing Homes Registration Act, 1927, Part I of the Children Act, 1908 (as amended by the Children and Young Persons Act, 1932), the Canal Boat Acts and the Baths and Washhouses Acts, with a number of sections of other Acts which has been considered advantageous to incorporate in the Public Health Act.

The Blind Persons Act, 1920, has not been dealt with for the reason that it does not deal with preventive or curative treatment.

The Committee wisely determined that the Public Health Act, 1875 (Support of Sewers) Amendment Act, 1883, applying a mining code to works and sewerage and other works should be left outstanding.

As in the case of the Local Government Act, 1933, the Committee considered whether it was desirable that the normal procedure should be adopted of introducing a Bill embodying amendments of the existing law, to be followed by a Consolidation Bill incorporating the amendments so made. Their examination of the Public Health law led them to the same conclusion as they came to in their report on local government administration, and they accordingly decided to recommend the introduction of a Bill amending and consolidating the existing Statutory provisions of a strictly public health character.

PART I.—LOCAL ADMINISTRATION.

Local authorities.—The Act begins with a general enactment that subject to certain exceptions it shall be the duty of county councils and certain special authorities to carry the Act into execution.

It defines *local authority* as meaning the council of a borough, urban district or rural district, thus giving to that expression a different meaning to that contained in

the Local Government Act, 1933, where it includes county councils and parish councils. In public health administration the functions of county councils and parish councils are so different in many respects from those of urban and rural councils (the old *sanitary authorities*) that the inclusion of all types of local authorities in a comprehensive definition would be inconvenient in a Public Health Act.

Port health authorities.—*Port sanitary districts* and *port sanitary authorities*, including the district and authority of the Port of London, are styled *port health districts* and *port health authorities* (s. 5).

The Act consolidates the provisions of the Public Health Act, 1875, the Public Health (Ships) Act, 1885, and the Public Health (Ports) Act, 1896, relating to port sanitary districts and authorities, substantially without amendment. It provides for the incorporation of port health authorities as joint boards, similar in constitution to joint boards authorised by s. 6 of the Act (ss. 1–5, 9, 10, 309).

Joint boards.—Districts or parts of districts of local authorities may be united by Order of the Minister of Health for any purposes of the Acts or of the earlier Public Health Acts on the application of the local authorities concerned, and if this be done, the governing body shall, for the purposes for which unification has been effected, be a joint board. The joint board will consist of representatives of the local authorities of the constituent districts, or parts of districts, together with representatives of the county council, if that council undertakes to make annual contributions to the expenses of the board. (Power is given to county councils to contribute towards expenses of public health services of district councils by s. 57 of the Local Government Act, 1933). The number of county council representatives must, however, be less than one half of the total number of the board. A joint board so formed will have perpetual succession and a common seal, with power to hold land for the purposes of their constitution without licence in mortmain. An Order of the Minister for constitution of a joint board, if objected to by a local authority concerned will be provisional only until confirmed by Parliament (s. 6).

The old provision authorising the inclusion of ex-officio members upon joint boards (Public Health Act, 1875, s. 280) has not been re-enacted.

For county and county borough councils similar joint boards may be formed by an order of the Minister of Health

and with the consent of the constituent councils, for the discharge of any of their functions under the Act, but such an Order is not liable, as in the case of Orders made under ss. 2 and 6, to become provisional on objection. Joint Committees formed under the Public Health (Tuberculosis) Act, 1921, will be styled joint boards (s. 8).

Orders made by the Minister of Health for the constitution of port health districts, united districts or joint boards may contain such consequential and supplemental provisions as appear to him to be necessary, including provisions for settlement of differences arising in consequence of the operation of the order and provisions for transfer of property and liabilities, etc. The language of ss. 275 and 281 of the Public Health Act, 1875, has here been adopted in much shortened and simplified form.

Any such orders whether or not confirmed by Parliament may be amended or revoked by subsequent order, but if objection is made by any constituent authority to any such amending or revoking order it will become provisional only until confirmed by Parliament. It is to be noted that such an order, not objected to, may alter or revoke an order which has been confirmed by statute. This follows the precedent of s. 135 of the Local Government Act, 1933. On the other hand, if objection is raised, it will be necessary to obtain the confirmation of Parliament for an amendment or revocation of an order which itself has never received statutory confirmation (s. 9).

Division of districts, etc.—Urban authorities may divide their districts for the purposes of the Act and may vary or discontinue such division (s. 11).

In the re-enactment of the Sections of the Public Health Act, 1875, which authorise the constitution and dissolution of special drainage districts in rural areas (ss. 277, 270 (3)), the expression *special purpose area* is substituted for *special drainage district*, for the reason that the powers were not and will not be limited to drainage purposes alone (s. 12).

The condition that no dissolution of such an area could be effected without provisional order if a loan for works had been raised, is not repeated, because such a loan either past or future is now charged upon the whole of the revenues of the council by virtue of s. 197 of the Local Government Act, 1933.

In rural areas or in contributory places therein, rural authorities may, by Order of the Minister of Health, be invested with the powers of the Act which are in force in

urban districts, if due application is made for that purpose (s. 13). This is a re-enactment of existing powers (Public Health Acts, 1875, s. 276; 1890, s. 5; 1925, s. 4; Local Government Act, 1894, s. 25), but it is to be noted that where application is made by persons and not by councils, the admissibility of the application is now to be governed by the number of the applicants (who must be local government electors) and not by the amount of their rateable possessions.

PART II.—SANITATION AND BUILDINGS.

Sewerage and sewage disposal.—It would have been impossible for Parliament to simplify and clarify the law relating to sewers and drains by a measure of mere consolidation, and this part of the Act effects a consolidation, with several important amendments and some new provisions, which clear up long standing doubts and difficulties.

The word *drain* is defined as meaning a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage; the word *sewer* does not include a drain as above defined, but with this exception, includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings; *public sewer* means:

- (1) Sewers within the meaning of the Public Health Act, 1875, vested in a local authority at the commencement of the Act.
- (2) Combined drains constructed before the commencement of the Act which by the Act of 1875 would have been vested in the local authority as sewers but for the provisions of some enactment, statutory scheme or order.
- (3) Sewers constructed by them at their own expense or acquired by them.
- (4) Sewers constructed under any enactment relating to the sewerage of private streets to the satisfaction of the council except those vesting in a county council under s. 29 of the Local Government Act, 1929.
- (5) Sewers which are the subject of a vesting declaration under the Act. There are excepted all sewers made by a local authority after the commencement of the Act for draining their own property, until they have been declared to be public sewers.

Private sewer means a sewer which is not a public sewer (ss. 20, 343).

All public sewers will vest in the local authority (s. 20) whose duty it will be to provide such public sewers as may be necessary for draining their district, and to provide for effectually dealing with the contents of their sewers (s. 14).

The powers given to a local authority to enable them to fulfil these obligations are re-enactments of existing provisions with some modification. Where a proposed public sewer will interfere with a watercourse or works vested in a land drainage authority, before the plans for the sewer are adopted notice must be given to the land drainage authority; if they object to the proposals the local authority shall not proceed unless the objections are removed or the Minister of Health, after inquiry, approves the proposals with or without amendment (s. 15).

The re-enacted provisions as to giving notices, and other preliminaries, before constructing a public sewer or sewage disposal works outside the district (Public Health Acts, 1875, ss. 32-34; 1925, ss. 7, 8) modify the provision with regard to the giving of notice before commencing the works, and dispense with the necessity of advertisement and public inquiry if a public sewer is to be made in a highway repairable by the inhabitants at large, and the other local authority give their consent (s. 16).

As no sewer made by a person other than a local authority and completed after the commencement of the Act will come within the definition of public sewer, suitable provision is made (s. 17) for vesting in the local authority, by declaration, any private sewer or part of a private sewer, or sewage disposal works, within or serving the district, subject to the then existing rights of any person to use the sewer. See also s. 339.

A local authority may on their own motion, or on the application of an owner of a private sewer or sewage disposal works within or serving their district, make a declaration that a sewer shall become vested in them as from such date as they may specify.

Two months' notice of any proposal to make a declaration must be given to the owners and an owner aggrieved either by a proposal or refusal to make a vesting declaration, may appeal to the Minister of Health who may allow or disallow a proposal or make any declaration which

the local authority might have made. The Minister may also, on such appeal, specify conditions, including a condition for payment of compensation, which must be complied with before his declaration takes effect.

The section specifies the particular considerations to which a local authority, or, on appeal, the Minister, must have regard in deciding whether an application for a vesting declaration should be granted.

Private sewers and sewage disposal works outside the district cannot be the subject of a declaration unless the council of the other district consent, or the Minister dispenses with the necessity for consent; subject to these conditions declarations may be made affecting private sewers and works in any district (including a Metropolitan borough) by a local authority other than the council of a metropolitan borough.

Public sewers and works vested in another local authority or in a metropolitan borough council, or in a county council (including the London County Council) or in a joint sewerage board, and sewers of railway companies and dock undertakers on their own land and used for their undertakings cannot be dealt with under the foregoing provisions except on an application made by the owners (s. 17).

Ancillary to the procedure laid down for making vesting declarations, local authorities are empowered to agree with persons constructing or proposing to construct sewers or disposal works, or drains which may become sewers, as to the future vesting thereof in the local authority, but with regard to undertakings outside their area, subject to consent of the other local authority or of the council of a metropolitan borough, as the case may be, or after the Minister has dispensed with the necessity for such consent (s. 18).

The adoptive provisions of the Public Health Act, 1925, authorising local authorities to require drains or sewers (other than private drains of railway companies and dock undertakers) to be so constructed as to form part of a general system have been adapted and applied to all local authorities, with the addition of a power to require the construction to be different, as regards size material depth and other matters, from that proposed by the constructor, subject to a right of appeal by him to the Minister of Health. The extra cost of such requirement both as regards construction and maintenance is to be paid by the local authority, questions as to the amount thereof

being determinable by a court of summary jurisdiction or by arbitration. A penalty is incurred if the requirements of the local authority are not observed (s. 19).

A new provision (s. 21) empowers county councils and local authorities to make agreements for the use of highway drains and sewers for sanitary purposes or for the use of public sewers for the drainage of highways, subject to the consent of any other sewage authority concerned. Any question as to unreasonable refusal to enter into an agreement may be referred to the Minister of Health. The necessity for powers of this nature has become more apparent since the county council have, under the Local Government Act of 1929, become the highway authorities in rural districts.

It is the duty of local authorities to maintain, cleanse and empty all public sewers vested in them at their own cost (s. 23), but from this liability there is excepted (s. 24) the liability for maintenance of (1) former combined drains the liability for which would, but for the vesting provisions contained in s. 20, have remained in persons other than the local authority, and (2) sewers vested in a local authority at the commencement of the Act, not constructed at their expense, which lie in gardens, courts or yards belonging to any of the premises served by the sewer or common to any two or more of them, or lying under a building comprised in any of those premises or in a private roadway, footway or passage giving access to all or some of the premises. Local Act provisions relating to single private drains are repealed.

The local authority may repair, renew and improve any such sewer, giving seven days' notice before commencing any such work unless they consider immediate action is necessary. If they improve the sewer by enlargement to take other sewage they may only recover such portion of the cost of such improvement as they might reasonably have expended to make the sewer adequate for its then existing purposes, and thereafter the provisions of s. 24 will cease to apply. Owners have a right of appeal to a court of summary jurisdiction on questions arising under this section.

All local authorities must keep a map, which may be inspected free of charge, showing the public sewers vested in them at the commencement of the Act if such sewers are reserved for foul water only or for surface water only, and showing sewers in respect of which a declaration of vesting or an agreement to make such a declaration has

been made although the vesting has not taken effect (s. 32).

Plans for buildings or extensions of buildings over a sewer shown on the map of sewers must be rejected by a local authority unless they consider that their consent (which may be unconditional or subject to conditions) may properly be given. There is a right of appeal by the person depositing the plans, or his principal, to a court of summary jurisdiction. Buildings erected over sewers in contravention of s. 26 of the Public Health Act, 1875, before the commencement of the Act may be required to be pulled down or altered (s. 25).

A local authority must give facilities for manufacturers to carry liquids (not prejudicially affecting the sewers or prejudicial to health) from their factories or manufacturing processes into the public sewers, but not into a surface water sewer where separate sewers are provided, nor into any sewers which are only sufficient for the requirements of the district (s. 26). This reproduces, with additions, s. 7 of the Rivers Pollution Prevention Act, 1876.

The existing provisions for the prevention of injurious matter from passing into sewers (Public Health Acts, 1890, ss. 16, 17; 1925, s. 41) are re-enacted, the provisions as to penalties having been standardized (s. 27).

Provisions with regard to power to effect communications between sewers of different sewerage authorities, including London (s. 28), power to hold land for treating sewage (s. 29), purification of sewage before discharge (s. 30), exercise of powers in such a manner as not to create a nuisance (s. 31), and the application of the Improvement of Land Act, 1864, to works for supply of sewage (s. 33), are all re-enactments of pre-existing legislation.

Private sewers and drains and cesspools.—The rights of owners and occupiers of premises and owners of private sewers to drain into public sewers in the areas in which they are situate are dealt with in s. 34. Foul water may not be discharged into a sewer for surface water nor may surface water be discharged into a foul water sewer without approval of the local authority, and drains and sewers may not be connected with storm water overflow sewers. Subject to these provisions, drains and sewers may be connected with public sewers, unless this would be prejudicial to the general sewerage system. There is a right of appeal against refusal to permit connection (s. 34).

The local authority have, however, the right to make

any authorised communication with their public sewers on giving notice to the person requiring such a communication. If, after such notice, that person proceeds to do the work himself he is liable to fine. The local authority, however, need not proceed unless the estimated cost is paid or secured and they may recover the actual cost and must refund any excess payments over actual cost. A useful new provision in this section enacts that the making of a communication between a drain or private sewer and a public sewer includes all such work as involves the breaking open of a street, thus securing to local authorities power themselves to execute any work of breaking up the highway (s. 36). This section adapts part of the adoptive s. 38 of the Public Health Act, 1925.

Owners or occupiers of premises and owners of private sewers outside the district have the same rights as those within, but the local authority have in addition to the powers contained in s. 34 a right to impose conditions including a condition that periodical payments shall be made.

A person aggrieved by terms or conditions sought to be imposed may apply to a court of summary jurisdiction or have the matter determined by arbitration. The local authority in whose area the premises or a sewer are situate may defray or contribute towards expenses or periodical payment to be made under this section (s. 35).

The varying provisions of the existing law with regard to provision of drainage for new buildings in different types of local authority areas have been abolished and provision is now made which applies to urban and rural areas. Local authorities may require satisfactory drainage of premises proposed to be erected (including drainage for surface water and rain water) unless they consider that this condition may be dispensed with. Plans of buildings or extensions of buildings not showing satisfactory drainage arrangements must be rejected unless the local authority consider provision of drainage may be dispensed with. A right of appeal lies against a decision to reject plans. The former protection given to an owner of premises against compulsion to connect with a sewer more than 100 feet away is somewhat altered and even if the premises are within 100 feet it must be reasonably practicable to make the connection (s. 37), but if the local authority undertake to construct and maintain any length of drain beyond 100 feet the drain is to be deemed to be within that distance.

All provisions in local Acts requiring the construction of combined drains are repealed. Local authorities are empowered in proper cases to require the drainage of two or more buildings (where the drains are being laid for the first time) to be effected by the provision of a private sewer. With regard to plans which have been passed before the commencement of the Act, however, this can only be effected by agreement. Where such private sewers are constructed the local authority may fix the proportions of the cost to be borne by the owners or if the sewer is more than 100 feet away, the cost to be borne by the owners and the local authority. This matter is subject to a right of appeal.

A person or local authority incurring the cost of construction may recover the fixed proportions from other persons or the local authority as the case may be.

Such a sewer does not become a public sewer by reason of the fact that it has been constructed by a local authority or that some part of the expenses have been paid by them (s. 38).

The powers vested in local authorities for compelling the provision of satisfactory drainage of existing buildings are in principle the same as those of s. 37 of the Act relating to new premises. If the work required to be done is merely the renewal repair or cleansing, the owner or the occupier may be required to do the work (s. 39).

The existing prohibition against connecting rain water pipes with soil pipes and with relation to ventilation shafts is re-enacted (s. 40), as is also the provision as to giving notice to a local authority before reconstructing or altering drains, and these provisions continue to be limited to those areas in which s. 39 of the Public Health Act, 1925, is now in force. The provisions, however, are now limited to underground drains (s. 41).

The powers of a local authority to alter the drainage system of any premises have been extended to include drains to cesspools and a right of appeal is given against proposals of the local authority (s. 42).

Sanitary conveniences for buildings.—The provisions of ss. 35 and 36 of the Public Health Act, 1875, and of s. 39 of the Public Health Act, 1890, have been entirely revised. Plans are to be rejected unless they show sufficient and satisfactory closet accommodation. The nature of the accommodation or whether such accommodation may be dispensed with are left to the discretion of the authority, but if there is not a sufficient water supply and sewer,

plans must not be rejected on the ground that earth closets are to be provided. For a building which is likely to be used as a factory, etc., where both sexes will be employed separate accommodation must be provided unless the authority otherwise determine. Appeal lies to a court of summary jurisdiction (s. 43).

Where there is insufficient closet accommodation in a building or where closets are so defective as to require reconstruction, the local authority may by notice require the owner to provide or substitute sufficient water or earth closets, but unless a sufficient water supply and sewer are available they may not require provision of waterclosets except in substitution for such as are existing (s. 44). Local authorities may also compel the owner or occupier to repair defective closets capable of repair (s. 45).

Shops subject to the Shops Act, 1934, and factories under s. 9 of the Factory and Workshop Act, 1901, or s. 46 of the Act, are excluded from the operation of these two sections.

Sanitary conveniences in factories, workshops and workplaces are dealt with in s. 46, which applies to boroughs and urban districts and rural areas in which there are in force the provisions of s. 22 of the Public Health Acts Amendment Act, 1890, which is substantially re-enacted. Shops subject to the Shops Act are excluded, and s. 9 of the Factory and Workshop Act, 1901, will not apply to any borough or urban district or to any rural area to which this section or s. 22 of the Act of 1890 has been applied (s. 46).

Waterclosets may be required to be substituted for other forms of closet where sufficient water supply and sewer are available. Notice of such requirement must be given by the local authority to the owner, which must state whether the owner is required to execute the works or the local authority require to be allowed to do them, and that one half of the reasonable expenses of the works may be recovered from the owner or the local authority as the case may be. There is a modified right of appeal. Agreements for execution of such works may be made between owners and authorities, although no notice has been served; the payment by the local authority provided for in such an agreement must not exceed one half of the reasonable expenses (s. 47).

Supplemental provisions as to drains, etc.—After providing for the testing of sanitary conveniences, drains,

private sewers and cesspools (s. 48), and prohibiting the use of rooms as living, sleeping or work rooms which are situated directly over closets (other than waterclosets or earth closets), cesspools, middens or ashpits (s. 49), the existing provisions with regard to overflowing and leaking cesspools (Public Health Act, 1875, s. 47), somewhat modified, are extended to apply to rural as well as urban authorities (s. 50).

Provisions with respect to buildings.—Ss. 53 to 59 reproduce in general, with some additions and modifications, the public health law with respect to buildings, excepting that which specifically deals with buildings in their relation to streets.

The law with regard to temporary buildings contained in s. 27 of the Public Health Acts Amendment Act, 1907, is remodelled, and extended by s. 53 to apply to all local authorities. The section applies to buildings and extensions of buildings proposed to be constructed or assembled, consisting of materials liable to rapid deterioration in the absence of special care, and it may be extended by building byelaws to buildings constructed of other materials declared by the byelaws to be unsuitable for permanent buildings. Plans of such buildings may be either rejected or passed subject to removal after a period to be fixed.

If buildings of this character are erected without deposit of plan the authority may fix and from time to time extend a period within which they must be removed without prejudice to their right to take proceedings for contravention of byelaws, and if they are not then removed the local authority may remove them at the expense of the owner, who shall also be liable to fine. There is a right of appeal against rejection of plans and the fixing or refusal to extend a period (s. 53). For transitional provisions see s. 344.

Plans for buildings on land filled up with offensive material or on which such material has been deposited are to be rejected unless such material has been removed or become or been rendered innocuous. There is a right of appeal. This is a re-enactment of s. 25 of the Public Health Acts Amendment Act, 1890 (s. 54).

Plans must also be rejected if they do not show satisfactory means of access for removal of house refuse, but this provision does not apply to houses to which s. 99 of the Housing Act, 1925, applies. Decisions to reject are subject to appeal. The closing of access

available for removal of house refuse is unlawful and an offender is liable to fine. These provisions are contained in several local Acts, and being now made general all such local Act provisions and byelaws are repealed (s. 55).

S. 56 authorises local authorities by notice to require the paving and draining of yards and passages used in common. See Public Health Acts Amendment Act, 1907, s. 25; Public Health Act, 1925, s. 20 (repealed).

S. 57 prohibiting the closing, narrowing or obstruction of entrances to courts and yards re-enacts with some modification, s. 26 of the Public Health Acts Amendment Act, 1907.

If a building is dangerous to persons therein or in adjoining buildings, a court of summary jurisdiction, on the application of the local authority, may order the execution of works to obviate the danger, or, if the owner elects, the demolition of the building. If the danger arises from overloading, the court may restrict the use of the building.

If a building is ruinous or dilapidated and detrimental to amenities the court may order repair, or, at the election of the owner, demolition.

On failure to execute works or demolition, the local authority may execute the order and recover the expenses and the owner may be fined.

The local authority may in cases of urgency shore up or fence off buildings.

This is a shortened version of the code in the Towns Improvement Clauses Act, 1847, combined with provisions frequently found in local Acts (s. 58).

The provisions of s. 36 of the Public Health Acts Amendment Act, 1890, relating to exits and entrances of public buildings are extended to shops, stores and warehouses to which the public are admitted and where more than twenty people are employed (s. 59).

Many local Acts require provisions of means of escape in case of fire, and the common form section is enacted in s. 60 which empowers a local authority to require provision of such means of escape as they deem necessary for buildings of more than two storeys in which the floor of an upper storey is more than twenty feet above ground and which is let in flats or tenements, or used as an inn, hotel, boarding house, hospital, nursing home, boarding school, children's home or similar institution, or used as a restaurant, shop, store or warehouse with upper floor sleeping accommodation. If the owner fails to comply

with reasonable requirements the local authority may execute any work required and recover the cost, and the owner is liable to fine. He has a right of appeal (ss. 60, 290).

Byelaws with respect to buildings and sanitation.—The whole of the existing legislation as to building byelaws and sanitation has been recast.

Periodical revision.—In order to provide for periodical revision, all byelaws made under this part cease to have effect after ten years and existing byelaws after three years, from the commencement of the Act, subject to a power for the Minister of Health to extend these powers (s. 68).

The Minister may also require a local authority to make byelaws or to revoke and make new byelaws and on default may do so himself (ss. 61, 69).

Powers to make byelaws are given to all local authorities, the matters which may be a subject thereof being described both as regards buildings and as regards works and fittings, in more general terms than those used in the repealed enactments. It is to be specially noted that byelaws may be made with regard to materials to be used and the taking of samples of materials, also with regard to lighting of buildings, dimensions of rooms intended for human habitation, wells, tanks and cisterns, stoves and fittings (other than electric), and private sewers and connections between drains and sewers and between sewers (s. 61).

Byelaws may be made applicable to existing buildings where structural alterations or extensions are made or a material change is made in the use of the building (s. 62).

Byelaws may be relaxed or dispensed with in particular cases with the consent of the Minister subject to the giving of such notice as the Minister may direct (s. 63).

Byelaws may require the deposit of building plans in duplicate, one copy of which may be retained by the local authority (s. 64 (5)). Reference to plans deposited include sections, specifications and written particulars deposited with plans (s. 89 (4)).

Plans submitted must be passed if they are in accordance with the byelaws and do not contravene provisions of the Act subject to any right of the local authority conferred by the Act to reject plans in certain cases, as, for example, under s. 25. If plans are defective or show a contravention of byelaws they must be rejected. Plans must be dealt with within one month of deposit or if

meetings are not held more frequently than monthly then, if so provided by the byelaws, such time is extended to five weeks in the case of plans deposited less than three clear days before a meeting. Notice of rejection must specify the reasons for rejection and notice of approval must state that approval is only for the purposes of the requirements of the byelaws and (if such be the case) of any section of the Act authorising rejection. There is an appeal to a Court of summary jurisdiction on questions where plans are defective or contravene byelaws but only before the proposed work has been commenced (s. 64).

If any work contravenes the byelaws, the local authority may, by notice, require the owner to pull it down or remove it, or if he so elects, to alter it so as to comply with the byelaws. If works are executed without plans, or after rejection of plans, or not in accordance with requirements made on the passing of plans—the works being of such a nature that the local authority, under some section of the Act other than s. 64 are required or authorised to reject plans—then the local authority may, by notice, require the owner to pull down or remove the works, or alternatively to pull down or remove, or if he so elects, to comply with any such other requirements as they might have made on passing plans of the works. Notices may not be given after twelve months from the date of completion of the works.

The right to apply for an injunction for removal or alteration of works is not affected, but if plans were passed, or not rejected within the prescribed period, and the works are in accordance with the plans, the court may order compensation to be paid to the owner on the granting of an injunction (s. 65).

If work is not commenced within three years from deposit of plans or (in case of plans deposited before 1st October, 1937) before 31st September, 1940, the deposit may be declared to be of no effect. Where plans have been passed before 31st October, 1937, and work has not been commenced by that date, notice of the effect of these provisions must be given to the persons concerned (s. 66).

Questions arising under building byelaws may be jointly referred to the Minister of Health whose determination will be final. Special cases may be stated by the Minister to the High Court on questions of law (s. 67).

All copies of building byelaws kept for inspection and furnished to applicants must have appended information

as to statutory powers other than those of this Act to make building byelaws and in rural districts as to the urban powers of the council (s. 70).

Schools and certain other buildings constructed by county councils or local authorities and buildings belonging to statutory undertakers for the purpose of their undertaking, other than houses and buildings used as offices or showrooms (unless they form part of a railway station) are exempt from building byelaws (s. 71).

Removal of refuse, scavenging, keeping of animals, etc.—In dealing with removal of house refuse and cleansing of earth closets, etc., the Act repeats provisions in the Public Health Acts, 1875, ss. 42–44, and 1890, s. 26, and adds some useful provisions of local Acts. The powers to make byelaws are enlarged (s. 72).

The powers as to trade refuse (Public Health Act, 1890, s. 48) are enlarged so as to allow a local authority to undertake to remove any specified kind of trade refuse, and they are liable to penalty if they neglect on request to carry out an undertaking (s. 73).

The terms *house refuse* and *trade refuse* remain undefined.

Where a local authority have not undertaken or been required to undertake the duty of removing house refuse and cleansing of earth closets, etc., they may, nevertheless, make agreements with individual occupiers for these purposes (s. 73).

Local authorities who remove house refuse may require the use of regulation dustbins, and may themselves provide the same (s. 75).

Any local authority may provide receptacles for refuse, places for deposit of refuse and plant for treating or disposing of the same. They may sell all refuse removed by them. No person other than servants of the authority may sort over or disturb refuse in dustbins or in places provided for deposit under penalty not exceeding £5 (s. 76).

Sweeping and watering streets.—Cleansing of streets in all or part of a district is a duty which may be undertaken or may be imposed by the Minister; watering is a function which may be undertaken. Arrangements may be made between highway authorities and local authorities who are not highway authorities in regard to these functions. No similar provision is made in respect of highways vested in the Ministry of Transport. Where the Minister has required the local authority to cleanse streets

they cannot without his consent rescind any resolution passed in compliance with such requirement (s. 77).

Courts, yards, etc., used in common and not kept clean may be swept and cleansed by the local authority who may recover the expenses from occupiers of buildings fronting thereon (s. 78).

The powers of s. 49 of the Public Health Act, 1875, to require removal of noxious matter, and those of s. 50 of that Act as to periodical removal of manure, etc., are continued, in a somewhat modified form, in boroughs and urban districts and in other areas where they now apply (ss. 79, 80).

Byelaws.—The existing powers of local authorities to make byelaws for preventing nuisances from snow, filth, dust, ashes and rubbish, and from the keeping of animals, and as to removal of offensive matter through streets, which are contained in ss. 81 and 82 are to some extent an enlargement of existing powers. As to keeping of animals reference should also be made to s. 92.

Filthy or verminous premises or articles and verminous persons.—The provisions with regard to cleansing of filthy or verminous premises contained in the Public Health Acts, 1875, s. 46; 1907, s. 56; 1925, ss. 46–49, and the Cleansing of Persons Act, 1897, are collated and re-enacted with amendments and additions. Among the additional powers are power to require removal of wallpaper from walls, to use gas to destroy vermin and to provide temporary shelter for occupants of houses during the cleansing. County councils may exercise the powers relating to verminous persons, and power to provide cleansing stations. The provisions of the Metropolitan Police Act, 1839, as to cleansing of premises will no longer apply to any area outside London (ss. 83–86).

Public sanitary conveniences.—County councils and local authorities may provide closets, urinals and lavatories, but the consent of the county council is required, if a site selected by a local authority is in a county council highway or proposed highway. Sites of sanitary conveniences provided by county councils are limited to places where a local authority can only erect the same with their consent. Byelaws may be made, charges may be made, and there is power to let (s. 87). The powers to control public closets and urinals not provided by a council, which are accessible from a street, are similar to those in the Public Health Acts, 1890 (s. 20), and 1907 (s. 43), but appeal against decisions of the local authority lie in

the first instance to a court of summary jurisdiction and not to Quarter Sessions (s. 88).

The power to require provision of urinals at inns, etc. (Public Health Act, 1907, s. 44), is extended to enable a local authority to require provision of closets and urinals (s. 89).

PART III.—NUISANCES AND OFFENSIVE TRADES.

The provisions of this part in the main reproduce ss. 90 to 115 of the Public Health Act, 1875, and analogous provisions in other Acts, subject to considerable modifications.

General duty.—It is the duty of local authorities to inspect districts for the detection of nuisances. This repeats the provisions of s. 92 of the Act of 1875.

Nuisances which may be dealt with summarily.—The statutory nuisances of s. 91 of the Act of 1875 which may be dealt with summarily are substantially repeated in s. 92 of the Act excepting such as are dealt with by other statutory provisions. Dust or effluvia caused by any trade, etc., which are prejudicial to health or a nuisance to neighbouring inhabitants are added to the list, thus effecting a modification of s. 114 of the Act of 1875.

Provisions with regard to ventilation, noxious effluvia and overcrowding apply to all buildings where persons are employed (except domestic service and except shops as regards ventilation) which are not within the code of the Factory and Workshop Act, 1901. The standard requirements demanded under the Act of 1901 are to be considered in determining questions as to ventilation and overcrowding (s. 92).

The remainder of the provisions as to nuisances which may be dealt with summarily are principally re-enactments of the provisions of the Act of 1875 (ss. 93–99).

A local authority may not without consent of the Minister of Health institute summary proceedings in relation to accumulation of deposits or dust or effluvia which might be dealt with under the Alkali, etc., Works Regulation Act, 1906 (s. 92 (3)).

Smoke nuisances.—The law with regard to smoke nuisances contained in the Public Health Act, 1875, and the Public Health (Smoke Abatement) Act, 1926, is re-enacted (ss. 101–106, 110) with some amendments.

Offensive trades.—The provisions of s. 112 of the Act of 1875 (applying to urban districts) and the provisions of

s. 51 of the Act of 1907 (adoptive) have been re-enacted and applied generally to both urban and rural districts, with the addition of several trades to the list contained in the Act of 1875 and supplemented by the provision in the Act of 1907 authorising the Minister to declare other trades businesses or manufactures to be offensive trades in any borough district or contributory place, with a saving also of any orders with regard to offensive trades now in force. The establishment of any trade without consent involves liability to a fine not exceeding £50, with provision for further penalties for a continuing offence after conviction or after receiving notice to discontinue. The adoptive provisions of s. 44 of the Act of 1925 as to consents for limited periods and defining the establishment of a trade are made general and a declaration of an offensive trade may be made for part only of a district.

Urban authorities may make byelaws with respect to offensive trades and with respect to fish frying, and the same power is vested in rural authorities where s. 113 of the Public Health Act, 1875 (byelaws as to offensive trades in urban districts) are in force (s. 108).

PART IV.—WATER SUPPLY.

This part of the Act consolidates, with amendment, the provisions of the Act of 1875, the Public Health (Water) Act, 1878, and provisions in a few other general statutes relating to local authority water supplies, and adds several sections which are to be found in local Acts.

It extends to all local authorities the duties of ascertaining the sufficiency and wholesomeness of the water supply of their district and of securing that every house has a supply available within a reasonable distance, duties which under the Act of 1878 were placed only on rural sanitary authorities unless imposed by the Minister of Health.

Among the alterations and additions to existing law the following are to be specially noted.

It is made clear that a local authority purchasing a water undertaking which extends beyond their district may do so with the consent of the authorities served by the undertaking, which consent is not to be unreasonably withheld (s. 116), a power to supply water to premises outside the district being given by s. 113.

In cases where it is proposed to supply water in any part of a district where a local authority are not already

supplying and which is within the limits of supply of a statutory water undertaker, the consent of that undertaker is to be obtained, but shall not be unreasonably withheld (s. 116). The rights of supply so obtained are subject to cancellation if at a future time the statutory undertakers, after notice, commence to supply. There is, however, in such cases provision for compensation to be paid to the local authority (s. 117).

A local authority which has acquired an undertaking constituted or regulated by an Order made under the Gas and Water Works Facilities Acts, 1870 and 1873, may in future apply for, and obtain, repealing or amending Provisional Orders (s. 116 (6)).

A new provision which is common in local Acts empowers a local authority to give guarantees for payment of periodical or other sums to undertakers giving a supply of water in their district (s. 123).

A local authority may construct works for supplying water free to inhabitants for their own domestic purposes (s. 124 (3)). If they make charges for water, this must be either by agreement for supply by meter or otherwise, or by way of a water rate assessed on net annual value. There is power to fix a minimum charge and to charge additional payments in respect of baths of more than 50 gallons capacity, or for the use of water by means of a hose-pipe or similar apparatus for horses or for washing vehicles (s. 126).

If a local authority refuse to make charges in respect of all water supplied by them, or refuse to make such charges as are deemed reasonable, any ten ratepayers may appeal to the Minister, who may make such order in the matter as he may think fit (s. 126).

Where a local authority desire to supply water for domestic purposes by meter, the Minister may fix a maximum charge per 1,000 gallons, and thereupon the local authority may require all water to be taken by meter which is supplied to houses partly used by the same occupier for any business, trade, or manufacture for which water is required, any public institution, any hospital, sanatorium, club, hostel, assembly hall, etc., or any boarding-houses accommodating twelve or more persons. If a person taking a supply for domestic purposes desires to use any water for water-cooled refrigeration, or other purposes requiring continuously running water, a local authority may require that all water so used should be taken by meter. There is an exception in the case of

apparatus used for softening water if only one apparatus is used and the water can be drawn off at one point and is used solely for domestic purposes.

Other provisions are contained in the Act which facilitate the joint collection of water rates and other rates. The authorities may make rates payable half yearly in advance, no instalments being recoverable until two months of the half year have elapsed (s. 130), and where there is variation of the net annual value of premises, any adjustment of the water rates required shall operate retrospectively as from the date used for calculating the amount due in respect of the general rate (s. 131).

Another new provision empowers a local authority to make byelaws for preventing waste, misuse, or contamination of water (s. 132).

A provision is included authorising refunds or extra payments if a meter on being tested is proved to register incorrectly to any material degree. This follows the provisions of s. 23 of the Gas Undertakings Act, 1934 (s. 136).

Power of local authority to require houses to be supplied with water.—The existing powers of a local authority to require houses to be supplied with water have been recast and are made applicable to all local authorities. With regard to new houses the question of sufficiency of proposed water supply is to be determined, not as at present when the house becomes occupied, but on the consideration of deposited plans, the local authority having power to prohibit occupation until they are satisfied that the supply has been provided.

With regard to houses already occupied notice may be given to provide or secure the provision of a supply if the authority is satisfied that there is not a supply of wholesome water within a reasonable distance and that such supply ought to be provided by the owner, and that the cost will not be in excess of ordinary charges.

The requirement may be in respect of two or more houses by means of a joint supply if this appears to be most convenient.

If a requirement is not complied with the local authority may themselves provide or secure provision of the required supply of water and recover the expense, subject, however, to a right to appeal by the owner or owners and to the provision that an owner shall not be required to pay more than £20 in respect of any one house.

The local authority in making arrangements for securing such supplies may, in certain circumstances, themselves make a requisition to water works undertakers which shall be deemed to have been made by the owners or occupiers of the houses, and where a supply of water is furnished by the local authority or other statutory water undertakers in accordance with any of these provisions, water rates may be made and recovered as though the owner or occupier had demanded the supply and agreed to pay therefor (ss. 137, 138).

There is provision for appeal by owners against requirements of local authorities to provide water supplies (s. 139).

Provisions for protection of public from polluted water.—Local authorities are empowered to close or restrict the use of water from polluted sources of supply not vested in them, following the precedent of s. 70 of the Public Health Act, 1875 (s. 140), and the enactment contained in s. 35 of the Act of 1907, declaring as statutory nuisance any cistern used for the supply of water for domestic purposes which is liable to contamination, is extended on re-enactment to wells, tanks, cisterns and water-butts (s. 141).

PART V.—PREVENTION, NOTIFICATION AND TREATMENT OF DISEASE.

This part of the Act consolidates the provisions contained in the Public Health Acts of 1875, 1890, 1896, 1907, 1913 and 1925, the Infectious Disease (Notification) Acts of 1889, 1899, and the Infectious Disease (Prevention) Act, 1890. These Acts make use of a number of expressions, many of which are undefined, regarding infectious disease. The Act does not reproduce all these expressions, but makes use, in the main, of the expressions *infectious disease* and *notifiable disease*, the former being undefined and the latter being defined in s. 343.

Regulations for prevention and treatment of infectious disease, etc.—The Minister of Health may make regulations with a view to treatment of epidemic, endemic or infectious disease for preventing danger to public health from vessels or aircraft arriving at any place and so far as may be necessary or expedient for carrying out arrangements with other countries, for preventing the spread of infection by means of vessels or aircraft leaving any place, consulting

in the case of vessels the Board of Trade, and in the case of aircraft, the Air Council.

The regulations must specify the authorities, whether county councils, local authorities or port health authorities by whom they are to be enforced and may also provide for their enforcement by officers of customs and excise and coast guards.

The expenses incurred by a county council must, if the Minister orders, be defrayed as expenses for special county purposes. The provisions apply to London and regulations must be laid before parliament (s. 143).

Notification of disease.—This subject is dealt with in ss. 144–147, and re-enacts in the main, with amendments, the provisions of the Infectious Disease (Notification) Act, 1889.

Provisions for the prevention and spread of infection.—The provisions of s. 126 of the Act of 1875 rendering liable to penalty any person who exposes himself in any street, etc., whilst suffering from any dangerous infectious disorder are replaced by a like provision in respect of a person who knowing that he is suffering from a notifiable disease exposes other persons to the risk of infection by his presence or conduct in any street, etc. The remainder of the provisions of s. 126, somewhat amended, are reproduced in ss. 148 and 159.

The remainder of the sections relating to spread of infection are re-enactments principally of sections of the Public Health Acts of 1875, 1907 and 1925, together with provisions which are common form in local Acts authorising the local authority to require from the occupier of a building in which a person is suffering from a notifiable disease, the name and address of any laundry to which articles of clothing are sent during the continuance of the disease (s. 152).

It is to be noted that the restrictions imposed on rag and bone dealers with regard to the sale of food or toys, which are contained in s. 73 of the Public Health Act, 1925, are considerably strengthened and are made a general application by s. 154. The reference to dealers in bones is, however, omitted (s. 154).

Disinfection of premises, etc.—The powers given to local authorities by the Act to provide disinfecting stations, to cleanse and disinfect premises and articles, to remove and provide shelter for inmates of infected houses, and for removal to or detention in hospitals of infected persons, are re-enactments of powers in the Public Health Acts,

1875 and 1907, and the Infectious Disease (Prevention) Act, 1890.

The power to give compensation for articles destroyed or disinfected is wider than the former provision and permits the local authority to pay compensation if they think fit for damage by disinfection of premises or articles or for destruction of articles (s. 167).

Tuberculosis.—The provisions of the Public Health (Tuberculosis) Act, 1921 (except s. 6 relating to London), are repealed. The lengthy first section of that Act, together with s. 3 are reproduced in a short section (171) making it the duty of councils of counties and county boroughs to provide adequate arrangements for treatment of tuberculosis in dispensaries, sanatoria or other institutions approved by the Minister.

The remainder of the sections dealing with this subject (172–175) are re-enactments with some amendments. S. 175 as to special provisions for treatment of tuberculous seamen, extends to London.

Blindness.—S. 66 of the Public Health Act, 1925, empowering county councils and local authorities to arrange for treatment for prevention of blindness are re-enacted, omitting all reference to the approval of arrangements by the Minister (s. 176).

Miscellaneous.—Local authorities may provide temporary supplies of medicine and medical assistance for their poorer inhabitants (s. 177) and nursing attendance for cases of infectious disease not removed to hospital (s. 178), and county councils and local authorities may disseminate information as to health and disease by publications, lectures, pictures or cinematograph films, subject, however, to such regulations as the Minister may prescribe (s. 179).

The Minister may make regulations as to qualifications of medical officers and health visitors appointed by a county council or a local authority to deal with tuberculosis or treatment of venereal disease (s. 180).

These miscellaneous provisions have been the subject of former legislation.

PART VI.—HOSPITALS, NURSING HOMES, ETC.

Hospitals.—The sections of the Public Health Acts, 1875, 1907 and 1925, and of the Local Government Act, 1929, relating to hospitals, are repealed and re-enacted with some important amendments.

County councils and local authorities are empowered but not compelled to provide hospital accommodation for persons in their area who are sick; the use of the word *inhabitant* has been discarded. The power is general, and extends to accommodation for sufferers from infectious disease and other sickness.

Clinics, dispensaries and out patient departments may also be provided, and the expression *temporary places for the reception of the sick* (Public Health Act, 1875, s. 131), the interpretation of which has always been a difficulty, has not been repeated.

Councils of counties and county boroughs and other councils which are welfare authorities (see Part VII) may provide maternity homes (s. 181), which expression is defined in s. 199.

Houses for officers of hospitals may also be provided (s. 183).

The Isolation Hospitals Acts of 1893 and 1901 have not been consolidated in the Act. It is desirable that alterations should be made in the constitution of the bodies governing hospitals established under these Acts, but to take immediate steps to this end would create difficulties and dislocation. It is therefore provided that within two years of the commencement of the Act, *i.e.* before 1st October, 1939, the Minister of Health shall dissolve all joint hospital committees formed under the Acts of 1893 and 1901, and (1) if the committee consists wholly of representatives of a county council or of a single local authority, shall transfer the property and liabilities of the committee to that council or authority; (2) in other cases shall make the transfer to a joint board to be constituted for the area. Alternatively the Minister may, at the request of the joint committee, order the property to be disposed of and distribute and apportion the proceeds of disposal and the liabilities of the joint committee (s. 315).

The law with regard to the recovery of expenses in institutions has been substantially altered. County councils (in common with all local authorities) are to be empowered, but not compelled, to recover expenses of treatment for infectious disease. This is an adaptation of powers contained in s. 132 of the Public Health Act, 1875.

The Act repeals s. 16 of the Local Government Act, 1929, which imposed a duty on county and county borough councils to recover from a patient in an institution, or from the person legally liable to maintain him, the cost

of his maintenance or such part thereof as they considered the patient or such person able to pay. The section is re-enacted and applied to county councils and all local authorities with the following modifications: a power to recover from the estate of a deceased patient is added; the time within which proceedings may be taken for recovery of expenses is extended from six months to twelve months from the date of discharge from the institution, or from the date of death if the patient dies in the institution, and the expenses recoverable may include a reasonable charge for conveyance of the patient to and from the institution (s. 184). The operation of s. 184 is limited to expenses of treatment in institutions (as therein defined) in which accommodation is provided under the Act. It is to be noted that the definition is somewhat wider in its scope than that in the repealed s. 16; as re-enacted it has the effect of applying the provisions to treatment in residential maternity institutions of local authorities generally.

Whether the words *person legally liable to maintain* in the repealed s. 16, which are repeated in s. 184, limit the liability to persons liable at common law to maintain, or whether those words bear a wider meaning, is a question which has given rise to considerable discussion. The words *persons liable to maintain* occur in an analogous section (s. 13) of the Mental Deficiency Act, 1913, and the law officers of the Crown have advised that these words include any person who might either under the Poor Law or the Bastardy Acts be ordered to contribute to the support of a mental defective (see Third Annual Report of the Board of Control); the Minister of Health advised that a similar interpretation should be placed on the words in s. 16 of the Act of 1929. The matter, however, is not entirely free from doubt, see *Coldingham Parish Council v. Smith*, [1918] 2 K. B. 90.

The word *maintenance* would appear to include cost of staff but not overhead expenses or loan charges.

The provisions of s. 13 of the Act of 1929 (repealed), which imposed on councils of counties and county boroughs the duty of consultation with voluntary hospital authorities before providing additional hospital accommodation, are applied to county councils and local authorities in regard to hospital accommodation proposed to be provided under this Act, other than accommodation for treatment of infectious disease. The 1929 provisions no longer apply to public assistance authorities who are, however,

subject to the analogous s. 8 of the Poor Law Act, 1932 (s. 182).

The preparation of county schemes for hospital accommodation for infectious disease is provided for by re-enactment of s. 63 of the Act of 1929 with some small amendments. A scheme may provide for expenses to be defrayed as special county expenses chargeable on part only of the county. Schemes made under the old or the new section may be revoked or varied by the Minister (s. 185).

Nursing homes.—The Nursing Homes Registration Act, 1927, is repealed and re-enacted with slight amendment (ss. 187–195). The term *nursing home* is defined in s. 199.

Where a county council delegate any of their powers as to nursing homes to a county district council the powers of inspection of nursing homes (s. 191) are transferred to the medical officer of health or other authorised officer of the county district (s. 194).

Laboratories, ambulances, mortuaries, etc.—County councils and local authorities are empowered to provide laboratories for diagnosis, treatment of diseases and other examinations which may assist them in the performance of their functions, and may permit such persons to make use of them and on such terms as they think fit. This is a new provision (s. 196).

The varying, and in some ways limited, powers of local authorities to provide ambulances are standardised and apply to county councils as well as local authorities, who are given a general power to provide ambulances and make charges for their use. Provision is made for disinfection after use for carrying an infectious case (s. 197).

The numerous old enactments relating to provision of mortuaries are dealt with by giving power to a local authority or a parish council to provide mortuaries for reception of dead bodies before interment, and post mortem rooms for use when required for post mortem examinations ordered by a coroner or other duly authorised authority. The Minister of Health may require an authority or council to provide either mortuary or post mortem room or both. Byelaws may be made for management and for fixing charges. The former prohibition against providing a post mortem room at a workhouse or mortuary is not re-enacted. Local authorities and parish councils may provide for the interment of any dead body received into their mortuary (s. 198).

PART VII.—NOTIFICATION OF BIRTHS ; MATERNITY AND CHILD WELFARE AND CHILD LIFE PROTECTION.

This part of the Act consolidates, with amendments, the Notification of Births Acts, 1907 and 1915, the Maternity and Child Welfare Act, 1918, Part I of the Children Act, 1908, and the relevant provisions of the Local Government Act, 1929.

Welfare authorities.—It defines *welfare authorities* as county borough councils and such councils and counties and county districts as are now the local authority for the purpose of the Notification of Births Acts, and places on these councils expressly the duty of exercising the functions of this Part VII of the Act. It reproduces those provisions of s. 60 of the 1929 Act which enable the Minister of Health to transfer the functions to a council which is the local education authority for elementary education (s. 200).

The Maternity and Child Welfare Committee must be appointed by each welfare authority, and may, if thought fit, be a committee or a sub-committee of an existing committee. The welfare committee may be charged with the duty of carrying out the provisions of this part of the Act, either in an advisory capacity or by complete delegation of powers other than those of levying or issuing precepts for rates or of borrowing money. This reproduces in effect s. 2 of the Maternity and Child Welfare Act, 1918. Two members of the Committee must be women, but following the precedent of recent legislation, no compulsory minimum limit is prescribed for men and the whole committee may consist of women (s. 201).

The provisions of the Act of 1918 allowed a county council to charge all expenses under that Act, and under the Notification of Births Acts, as general county expenses, making refunds to district councils providing similar services. This is not re-enacted, and it is provided that where a county council are not a welfare committee for the whole county, the expenses are to be expenses for special county purposes for the area alone in which the council discharge the functions under the Act.

Notification of births.—It is to be noted that the Act provides that all medical officers of health of county districts must send duplicates of notifications of births to the county medical officer unless the council of the district are the local supervising authority under the

Midwives Acts (s. 203); this duty has heretofore been limited to medical officers of districts where the Act came into force by virtue of the Notification of Births Act, 1915.

Maternity and child welfare.—The sanction of the Minister of Health will not now be necessary to arrangements made by a council for maternity and child welfare. S. 204 provides for a mere general approval of the Minister instead of sanction. This amendment has been made by reason of the fact that since the abolition of the percentage grants for maternity and child welfare work by the Local Government Act of 1929, the supervision which should be exercised by the Minister of Health is not so great as was the case when direct grants were made (s. 204).

The provisions of s. 61 of the Factory and Workshop Act, 1901, which provide that women shall not be employed within four weeks after the birth of a child have been repealed and reproduced in a modified form (s. 205).

Councils of counties and county boroughs and other councils who are welfare authorities may provide maternity homes (ss. 181, 199).

Child life protection.—The provisions of the Children Act, 1908, and the Children and Young Persons Act, 1932, relating to Infant Life protection are in substance re-enacted (ss. 206–220) substituting the word *child* for *infant*.

The provisions of the Act of 1932 (s. 68) as to advertisement offering to undertake the care of children are enlarged (s. 215).

The punishment of offences is dealt with under s. 217, and the powers now vested in poor law authorities (concurrently with welfare authorities) to take proceedings for offences under Part I of the Children Act, 1908, or under the Children and Young Persons Act, 1932, has not been continued. The section further provides that an offender may be liable to imprisonment and fine, and not merely to imprisonment or fine. Fines imposed for offences will not in future be payable to the welfare authority.

A useful new provision in the Act gives power to a welfare authority to defray the expenses of a child's maintenance when he is removed to a place of safety (s. 218).

PART VIII.—BATHS AND WASHHOUSES.

The whole of the Baths and Washhouses Acts and the provisions of the Public Health Acts with regard to Baths

and Washhouses and bathing have been repealed and re-enacted, and sixty eight sections are now reduced to fourteen, one of which is new. The Baths and Washhouses Acts are removed from the category of Adoptive Acts. The provisions with regard to the appointment of Commissioners for Baths and Washhouses and with regard to the keeping of separate accounts, have been entirely repealed and the antiquated sections relating to the provisions of baths for the working classes have not been re-enacted.

The powers conferred by this part of the Act may be exercised by urban and rural authorities (s. 221) and by parish councils (s. 230), but not by a county council unless the functions of a county district are transferred to them (s. 320).

No specific provision has been made for rural parishes without a council, for the reason that if it were desired to exercise the powers of the Act, a parochial committee could be appointed under s. 77 of the Local Government Act, 1933, or the county council could make an Order under s. 23 of the same Act, conferring on a parish meeting power to provide baths, etc., and the parish meeting could, under s. 90 of that Act, appoint a Committee to make the necessary arrangements.

The powers to make byelaws have been extended so as to empower a council to make byelaws for excluding undesirable persons from their baths, washhouses, swimming baths or bathing places (s. 223).

Public swimming baths and bathing places may be temporarily closed to the public for the exclusive use of schools or clubs or of persons organizing swimming contests or similar entertainments, or for use by the local authority for the same purposes, and on any such occasion charges for admission may be made (s. 225).

A local authority may lay and maintain pipes and apparatus for conducting water to and from their baths, etc., subject to the provisions of Part XII of the Act with respect to the breaking open of streets (s. 227).

With regard to public bathing the existing powers of local authorities to make byelaws have been extended so as to authorise byelaws for fixing the places at which bathing huts or tents may be erected, for regulating the use thereof and the charges to be made. If byelaws as to public bathing are inconsistent with byelaws of statutory undertakers in respect of a dock, harbour, canal or inland navigation, the latter will prevail (s. 231).

New powers are given to local authorities to make bye-laws for swimming baths and bathing pools not under their management, with provision for the exhibition of a copy of the byelaws on premises to which they apply. The powers do not extend to baths or pools not open to the public and for the use of which no charge is made (s. 233).

PART IX.—COMMON LODGING HOUSES.

The whole of the provisions in the Public Health Act, 1875 (ss. 76–89), relating to common lodging houses are repealed, and those relating to cellar dwellings (ss. 71–75) are not re-enacted, being no longer required in view of the provisions now contained in the Housing Act, 1925 (s. 80), and the Housing Act, 1935 (s. 84).

The term *common lodging house* is defined for the first time in a general statute, the definition following the local Act precedents including the interpretation section contained in s. 89 of the Public Health Act, 1875. This is a course which was suggested by Lord Hewart, C.J., in *Daley v. Lees*, [1926] 1 K. B. 40, at p. 45, where he stated that a definition of the term *is a question which may be thought worthy of the attention of the legislature*. It is to be noted that the definition is wide enough to include lodging houses where persons are received without payment, thus over-riding the decision in *Parker v. Talbot*, [1905] 2 Ch. 643 (s. 235).

The Act applies to all common lodging houses whether registered before the passing of the Public Health Act, 1907, or not. Registration is to be of the applicant in respect of the common lodging house named in his application and no registration of a person as a keeper of a common lodging house shall remain in force for a period exceeding thirteen months without renewal, the local authority being empowered to fix the period, not exceeding that limit (s. 238). Existing registrations will remain in force for three months after the Act comes into operation and will therefore be due for reconsideration by 1st January, 1938 (s. 236).

An appeal lies to a court of summary jurisdiction against a refusal to grant or renew registration, with a right of appeal to quarter sessions against their decision (s. 301). The right of appeal against such a decision is now direct to quarter sessions (Public Health Acts Amendment Act, 1907, ss. 2 (1), 7).

On a refusal to grant or renew registration, the local authority must on the request of the applicant state the grounds of such refusal (s. 238 (3)).

On the conviction of a lodging house keeper of an offence against the provisions of this part, the court is empowered to cancel the registration and to disqualify the keeper from registration for such period as the court may think fit; the provision for disqualification is new (s. 247).

PART X.—CANAL BOATS.

The Canal Boats Acts of 1877 and 1884 are repealed excepting that portion of the 1877 Act which relates to education. The provisions are re-enacted in Part X with some modifications.

This part extends to London (s. 257).

The expression *canal boats* is the subject of a new definition giving effect to the repealed Acts and to statutory orders and expressly limiting the meaning to commercial vessels (s. 258).

Several details contained in the repealed Acts which may more appropriately be dealt with by regulations have not been re-enacted.

The provisions of the Act of 1884, s. 8, providing that fines are to be paid to the registration or sanitary authority have not been reproduced, as it is considered that special provisions of this sort are not in accordance with modern practice. There is an appeal to a court of summary jurisdiction against refusal to register a canal boat (s. 252 (5)), with power to appeal from a decision of that court to quarter sessions (s. 301).

The registration authorities for any canal are the local authorities and port health authorities whose districts include or abut on some part of the canal, but a local authority are not a registration authority if they are, or are represented on a port health authority who are a registration authority for that canal (s. 249).

PART XI.—MISCELLANEOUS.

Water courses, ditches, etc.—The statutory law with regard to control by local authorities of water courses, ditches and ponds, has been collected and re-enacted in ss. 259–266.

Pools, ditches, gutters and water courses so foul or in such a state as to be prejudicial to health continue to be statutory nuisances as in the Public Health Act, 1875, s. 91, and there are added to this category water courses not ordinarily navigated which by being choked up or silted up cause a nuisance or give rise to conditions prejudicial to health (s. 259).

The existing powers of parish councils to deal with ponds, ditches, etc. (Local Government Act, 1894, s. 8), are extended to all local authorities (s. 260).

The powers relating to the cleansing and culverting of water courses given by the Public Health Acts of 1875 and 1895 are re-enacted (ss. 261-265).

Ships and boats.—Portions of the Act for the execution of which a local authority or a port health authority is responsible are applied to ships and boats other than vessels under the command of an officer holding His Majesty's commission and foreign vessels (s. 267).

Tents, vans, sheds, etc.—The increasingly important subject of the control of tents, vans, sheds used for human habitation is dealt with in ss. 268, 269.

Parts III, V, VII and XII of the Act and the provisions of Part II relating to verminous premises, articles and persons apply to all such structures, and those which are overcrowded or have no proper sanitary accommodation so as to be prejudicial to health are classed as statutory nuisances. Abatement notices may be served on occupiers of the land as well as occupants or users of the structure if nuisance is caused by absence of proper sanitary arrangements.

Byelaws may be made for promotion of cleanliness in, and the habitable condition of, the structures and for the prevention of the spread of infectious disease and generally for the prevention of nuisances.

The court before which proceedings are brought either in respect of statutory nuisances or contravention of byelaws may, in addition to its other powers, prohibit the use of a structure at such place or within such area as they may specify (s. 268).

The provisions with regard to movable dwellings apply to tents, vans or other conveyances whether on wheels or not, and to sheds and similar structures and whether used regularly or at certain seasons only, or intermittently, for human habitation, except structures to which building byelaws apply.

Local authorities may grant licences authorising persons

to allow land to be used as sites for movable dwellings and to authorise persons to erect and use the same, and may attach conditions to any such licence, as to the number of dwellings on the land, water supply, sanitary conditions and other matters and in addition, in the case of a licence authorising the use of a movable dwelling, conditions as to its removal.

There are excepted from the operation of this section land temporarily occupied for camping purposes and for use as a movable dwelling site; movable dwellings are also exempted which are used by an owner himself or members of his household or used seasonally for agricultural purposes or belonging to the proprietor of a travelling circus, etc., and used for the purpose of his business. Exemptions may also be given by the Minister to organisations, providing camping sites or movable dwellings (s. 269).

Hop pickers, etc.—Local authorities may make byelaws for securing lodging and accommodation for persons temporarily engaged in picking hops or gathering or lifting fruit, flowers, bulbs, roots or vegetables (s. 270).

PART XII.—GENERAL.

This part includes a large number of provisions of a general nature.

A general power is given to councils who are authorised to provide buildings under the Act, to equip and staff the same, and instead of building, to enter into agreements for use of suitable premises, including agreements for services of staff (s. 271).

A general power is given to council to combine by agreement for the purpose of any of their functions (s. 272).

Committees of county councils or local authorities may appoint sub-committees (s. 273).

Councils may execute work outside their county or district (s. 274).

Local authorities may execute work on behalf of owners or occupiers (s. 275).

They may sell materials, removed from premises and streets when executing works, which are not claimed and taken away within three days by the owner, paying the proceeds, less expenses, to the owner thereof. This provision does not apply to refuse removed (s. 276).

Councils may require information as to the ownership of premises to enable them to perform their functions (s. 277).

The provision made in the Act with regard to compensation to individuals for damage resulting from the exercise of powers under the Act are similar to those in s. 308 of the Public Health Act, 1875, though the limit of jurisdiction of a court of summary jurisdiction is increased to £50 and the jurisdiction of the court is extended to cover the question of liability as well as questions of fact of damage and amount of compensation. The provision does not extend to claims for compensation resulting from declarations as to sewers or sewage disposal works, as claims of this nature may be dealt with under s. 17. Enhancement in value of land may be set off against compensation for damage (s. 278).

Breaking open of streets.—General provision is made for regulating the breaking open of streets by local authorities for purposes of the Act. Ss. 28 and 30–34 of the Waterworks Clauses Act, 1847, are incorporated and adapted, the references in those sections to persons having control or management of a street or bridge being construed as referring to the highway or bridge authority of the street in question (the definition of street (s. 343) includes a highway over a bridge).

The above provisions are applied to persons other than local authorities empowered to lay and maintain sewers and pipes in streets.

Special provision is made with regard to railway companies, dock undertakers and tramway and trolley vehicle undertakers, and the powers of s. 153 of the Public Health Act, 1875, as to moving of gas and water pipes, are applied (ss. 279–282).

Notices, etc.—All notices, orders, etc., must be in writing; the Minister is authorised to prescribe forms of notices, advertisements, certificates, etc. (s. 283).

Notices, etc., may be signed on behalf of the council by the clerk of the council or, as to matters within their province by other chief officers or officers specially authorised. The signature of an appropriate officer on a document is presumptive evidence of its authenticity, and the word *signature* includes a facsimile (s. 284). Requirements as to service of notices are based on s. 267 of the Act of 1875, and similar provisions in more modern legislation (s. 285). A document purporting to be signed by the clerk of a council as a copy of a resolution order or

appointment of the council is evidence in proceedings under the Act (s. 286).

Entry and obstruction.—The provisions in the Act with regard to entry on premises replace the numerous and varying powers in earlier Public Health Acts. (It is to be noted that special provisions as to entry are contained in ss. 120, 191, 241 and 245.) There is a penalty for wilfully obstructing an officer in the execution of the Act, and a court of summary jurisdiction may order an occupier of premises to permit the owner to execute works required to be done (ss. 287–289).

Notices requiring execution of works.—S. 290 contains a code in substitution for the varying provisions of the old Acts with regard to notices requiring the execution of works by owners or occupiers of premises, and with regard to appeals against such requirements.

Recovery of expenses.—A simple procedure is laid down for recovery of such expenses incurred by a local authority as are recoverable from an owner of premises or his successors in title, with power to declare the same to be payable by instalments and to be recoverable from the owner or (subject to limitations) occupier (s. 291), to include establishment charges in the cost of the works (s. 292), and to recover expenses (where no other provision is made) either summarily as a civil debt or as a simple contract debt in a court of competent jurisdiction. Expenses up to £100 may accordingly be recovered in a county court (s. 293).

Persons acting as agents or trustees for owners are not liable for expenses beyond the amount which they have or have had in hand as such agent or trustee (s. 294).

A revised form of procedure for making charging orders, based on s. 241 of the Act of 1875, enables not only a person who has advanced money for the execution of works, but a person who has himself done the works, to have repayment secured to him by an annuity charged on the premises by order of the local authority (s. 295).

Ss. 296–299 deal with prosecution of offences and repeat, with some revision, provisions of the old Acts, with the addition of a section (297) mitigating the law with regard to continuing offences and permitting the court, on convicting for an offence, to allow a period during which daily penalties shall not be incurred.

Appeals, etc.—An appeal to a court of summary jurisdiction is to be by complaint for an order; the

Summary Jurisdiction Acts apply (s. 300), and there is an appeal to quarter sessions against orders, determinations or other decisions of a court of summary jurisdiction, except in cases where the parties might have required the dispute to be determined by arbitration (s. 301).

Arbitration.—Arbitrations, except where otherwise provided, must be by a single arbitrator appointed by agreement, or, in default thereof, by the Minister (s. 303).

Judges and justices.—Judges and justices are not disqualified from acting in cases under the Act by reason of their being liable to pay rates (s. 304).

Protection of members and officers.—The provisions of s. 265 of the Act of 1875 are applied to members and officers of local authorities, joint boards and port health authorities, but not to members or officers of county councils or parish councils (s. 305).

Compulsory purchase.—S. 306 has the effect of incorporating in the Act the provisions of s. 160 of the Local Government Act, 1933, as to compulsory purchase of land by provisional order, for purposes for which a local authority may acquire land under this Act otherwise than by agreement. As to compulsory purchase of lands by joint boards, see s. 293 of the Act of 1933.

Expenses and borrowing.—The powers already possessed by county councils to contribute to expenses of district councils is extended, and they may aid in the provision of hospitals, sewers and sewage disposal works and water supplies, whether the works are provided directly by the district council or by a joint board (s. 307).

Special expenses of rural authorities chargeable to contributory places are enumerated and will in future include expenses in connection with sewage disposal works, and expenses incurred by a joint board on which the rural council is represented. The power of councils to treat special expenses as general expenses (Local Government Act, 1933, s. 191) is preserved (s. 308).

The method is prescribed by which expenses of joint boards are to be defrayed and collected from constituent county councils and local authorities (s. 309).

There is also re-enacted the power (which appears to be unnecessary) for local authorities to borrow on the security of sewage disposal works (s. 310).

Powers of the Public Works Loan Commissioners to lend money are extended to loans for works executed by a port health authority or a joint board (s. 311).

Powers of the Minister of Health.—The Minister is the confirming authority as respects byelaws for the purposes of s. 250 of the Local Government Act, 1933 (s. 312).

The Minister, on the application of a county borough council, or in counties or county districts on the application of the county council or the local authority, may by order make such alterations, by amendment or repeal, in local Acts the Bills for which were promoted by such councils, as are necessary to bring local Act provisions into conformity with the Act, and to remove redundant provisions. Where a council have succeeded a former body who promoted a Bill for a local Act, that Act is to be deemed to have been promoted by the council exercising the functions thereof (s. 313).

The Minister may also by order apply to joint boards and port health authorities provisions of the Act corresponding to provisions repealed, but if this is done without an application by the board or authority, or after 30th September, 1939, the order will be provisional (s. 314). S. 315 is dealt with at p. 28, *ante*.

To enable the Minister to make a provisional order without previous application, where such procedure is authorised by the Act, s. 285 of the Local Government Act, 1933, is appropriately amended (s. 316).

The purposes of the Act are to be deemed to be purposes to which s. 308 of the Act of 1875 relates, and accordingly the Minister of Health may, by provisional order, repeal, alter or amend local Acts (with some exceptions) which relate to the same subject matter as the Act (s. 317).

A general power is given to the Minister to hold inquiries (s. 318).

Relinquishment and transfer of powers, etc.—A district council may relinquish and transfer to the county council any of their functions under the Act (s. 320), and a county council, if they think that a district council has made default in discharging such functions, may complain to the Minister, who on such complaint must hold an inquiry (s. 321).

The Minister, either on complaint or of his own motion, may hold an inquiry to ascertain whether a council, port health authority or joint board have failed to discharge their functions. If he finds this to be the case he may direct them to discharge such functions, and on their default, he may by order (which he has power to revoke)

transfer the functions to the county council, or (if the district is in the area of more than one county council), to himself (ss. 322, 325). These powers are accompanied by provisions relating to financial arrangements on such a transfer being made (ss. 323, 324).

Transfer, compensation and superannuation rights of officers.—S. 326 makes provision, on transfers of officers or determination of their appointments, for their compensation and the safeguarding of their superannuation rights, where by order or agreement an authority is constituted or dissolved, or functions are relinquished, delegated, transferred or re-transferred or exercised in combination, or the services of the staff of an authority are rendered available to another. The section adapts the provisions of s. 150 of the Local Government Act, 1933.

Savings.—There are a number of saving sections, providing that the powers of the Act shall be cumulative (s. 328), saving provisions of the Land Charges Act, 1925 (s. 329), reserving to railway companies, dock undertakers and land drainage authorities rights to alter sewers, drains and culverts (s. 330), restricting the execution of works affecting water rights without the consent of persons having interests therein (s. 331), providing for arbitration to settle differences arising under the two last mentioned sections (s. 332), protecting works of dock undertakers and railway companies (s. 333), and of land drainage authorities (s. 334), and works and rights of the London County Council (s. 335), and powers of the Middlesex County Council and of local authorities in that county (s. 336), and saving payments for drainage under the Local Government Act, 1861 (s. 337), and rights as to sewers and drains of collegiate and other bodies and Government Departments (s. 338), and prescriptive rights of drainage, subject to the powers of local authorities under s. 22 to alter or close public sewers and under s. 42 to alter drainage systems (s. 339). Works below high-water mark must have the previous approval of the Board of Trade (s. 340). Any of the provisions of the Act may be applied to Crown property by agreement between the appropriate government authority and a county council or local authority (s. 340).

Interpretation, repeal, etc.—The necessary provisions, including powers with regard to borrowing, are made for the application to London of the provisions of the Act which extend to that area (s. 342).

The interpretation section, defining a number of words and expressions used in the Act, provides that the interpretation of words defined in local enactments as having the same meaning as in a repealed enactment is not to be affected by the section (s. 343).

Transitional provisions are enacted for existing temporary buildings (s. 344), and in relation to offences and notices (s. 345).

The repeal section does not affect the general application of s. 38 of the Interpretation Act, 1889, with regard to the effect of repeals (s. 346).