

PART II.

ADOPTION AND APPLICATION OF ACT.

Interpretation of certain Terms in Second Part of Act. "Place."

12. In the Construction of the Second Part of this Act (if not inconsistent with the Context or Subject Matter),

The Term "Place" shall mean any Corporate Borough, District, constituted in pursuance of the Public Health Act, 1848, City, Town, Parish, Township, or other Place having a known and defined Boundary :

"District."

The Term "District" shall mean any Locality whatever to which this Act is applied by Provisional Order. 10

Adoption and Application of Act.

13. This Act may be adopted,—

By any Place either throughout its whole Extent or as to any Part thereof:

And may, by such Provisional Order as herein-after mentioned, be applied to a District consisting of, 15

Any Place or Part of a Place ; or,

Of a Union of Two or more Places ; or,

Of a Union of a Part of a Place with any Place or Places, or with a Part or Parts of any Place or Places ;

But no such Adoption or Application shall be made (except an Application in Cases where the Deaths in any Place are in such excess as is herein-after expressed,) unless the Ratepayers of such Place or District give their Consent, in manner herein-after mentioned, to such Adoption or Application. 20

Definition of "Ratepayer." 1 & 2 W. 4. c. 60. s. 7. 11 & 12 Vict. c. 63. s. 20.

14. No Person shall, for the Purpose of doing any Act or enjoying any Privilege within any Place or District, in pursuance of the Provisions herein-after contained, be deemed to be a Ratepayer, unless he has been rated to the Relief of the Poor of such Place or District, or of some Parish within the same, for the Year immediately preceding the doing of such Act or Enjoyment of such Privilege, and has paid all Parochial Rates, Taxes, and Assessments, including, in Cases where this Act or the Public Health Act, 1848, is in force within the Place or District, all Rates and Charges payable thereunder, and due from him at the Time of his requiring to do such Act or enjoy such Privilege, with the Exception of any such Rates, Taxes, Assessments, and Charges as may have accrued due within the Six Months immediately preceding. 25 30 35

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15. In Cases where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is rated to the Relief of the Poor in respect of any Property belonging to them, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be One Ratepayer for the Purpose of doing any Act or enjoying any Privilege under the Provisions herein contained, and may vote by Proxy, appointed in Writing under the Common Seal in case of a Corporation, or in any other Case under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern ; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to act individually as a Ratepayer in respect of such Property. Provisions as to Corporations, &c. voting as Ratepayers.

Adoption of Act.

16. The following Rules shall be observed with respect to obtaining the Consent of the Ratepayers of any Place to the Adoption of this Act ; (that is to say,) Rules as to obtaining Consent of Ratepayers of Places to Adoption of Act.

(1.) Any Number not less than Ten of the Ratepayers of such Place may by Writing under their Hands, in the Form marked A. in the Schedule hereto, make an Application to such Officer as is herein-after named as the Summoning Officer, requiring him to call a Meeting of the Ratepayers of the Place, for the Purpose of taking into consideration the Adoption of this Act : 20

(2.) Upon the Receipt of such Application the Summoning Officer shall fix a Time and Spot for holding such Meeting, but the Time so fixed shall not be less than Ten Days nor more than Twenty-one Days from the Receipt by him of the Application : 25

(3.) The Summoning Officer shall forthwith give Notice, of the Time and Spot so fixed, 30

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate :

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place : 35

(4.) The Notice so given shall be in the Form marked B. in the Schedule hereto :

(5.) The following Persons shall be Summoning Officers,—
In Corporate Boroughs the Mayor :

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In Districts constituted under or in pursuance of the Public Health Act, 1848, the Chairman of the Local Board of Health :

In Towns, the Commissioners, Trustees, or other Persons exercising Jurisdiction under any Public Local Act, or One or more of such Commissioners, Trustees, or other Persons :

In Parishes the Churchwardens or One of them :

In Townships and other Places separately rated to the Relief of the Poor, but not having Churchwardens, the Overseers or One of them :

And if there is no such Officer in any of the foregoing Places, or if he neglects, is unable, or refuses to perform the Duties hereby imposed on him, the General Board may, upon the Requisition of any *Five* Ratepayers, appoint a Person to act as Summoning Officer :

- (6.) The Meeting, on its assembling together, shall choose One of its Number as Chairman : The Person so chosen shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day :
- (7.) The Chairman shall propose to the Meeting the Adoption of the Act ; and any Resolution passed by the Meeting shall express, if in the Affirmative, the Consent to, and if in the Negative the Dissent of, the Ratepayers from, the Adoption of this Act :
- (8.) If no Poll is demanded, a Declaration by the Chairman that a Resolution has been carried shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour or against the same :
- (9.) If a Poll is demanded, the Chairman shall direct the same to be taken at such Spot or Spots, and within such Period, not exceeding *Two* clear Days from the Day of the Meeting, as he may determine, and he shall at the same Time adjourn the Meeting to some Day not more than *Four* clear Days after the Day appointed for the taking of the Poll :
- (10.) The Chairman shall appoint such Number of Polling Clerks as he deems sufficient, and cause proper Polling Books to be provided :
- (11.) The Chairman may summon the Overseers or Inspectors of the Poor, Collectors, and other Officers employed in the Assessment or Collection of the Rates, to attend the Poll, in

in order to assist in ascertaining that the Persons presenting themselves to vote or who have voted are or were duly qualified to vote at such Poll ; and such Overseers or Inspectors, Rate Collectors, or other Officers shall attend, with the Rate Books and such other Documents necessary for the Purpose aforesaid as may be in their Custody or Power, at such Places and at such Times as the Chairman may direct, and shall answer all such Questions as the Chairman or any Poll Clerk may put to them respecting the Title of any Person to vote ; and any Overseer or Inspector, Rate Collector, or other Officer who wilfully neglects or fails to perform the Duties hereby imposed upon him shall for such Neglect or Failure be liable to a Penalty not exceeding *Twenty Pounds* :

- (12.) The Poll shall be opened at *Nine* o'Clock in the Forenoon of the appointed Day, and shall close at *Four* o'Clock in the Afternoon of the same Day, except in the Case of Disturbance or Riot, when the closing of the same may be fixed to take place at such Time as the Chairman directs :
- (13.) The Poll at any Place of Voting may be closed at any Time before *Four* of the Clock, if One Hour has elapsed during which no Voting Paper has been tendered at such Place of Voting :
- (14.) The Chairman shall cause to be entered in the Polling Books the Name and Address of every Ratepayer voting for or against the Adoption of the Act, and the Manner in which he votes :
- (15.) The Chairman or any Poll Clerk appointed by him may, if he thinks fit, and shall, if required to do so by any Ratepayer present, put to any Person applying to vote the following Questions or either of them :
- (a) Are you the Person assessed as A.B. in the Rate (specifying the Rate) in respect of Property described as (specify the Description) ?
- (b) Have you already voted at this Poll ?
- And no Person of whom such Questions or either of them are or is asked shall vote until he has answered the same ; and any Person wilfully making a false Answer to either of the said Questions shall be deemed guilty of a Misdemeanor.
- (16.) At the Close of the Poll the Chairman shall sum up the Votes, and openly declare, at such adjourned Meeting as aforesaid, whether a Majority have voted in favour of or against the Adoption of the Act, and the Majority so declared

declared shall be considered as expressing the Consent of the Ratepayers to or their Dissent from the Adoption of the Act :

- (17.) If at such adjourned Meeting as aforesaid any Ratepayer present demands a Scrutiny, and finds Security, to the Satisfaction of the Chairman, for the Reimbursement of the Expenses attending the same, such Chairman shall proceed to make the same in such Way as he thinks fit, and shall report the Result to a Second adjourned Meeting, to be appointed by him for a Day not later than the *Third Day* 10 after such First adjourned Meeting :
- (18.) The Chairman shall decide all Questions arising upon such Scrutiny :
- (19.) The Result of such Scrutiny, when so declared as aforesaid, or, if no Scrutiny is demanded, the Result of the Poll as 15 originally declared, shall be conclusive :
- (20.) The Party demanding the Scrutiny shall in any Event pay the Expenses attending the same.

Rules as to Adoption of Act by Parts of Places.

17. The following Rules shall be observed with respect to the Adoption of this Act by Parts of Places: 20

- (1.) Any Place may, with such Consent as aforesaid of the Ratepayers, be divided into any Part or Parts, for the Purpose of adopting the Provisions of this Act, in any One or more of such Parts, to the Exclusion of the rest :
- (2.) In Cases where the Limits of a Place include One or more 25 lesser Places, which, if not included within such Limits, might have separately adopted this Act, such lesser Places shall for the Purposes of this Act be deemed to be merged in the greater Place within the Limits of which they are situate, unless the greater Place has previously refused to adopt this 30 Act, in which Case the lesser Place may adopt this Act, in the same Manner as if it were not included within the Limits of a greater Place :
- (3.) In Cases where any Part of a Place, not being of itself such a Place as is authorized to adopt this Act, is desirous of having 35 this Act applied to it, then, if the Place to which such Part belongs has refused to adopt this Act, but not otherwise, a Petition may be presented by or on behalf of such Part to the General Board, and thereupon this Act may be applied to such Part, in manner herein-after mentioned. 40

Notice of Adoption of Act.

18. In any Case where the Ratepayers of a Place have consented in manner aforesaid to adopt this Act, the Summoning Officer shall give

give Notice of such Consent having been given, to the General Board by Writing under his Hand, and shall publish the same in manner following :

By Advertisement in the London Gazette, and in some One or 5 more of the Newspapers published in the County in which such Place is situate :

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place :

And such Notice shall be in the Form marked C. in the Schedule 10 hereto.

19. Whenever the Ratepayers of a Place have in manner aforesaid consented to the Adoption of this Act, the same shall, within *One* 15 *Month* from the Date of the Consent having been so given, have the Force of Law within such Place, and such Act shall be considered to have been adopted by such Place from the Expiration of such last-mentioned Month.

Effect of Consent by Place to Adoption of Act.

20. For the Purposes of this Act, adjoining Places may alter their respective Boundaries, subject to the Regulations herein-after mentioned ; that is to say, Rules as to Alteration of Boundaries.

(1.) A Plan shall be made, setting forth such new Boundaries, with a sufficient Description ; and the Consent of the Ratepayers of each Place whose Boundaries are intended to be altered to the Alterations shown in such Plan shall be obtained in the same Manner in which the Consent of the Ratepayers of any Place to the Adoption of this Act is 25 herein-before required to be obtained :

(2.) Notice of such Alteration of Boundaries shall be given in the same Manner in which Notice is herein-before required to be given of the Adoption of this Act by any Place :

30 And, upon Compliance with the Provisions of this Section, any Place mentioned in any such Plan shall for the Purposes of this Act be considered as bounded in manner specified in such Plan.

21. Upon the Adoption of this Act by any Place, being a Corporate Borough or other Corporate Place,—

(1.) The Duty of carrying into effect the Provisions herein contained shall be vested in the Council of such Borough or Place ; and all Powers, Privileges, and Obligations vested in or imposed on any Commissioners, Trustees, Inspectors, or other like Authorities, by any Public Local Act in force within such Borough, shall be transferred to and vested in the Council of such Borough or Place ; and all Powers, Rights, Privileges, and Obligations hereby vested in or imposed on Local Improvement Boards shall be vested in and imposed on the Council

Effect of Adoption of Act by Corporate Boroughs.

of the Borough or Place; and such Council shall exercise all such Powers, Rights, and Privileges, and perform such Obligations, according to the Laws for the Time being in force with respect to Municipal Corporations in England and Wales:

- (2.) If such Borough or Place has already been constituted a District under the Public Health Act, 1848, the Provisions of this Act shall be considered as substituted for the Provisions of the said Public Health Act, 1848, and of any Order in Council or Provisional Order made in pursuance thereof, and the Council of such Borough or Place shall no longer bear the Title of the "Local Board of Health," but such Substitution shall not affect any Right already existing or accrued, or any Remedy for enforcing the same.

Adoption of Act by District constituted under Public Health Act, 1848.

22. Upon the Adoption of this Act by any Locality already constituted a District under or in pursuance of the Public Health Act, 1848, and not being a Corporate Borough, the following Consequences shall ensue:

- (1.) The Local Board of Health shall possess and perform all Powers, Rights, Privileges, and Obligations hereby vested in or imposed on Local Boards of Health, but the Constitution of and Manner of choosing such first-mentioned Local Board shall continue as heretofore:
- (2.) The Provisions of this Act shall, subject as aforesaid, be considered as substituted for the Provisions of the said Public Health Act, 1848, and of any Order in Council or Provisional Order made in pursuance thereof, but such Substitution shall not affect any Right already existing or accrued, or any Remedy for enforcing the same.

Effect of Adoption of Act by any other Place.

23. Upon the Adoption of this Act by any Place, not being a Corporate Borough, and not having been already constituted a District under or in pursuance of the Public Health Act, 1848,—

- (1.) There shall, for the Purpose of carrying into effect the Provisions herein contained, be elected, in manner herein-after mentioned, a Board to be called "The Local Board of Health:"
- (2.) All Powers, Privileges, and Obligations vested in or imposed on any Commissioners, Trustees, Inspectors, or Authorities by any Public Local Act in force within such Place shall be transferred to and vested in such Local Board of Health.

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24. Upon the Adoption of this Act by any Place whatever, all Provisions contained in any Public Local Acts in force within such Place, that are inconsistent with the Provisions of this Act, shall be repealed, but such Repeal shall not affect any Rights already existing or accrued, or any Remedy for enforcing the same.

Repeal of Public Local Acts.

25. No Objection shall be made at any Trial or in any legal Proceeding as to the Validity of the Adoption of this Act, or of any Alteration made by any Place in its Boundaries, unless the Objector has given previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever to such Validity shall be admissible at any Trial or in any legal Proceeding after the Expiration of *Three Months* from the Time of the Adoption of this Act or of such Alteration of Boundaries by any Place.

Rules as to Objections.

26 The Adoption of this Act may be proved at any Trial or in any legal Proceeding,—

Evidence.

- By a printed Paper purporting to be the London Gazette, and containing a Notice to the Effect that the Ratepayers of such Place have consented to the Adoption of this Act; or
- By the Evidence of any Person or Persons cognizant of the Fact of such Adoption; and

the Alteration of Boundaries by any Place may be proved by the Evidence of any Person or Persons cognizant of the Fact of such Alteration.

27. If any Place hereby empowered to adopt this Act is desirous for the Purpose of reconciling the Provisions of this Act with any Local Act in force within such Place, or for the Purpose of making Provision for any other Matter or Thing, that this Act should be applied to such Place by Provisional Order, instead of being adopted in manner aforesaid, it shall be lawful for a Petition to be presented to the General Board by such Place, and thereupon for this Act to be applied by Provisional Order in manner herein-after mentioned.

Act may be applied by Provisional Order instead being adopted.

28. In Cases where this Act is adopted by any Place, all Expenses incurred in relation to the Adoption thereof shall be defrayed out of the General District Rate to be levied in manner herein-after mentioned; but if such Act is not adopted by such Place all such Expenses as aforesaid shall be borne by the Ratepayers

Expenses of Adoption of Act. 13 & 14 Vict. c. 33.

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who made the Application to the Summoning Officer requiring a Meeting to be called, and such Expenses may be recovered by the Persons who have disbursed the same in the summary Manner herein-after mentioned before any Two Justices of the Peace having Jurisdiction within such Place as aforesaid.

Local Boards of Health (Places).

Constitution of Local Boards. 13 & 14 Vict. c. 33.

29 In Cases where any Place, not being a Borough Corporate, and not having been already constituted a District under or in pursuance of the Public Health Act, 1848, has adopted this Act, there shall be elected a Board to be called "The Local Board of Health," and such Board shall consist of such Number of Members as may be determined by a Majority of the Ratepayers present at any such Meeting or adjourned Meeting as herein-before mentioned, or present at any Meeting to be summoned by the Summoning Officer for that Purpose, either before or after the Adoption of this Act, subject to the Provision that such Number shall not be in any Case less than *Nine* or more than *Eighteen*.

Qualification of Members of Local Board.

30. Every Ratepayer shall be qualified to be a Member of a Local Board of any Place who is rated to the Relief of the Poor of such Place, or of some Parish within the same, upon an annual Value of not less than *Fifteen Pounds*.

Rules as to Election of Local Boards.

31. The following Rules shall be observed with respect to the Election of Members of Local Boards of Health :

- (1.) The Chairman of the First Meeting held by virtue of this Act shall be the Returning Officer of the First Election of a Local Board of Health, and at all subsequent Elections of such Board the Chairman of the Local Board of Health for the Time being shall be such Returning Officer :
- (2.) In case of the Death, Inability, or Refusal to act of any such Chairman as aforesaid of the First Meeting, the General Board may, upon the Application of any *Five* Ratepayers of the Place, and on due Proof made to them of such Death, Inability, or Refusal, appoint any other Person to conduct such First Election as aforesaid; and in case of the Death, Inability, or Refusal to act of any Chairman for the Time being of the Local Board of Health, the Local Board of Health shall appoint some other Member of their Board to conduct in his Stead any subsequent Election :
- (3.) For the Purpose of such Election, the Returning Officer shall convene a Meeting of Ratepayers to assemble in the Case of a First

a First Election on a Day not less than *Ten* nor more than *Twenty-one* Days after the Time of the Adoption of this Act, and in all subsequent Elections on the Day next after the Day herein-after appointed for the Retirement of Members of the Local Board :

(4.) The Returning Officer shall give Notice of such Meeting in the same Manner in which the Summoning Officer is herein-before required to give Notice of a First Meeting held by virtue of this Act :

(5.) The Returning Officer shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day :

(6.) At any such Meeting as aforesaid any qualified Person may be proposed by any Ratepayer, and seconded by any other Ratepayer, as a Member of the Local Board of Health :

(7.) If more qualified Candidates are proposed than the Number to be elected, a Poll may be demanded; but if not, or if no Poll is demanded, a Declaration by the Chairman that the Candidates are elected Members of the Local Board of Health shall be conclusive Evidence of the Fact :

(8.) The Members of any Local Board of Health shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers; and the Offices of the First Class shall be vacated on the Day after the Expiration of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated on the Day after the Expiration of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated on the Day after the Expiration of the Third Year from such Date as aforesaid; all Members so chosen to fill the vacated Offices shall hold their Offices for the Term of Three Years, and no longer; and in every Instance the Offices of retiring Members shall be supplied by an equal Number of newly elected Members :

(9.) If from any Cause no Election is made on the appointed Day, the Meeting shall stand adjourned until the same Day of the following Week, and so from Time to Time until an Election is made :

(10.) The Members who would upon the appointed Day have retired shall continue Members until others are appointed in their Stead :

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- (11.) A Member of a Local Board of Health may resign, on giving to such Board *One Month's* previous Notice in Writing of his Intention so to do :
- (12.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up by the Local Board of Health of the District out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred :
- (13.) Any Person on ceasing to be a Member shall be re-eligible. 10

Application of Act.

Rules as to obtaining Consent of Ratepayers to Application of Act.

32. The following Rules shall be observed with respect to obtaining the Consent of the Ratepayers to the Application of this Act to a District; (that is to say,)

- (1.) A Petition praying for the Application of this Act shall be presented to the General Board by or on behalf of the Ratepayers of the proposed District: 15
- (2.) The Petition shall state as nearly as may be the Boundaries of the proposed District, and shall specify the several Places and Parts of Places forming Part of the proposed District, and shall be in the Form marked D. in the Schedule hereto, or as near thereto as Circumstances permit: 20
- (3.) The Petition shall be subscribed by *One Tenth* of the Ratepayers belonging to such District, and such Subscription shall be verified in such Manner as the General Board requires, and the Statements contained in any such Petition shall be verified in such Manner as the General Board requires. 25

Power of General Board, on Receipt of Petition.

33. Upon the Receipt of any such Petition as aforesaid, the General Board may, if they think fit, send an Inspector to the proposed District, for the Purpose of making Inquiry— 30

- As to the Genuineness of the Petition;
- As to the existing Municipal or Parochial Boundaries;
- As to the natural Drainage Areas;
- As to the Boundaries which may be most advantageously adopted for the Purposes of this Act; 35
- As to any Public or Private Local Acts in force within any such proposed District or any Part thereof;
- As to any other Matter or Thing of which the General Board may require to be informed in reference to the Application of this Act.

Inspector to give not less than Seven Days Notice of

34. Before commencing such Inquiry, the Inspector shall give not less than *Seven Days* Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous 40

desirous of being heard before him upon the Subject of such Inquiry, in manner following; (that is to say,)

such Inquiry by Advertisement, &c.

By Advertisement in some One or more of the public Newspapers published in the County in which the proposed District to which such Inquiry relates is situate: 5

By causing such Notice to be affixed to the principal Doors of every Church and Chapel within the proposed District:

And as soon as possible after the Completion of such Inquiry he shall report in Writing to the General Board, in such Manner as they may direct, upon the several Matters with respect to which he has been directed to inquire as aforesaid; and the General Board may, if they think fit, publish such Report. 10

35. The General Board shall, upon the Receipt of such Report, or, if they think fit, without causing any Inquiry to be made, by a Provisional Order under their Seal, proceed to do the following Things:— 15

Power of General Board to make Provisional Order.

To apply this Act or any Part thereof to such proposed District, with Power nevertheless to alter the Boundaries of such District in any Manner they may think fit:

To consolidate and extend and provide for the future Execution of any Public Local Acts that may, upon the Institution of any such Inquiry as aforesaid, be found to be already in force within the proposed District, and to vary or repeal any Enactments therein contained, so far as may be necessary for reconciling the same with this Act, with Power to grant Compensation to any Persons aggrieved by such Consolidation, Alteration, or Repeal. 20 25

36. Upon the Completion of such Provisional Order, the General Board shall direct an Inspector to proceed to the proposed District to which such Order relates, for the Purpose of obtaining the Consent thereto of the Ratepayers of such District. 30

Provisional Order to be submitted to proposed District.

37. The Inspector shall, without unnecessary Delay, give Notice of a Meeting of the Ratepayers of such District, to be held at some Place to be specified in such Notice, for the Purpose of determining whether such Provisional Order is consented to or not. 35

Inspector to summon Meeting.

38. The Inspector shall be Chairman of such Meeting; and all the Provisions herein-before contained with reference to a First Meeting held in any Place for the Adoption of this Act, as to the Power of the Chairman, as to the Conduct of the Meeting, as to the passing of Resolutions, and as to the taking a Poll, shall apply to such Meeting, so far as Circumstances permit, with this Variation, that the Inspector shall perform the Duties herein-before required to be performed by the Summoning Officer. 40

Inspector to be Chairman.

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Power of
General
Board to
modify
Order.

39. The General Board may, with the Consent of the Ratepayers of the proposed District, such Consent to be obtained in the same Manner as is herein-before directed with respect to obtaining their Consent to any Provisional Order, alter or modify any Provisional Order; but no Provisional Order shall be submitted for Confirmation to Parliament unless the Consent of the Ratepayers of the proposed District to which it relates has been previously obtained in manner herein-before mentioned. 5

General
Board to
obtain Con-
firmation of
Provisional
Order.

40. Whenever the Consent of any proposed District has been given to any such Provisional Order as aforesaid, it shall be the Duty of the General Board, as soon as conveniently may be, to take all necessary Steps for the Confirmation thereof by Act of Parliament, and when so confirmed it shall be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previously to such Confirmation it shall not be of any Validity whatever. 15

Application of Act by General Board.

Power of
General
Board to
send In-
spector to a
Place.

41. Under the following Circumstances; (that is to say,) Where it appears, or can be ascertained from the last Return for the Time being made up by the Registrar General of Births, Marriages, and Deaths, from the Deaths registered in a Period of not less than *Seven* Years, that the Number of Deaths annually in any Place during the Period in respect whereof such Return has been made have on an Average exceeded *Twenty-three* to a Thousand of the Population of such City, Town, Borough, Parish or Place, 25

The General Board of Health may, if they, in their Discretion, think fit, direct a Superintending Inspector to visit such Place, for the Purpose of making public Inquiry and examining Witnesses as to the following Matters and Things or any of them; (that is to say,) 30

As to the Sewerage, Drainage, and Supply of Water; 30
As to the Number and sanitary Condition of the Inhabitants;
As to any Public or Private Local Acts of Parliament in force within such Place;

As to the existing municipal, parochial, or other local Boundaries, if any, and the Boundaries which may be most advantageously adopted for the Purposes of this Act; 35

As to any other Matter or Thing of which the General Board may require to be informed in reference to the Application of this Act.

Previous
Provisions to
apply.

42. The Provisions herein-before contained as to the giving of Notice by the Inspector, and as to the Report to be made to the General Board, and as to the Powers of the Inspector, shall be applicable to any Inquiries made in pursuance of the preceding Section. 40

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43. Upon the Receipt of such Report the General Board may, if it think it expedient, by Provisional Order under their Seal, proceed to do the following Things: Application of Act by General Board.

5 To apply this Act or any Part thereof to such Place or to any Part thereof, or to any Area comprising the whole or any Part of such Place, or to attach such Place or Area to any adjoining District, constituted under this Act, or under the Public Health Act, 1848, with the Consent of the local Board of Health of such District:

10 To consolidate and extend and provide for the future Execution of any Public Local Acts that may upon the Institution of any such Inquiry as aforesaid be found to be already in force within any such Place or Area, and to vary or repeal any Enactments therein contained, so far as may be necessary for reconciling the same with this Act, with Power to grant Compensation to any 15 Persons aggrieved by such Consolidation, Alteration, or Repeal.

44. No Provisional Order so made as lastly herein-before mentioned shall require to be consented to by the Ratepayers of the Place or Area to which it relates, and it shall be the Duty of the said General Board to present the same to Parliament for Confirmation. Provisional Order not to require Consent of Ratepayers. 20

45. After the passing of any Act of Parliament confirming any Provisional Order by which this Act is applied to any District, the Costs, Charges, and Expenses incurred by or under the Direction of the said General Board in relation to any such Application as aforesaid shall, to such Amount as the Commissioners of Her Majesty's Treasury, by Order under their Hands, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the said Commissioners by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid. Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11. 25

Local Boards of Health (Districts).

35 46. In Districts the following Rules shall be observed with respect to the Constitution of Local Boards of Health; that is to say, Rules as to Constitution of Local Boards of Health in Districts.

(1.) If such District consists of Two or more Corporate Boroughs, or of Parts of Corporate Boroughs, the Local Board of Health shall consist—

40 (a) Of the Mayors for the Time being of the respective Boroughs; and

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(b) Of

- (b) Of the prescribed Number of Persons herein-after called "Select Members," to be chosen as herein-after mentioned:
- (2.) If such District consists partly of a Corporate Borough or Boroughs, and partly of Parts beyond the Boundaries of such Borough or Boroughs, the Local Board of Health shall consist—
 - (a) Of the Mayor or Mayor for the Time being of such Borough or Boroughs;
 - (b) Of the prescribed Number of Select Members to be chosen as herein-after mentioned;
 - (c) Of the prescribed Number of Persons herein-after called "Elective Members," to be elected as herein-after mentioned:
- (3.) In Districts not containing any Part of a Corporate Borough the Local Board of Health shall consist—
 - (a) Of the prescribed Number of Elective Members.

Rules as to Select Members. 11 & 12 Vict. c. 63. s. 12.

47. The following Rules shall be observed as to "Select Members" constituting Part of the Local Board of Health of any District: 20

- (1.) The prescribed Number of such Members shall be chosen by the Council of the Borough, or, if there is more than One Borough within the District, by the respective Councils of such Boroughs, either from their own Number or from Persons qualified to be Members of the Council making the Selection: 25
- (2.) The First Selection shall be made on the prescribed Day:
- (3.) A Select Member, if One of the Councillors of a Borough, shall be a Member of such Local Board of Health so long as he continues without Re-election to hold Office as such Councillor, and no longer: Every other Select Member shall be a Member of such Local Board for *One Year* from the Date of his Selection, and no longer:
- (4.) A Select Member may resign his Place at the Local Board, upon giving to the Clerk *One Month's* previous Notice in Writing of his Intention so to do: 35
- (5.) Any casual Vacancy occurring in the Number of Select Members, by Death, Resignation, or otherwise, may, within *One Month* from the Occurrence of such Vacancy, be filled up by the Council who selected the vacating Member, either out of their own Number, or from Persons qualified to be Members of such Council; but the Member selected to fill such Vacancy shall retain his Place so long only as the vacating Member would have retained the same if no Vacancy had occurred: 40

(6.) Every 45

- (6.) Every Person, on ceasing to be a Select Member, shall be re-eligible.

48. The following Rules shall be observed as to the Elective Members constituting the whole or any Part of the Local Board of Health of any District: Rules as to Elective Members.

- (1.) The prescribed Number of such Members shall from Time to Time be elected in such Manner, and by such Rate-payers, and from such qualified Persons in which and by and from whom Members of Local Boards of Health are herein-before directed to be elected in Cases where this Act is adopted by any Place, not being a Corporate Borough, or already constituted a District under the Public Health Act, 1848: 10
- (2.) The First Election shall take place on the prescribed Day: 15
- (3.) The Elective Members of any such Local Board shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers, and the Offices of the First Class shall be vacated at the End of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated at the End of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated at the End of the Third Year from such Date as aforesaid; all Members so chosen to fill the vacated Offices shall hold their Offices for the Term of Three Years, and no longer; and in every Instance the Offices of retiring Members shall be supplied by an equal Number of newly-elected Members: 20
- (4.) An Elective Member may resign his Office at the Local Board on giving to the Clerk *One Month's* previous Notice in Writing of his Intention so to do: 30
- (5.) Any casual Vacancy occurring in the Number of Elective Members, by Death, Resignation, Disqualification, or otherwise, may, within One Month from the Date of such Occurrence, be filled up by any qualified Person elected by the Body who elected the Member so vacating, but the Member elected to fill such Vacancy shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred: 35
- (6.) Any Person, on ceasing to be an Elective Member, shall be re-eligible. 40

49. If the same Person is chosen both as a Select and Elective Member of the Local Board of Health, he shall, within *Three Days* after [15.] C 3 Notice Persons chosen both as Select and Elective

Members,
&c. to serve
in respect of
One Title
only.
11 & 12 Vict.
c. 63. s. 13.

Notice thereof, choose, or in default of such Choice the Local Board shall determine, the Title in respect of which he is to serve, and immediately upon such Choice or Determination such Person shall be deemed to be Member only in respect of the Title so chosen or determined, and his Office as Member in respect of any other Title shall thereupon become vacant, and shall be filled up as a casual Vacancy.

Local Boards of Health (Places and Districts).

Incorporation of Local Boards of Health.

50. Every Local Board of Health herein-after called a Local Board shall for the Purposes of this Act be deemed to be a Body Corporate with perpetual Succession and a Common Seal, having a Capacity to accept Grants of and to purchase and hold Lands subject to the Provisions of this Act.

Continuing Members may act during a Vacancy.

51. During any Vacancy in a Local Board the continuing Members may act as if no Vacancy had occurred. 15

Penalty for acting without Qualification.
11 & 12 Vict.
c. 63. s. 19.

52. Any Member who acts as Member of a Local Board without being duly qualified shall incur a Penalty not exceeding *Fifty Pounds*; and in any Proceeding for the Recovery of such Penalty it shall be sufficient for the Person suing to prove in the first instance that the Person sued at the Time when the Offence is alleged to have been committed acted as such Member; and the Burden of proving Qualification, and the making and Subscription of the Declaration, or negating Disqualification, or both, shall be upon the Person sued; nevertheless all Acts and Proceedings of any Person who so acted illegally as aforesaid, if done previously to the Recovery of such Penalty as aforesaid, shall be valid to all Intents. 25

Disqualifications of Members of Local Boards.
11 & 12 Vict.
c. 63. ss. 18, 19.

53. If a Member of any Local Board does any of the following Things:
Absents himself during *Three* successive Months from all Meetings of the Board, except from Illness or other Cause, to be approved by the Board; or
Is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors,
such Person shall cease to be a Member of the Local Board, and his Office shall thereupon be vacant. 35

District becoming a Body Corporate.
11 & 12 Vict.
c. 63. s. 33.

54. If any Place that has adopted this Act or any District shall afterwards be incorporated as a Borough, or be wholly comprised within the Limits of a Corporate Borough, all Powers, Rights, and Obligations 30

tions hereby vested in or imposed on the Local Board shall thereupon be transferred to the Council of such Borough, and shall be exercised in the same Manner as if such Locality had originally been a Corporate Borough which had adopted this Act.

5 55. If any Summoning Officer, Chairman, or Returning Officer makes default in performing any Matter or Thing hereby imposed on him, the Offender, and in the Case of Two or more Persons being capable of being Summoning Officers, every such Person, shall for each Offence incur a Penalty not exceeding *Fifty Pounds*. Penalty on Summoning Officer, Chairman, or Returning Officer.

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Proceedings of Local Boards of Health.

56. Local Boards, shall meet together for the Despatch of Business under this Act, and shall from Time to Time make such Byelaws with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Regulations: Rules as to Meetings of Local Boards.
11 & 12 Vict.
c. 63. s. 34.

- (1.) A Meeting shall be held once at least in every Month:
- (2.) No Business shall be transacted at any Meeting unless at least *One Third* of the full Number of Members are present at the Commencement and Close of such Business:
- (3.) All Questions shall be decided by a Majority of Votes:
- (4.) The Names of the Members present, as well as of those voting upon each Question, shall be recorded:
- (5.) The Local Board shall at their First Meeting under this Act, and afterwards from Time to Time at their First Meeting after each annual Appointment of Members of the Local Board, appoint One of their Number to be Chairman for the Year following such Choice, and shall also, if they think fit, choose another of their Number to act as Deputy Chairman for the same Period. 20 25 30

57. If the Chairman or Deputy Chairman dies or resigns, or ceases to be a Member of the Local Board, or otherwise becomes disqualified to act, the Directors present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Number to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened. 35

Temporary Chairman.

58. If at any Meeting neither the Chairman nor Deputy Chairman is present, the Members present shall choose some One of their Number to be Chairman of such Meeting.

Appointment of Committees. 11 & 12 Vict. c. 63. s. 36.

59. A Local Board may appoint One or more Committees, consisting of such Number of Members as they think fit, and they may grant to such Committees respectively Power on behalf of the Local Board to do any Acts which the Local Board could lawfully do, and which they shall from Time to Time think proper to intrust to them.

Proceedings of Committees.

60. The said Committee may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; and no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there is present a Quorum to be fixed for that Purpose by the Local Board; and at all Meetings of the Committees One of the Members present shall be appointed Chairman; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of the Committee.

Custody of Common Seal. 11 & 12 Vict. c. 63. s. 35.

61. The Local Board shall provide a Common Seal, and the Custody of such Seal, and the Power to use the same on behalf of the Local Board, shall be vested in such Person or Persons as the Local Board may from Time to Time appoint.

Contracts by Committee or Local Board, how to be entered into. 8 Vict. c. 16. s. 97.

62. The Power which may be granted to any such Committee to make Contracts, as well as the Power of the Local Board to make Contracts, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and under Seal, such Committee or the Local Board may make such Contract in Writing and under their Common Seal, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and signed by the Parties to be charged therewith, then such Committee or the Local Board may make such Contract in Writing, signed by such Committee or any Two of them, or any Two of the Local Board, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Local Board

Board may make such Contract by Parol only, without Writing, and in the same Manner may vary or discharge the same: And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Local Board and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

63. The Local Board shall cause Notes, Minutes, Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all their Meetings, and of the Meetings of Committees of the Local Board, to be duly entered in Books to be from Time to Time provided for the Purpose, and be kept under the Superintendence of the Local Board; and every such Entry shall be signed by the Chairman of such Meeting; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

64. All Acts done by any Meeting of the Local Board or of any such Committee as aforesaid, or by any Person acting as a Member of a Local Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Local Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

65. No Member of a Local Board, by being Party to or executing in his Capacity of Member any Contract or other Instrument on behalf of the Local Board, or otherwise lawfully executing any of the Powers given to the Members of Local Boards, shall be subject to be sued or prosecuted, either individually or collectively, by any Person whomsoever.

PART III.

POWERS AND DUTIES OF LOCAL BOARDS.

Preliminary.

66. Throughout the Third Part of this Act the Term "District" shall, in addition to the Meaning given to it in the Second Part of this Act, include any Place that has adopted this Act.

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67. In

Proceedings to be entered in a Book, and to be Evidence.

Informalities in Appointment of Members of Local Board not to invalidate Proceedings.

Members of Local Board not to be personally liable.

Definition of "District" in Third Part of Act.