said *A.B.* his Executors, Administrators, and Assigns, all [*here describe the Monies or Rates to be mortgaged*], to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the Metropolitan Board of Works, *or* the said District Board, *or* the said Vestry, (*as the Case may be,*) have hereunto set their Seal, this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by the Metropolitan Board of Works, *or* the Board of Works for the District of *or* the Vestry of the Parish of for securing the Sum of and Interest [*or if such Transfer be by Indorsement on the Mortgage, insert, instead of the Words after "Assigns,"* the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

A.B. (L.S.)

CAP. CXXI.

An Act to consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849. [14th *August* 1855.]

11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

'WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts as far as relates to *England*, and to substitute other Provisions more effectual in that Behalf:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts repealed as far as relates to England, except as to Proceedings commenced.

I. From and after the passing of this Act, the said Acts are by this Section repealed, as far as relates to *England:* Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Contracts or Works undertaken by virtue of the said Acts shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of certain Terms used in this Act.

II. In this Act the following Words and Expressions have the Meanings by this Section herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the word "Place" includes any City, Borough, District under the Public Health Act, Parish, Township, or Hamlet, or Part of any such City, Borough, District, Town, Parish, Township, or Hamlet; the Word "Guardians" includes the Directors, Wardens, Overseers, Governors, or other like Officers having the Management of the Poor for any Parish or Place where the Matter or any Part of the Matter requiring the Cognizance

Cognizance of any such Officer arises; the Word "Borough," and the Expressions "Mayor, Aldermen, and Burgesses," "Council," and "Borough Fund," have respectively the same Meaning as in the Acts for the Regulation of Municipal Corporations, and shall also respectively mean, include, and apply to any Royal Borough, Royal Town, or other Town having a Warden, High Bailiff, Borough Reeve, or other Chief Officer, and Burgesses or Inhabitants, however designated, associated with him in the Government or Management thereof, or any Town or Place having a Governing Body therein in the Nature of a Corporation or otherwise, and to the Chief Officers and Governing Bodies of such Boroughs, Towns, and Places, and to the Funds and Property under the Management of or at the Disposal of such Chief Officers and Governing Bodies; the Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes; the Word "Owner" includes any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" extends to all Messuages, Lands, or Tenements, whether open or inclosed, whether built on or not, and whether public or private; the Word "Parish" includes every Township or Place separately maintaining its Poor, or separately maintaining its own Highways; the Expression "Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for a County, Riding, or Division of a County, City, or Borough; the Word "Person," and Words applying to any Person or Individual, apply to and include Corporations, whether aggregate or sole; and the Expression "Two Justices" shall, in addition to its ordinary Signification, mean One Stipendiary or Police Magistrate acting in any Police Court for the District.

PART I. *Constitution of Local Authority, Expenses, Description of Nuisances, and Powers of Entry.*

PART I.

And with respect to the Constitution of the Local Authority for the Execution of this Act, the Expenses of its Execution, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus:

The Local Authority to execute this Act in Places as herein stated.

III. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *England*:

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any other Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of *London* and the Liberties thereof, where the Local Authority shall be the Commissioners of Sewers for the Time being; and except in the City of *Oxford* and Borough of *Cambridge*, where the Local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively in the said City and Borough:

In any Place in which there is no Local Board of Health or Council, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners:

In any Place within which there is no such Local Board of Health nor Council, Body of Trustees, or Commissioners, and where there is or shall be a Board for the Repair of the Highways of such Place, that Board:

In any Place where there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, nor Highway Board, a Committee for carrying this Act into execution, by the Name of "The Nuisances Removal Committee," of which the Surveyor or Surveyors of Highways for the Time being of such Place shall be *ex officio* a Member or Members, may be annually chosen by the Vestry on the same Day as the Overseers or Surveyors of Highways, and the first of such Committees may be chosen at a Vestry to be specially held for that Purpose; and such Committee may consist of such Number of Members as the Vestry shall determine, not being more than Twelve, exclusive of such Surveyor or Surveyors, and of such Committee Three shall be a Quorum:

In any Place wherein there is no such Local Board of Health, Council, Body of Trustees or Commissioners, Highway Board or Committee appointed as aforesaid, and wherein there

PART I. *Constitution of Local Authority, Expenses, Description of Nuisances, and Powers of Entry.*

there is or shall be a Board of Inspectors for Lighting and Watching under the Act 3 & 4 W. 4. c. 90., that Board with the Surveyors of Highways:

In any Place in which there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, nor Highway Board, nor Committee appointed as aforesaid, nor Board of Inspectors for Lighting and Watching, the Guardians and Overseers of the Poor and the Surveyors of the Highways in and for such Place.

As to filling up Vacancies.

IV. On any Vacancy in such Nuisances Removal Committee arising from Death, Change of Residence or otherwise, Notice shall be given by the Committee to the Churchwardens, who shall forthwith summon a Meeting of the Vestry, and fill up such Vacancy by Election; and until such Vacancy is filled up the remaining Members of the Committee may act in all respects as if their Number was complete.

Power to Local Authority to appoint Committees.

V. The Local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such Local Authority, or their Committee, may, in each particular Case, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf.

As to the Execution of this Act in Extra-parochial Places.

VI. In Extra-parochial Places not comprised within the Jurisdiction of any of the Local Authorities aforesaid, and having a Population of not less than Two hundred Persons, the Local Authority for the Execution of this Act shall be a Nuisances Removal Committee, elected annually by the Householders within the Extra-parochial Place:

The First Election of such Committee shall take place at a Meeting of such Householders summoned for that Purpose by the Churchwardens of the adjacent Place having the largest common Boundary with such Extra-parochial Place; and

Subsequent Elections shall be held annually on some Day in *Easter* Week at Meetings summoned by the Chairman of the Local Authority for the Year preceding:

Extra-parochial Places not so comprised as aforesaid, and having a Population of less than Two hundred Persons, shall for the Purpose of this Act be attached to and form Part of the adjacent Place having the largest common Boundary with the Extra-parochial Place, and Notice of Vestry Meetings for the Election of a Local Authority under and for the Purposes of this Act shall be given in such Extra-parochial Places, and the Householders within such Places may attend such Vestry Meetings, and vote on such Elections.

As to defraying Expenses of executing this Act.

VII. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered, as by this Act provided, may be defrayed as follows; to wit,

Out of General District Rates, where the Local Authority is a Local Board of Health;

Out of the Borough Fund or Borough Rate, where the Local Authority is the Mayor, Aldermen, and Burgesses by the Council, or if there be an Improvement Act for the Borough administered by the Council, then out of Rates levied thereunder applicable to the Purposes of such Improvement Act; or in the City of *London* and the Liberties thereof, any Rates or Funds administered by the Commissioners of Sewers for the said City and Liberties;

Provided always, that in the City of *Oxford* and Borough of *Cambridge* such Expenses shall be deemed annual Charges and Expenses of cleansing the Streets of the said City and Borough respectively, and shall be so payable;

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the Local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act;

Out of Highway Rates, or any Fund applicable in aid or in lieu thereof, where the Local Authority is a Highway Board, or a Nuisances Removal Committee;

Out of the Rates for Lighing and Watching, where the Local Authority is a Board of Inspectors appointed for Lighting and Watching;

And if there be no such Rates or Funds, or if the Local Authority be the Guardians and Surveyors of Highways, then out of the Rates or Funds applicable to the Relief of the Poor of the Parish or Place wherein such Rates or Funds are collected or arise, if such

Parish

Parish or Place be co-extensive with the District within which the Charges and Expenses are incurred, but if such Parish or Place be now or hereafter shall be partly comprised within and partly without the Limits of a Place where a Local Authority, other than a Highway Board, Nuisance Removal Committee, Inspectors of Watching and Lighting, and Surveyors or Guardians and Surveyors, exists or shall exist, all the Charges and Expenses incurred in the District comprising that Part of the Parish or Place which is excluded from such Limits shall be defrayed out of any Highway Rate or Rates, or any Funds applicable in lieu thereof, collected or raised within the Part so excluded; and if there be more than One Highway Rate collected within such District, the Local Authority shall settle the Proportion in which the respective Parties or Places liable thereto shall bear such Charges and Expenses; and if any Portion of such excluded Part be exempt from such Highway Rate or Rates, then all the Charges and Expenses incurred in the whole of such excluded Part shall be defrayed out of any District Police Rate or other Rate which may by the Act 12 & 13 Vict. Cap. 65. be raised and assessed upon such excluded Part:

And when the Local Authority has not Control of such Rates or Funds, the Officer or Person having the Custody or Control thereof shall pay over the Amount to the Local Authority, on the Order of Two Justices directed to such Officer or Person; and on Neglect or Refusal to pay the Sum specified in such Order for Six Days after the Service thereof, the same may, by Warrant under the Hands of the same or any Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Officer or Person in Default, and such Levy shall include the Costs of such Distress and Sale;

In Extra-parochial Places having a Population of not less than Two hundred Persons, out of a Rate assessed by the Local Authority on all such Property in the Place as would be assessable to Highway Rate if such Rate were levied therein:

In Extra-parochial Places having a Population of less than Two hundred Persons, out of a similar Rate assessed by the Surveyor of Highways of the adjacent Place having the largest common Boundary with such Extra-parochial Place:

And the Local Authority in the First Case, and the Surveyor of Highways in the Second, may levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of any Default in Payment thereof, and with the same Right of Appeal against the Amount of such Assessment reserved to the Person assessed, as are provided by the Law in force for the Time being with regard to Rates for the Repair of Highways.

What are deemed Nuisances under this Act.

VIII. The Word "Nuisances" under this Act shall include—

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

Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit so foul as to be a Nuisance or injurious to Health:

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

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

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

Power to Local Authority to appoint a Sanitary Inspector, and allow him a proper Salary.

IX. The Local Authority shall, for the Purposes of this Act, appoint or employ, or join with other Local Authorities in appointing or employing, a Sanitary Inspector or Inspectors, and may appoint a convenient Place for his or their Office, and may allow to every such Person on account of his Employment a proper Salary or Allowance; and where Local Authorities join in such Appointment or Employment they may apportion among themselves the Payment of such Salary or Allowance: Provided always, that where the Local Authority has already appointed an Officer who executes the Duties of such Inspector under any Improvement Act, it shall not be necessary to appoint any other Inspector under this Act, but the Inspector acting in execution of the Improvement Act shall have all the Powers, Authorities, and Privileges granted to any Inspector appointed under this Act.

X. Notice

Notice of Nuisances to be given to Local Authority, &c. to ground Proceedings.

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

Power of Entry to Local Authority or their Officer.

XI. The Local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:—

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same, at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may, on Oath made before him of Belief in the Existence of the Nuisance, and after reasonable Notice of the intended Application to such Justice being given in Writing to the Party on whose Premises the Nuisance is believed to exist, by Order under his Hand require the Person having the Custody of the Premises to admit the Local Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the Local Authority or their Officers to enter the Premises between the Hours aforesaid.

2. To examine Premises where Nuisances exist, to ascertain the Course of Drains, and to execute or inspect Works ordered by Justices to be done under this Act.

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

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

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

PART II.

PART II. *With regard to Removal of Nuisances.*

With regard to the Removal of Nuisances, be it enacted thus:

Proceedings by Local Authority before Justices in the Case of Nuisances likely to recur, &c.

XII. In any Case where a Nuisance is so ascertained by the Local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice was given, and although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises or continues, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire

inquire into the said Complaint; and if it be proved to their Satisfaction that the Nuisance exists, or did exist at the Time when the Notice was given, or, if removed or discontinued since the Notice was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person, Owner, or Occupier for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned, and shall also make an Order for the Payment of all Costs incurred up to the Time of hearing or making the Order for Abatement or Discontinuance or Prohibition of the Nuisance

If proved to Justices that Nuisance exists, &c., they shall issue Order for Abatement, &c.

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

Justices Order for Abatement.

Prohibitive Order against future Nuisance.

XIV. Any Person not obeying the said Order for Abatement shall, if he fail to satisfy the Justices that he has used all due Diligence to carry out such Order, be liable for every such Offence to a Penalty of not more than Ten Shillings *per* Day during his Default; and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such contrary Action; and the Local Authority may, under the Powers of Entry given by this Act, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order, and charge the Cost to the Person on whom the Order is made as herein-after provided.

Penalty for Contravention of Order of Abatement; and of Prohibition.

Local Authority may enter and remove or abate Nuisance.

XV. Any such Order of Prohibition may be appealed against as provided in this Act.

Appeal.

XVI. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of such Works; and if within Seven Days from the Date of the Order the Person on whom it is made shall have given Notice to the Local Authority of his Intention to appeal against it as provided in this Act, and shall have entered into Recognizances to try such Appeal as provided by this Act, and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order, until after the Determination of such Appeal, unless such Appeal cease to be prosecuted.

Appeal against Order of Abatement when structural Works are required.

XVII. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises, or the Owner or Occupier of the Premises, is not known or

Local Authority to execute Order at once

in certain Cases.

or cannot be found, then such Order may be addressed to and executed by such Local Authority, and the Cost defrayed out of the Rates or Funds applicable to the Execution of this Act.

Manure, &c. to be sold.

XVIII. Any Matter or Thing removed by the Local Authority in pursuance of this Enactment may be sold by Public Auction, after not less than Five Days Notice by Posting Bills distributed in the Locality, unless in Cases where the Delay would be prejudicial to Health, when the Justices may direct the immediate Removal, Destruction, or Sale of the Matter or Thing; and the Money arising from the Sale retained by the Local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Matter or Thing.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XIX. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice or in obtaining an Order of Justices under this Act, or in carrying the same into effect under this Act, shall be deemed to be Money paid for the Use and at the Request of the Person on whom the Order is made; or if the Order be made on the Local Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made or the Notice given, then of the Person by whose Act or Default the Nuisance was caused; and in case of Nuisances caused by the Act or Default of the Owner of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged, provided that such Costs and Expenses shall not exceed in the whole One Year's Rackrent of the Premises; and such Costs and Expenses and Penalties, together with the Charges of suing for the same, may be recovered in any County or Superior Court, or, if the Local Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act or Default the Nuisance arises, in such Manner as they shall consider reasonable; and if it appear to them that a Complaint made under this Act is frivolous or unfounded, they may order the Payment by the Local Authority or Person making the Complaint of the Costs incurred by the Person against whom the Complaint is made, or any Part thereof.

Proceedings before Justices to recover Expenses.

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

Surveyors of Highways to cleanse Ditches, &c. paying Owners, &c. for Damages.

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

Power to Local Authority to cover and improve open Ditches, &c.

XXII. Whenever any Ditch, Gutter, Drain, or Watercourse used or partly used for the Conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises is a Nuisance within the Meaning of this Act, and cannot, in the Opinion of the Local Authority, be rendered innocuous, without the laying down of a Sewer or of some other Structure along the same or Part thereof or instead thereof, such Local Authority shall

shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair, and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof, and to be entitled to recover the same Penalties in case of Interference, as are contained in the Sixty-seventh and Sixty-eighth Sections of the Act passed in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Highways in* England; and such Local Authority are hereby authorized and empowered to assess every House, Building, or Premises then or at any Time thereafter using for the Purposes aforesaid the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as Highway Rates are by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against any Rate made for the Repair of the Highways; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to Highways in *England:* Provided always, that where such Ditch, Gutter, Drain, or Watercourse shall, as to Parts thereof, be within the Jurisdiction of different Local Authorities, this Enactment shall apply to each Local Authority only as to so much of the Works hereby required, and the Expenses thereof, as is included within the respective Jurisdiction of that Authority: Provided also, that such Assessment shall in no Case exceed a Shilling in the Pound on the Assessment to the Highway Rate, if any.

Penalty for causing Water to be corrupted by Gas Washings.

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

Penalty to be sued for in Superior Courts within Six Months.

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

Daily Penalty during the Continuance of the Offence.

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

Penalty on Sale of unwholesome Meat, &c.

XXVI. The Sanitary Inspector may at all reasonable Times inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour exposed for Sale, or in the Course of or on their Way to slaughtering, dressing, or Preparation for Sale or Use, or landed from any Ship or Vessel in any Port in *England;* and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour appear to him to be unfit for such Food the same may be seized; and if it appear to a Justice that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread,

PART II. *With regard to Removal of Nuisances.*

Bread, or Flour is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, Vegetables, Corn, Bread, or Flour belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit, Vegetables, Corn, Bread, or Flour so found.

As to Nuisances arising in Cases of noxious Trades, Businesses, Processes, or Manufactures.

XXVII. If any Candle House, Melting House, Melting Place, or Soap-house, or any Slaughter-house, or any Building or Place for boiling Offal or Blood, or for boiling, burning, or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing Effluvia, be at any Time certified to the Local Authority by any Medical Officer, or any Two legally qualified Medical Practitioners, to be a Nuisance or injurious to the Health of the Inhabitants of the Neighbourhood, the Local Authority shall direct Complaint to be made before any Justice, who may summon before any Two Justices in Petty Sessions assembled at their usual Place of Meeting the Person by or in whose Behalf the Work so complained of is carried on, and such Justices shall inquire into such Complaint, and if it shall appear to such Justices that the Trade or Business carried on by the Person complained against is a Nuisance, or causes any Effluvia injurious to the Health of the Inhabitants of the Neighbourhood, and that such Person shall not have used the best practicable Means for abating such Nuisance or preventing or counteracting such Effluvia, the Person so offending (being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier,) shall, upon a summary Conviction for such Offence, forfeit and pay a Sum of not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction, but the highest Amount of such Penalty shall not in any Case exceed the Sum of Two Hundred Pounds: Provided always, that the Justices may suspend their final Determination in any such Case, upon Condition that the Person so complained against shall undertake to adopt, within a reasonable Time, such Means as the said Justices shall judge to be practicable and order to be carried into effect for abating such Nuisance, or mitigating or preventing the injurious Effects of such Effluvia, or shall give Notice of Appeal in the Manner provided by this Act, and shall enter into Recognizances to try such Appeal, and shall appeal accordingly: Provided always, that the Provisions herein-before contained shall not extend or be applicable to any Place without the Limits of any City, Town, or populous District.

Reference to Superior Court at the Option of the Party complained against.

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

On Certificate of Medical Officer that House is overcrowded, Proceedings may be taken to abate the same.

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

Local Authority to order Costs of Prosecutions to be paid out of the Rates.

XXX. The Local Authority may, within the Area of their Jurisdiction, direct any Proceedings to be taken at Law or in Equity in Cases coming within the Purview of this Act, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of all such Proceedings to be paid out of the Rates or Funds administered by them under this Act.

PART III.

PART III. *As to Procedure under this Act.*

And with regard to Procedure under this Act, be it enacted, That

Service of Notices, Summonses, and Orders.

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

Proof of Resolutions of Local Authority.

XXXII. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

As to Proceedings taken against several Persons for the same Offence.

XXXIII. Where Proceedings under this Act are to be taken against several Persons in respect of One Nuisance caused by the joint Act or Default of such Persons, it shall be lawful for the Local Authority to include such Persons in One Complaint, and for the Justices to include such Persons in One Summons, and any Order made in such a Case may be made upon all or any Number of the Persons included in the Summons, and the Costs may be distributed as to the Justices may appear fair and reasonable.

One or more joint Owners or Occupiers may be proceeded against alone.

XXXIV. In case of any Demand or Complaint under this Act to which Two or more Persons, being Owners or Occupiers of Premises, or partly the one or partly the other, may be answerable jointly or in common or severally, it shall be sufficient to proceed against any one or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

Designation of "Owner" or "Occupier."

XXXV. Whenever, in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Penalty for obstructing Execution of this Act.

XXXVI. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the Local Authority or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty on Occupier obstructing Owner.

XXXVII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within Twenty-Four Hours after the Service of such Order the Occupier against whom it is made do not comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Non-compliance.

Penalties and Expenses recoverable under 11 & 12 Vict. c. 43.

XXXVIII. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in *England* according to the Provisions of the Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three; and all Penalties recovered by the Local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act.

Proceedings not to be quashed for Want of Form.

XXXIX. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, nor shall any Order, nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of this Act, be removed or removable by Certiorari, or by any

PART III. *As to Procedure under this Act.*

other Writ or Process whatsoever, into any of the Superior Courts; and Proceedings under this Act against several Persons included in One Complaint shall not abate by reason of the Death of any among the Persons so included, but all such Proceedings may be carried on as if the deceased Person had not been originally so included.

Appeals under this Act to be to Quarter Sessions.

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

Forms to be used as in Schedule.

XLI. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

As to Protection of Local Authority and its Officers.

XLII. The Local Authority, and any Officer or Person acting under the Authority and in execution or intended Execution of this Act, shall be entitled to such Protection and Privilege in Actions and Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being.

Act not to impair Jurisdiction of Sewers Commissioners, or Common Law Remedies for Nuisance, nor Jurisdiction of Local Authority as to the Nuisances referred to in this Act.

XLIII. Nothing in this Act shall be construed to affect the Provisions of any Local Act as to Matters included in this Act, nor to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers or of Drainage, or to take away or interfere with any Course of Proceedings which might be resorted to or adopted by such Commissioners if this Act had not passed, nor to impair any Power of abating Nuisances at Common Law, nor any Jurisdiction in respect of Nuisances that may be possessed by any Authority under the Act intituled *An Act to abate the Nuisances arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above* London Bridge, or the Common Lodging Houses Acts, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any Improvement Act respectively, or any Acts incorporated with such Acts, and Authorities may respectively proceed for the Abatement of Nuisances, or in respect of any other Matter or Thing herein-before provided or referred to, either under the Acts mentioned in this Section or any other Act conferring Jurisdiction in respect of the Nuisances referred to in this Act, or any Byelaws framed under any such Act, as they may think fit; and the Local Authorities constituted under and for the Purposes of the Common Lodging House Acts, 1851 and 1853, shall for the Purposes of those Acts have all the Powers of Local Authorities under this Act.

Act not to affect Navigation of Rivers or Canals.

XLIV. Nothing herein contained shall enable any Local Authority, Surveyor of Highways, or other Person, either with or without any Order of Justices, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal; and the Provisions of this Act shall not extend or be construed to extend to Mines of different Descriptions so as to interfere with

or

or obstruct the efficient working of the same, or to the smelting of Ores and Minerals, or to the manufacturing of the Produce of such Ores and Minerals.

Saving as to Rights of Millowners, &c.

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

Short Title.

XLVI. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal Act for *England*, 1855."

SCHEDULE OF FORMS.

FORM (A.)

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

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

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

Dated this Day of 18 .

A.B.

FORM (B.)

Notice of Nuisance.

To the Local Authority (*describing it*).

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

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

[*Signed by Complainant under Section* 10.]

FORM (C.)

Notice to Owner or Occupier of Entry for Examination.

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

TAKE notice, That, under the Nuisances Removal Act for England, 1855, the [*Local Authority, naming it,*] in whose District under the said Act the above Premises are situate, have received a Notice from [*name Complainant*], stating that in or upon the said Premises [*insert the Cause of Nuisance as set forth in the Notice*].

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

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

A.B.,
The Officer appointed by the [*Local Authority*] to take Proceedings under the Nuisances Removal Act for England, 1855.

FORM (D.)

Summons.

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

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

YOU are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrate] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the Local Authority, as the Case may be*] that in or upon the Premises above mentioned [*or* in or upon certain Premises situate at No. in the Street in the Parish of *or such other Description or Reference as may be sufficient to identify the Premises*], in their District, under the Nuisances Removal Act for England, 1855, the following Nuisance exists [*describing it, as the Case may be*], and that the said Nuisance is caused by the Act or Default of the Occupier [*or* Owner] of the said Premises, *or* by you *A.B.* [*or in case the Nuisance be discontinued, but likely to be repeated, say,* there existed recently, to wit, on or about the Day of on the Premises, the following Nuisance [*describe the Nuisance*], and that the said Nuisance was caused [*&c.*], and although the same has since the said last-mentioned Day been removed or discontinued, there is reasonable Ground to consider that the same or the like Nuisance is likely to recur on the said Premises.]

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

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FORM

FORM (E.)

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

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

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

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

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

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

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

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit, on as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [*or* I] being satisfied that it is likely that the same or the like Nuisance will recur

recur on the said Premises, do hereby prohibit, [*Order of Prohibition*]; and if this Order of Prohibition be infringed, then we [*or* I] [*Order on Local Authority to do Works*].

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

FORM (F.)

Order of Justices for Removal of Nuisance by Local Authority.

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

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

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

Given, *&c.*

FORM (G.)

Order to permit Execution of Works by Owners.

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

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

E. F. (L.S.)

FORM

FORM (H.)

Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 20.

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

County of / *or* Borough of / *or* District of / to wit. } YOU are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrates] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the Local Authority*], that the Sum of Pounds, being Costs and Expenses incurred by you under and in relation to a certain Complaint touching [*describe the Nuisance*], and an Order of [*describe the Person making the Order*] duly made in pursuance of the Nuisances Removal Act for England, 1855, [*if Penalties are due, add,* and also the Sum of being the Amount of Penalties payable by you for Disobedience of the said Order,] remains unpaid and due from you.

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

FORM (I.)

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

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

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

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

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

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

FORM

FORM (K.)

Warrant of Distress. Sec. 20.

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

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

Given under our [*or* my] Hands and Seal, this Day of in the Year of our Lord One thousand eight hundred and at in the [County] aforesaid.

A.B.
C.D.
(L.S.)

FORM (L.)

Return of Proceedings under Nuisances Removal Act, 1855, by the [name the Local Authority at length].

From 25th March 1855 to 25th March 1856.

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

Dated this 26th Day of March 1856. [*To be signed by the Chairman of the Local Authority.*]

CAP. CXXII.

An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood. [14th *August* 1855.]

'WHEREAS it is expedient that the Laws relating to Buildings in the Metropolis and its Neighbourhood should be amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,