



Western Australia.

ANNO QUINQUAGESIMO

VICTORIÆ REGINÆ.

No. XIX.

AN ACT to amend the Law relating to Public Health.

[Assented to, 20th August, 1886.]

BE it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited for all purposes as “The Public Health Act, 1886,” and is divided into Parts, as follows (that is to say):—

Short Title and division of Act.

- PART I.—Central and Local Boards of Health.
II.—Unwholesome Food.
III.—Infectious Diseases and Hospitals.
IV.—Nuisances.
V.—Dwelling Houses.
VI.—Miscellaneous.
VII.—Legal Proceedings.

And this Act shall commence and come into operation on the 1st day of October, 1886.

Interpretation.

2. IN the construction and for the purposes of this Act the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them (that is to say):

“Abattoir” or “Slaughter-house” shall mean and include the buildings and places commonly called abattoirs or slaughter-houses, and any building or place used for slaughtering cattle or animals of any description.

“Article of food” shall mean not only all alimentary substances whether solids or liquids, but also all eatables and drinkables whatsoever, and all condiments and articles of confectionery.

“Central Board” or “Central Board of Health” shall mean any persons hereafter from time to time appointed by the Governor as members of the said board.

“Cesspool” shall mean any receptacle for night-soil or for noxious or offensive matter below or above the ground.

“Earth Closet” or “Privy” shall mean a place for the reception and deodorisation of fæcal matter, constructed to the satisfaction of the local board.

“House” shall mean and include dwellings of any kind, schools, hotels, licensed public houses, factories, work-rooms, common or other lodging houses, or other buildings or premises.

“Land” shall mean and include messuages, buildings, lands, and hereditaments of every tenure, also rivers, streams, wells, and waters of every description, also easements of every description in respect of the foregoing particulars.

“Local Board” or “Local Board of Health” shall mean any persons hereafter from time to time appointed by the Governor as members of a local board.

“Local Board’s District” or “District of a Local Board” shall mean the area of any Municipality for which a local board may hereafter be constituted under Part I of this Act.

“Owner” shall mean the person for the time being entitled to receive the rent of the land or premises in connection with which the word is used, whether on his own account or as the agent of or as trustee for any other person, or who would be entitled to receive the same if the lands or premises were let at a rent.

“Street” shall mean and include any highway, and any public bridge, and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

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3. THIS Act shall, save where the application thereof or of any portion thereof is hereinafter expressly limited or extended, apply to the city of Perth and the town of Fremantle, and its provisions, or any portions thereof, may from time to time be extended, by order of the Governor in Council on the recommendation of the Central Board, to any Municipality now existing or hereafter to be declared and proclaimed.

Application of Act.

PART I.—CENTRAL AND LOCAL BOARDS OF HEALTH.

Constitution and Officers.

4. THE Governor may appoint any five persons, one of whom shall be a legally qualified medical practitioner, another a civil engineer, and another a practical builder, to be a board for superintending the execution of this Act. Such board shall be called "The Central Board of Health," and shall have and execute all the powers and duties vested in or imposed upon such board by this Act, and the same may be exercised and executed by a quorum thereof of not less than three members. The Governor may from time to time remove all or any of the persons so appointed, and on the removal, death, or resignation of any member of such board may from time to time appoint some other person in his place, provided that there shall always be on such board a legally qualified medical practitioner, a civil engineer, and a practical builder.

Appointment of Central Board of Health.

5. THE Governor shall appoint one of the members of the Central Board to be the president thereof. In the event of the absence of the president from any meeting, the members present shall elect one of their number to be chairman of such meeting, and at all meetings of the said board the president or chairman shall have a vote, and in case of an equality of votes shall have a casting vote, and during any vacancy in the said board, whether of the office of president or not, the continuing members may act as if no vacancy had occurred. At all meetings of the Board, all questions shall be decided by a majority of the votes of the members present.

President or Chairman of Central Board.

6. THE Governor may, on the recommendation of the Central Board, from time to time appoint and remove a secretary, inspectors, and such other officers of the Central Board of Health as may be deemed necessary for the purposes of this Act.

Officers of Central Board.

7. THE Central Board may from time to time make, alter, and rescind regulations, directions, orders, and notices in the execution of this Act, and may make, alter, and rescind rules for regulating their own proceedings.

Central Board may make regulations, &c.

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Documents signed by
secretary to be evi-
dence.

8. ALL documents whatever, purporting to be issued or written by or under the direction of the Central Board and purporting to be signed by the secretary of the said board, shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of the said board without further proof, unless the contrary be shown.

Power of board to
direct inquiries.

9. THE Central Board may from time to time cause to be made such inquiries as they think fit in relation to matters concerning the public health in any place, or with respect to any matter to which their sanction, approval, or consent is required by this Act.

Power of police to
proceed in certain
cases against
nuisances.

10. WHERE it is proved to the satisfaction of the Central Board that a local board of health have made default in doing their duty in relation to the abatement of nuisances under this Act, the Central Board, after due notice to such local board of their intention, may authorise any officer of police or member of the police force acting within the jurisdiction of the defaulting board to institute any proceeding which the defaulting board might institute with respect to the abatement of nuisances.

Proceedings on com-
plaint to Central
Board of default of
local board.

11. WHERE complaint is made to the Central Board that a local board of health has made default in enforcing any provisions of this Act which it is their duty to enforce, the Central Board, if satisfied after due inquiry that such local board has been guilty of the alleged default, shall make an order limiting a time for the performance of the duty of the local board in the matter of such complaint. If such duty be not performed within the time limited in such order, the performance of such duty may be enforced by writ of mandamus, or the Central Board may appoint some person to perform such duty.

Any person appointed under this section to perform the duty of a defaulting local board shall, in the performance and for the purposes of such duty, be invested with all the powers of such local board, and the Central Board may from time to time remove any person so appointed, and appoint another in his stead.

Formation of local
boards.

12. THE Governor may from time to time appoint a local board of health for the city of Perth, and a local board of health for the town of Fremantle, and, on the recommendation of the Central Board, for any Municipality to which the provisions of this Act may be extended; and every such board shall consist of the Mayor or Chairman (as the case may be) of the Municipality for the time being, who shall be *ex officio* a member of such board, and of such and so many persons, not less than two, as the Governor, on the recommendation aforesaid, may think fit; and any local board so appointed shall have and execute all the powers and duties vested in

or imposed upon local boards under this Act. The Governor may, on the recommendation of the Central Board, from time to time remove all or any of the persons so appointed, and on the removal, death, or resignation of any member of a local board may, on the like recommendation, from time to time appoint some other person in his place. The local board shall from time to time appoint one of their number to be chairman of such board. In the event of the absence of the chairman from any meeting, the members present shall elect one of their number to be chairman of such meeting, and at all meetings of the local board the chairman shall have a vote, and in case of an equality of votes shall have a casting vote; and during any vacancy in the local board, whether of the office of chairman or not, the continuing members may act as if no vacancy had occurred; and at all meetings of the local board all questions shall be decided by a majority of the votes of the members present. The local board may make, alter, and rescind rules for regulating their own proceedings.

13. EACH local board shall appoint, subject to the approval of the Central Board of Health, a legally-qualified medical practitioner as officer of health of such local board's district; and may remove any such officer which such local board have appointed, and shall thereupon appoint another in his stead. Such officer of health shall be paid a sum as remuneration for his services (being not less than Ten pounds for any year) as such local board fix; and shall perform such duties and in such manner as such local board may from time to time direct, and also such as are specially prescribed by any minute or order addressed by the Central Board to such local board.

Officers of health—
appointment, re-
muneration, and
duties.

Two or more local boards may, with the approval of the Central Board, join in the appointment of an officer of health, and in directing the duties to be performed by such officer, and in remunerating him to an amount not less than that hereinbefore mentioned.

If any local board do not appoint or join in appointing an officer of health when requested so to do by the Central Board, or within two months from the occurrence of a vacancy in such office, it shall be lawful for the Governor, upon a recommendation from the Central Board, to appoint an officer of health for the district of such local board, and also to fix a sum as the amount of remuneration (not less than that hereinbefore mentioned) which shall be paid to such officer of health by the local board.

14. OFFICERS of health are hereby empowered to give any inspector appointed by the local board of health of their respective districts such directions and instructions as such officers may deem necessary from time to time for the due execution of this Act, and

Inspectors to carry
out instructions of
officers of health.

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such inspectors are hereby required to faithfully obey and carry out any such directions or instructions so given.

Officers of health to have power of Inspectors.

15. OFFICERS of health shall, in addition to the powers conferred on such officers by this Act, have all the powers hereby conferred on any inspector appointed by the local board of health of their respective districts, and every inspector of the Central Board shall have all the powers hereby conferred on inspectors appointed by any local board, and may attend any meetings of a local board, when and as directed by the Central Board.

Officers of Local Board.

16. THE local board of health shall from time to time appoint, subject to the approval of the Central Board, such officers, inspectors, and servants as may be necessary for the due carrying out of the provisions of this Act, and shall make such rules specifying the duties and conduct of such officers, inspectors, and servants as they think necessary; and may remove such officers, inspectors, or servants as such boards think fit; and may direct to be paid to such officers, inspectors, and servants such wages, salaries, or allowances as such local board deem reasonable.

No officers to be concerned in contract.

17. NO member, officer, inspector, or servant of the Central Board, or of any local board, shall be concerned or interested directly or indirectly in any bargain or contract entered into by such central or local board respectively; and if any such member, officer, inspector, or servant is so concerned or interested, or if any such member, officer, inspector, or servant, under color of his office or employment, exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, remuneration, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall for each such offence incur a penalty not exceeding Fifty pounds.

Financial.

Councils of Municipalities to make and levy Public Health Rate.

18. THE Councils of the Municipalities of Perth and Fremantle respectively, and the Council of any Municipality to which the provisions of this Act or any portions thereof may hereafter be extended, shall and are hereby respectively required at the time of making and levying the General Rate under the provisions of "The Municipal Institutions Act, 1876," also to make and levy such Special Rate not exceeding Three-pence in the pound upon the annual rateable value of every house, store, shop, mill, tenement, or other building, piece of land, allotment, garden, or other premises within the limits of the Municipality, and liable to be rated, as the local board may deem necessary and require in writing such Council to make and levy for the purposes of this Act.

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19. ALL the provisions of "The Municipal Institutions Act, 1876," and of any Act or Acts amending the same, with reference to the making, levying, liability for, payment of, and appeal against a rate or any arrears of the same shall be applicable to the said Special or "Public Health Rate," to be made under the authority of this Act. And all the provisions of the said Acts or any of them relating to the enforcement and recovery by the Council of a rate made under "The Municipal Institutions Act, 1876," shall apply to the said Special or "Public Health Rate." Provided, however, that all powers, acts, and things whatsoever required or authorised by any of such last-mentioned provisions to be exercised or done by the Council or by the chairman shall or may be exercised or done by the local board or the chairman of a local board respectively (as the case may be) in respect of the said Special or "Public Health Rate."

Certain provisions of the Municipal Institutions Acts to apply to "Public Health Rate."

20. ALL expenses incurred by the Central Board shall be defrayed out of the moneys that may from time to time be appropriated by the Legislative Council for the purposes of such Board, and all expenses incurred by any local board shall be defrayed out of the "Public Health Rate" and such moneys (if any) as may from time to time be appropriated by the Legislative Council in aid of any such local board.

Expenses of Central and Local Boards.

21. THE Central Board of Health shall cause accounts to be kept of all moneys received by such Board, and of the expenditure thereof for the purposes of this Act, and shall submit such accounts at least once a year to the examination of the Auditor General.

Accounts to be kept by Central Board, and submitted for audit.

22. EVERY local board of health shall cause accounts to be kept of all moneys received by such board, and of the expenditure thereof for the purposes of this Act, and such accounts shall be audited and examined by the auditors of the municipality at least once a year, and the auditors shall proceed in the audit in the same manner, shall have the like powers and authorities, and perform the like duties as in the case of auditing the municipal accounts. Each of such auditors shall in respect of such audit be paid by the local board a fee of two guineas. Within seven days after the completion of every such audit, the auditors shall report on the accounts audited and examined, and shall deliver such report to the clerk or secretary of the local board, who shall cause the same to be deposited in the office of such board, and shall publish an abstract of such accounts in the *Government Gazette* and in some newspaper circulating in the district of the local board.

Accounts to be kept by Local Board.

23. THE accounts of the receipts and expenditure under this Act of a local board shall be made up in such form and to such day in every year as the Central Board of Health may appoint.

Form of account.

By-Laws and Orders.

Local board may
make orders and
by-laws.

24. THE local board of health may from time to time make such orders for efficiently enforcing this Act within their jurisdiction as they think fit; and may, and if required by the Central Board shall, from time to time, subject to the provisions herein contained, make by-laws, as hereinafter provided, for the purpose of carrying this Act into execution within their jurisdiction; and may from time to time repeal, alter, or amend any such orders or by-laws; Provided that such orders and by-laws are not repugnant to any law in force in Western Australia or to the provisions of this Act, and that such by-laws shall be confirmed and published in manner hereinafter mentioned. Provided also, that such by-laws may be made to apply to and to have operation in the whole or any part of the place or places, and that such orders may be addressed to one or more of the owners or occupiers, within the jurisdiction of the local board.

Penalties for
breaches of by-laws.

25. THE local board by any by-laws so to be made by them may impose such reasonable penalties as they think fit, not exceeding Ten pounds for every breach of any such by-law, or a penalty not exceeding Five pounds for each day during which such breach shall be committed or continued; but such by-laws shall be so framed as to allow the justices before whom any penalty imposed thereby is sought to be recovered, to order the whole or part only (not being less than Five shillings) of such penalty to be paid.

Confirmation of by-
laws.

26. NO by-law made by the local board under the authority of this Act shall be of any force until it shall have been confirmed by the Central Board of Health, who are hereby empowered to allow or disallow the same as they think fit; and every by-law, when confirmed, shall before coming into operation be published once in the *Government Gazette*.

By-laws.

27. EVERY local board of health may, in the by-laws to be so made, provide for the removal by the occupier, or in case of his default by the local board, of dust, mud, ashes, rubbish, filth, blood, offal, manure, dung, or soil collected, placed, or found in or about any house, stable, cow-house, pig-sty, lane, yard, street, or place whatsoever, and preventing the placing or depositing thereof in any place so as to be a nuisance to any person, and for requiring the occupiers of houses or premises to provide boxes or other specified receptacles for the temporary deposit of house refuse, and for authorising and directing the placing of such boxes or other receptacles at or between certain specified hours in places at or contiguous to such houses or premises convenient for the discharge and removal of the contents of such boxes or receptacles, and for regulating the times and manner of cleansing, emptying, and managing of earth-

closets, privies, cess-pools, and places for the deposit of night soil, offal, blood, or other refuse matter, and for regulating the disinfecting or the deodorising of the night-soil, offal, blood, or other refuse matter contained therein or removed therefrom, and for the prevention of nuisance or injury to health from the transport, deposit, or use as manure of night-soil, offal, blood, or other offensive matter, and for the following and any other matters or things specially mentioned in this Act as matters in regard to which by-laws may be made by a local board of health (that is to say):

The inspection of cattle in dairies, and the prescribing and regulating of the lighting, ventilation, cleansing, drainage, and water supply of houses, dairies, and cow sheds in the occupation of persons following the trade of cowkeepers or dairymen.

The securing of the cleanliness of bakeries, milk stores, milk shops, and of milk vessels used for containing milk for sale by such persons.

The prescribing of precautions to be taken for protecting milk against infection or contamination:

The prevention of the storage or keeping of bone-dust, or artificial or other manure, so as to be a nuisance or injurious to health:

The prevention of the keeping of animals of any kind so as to be a nuisance or injurious to health:

The prevention of danger to the public from manufactories or places for the storage, keeping, or sale of inflammable materials:

The disinfection of, and the prevention of nuisance or injury to health from rags or other materials used or stored in marine stores, flock, or bedding, or furniture manufactories:

The regulation of noxious or offensive trades, businesses, or manufactories, whether established before or after the passing of this Act, in order to prevent or diminish the noxious or offensive effects thereof, and to prevent nuisance or injury to health arising therefrom; the position and manner of construction of privies, earth-closets, and cesspools or urinals:

The prevention of the use of steam whistles at factories or other establishments so as to be a nuisance to any person:

And generally for the abatement and prevention of nuisances not hereinbefore specified, and for securing the healthfulness of the district and of its inhabitants.

28. EVERY inspector of any local board shall and is hereby empowered, without any express order or direction of such local board, to take proceedings against any person offending against any by-law made by such local board.

Inspector to prosecute for breach of by-laws.

29. A COPY of any order, authority, consent, or notice made or given by a local board of health, and signed and certified by the secretary to such board to be a true copy, and to have been duly made, confirmed, or given, and a copy of any notice given by or under the authority of this Act, and signed and certified by an inspector of the local board, shall, unless the contrary is shown, be evidence in all legal proceedings of the due making, existence, confirmation, or giving of such order, authority, consent, or notice, without further or other proof.

Evidence of by-laws, notices, &c.

30. IF any person think himself aggrieved by any by-law of any local board of health, such person may address a memorial thereon to the local board, stating the grounds of his complaint and the manner in which he may be prejudiced by such by-law, and failing to induce such local board to alter or amend such by-law wherein prejudicial to him, he may by like memorial address the Central Board; and the said Central Board may hear and decide between such local board and such person, and if satisfied of the justice of such person's complaint may (notwithstanding any previous confirmation or allowance thereof) rescind or annul such by-law or such part thereof as to them seems fit.

Appeal from by-laws of local board to Central Board.

PART II.—UNWHOLESOME FOOD.

31. ANY officer of the Central Board or of any local board or any member of the police force may at all reasonable times in the day-time, and with respect to those shops, places, or premises where articles of food are usually manufactured, prepared, or sold during the night at any hour of the day or night, enter into and inspect any abattoir or slaughter-house, or any butcher's, poulterer's, or fishmonger's shop, or any shop, store, bakery, dairies, warehouse, bonded or free store, auction room, custom house, shed, or any place or premises, or any part thereof, which he may have reasonable ground for believing is kept or used for the slaughter or for the sale or storage or preparation for sale of any animals or carcasses of animals or any meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, tea, sugar, or milk, or any articles used or which he may have reasonable ground for believing are intended to be used as food for human consumption, and may inspect any such animals, carcasses, or articles, and may inspect any articles of food which are being conveyed through the public streets or roads by any butcher, baker,

Diseased animals or unwholesome food may be seized.

milkman, grocer, dealer, hawker, or other person, and may examine and cut open any articles or packets or cases of articles contained therein or conveyed thereby and may remove portions of such articles for examination, and may seize any of such animals, carcasses, or articles which are or appear to him to be diseased or deleterious to health or unwholesome or any meat which has been blown, spouted, greased, stuffed, or pricked, and may destroy such articles or portions thereof as are or as before they are claimed become decayed or putrefied; and any person claiming any animals, carcasses, or articles so seized may within forty-eight hours after such seizure complain thereof to any justice, and such complaint may be heard and determined before any two justices, who may either confirm or disallow such seizure wholly or in part and may order the animals, carcasses, or articles so seized or some or portion of them to be restored; and in the event of no such complaint being made within forty-eight hours after such seizure or of such seizure being confirmed, the animals, carcasses, or articles as to the seizure of which no complaint has been made or the seizure of which has been confirmed shall thereupon become the property of the local board of health, and shall be destroyed or otherwise disposed of so as to prevent their being used for human consumption.

32. IF any person knowingly sells or imports, or has in his possession or under his control for the purpose of sale or storage or preparation for sale for human consumption, any meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, tea, sugar, milk, or any articles of food of a nature deleterious to health or unwholesome, or any meat which has been blown, spouted, greased, stuffed, or pricked, such person shall be guilty of an offence against this Act, and shall be liable on conviction thereof to pay any expenses incurred in the inspection, seizure, and disposition of such articles as hereinbefore provided, and shall also be liable to a penalty not exceeding Twenty pounds for every such offence, and for any second or any subsequent offence to a penalty not exceeding Fifty pounds; and if any person knowingly sells or imports or has in his possession or under his control for the purpose of sale or storage or preparation for sale for human consumption any diseased animals or carcasses of animals he shall be guilty of an offence against this Act, and shall be liable on conviction thereof to pay any expenses incurred in the inspection, seizure, and disposition of such animals or carcasses, and to a penalty for any such offence not exceeding One hundred pounds, or to imprisonment not exceeding two years.

Penalty on importation or possession of diseased animals or unwholesome food.

33. IF in any case under this Part of this Act it appears that the animals, carcasses, or articles as aforesaid are of a kind usually used as food for human consumption, the proof that such animals,

Onus of proof.

carcasses, or articles were not intended for human consumption or for sale for human consumption shall be on the party contending that they were not so intended.

PART III.—INFECTIOUS DISEASES AND HOSPITALS.

Provisions against Infection.

Local board to report to Central Board.

34. EVERY local board shall make a report to the Central Board, in such form and at such times as the Central Board from time to time directs, in regard to the health, cleanliness, and general sanitary state of the Municipality for which such local board is established; and such report shall contain a statement of all works executed and proceedings taken by such local board during the period to which such report relates.

Local boards to report appearance of certain diseases to Central Board.

35. UPON the appearance of any epidemic, endemic, or contagious disease, or of any indications thereof, or of any peculiar circumstances or occurrences involving or affecting or likely to involve or affect the sanitary condition of any municipality, the local board shall immediately report the same to the Central Board; and such report shall be accompanied by such remarks, evidence, or information as such local board may possess in regard to the disease, locality, or other facts that may have come to their knowledge and may tend or appear to tend towards the better or more full comprehension of the disease, indications, occurrences, or circumstances so reported.

Central Board to transmit report to the Governor.

36. UPON the receipt of any such last-mentioned report, the Central Board shall forthwith transmit the same to the Governor, accompanied by such information, remarks, and suggestions as such Central Board think fit or desirable. The Central Board shall make a report and transmit information respecting the public health to the Governor, in such form and at such times as the Governor directs.

Governor in Council to direct enforcement of provisions to prevent diseases.

37. THE Governor in Council may make orders from time to time directing that the provisions hereinafter in the next following section contained for the prevention of epidemic, endemic, and contagious diseases be put in force in Western Australia or in such parts thereof or in such places therein as in such orders respectively may be expressed; and may in like manner from time to time revoke, alter, or vary any such order; and such orders shall have the like effect as if the provisions therein contained were included in this Act. Provided that all such orders shall within one week from the making thereof be published in the *Government Gazette*.

Central Board to make regulations as to diseases.

38. FROM time to time, after the issuing of any such order as is in the last preceding section mentioned and whilst the same continues in force, the Central Board may make such regulations as the

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said board shall think fit for the prevention as far as possible or mitigation of such epidemic, endemic, or contagious diseases, and may from time to time revoke, renew, and alter any such regulations or substitute such new regulations as to the said board may seem expedient; and the said board may by such regulations provide for the effectual cleansing of streets and public ways and places by those entrusted by law with the care and management thereof, or by the owners and occupiers of houses and tenements adjoining thereto; and for the cleansing, purifying, ventilating, and disinfecting of houses, schools, churches, buildings, and places of assembly or entertainment by the owners or occupiers or persons having the care and ordering thereof; for the disinfection of bedding, clothing, and other articles, and of night-soil or the fœcal or other discharges of persons suffering from infectious or contagious disease; for a house-to-house visitation and inspection of the whole or any part of a district; for lessening or regulating the number of the inmates and occupants of common or other lodging-houses, work-rooms, or factories, or other public buildings; for causing public and private privies and earth closets to be established and properly constructed, maintained, and cleansed; for the speedy removal of nuisances; for the speedy interment of the dead; and generally for preventing or mitigating such epidemic, endemic, or contagious diseases in such manner as to the said board may seem expedient; and the said board may by any such regulations authorise, require, and direct any local board of health or their officers to superintend and see to the execution of any such regulations, and to provide for the dispensing of medicines, and for affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid as may be required, and the said board may do and provide all such acts, matters, and things as may be necessary for executing or superintending and aiding in the execution of such regulations; and such regulations shall extend to all parts or places included in any order to be issued by the Governor in Council as aforesaid, unless such regulations be expressly confined to some of such parts or places, and shall continue in force until such order be rescinded in regard to the parts or places to which such regulations shall extend. All such regulations shall within two weeks from the making thereof be published in the *Government Gazette*, and such regulations may provide that all regulations or orders made by the Governor in Council and all orders and directions made and given by any authorised person under the provisions of an Act of the Legislative Council made and passed in the 42nd year of the reign of Her present Majesty, numbered 5, shall cease to have any force or validity from and after a date to be stated in the regulations made under this section.

Such regulations may supersede regulations, &c., made under 42 V. 5.

39. UPON proof by the certificate in writing of any officer of health or of two other duly qualified medical practitioners that

Isolating houses, &c.

smallpox, cholera, or any other malignant, infectious, or contagious disease exists within or without a local board's district and that there is danger that the same may spread, and that to prevent the spreading thereof it is necessary to the public safety that power should be given to isolate any tenements, it shall be lawful for the Governor in Council to make an order empowering and directing such persons as the Central Board may for that purpose appoint to stop the traffic into or through any streets, thoroughfares, or places, whether public or private, which the Central Board shall specify, and to limit or prevent ingress, egress, or regress of any persons to or from any house or premises within the streets, thoroughfares, or places so specified for so long as shall seem to the Central Board necessary for the public safety; and no proceedings at law or otherwise shall be taken or lie against any person for anything done in conformity with such order and direction.

40. THE legally qualified medical practitioner in attendance at any house in which there is any person suffering from any smallpox, cholera, plague, yellow fever, or other malignant, infectious, or contagious disease, shall at once report the fact to the nearest local board, and shall also furnish to the occupier of such house a certificate that there is in such house a person suffering from such disease, and such occupier shall thereupon report the existence of such disease in such house to the nearest local board of health not later than twenty-four hours after the receipt of such certificate; and if any person fails to comply with the provisions of this section, he shall be deemed to be guilty of an offence under this Act, and shall on conviction thereof be liable to a penalty not exceeding Fifty pounds for every such offence.

41. WHERE an officer of health, or any two legally qualified medical practitioners, certifies in writing to a local board of health that the cleansing and disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such board to give notice in writing to the owner or occupier of such house or part thereof, whether within or without such local board's district, requiring him to cleanse and disinfect the same or any articles therein to the satisfaction of the officer of health and within a time to be specified in such notice.

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the local board, effectually to carry out the requirements of this section, such board may, without enforcing such requirements on such owner or occupier, enter therein, cleanse and disinfect such house or part thereof, or any articles therein likely to retain infection, and may defray any expenses so incurred.

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42. ANY local board may direct the destruction of any bedding, clothing, or other articles which in their opinion have been exposed to infection from any dangerous infectious or contagious disease, and may give compensation for the same.

Destruction of infected bedding, &c.

43. ANY local board may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and may cause any articles brought to such place for disinfection to be disinfected free of charge.

Provision of means of disinfection.

44. ANY local board may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious or contagious disease, and may pay the expense of conveying therein any person so suffering to a hospital or other place of reception.

Provision of conveyance for infected persons.

45. WHERE any hospital or place for the reception of the sick is provided within the district of a local board, or within a convenient distance of such district, any person who is suffering from any dangerous infectious or contagious disease and is without proper lodging or accommodation or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner and with the consent of the superintending surgeon or officer of such hospital or place, be removed by order of any justice to such hospital or place at the cost of the local board; and any person so suffering who is lodged in any common lodging-house may, with the like consent and on a like certificate, be so removed by order of the local board.

Removal of infected persons without proper lodging to hospital by order of justice.

Any order under this section may be addressed to such officer of the local board as the justice or local board making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding Ten pounds.

46. ANY local board may make regulations (to be approved of by the Central Board) for removing to any hospital or place to which such board are entitled as hereinafter provided to remove patients, and for keeping in such hospital or place so long as may be necessary any persons brought within their district by any ship or boat who are infected with a dangerous infectious disease, and such regulations may impose on offenders against the same reasonable penalties not exceeding Forty shillings for each offence. Provided that such regulations shall within two weeks from the approval thereof by the Central Board be published in the *Government Gazette*.

Removal to hospital of infected persons brought by ships.

Penalty on exposure
of infected persons
and things.

47. IF any person who knows that he is suffering from any dangerous infectious or contagious disease intentionally expose himself in any street or public place, without taking reasonable precautions against spreading such disease:

Or if any person being in charge of any person so suffering knowingly expose or permit to be exposed such sufferer in the circumstances aforesaid:

Or if any person who knows that he is suffering from any such disease enter any shop, wareroom, factory, theatre, inn, or place of common resort, or public conveyance:

Or if any such person enter any railway carriage, public conveyance, ship, or vessel, without previously notifying to the owner or the person in charge thereof that he is so suffering:

Or if any person having the charge of any person so suffering cause or permit any such sufferer to enter into any such place, or without the notice aforesaid into any such carriage, conveyance, ship, or vessel:

Or if any person gives, lends, sells, transmits, or exposes, without previous disinfection, any bedding, clothing, rags, or other things which have been exposed to infection from any such disease:

Every person so offending shall be liable to a penalty not exceeding Five pounds, and any person who, while suffering from any such disease, enters any public conveyance without previously notifying to the owner or driver thereof that he is so suffering shall, in addition, be ordered by the court to pay such owner or driver the amount of any loss and expense such owner or driver may incur in carrying into effect the provisions of this Act with respect to the disinfection of such conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting, with proper precautions, any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

Penalty on failing to
provide for disinfection
of public
conveyance.

48. EVERY owner or driver of a public conveyance shall disinfect such conveyance immediately after it has, to his knowledge, conveyed any person suffering from a dangerous infectious or contagious disease. And if he fail to do so to the satisfaction of an inspector of the local board, he shall be liable to a penalty not exceeding Five pounds; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

49. ANY person who knowingly or negligently sends a child to school who within the space of three months has been suffering from any dangerous infectious or contagious disease, or who has been resident in any house in which such disease has existed within the space of six weeks, without a certificate from some legally qualified medical practitioner that such child is free from disease and infection, and unless the clothes of such child have been properly disinfected, shall be liable to a penalty not exceeding Five pounds.

Infection in schools.

50. ANY person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious or contagious disease without having such house, room, or part of a house and all the articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding Twenty pounds.

Penalty on letting houses in which infected persons have been lodging.

For the purposes of this and the next following section, the keeper of a licensed public-house shall be deemed to let for hire part of a house to any person admitted as a guest into such licensed public-house.

51. ANY person letting for hire or showing for the purpose of letting for hire any house or part of a house who, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being, or within six weeks previously having been, therein any person suffering from any dangerous infectious or contagious disease, knowingly makes a false answer to such question, shall be liable to a penalty not exceeding Twenty pounds, or to imprisonment with or without hard labor for a period not exceeding one month.

Penalty on persons letting houses making false statements as to infectious disease.

Hospitals.

52. ANY local board may provide temporary places for the reception of the sick, and for that purpose may—

Power of local board to provide for reception of sick.

Themselves build or provide such places of reception; or
Contract for the use of any such place of reception.

Two or more local boards may combine in providing a common place for the reception of the sick.

53. THE Superintending Surgeon or Officer of any hospital receiving aid from the State may be required, by an order from the Central Board, to enter into reasonable arrangements with the local board or combined local boards for the reception into such hospital of sick inhabitants of their district or districts, and of the reason-

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ableness of such arrangements the Central Board shall be judge and shall decide finally.

Recovery of costs of
maintenance of
patient in hospital.

54. ANY costs incurred by a local board in maintaining a patient in a hospital or in a temporary place for the reception of the sick (whether or not belonging to such local board) shall be deemed to be a debt due from such patient to the local board, and may be recovered from him in a summary way before any two justices at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

PART IV.—NUISANCES.

Offensive Trades.

Restriction on
establishment of
offensive trades.

55. ANY person who, after the passing of this Act, establishes or newly carries on within the district of a local board, without their consent in writing, any of the undermentioned trades, businesses, or occupations (that is to say):—

Works for the boiling down of meat, bones, blood, or offal,
Bone mills or bone manure depôts,
Manure works,
Fellmongeries, tanneries, or wool-scouring establishments,
Glue factories,
Marine stores,
Piggeries,
Soap or candle works or factories,
Sugar works,
Fish-curing establishments,
Places for the storing, drying, or preserving of bones, hides,
hoofs, or skins, or
Any other noxious or offensive trade, business, or manufacture.

or who without such consent adds to or extends any buildings or premises used for the purposes of such trade, business, or manufacture, shall be guilty of an offence against this Act, and shall on conviction thereof be liable to a penalty not exceeding Fifty pounds in respect of the establishment or extension thereof, and shall also be liable to a penalty not exceeding Five pounds nor less than Forty shillings for every day during which such trade, business, or manufacture is carried on, whether there has or has not been any conviction in respect of the establishment or extension thereof. Provided that prior to the granting of any such consent notice of intention to apply for the same shall be given by advertisement one month previously in two of the newspapers circulating in the district; and that if any person, whether a resident in the district of

such local board or not, object to the establishment of such business, he may state such his objection to the local board. And if, nevertheless, the local board decide to grant such permission, he may appeal to the Central Board, whose decision shall be final, and if against the granting of such permission shall prevent or annul the same.

56. THE owner or occupier of any place, building, or premises used for the purpose of carrying on any noxious or offensive trade, business, or manufacture, whether established before or after the commencement of this Act, shall register or cause the same to be registered as a "Noxious Trades Establishment" at the office of the local board of health during the first week in February next following the coming into operation of this Act, and shall so register or cause to be registered such establishment thereafter during the first week in February in each year, and shall pay to such local board an annual registration fee of Two pounds; and if such owner or occupier fails to comply with the provisions of this section, he shall be liable to a penalty not exceeding Two pounds per day for each day during which such provisions shall not be complied with.

Premises to be registered.

57. WHERE any noxious or offensive trade, business, or manufacture as hereinbefore mentioned, whether established before or after the coming into operation of this Act, or any abattoir or slaughter-house, or any manufactory, building, or place used for any trade, business, process, or manufacture whatsoever causing effluvia, offensive fumes, vapours, or gases, or discharging dust, foul liquid, or other impurity is certified to any local board of health by their officer of health, or by any legally qualified medical practitioner, or by any six inhabitants of the district of such local board to be a nuisance or injurious to the health of any of the inhabitants of the district, such local board shall cause complaint to be made before a justice, who may summon the person by or on whose behalf the trade or work so complained of is carried on to appear before a court of summary jurisdiction. The court shall inquire into the complaint, and if it appear to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia, offensive fumes, vapours, or gases, or discharges dust, foul liquid, or other impurity which is a nuisance or injurious to the health of any of the inhabitants of the district, 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 be liable to a penalty not exceeding Five pounds nor less than Forty shillings, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the

Duty of local board to complain to justice of nuisance arising from offensive trade.

sum of Two hundred pounds. Provided that the court may suspend its final determination on condition that the person complained of undertakes to adopt within a reasonable time such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance or mitigating or preventing the injurious effects thereof.

Power to proceed where nuisance arises from offensive trade carried on without district.

58. WHERE any noxious or offensive trade, business, or manufacture, or any abattoir or slaughter-house, or any manufactory, building, or place used for any trade, business, process, or manufacture whatsoever causing effluvia, offensive fumes, vapours, or gases, or discharging dust, foul liquid, or other impurity, which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of a local board, is situated without such district, such local board may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences as if such manufactory, building, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where such manufactory, building, or place is situated.

Offensive fumes to be rendered inoffensive.

59. THE person carrying on, in, or upon any premises any manufacture, business, or process producing or causing or emitting or discharging offensive or noxious fumes, gases, vapours, dust, liquid, or other impurity shall provide and use thereon the best and most effective means and appliances for freeing such production, emission, or discharge from offensiveness or noxiousness, and shall intercept and prevent the escape, discharge, or removal of the same from such premises whilst such production, emission, or discharge is offensive or noxious or a nuisance.

Danger to health from premises in a filthy state.

60. IF upon the certificate of the officer of health, or of any one or more duly qualified medical practitioners, or of any six or more persons residing in the neighborhood, it appears to any local board or to any two justices that any abattoir or slaughter-house, or any shop, building, stall, or place kept or used for the sale of butchers' meat, or any place used for carrying on the business of a soap boiler, tallow melter, candle maker, starch manufacturer, blood boiler, bone boiler, tripe boiler, boiler of refuse or animal matter, tanner, currier, or fellmonger, or gas manufacturer, or the premises occupied with the same or appurtenant thereto (whether the same be within or without the district of the local board) is or are in such a filthy state as to be a nuisance or offensive to persons residing in the neighborhood, or in such an unwholesome condition that the health of any person is likely to be endangered thereby, or that the

whitewashing, cleansing, ventilating, or purifying of any such place, premises, or appurtenances would tend to prevent or check infectious, contagious, or epidemic disease, such local board or justices may give or cause to be given notice to the owner or occupier of such place or premises to whitewash, cleanse, ventilate, or purify the same, as the case may require; and such notice may be served by leaving a copy thereof with any person found on the premises or by affixing a copy thereof on a conspicuous part of the place or premises directed to be whitewashed, cleansed, ventilated, or purified as aforesaid.

Nuisances Generally.

61. FOR the purposes of this Part of this Act—

Definition of
nuisances.

- (1.) Any house or premises in such a state as to be a nuisance or injurious to health:
- (2.) Any pool, ditch, gutter, watercourse, stagnant water-hole, privy, urinal, cesspool, earth closet, drain, or ash-pit so foul or in such a state as to be a nuisance or injurious to health, or any cesspool or other receptacle for night-soil which is not perfectly water-tight, or any animal so kept as to be a nuisance or injurious to health:
- (3.) Any accumulation or deposit which is a nuisance or injurious to health:
- (4.) Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family:
- (5.) Any workroom or factory not kept in a cleanly state or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein:
- (6.) Any street, lane, right-of-way, passage, yard, land, or premises which is in such a state in regard to drainage as to be a nuisance or injurious to health:
- (7.) Any fireplace or furnace, whether constructed before or after the passing of this Act, which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and any chimney (not

being the chimney of a private dwelling-house) sending forth smoke in such quantity as to be a nuisance—

Shall be deemed to be a nuisance, and shall be liable to be dealt with in manner provided by this Part of this Act. Provided—

First. That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture, if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing nuisance or injury to the public health being caused thereby.

Secondly. That where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Part of this Act, and dismiss the complaint, if it be satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has for that purpose been carefully attended to by the person having the charge thereof.

Information of
nuisances to local
board.

62. INFORMATION of any nuisance under this Part of this Act, in the district of any local board, may be given to such local board by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such board, or by any member of the police force of such district.

Local board to serve
notice requiring
abatement of
nuisance.

63. ON the receipt of any information respecting the existence of a nuisance, the local board shall, if satisfied of the existence of a nuisance or of the likelihood of the recurrence of a nuisance, make an order on the person by whose act, default, or sufferance the nuisance arises or continues, or if such person cannot be found on the owner or occupier of the premises on which the nuisance arises, requiring him to abate or discontinue the same within a time to be specified in such order, and to execute such works and do such things as may be necessary for that purpose. Provided—

That where the person causing the nuisance, or the owner of the premises is not known or cannot be found, and where there is no occupier of the premises, the local board may themselves remove or abate the same without

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further order or notice; and any expenses incurred by the local board in the removal or abatement of such nuisance shall remain a charge upon the premises and be recoverable, as hereinafter provided, by the local board from the owner of such premises at any future time.

64. COMPLAINT may be made to a justice of the existence of a nuisance under this Part of this Act, on any premises within the district of any local board, by any person aggrieved thereby, or by any inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had, with the like incidents and consequences as to making of orders, penalties for disobedience of orders, and otherwise, as in the case of information or complaint relating to a nuisance received by or made to a local board. Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for the purposes of such examination. Such court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner; and any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the local board authorised under the provisions of this Act to enter any premises and do any act thereon.

Power of individual to complain to justice of nuisance.

65. WHERE a nuisance under this Part of this Act within the district of any local board appears to be wholly or partially caused by some act or default committed or taking place without their district, such local board may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Part of this Act authorised, with the same incidents and consequences as if such act or default were committed, or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

Power to proceed where cause of nuisance arises without district.

PART V.—DWELLING HOUSES.

66. WHENEVER any officer of health, or inspector of the Central Board or of any local board, or any legally qualified medical practitioner certifies in writing to a local board that any house or other building within their respective jurisdictions, or any part

Houses, &c., may be declared unfit for human habitation and their occupation forbidden.

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thereof, is unfit or unsafe for human occupation or habitation, such local board may, by an order in writing or print, or partly in writing and partly in print, declare that such house or building or such part thereof is not fit for human occupation or habitation, and direct that such house or building or part thereof shall not, after a time specified in such order, be occupied or inhabited by any person, and may cause such order or a copy thereof to be affixed to some conspicuous part of such house or building before the expiration of the time mentioned in such order.

Penalty.

Any person who after the expiration of the time mentioned in such order lets or occupies, or knowingly suffers to be occupied, such house or building or (as the case may be) such part thereof shall be guilty of an offence against this Act, and shall on conviction thereof be liable to a penalty not exceeding Five pounds nor less than Ten shillings for every day during which such house or building or (as the case may be) such part thereof is let, occupied, or knowingly suffered to be occupied by him in contravention of such order.

Overcrowding in houses.

67. UPON the certificate of the officer of health or any legally qualified medical practitioner that any house or building or any part thereof is so overcrowded as to be dangerous or prejudicial to the health of the inmates or inhabitants or persons employed therein, the local board shall cause complaint to be made before any justice, who may summon before any two justices the person permitting such overcrowding; and the justices shall thereupon make such order as they may think fit to abate such overcrowding; and the person permitting such overcrowding shall forfeit a sum not exceeding Five pounds nor less than Twenty shillings.

Prohibition of occupying cellar dwellings.

68. IT shall not be lawful to let or occupy or suffer to be occupied separately as a dwelling any cellar, including for the purposes of this Part of this Act in that expression any vault or underground room.

Penalty on persons offending against enactment.

69. ANY person who lets, occupies, or knowingly suffers to be occupied for hire or rent any cellar, contrary to the provisions of this Part of this Act, shall be liable for every such offence to a penalty not exceeding Twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the local board of health in this behalf.

Definition of occupying as a dwelling.

70. ANY cellar in which any person passes the night, with the consent of occupier or owner, shall be deemed to be occupied as a dwelling within the meaning of this Part of this Act.

Power to close cellars in case of two convictions.

71. WHERE two convictions against the provisions of this Part of this Act, relating to the occupation of a cellar as a separate dwelling place, have taken place with respect to the same cellar within

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three months (whether the persons so convicted were or were not the same), a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the local board of health permanently to close the same, and to defray any expenses incurred by them in the execution of this section.

72. NO building not originally built as and for a dwelling-house within the limits of such part of the municipality as shall be defined by by-law of the Central Board, whether built before or after the commencement of this Act, shall be converted into or used as a dwelling-house without the previous consent of the local board, who may grant such consent upon and subject to such conditions as they may see fit, or in their discretion may refuse the same.

Building not hitherto used as dwelling not to be so used without consent.

Upon any complaint by the local board to justices of infringement of any of the provisions of this section, the justices may, in addition to the imposition of a penalty for an offence against this Part of this Act, declare such dwelling-house a common nuisance, and order such dwelling-house to be removed by the owner thereof and in his default by the local board, and the costs of such removal if effected by the local board to be paid to the local board by the owner of such dwelling-house.

PART VI.—MISCELLANEOUS.

73. ANY local board may, with the consent of the Central Board, from time to time direct that any well or other source of domestic water supply which may by an officer of health or by any legally qualified medical practitioner be certified in writing to be so polluted or unwholesome as to be unfit for human consumption shall forthwith, and until the local board have given a notice revoking such direction, be closed, and that the contents thereof shall not be used for human consumption; and any person so using or causing to be used any such well or other source of water supply as aforesaid, while such direction remains in force, shall be liable to a penalty not exceeding Five pounds for each day during which such well or other source of water supply shall be so used. And any local board may, with the consent of the Central Board, order and direct that any well, tank, or other source of domestic water supply shall forthwith be filled up or removed; such order shall be given to the owner of the land whereon such well, tank, or other source of domestic water supply may be, and if such order be not complied with within a time to be therein specified, the local board may themselves fill in or remove the same, and all expenses incurred by the local board under this section shall be payable and recoverable as expenses incurred by a local board in the removal of a nuisance, and in default of payment shall remain a charge upon the land and

Power to close polluted wells.

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be further recoverable, as hereinafter provided, by the local board from the owner of such land at any future time.

Penalty for throwing
night-soil into or
placing it near rivers
or running streams.

74. IF any person throw or cast or cause or allow to be thrown or cast any night-soil into any river, creek, or running stream, channel, lake, lagoon, swamp, or waterhole, or if any person place or cause or allow to be placed any night-soil on any land whence such night-soil flows or falls or is liable to flow or fall into any river, creek, or running stream, channel, lake, lagoon, swamp, or waterhole, he shall on conviction forfeit and pay a penalty not exceeding One hundred pounds, or be imprisoned for any period not exceeding six months, or both.

Management of
drains on private
premises.

75. ALL houses within the jurisdiction of a local board shall have such drains leading to such sewers or other places and having such a fall and constructed of such materials and in such manner as such local board by notice direct. No drain shall, without the written consent of the local board, be made or permitted under any house or under the surface of any yard or premises; and such local board may, in the case of there not being any sufficient drain to any house or premises within its jurisdiction (whether erected at any time before or after the commencement of this Act), cause an order to be served on the occupier or owner to construct a drain of such a nature and description as such local board thinks necessary and describes in such order.

Stagnant water in
cellars, &c.

76. NO person shall suffer any waste or stagnant water to remain in any cellar or premises in or about any dwelling-house for twenty-four hours after notice given and served upon him by the local board or their officer to remove the same. If any local board have reason to suspect that there is any waste or stagnant water in or about any house or premises, such local board, after twenty-four hours' notice in writing to the occupier or owner of such house, may by themselves or by any officer of such board make entry into or upon such house or premises, and may cause any floor or portion thereof to be opened up in order to ascertain whether there is in or about any such house any waste or stagnant water; if there be no waste or stagnant water found underneath any floor so removed, such local board shall cause to be repaired and made good any such floor or portion thereof so removed as aforesaid; but if there be found any waste or stagnant water under any such floor, then in such case all expenses incurred in the removal and repair of such floor or portion thereof shall be chargeable to the owner or occupier of the house or premises, and may be recovered from such owner or occupier as hereinafter provided. Before any waste or stagnant water having an offensive smell is emptied from any cellar or other premises, the occupier of such premises shall cause such water to be thoroughly deodorised.

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77. THE owner or occupier of any house to which there is a cellar shall, if so required by the local board, and within a time (being not less than fourteen days) to be specified by the local board, cause such cellar to be paved or asphalted in manner directed by and to the satisfaction of the local board; and if such cellar be subject to the leakage of water thereinto, and there be no drain for the discharge of such water, such owner or occupier shall likewise, if so required by the local board, construct in such cellar where, when, and as directed, and to the satisfaction of the local board, a well for the gathering of such leakage, and upon completion of such well shall cause the same to be regularly and periodically emptied at intervals not exceeding twenty-four hours. Provided that in case the occupier of any such house has paved or asphalted any such cellar or constructed any such well, he may, subject to any agreement previously made between him and the owner of such house, recover before any two justices the moneys expended by him on such paving or asphaltting or on constructing such well, or may deduct the same from any rent payable by him to such owner.

Cellars asphaltting, &c.

78. THE local board of health shall cause to be drained, cleansed, covered, or filled up all ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter or thing of an offensive nature or likely to be prejudicial to health, by making and serving an order upon the person causing any such nuisance, or upon the overseer, owner, or occupier of any premises whereon the same exists, requiring him within a time to be specified in such order to drain, cleanse, cover, or fill up any such pond, pool, ditch, sewer, drain, or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require.

Stagnant water-holes.

79. WHENEVER it appears to the local board that the surface of any yard or land, not being a street, is lower than the level of the nearest street or of the street sewer or drain into which the water off the said yard or land should in the opinion of the local board flow, the local board may order the owner or occupier of such yard or land to raise the surface thereof to such height, in such manner, and within such time as the said local board may by such order direct.

Low-lying land.

80. ANY local board may, by order addressed to the owner or occupier of any land which has been excavated for brickmaking, quarrying, mining, or other purposes, whether before or after the commencement of this Act, direct such owner or occupier to have any excavation so made securely fenced round to the satisfaction of such board; and may further direct such owner or occupier to take such measures as are in the opinion of such local board necessary

Brickmaking and other excavations to be fenced in, &c.

and as are specified in such order for preventing any noxious or offensive drainage or other matter from flowing or being thrown or cast into any such excavation.

Houses to have
privies.

81. ALL houses shall have attached to them such earth closets or privies, with proper doors and coverings, and so constructed as in the opinion of the local board are sufficient for such houses respectively; and if at any time it appears to any local board that any house within its jurisdiction, whether built at any time before or after the commencement of this Act, has not a sufficient earth closet or privy with proper doors and coverings, and the owner or occupier on notice to that effect from such local board do not erect such sufficient earth closet or privy with proper doors and coverings, in the time to be named in such notice, such owner or occupier shall be liable to a penalty not exceeding Five pounds per day for every day during which such notice is not complied with, and such local board may cause a privy or earth closet with proper doors and coverings to be erected at the expense of such owner or occupier.

Public privies may
be provided.

82. THE local board may, if they think fit, provide and maintain in proper and convenient situations, and in proper repair and condition, earth closets, privies, or urinals and other similar conveniences for public accommodation.

Buildings in which
many persons
collected to have
privies.

83. IF it appears to the local board that any house is used or intended to be used as a school or a workroom or factory or building in which persons above twenty in number are gathered or employed or intended to be gathered or employed at one time, such local board may, by notice to the owner or occupier of such house, require him within a time to be specified in such notice to construct what in the opinion of the local board is a sufficient number of earth closets or privies or urinals for the use of such persons, and (if they are of different sexes) separate earth closets or privies for the use of each sex.

Construction and
maintenance of
drains, cesspools,
&c.

84. ALL drains whatsoever, earth closets, privies, cesspools, and ashpits shall be constructed and kept so as not to be a nuisance or injurious to health, and so that there is no overflow or leakage or soakage therefrom; and no cesspool shall have attached thereto or connected therewith any pipe, drain, or other appliance for the discharge of the contents of such cesspool into any drain or sewer. The local board (upon the written application of any person showing that any drain, earth closet, privy, cesspool, ashpit, or other matter is a nuisance or injurious to health, or on the report of the Inspector or other officer of the local board that such drain, earth closet, privy, cesspool, ashpit, or other matter is not constructed or kept according to the provisions of this Act or of any by-law or order in that behalf,

Local board to
ascertain if drains,
&c., are nuisances.

and after twenty-four hours' notice in writing, or in case of emergency without notice, to the occupier of the premises of which complaint is made) may by themselves or by any officer of such board make entry upon and examine such premises, and cause the ground to be opened, or do any other necessary act to examine any drain, earth closet, privy, cesspool, ashpit, or other place. And if such drain, earth closet, privy, cesspool, ashpit, or other place be found to be in proper order and condition, the local board shall cause the ground to be closed, and any damage done to be made good as far as can be, at the expense of such local board; but if the drains, cesspools, earth closets, privy, ashpit, or other place be found to be in a bad condition or to require alterations or amendment, notice shall be given by such local board to the owner or occupier, requiring him to make such alteration or amendment within a time to be named in such notice.

85. THE owner of land whereon there is a cesspool for the reception of night-soil, which cesspool in the opinion of the local board is in such a condition or position as to be calculated to generate disease or be a nuisance or injurious to health, shall upon being so required by notice from the local board fill up the same within a time to be expressed in such notice, not being less than one month from the date thereof.

Cesspools below ground to be abolished.

86. FROM and after the commencement of this Act no cesspool for the reception of night-soil below the ground shall be constructed within the limits of such part of the municipality as shall be defined by by-law of the Central Board.

New cesspools for nightsoil forbidden.

87. NO person shall keep any swine or pigsty within one hundred feet of any house in any municipality, or so as to be a nuisance to any person or injurious to the public health.

Keeping of swine.

88. NO swine, sheep, or cattle shall be kept on any butcher's business premises, unless such premises are used for slaughtering purposes under the written permission of the Mayor or Chairman of the municipality, and any person offending against the provisions of this section shall on conviction of such offence be liable to a penalty not exceeding Five pounds for each day during which such offence has been committed.

Swine, sheep, or cattle not to be kept on premises.

89. ALL stables, cow-yards, cattle-sheds, and pigsties shall have such impervious drains and receptacles for offal, dung, or other filth or refuse as the local board may by any order from time to time direct; and if it appears to any local board that any such stable, cow-yard, or other premises used as a stable, cow-yard, cattle-shed, or pigsty as aforesaid within their jurisdiction has not proper drains

Stables, &c., to be drained.

and receptacles as aforesaid, and the occupier or person in possession of such premises, on receipt of an order to that effect from such local board, do not provide drains and receptacles as aforesaid, within a time to be specified in such notice, he shall be liable to a penalty of Ten shillings for every day he continues to make default, and such local board may cause such drains and receptacles to be provided, at the expense of the occupier or person in possession of the premises; such expense shall be recoverable as is hereinafter provided.

Lanes and yards to
be paved, &c.

90. IN case any street, lane, yard, or passage or other premises formed or set out on private property, or in case any lane or passage formed or set out on public property or land of the Crown in such manner as to afford means of back access to or drainage from property adjacent to such lane or passage, is not formed, paved, levelled, or drained to the satisfaction of the local board, the said local board may from time to time, by notice to the respective owners of the premises fronting, adjoining, or abutting upon such parts thereof as may require to be formed, paved, levelled, drained, or made good, require them to form, pave, level, drain, or make good the same in such manner and according to such levels and specifications as may be approved by the said local board, and within a time to be named in such notice; and if such notice is not complied with the persons to whom such notice has been given shall each be liable to a penalty not exceeding Ten pounds for each day during which such notice is not complied with, and the said local board may, if they think fit, subsequently to or in lieu of prosecuting for such non-compliance execute the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be paid by the owners in default, in such proportions as may be fixed by the said local board, and shall be recoverable as hereinafter provided. Provided, however, that in the case of lanes and passages only such owners of premises fronting, abutting, or adjoining upon such lanes or passages as by themselves or their tenants have the right to use or commonly do use any such lane or passage shall for the purposes of this section be deemed to be owners of premises.

Drains or sewers
may be made through
private premises.

91. IN case it is necessary for the proper drainage of any land, street, lane, right-of-way, yard, passage, private premises, or other place that drains or sewers should be made through or under any one or more private premises, whether occupied or not, it shall be lawful for the local board to make an order on the owner or owners of such premises requiring such owner or owners to permit the formation of such drains or sewers through or under such premises, and after the expiration of one month from the making of such order the local board may form or make through or under such premises such drains or sewers as may in the opinion of the said local board be necessary

for the proper drainage of any such land, street, lane, right-of-way, yard, passage, private premises, or other place as aforesaid. Provided that such drains or sewers shall be made and maintained in good order, so as not to be a nuisance or injurious to health. Where the local board have, under the powers conferred by this section, formed or made any drain or sewer through or under private premises, there shall be paid by the said local board to the owner or owners of such premises such equitable compensation as is agreed upon between such owner or owners and the said local board, or as in case of dispute may be awarded on appeal by either side to the Police, Resident, or Government Resident Magistrate of the District wherein such premises are situate. The amount of compensation so paid and all costs and expenses incurred by the said local board, together with the cost of forming or making any drain or sewer under the provisions of this section, shall, in the case of the drainage of any land, yard, passage, or other premises, be repaid to the said local board by the owner of the land, yard, passage, or other premises for the drainage of which such drain or sewer has been formed or made, or if there be more than one owner then such compensation and expenses shall be repaid to the said board by such owners in such proportions as may be fixed by the said local board; and in the case of the drainage of any street, lane, or right-of-way, such compensation and expenses shall be repaid to the said local board, in such proportions as may be fixed by the said local board, by the owner or owners of the land or premises fronting, adjoining, or abutting on such street, lane, or right-of-way; and such compensation and expenses shall be recoverable by the said local board from such owners in the manner hereinafter mentioned.

92. ANY local board of health may from time to time give notice for the periodical removal of manure or other refuse matter from houses, stables, or other premises within their jurisdiction; and where any such notice has been given any person to whom the manure or other refuse matter belongs who fails so to remove the same or permits a further accumulation and does not continue such periodical removal at such intervals as such local board direct shall be liable, without further notice, to a penalty not exceeding Five pounds for each day during which such manure or other refuse matter is permitted to accumulate.

Periodical removal
of manure from
houses and other
premises.

93. ALL private passages, yards, ways, and other premises shall be kept in such a state in respect of cleanliness as not to be a nuisance or injurious to health; and if at any time it appears to any inspector appointed by any local board that any stagnant water in any cellar or premises or in, under, or about any dwelling-house, or other offensive or noxious matter, or any accumulation of manure, dung, soil, or filth ought to be removed, or that any drain or any

Private premises to
be cleansed.

stable, cow-shed, or pigsty, or any earth or other closet or cesspool requires cleansing or is in an offensive condition, he shall, under the authority of this section, and without obtaining an order from such local board, give a notice signed by himself to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove or remedy the same; and if at the expiration of twenty-four hours after such notice the same is not complied with, such inspector may cause such person to be summoned before any two justices, and such person shall on conviction of neglect to comply with such notice be liable to a penalty not exceeding Forty shillings, and to a further penalty not exceeding Five shillings a day for each day during which such notice is not complied with; and such inspector may cause such manure, dung, soil, filth, or other matter to be removed, and the ownership thereof shall be vested in such local board and the same may be sold or otherwise disposed of by such local board, and if sold the proceeds thereof shall be applicable by such local board for the general purposes of this Act, and such local board may depute any officer or person to enter upon the premises for the purpose of removing such manure, dung, soil, filth, or matter.

The expenses of removal by such local board of any such accumulation, so far as they are not covered by the sale thereof if sold, may be recovered by such local board in a summary manner from the person to whom the accumulation belongs or from the occupier of the premises or (where there is no occupier) from the owner.

Transport of night-soil.

94. ANY local board may provide within their district with the sanction of the Central Board, or without their district with the sanction of the Governor in Council, places for the reception, utilisation, or deposit of night-soil, manure, blood, offal, filth, or other refuse matter produced in the district of such local board, and any local board may cause any night-soil, manure, blood, offal, filth, or other refuse matter to be conveyed to any place provided or appointed as aforesaid. Provided that such night-soil shall be conveyed in carts or other conveyances covered in so as to prevent the escape therefrom of any noxious or offensive effluvia, and that no nuisance shall be caused by the transport, reception, utilisation, or deposit of such night-soil, manure, blood, offal, filth, or other refuse matter as aforesaid.

Streets and other places to be cleansed.

95. EVERY local board may from time to time and at all convenient times provide and may take such measures as may be necessary to ensure that all streets within their jurisdiction, including the foot pavements thereof, are properly swept, cleansed, and watered, and that all dust, mud, ashes, rubbish, filth, dung, and soil thereon are collected and removed and so disposed of as not to be a nuisance or injury to health.

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96. THE local board may in their discretion provide, in proper and convenient situations, boxes or other conveniences for the temporary deposit and collection of dust, ashes, and rubbish, and also fit buildings and places for the deposit of the sewage, soil, dung, filth, ashes, dust, and rubbish collected by or by the permission of such board; and all sewage, soil, dung, filth, ashes, dust, and rubbish so collected by or by the permission of the said local board, or in any conveyance provided as aforesaid, shall be vested in and may be sold or otherwise disposed of by such board, and the proceeds of such sale shall be carried to account of the moneys applicable to the purposes of this Act. And the local board of health may themselves undertake or contract with any person for the proper cleansing of streets, the removal of house refuse from any premises, the cleansing of cesspools, earth closets, privies, or ashpits, either for the whole or any part of their district; and all matters thus collected by the local board of health or their contractor may be sold or otherwise disposed of, and any profit thus made by the local board of health shall be carried to the account of the moneys as aforesaid. And whosoever deposits or causes to be deposited any filth, dust, ashes, or rubbish in any place except such boxes or conveniences so provided, or without the consent of the said local board collects or removes any sewage soil, dung, filth, ashes, dust, or rubbish, or obstructs the local board of health or contractor in removing any such matters (except in cases where such matters are produced on his own premises and are removed for sale or applied for his own use as manure and are in the meantime kept so as not to be a nuisance or injurious to health), or wilfully or negligently damages such works, buildings, boxes, or other conveniences, shall for every such offence be liable to a penalty not exceeding Five pounds, and to repay to the local board the cost which such local board shall have incurred in the remedying of such wilful or negligent damage.

Places to be provided for deposit of rubbish, sewage, &c.

Local board may contract for cleaning cesspits, &c.

97. IF any local board having themselves undertaken or contracted with the occupier of any house for the removal of house refuse from premises, or the cleansing of earth closets, privies, urinals, ashpits, or cesspools, fail without reasonable excuse, after notice in writing from such occupier requiring them to remove any house refuse, or to cleanse any earth closet, privy, urinal, ashpit, or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within five days, such local board shall be liable to pay to the occupier of such house a penalty not exceeding Five shillings for every day during which such default continues after the expiration of the said period.

Penalty on neglect of local board to remove refuse, &c.

98. IT shall be the duty of every local board to make from time to time, either by themselves or by their officers, inspection of the district within their jurisdiction, with the view to ascertain what

Local boards to make inspections and inquire into complaints.

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nuisances exist calling for abatement under the powers of this Act and to enforce the provisions thereof, and every local board is hereby required, on the receipt of any complaint of the existence of any nuisance or cause of injury to the public health, to forthwith cause inquiry to be made into the matter of such complaint.

Persons acting in the execution of this Act may inspect.

99. PERSONS acting in the execution of this Act under the authority of the Central or any local board may, with such assistance as may be necessary, from time to time and at all reasonable times in the day-time, or wherein in this Part of this Act specially provided in the night or other time, or in the case of a nuisance or cause of inquiry or complaint arising in respect of any business then at any hour when such business is in progress or is usually carried on, enter and inspect any house, building, or dwelling and all other places whatsoever, whether private or public, within the jurisdiction of the local board, in order to ascertain if any person has recently died of any epidemic, endemic, or contagious disease in any of the places aforesaid, or if there is any filth or other matter dangerous to health therein or thereupon, or if there is ground for believing that necessity for such entry and inspection otherwise exists in relation to the execution of the provisions of this Part of this Act.

Penalties for obstructing the execution of this Act.

100. WHOSOEVER wilfully obstructs any inspector or any member of the Central or local board of health, or any officer or person duly employed in the execution of this Act, or refuses such member, officer, or other person admission to any house, building, or premises for the purpose of carrying out the provisions of this Act, or incites any other person so to do, or destroys, pulls down, injures, or defaces any board, placard, or notice made or published under this Act, shall be liable for every such offence to a penalty not exceeding Five pounds nor less than Forty shillings; and if the occupier of any premises or any other person whosoever prevent the owner thereof, or the agent receiving the rent for the same, from obeying or carrying into effect the provisions of this Act or of any order, by-law, regulation, or direction made hereunder, he shall be liable to a penalty not exceeding Five pounds nor less than Forty shillings for every day of such prevention; and if the occupier of any premises, when requested by or on behalf of the local board of health to state the name of the owner of the premises occupied by him, refuse or wilfully omit to disclose or wilfully misstate the same, he shall be liable to a penalty not exceeding Fifty pounds nor less than Five pounds.

Local board may order works to be done by occupier instead of owner.

101. IN any case where it is ordered or notified by or under the authority of this Act that the owner of any premises shall do any act, matter, or thing for the removal, abatement, or prevention of any nuisance, or construct any works for the aforesaid purpose, the

local board of health may, if they think fit, by the same or any subsequent order or notice, require the person occupying or in possession of the premises, or the agent receiving the rent for the same, to do any such act, matter, or thing, or to construct such works as the said local board may deem necessary; and any such owner, and also the person occupying or in possession of premises, or such agent as aforesaid who refuses or neglects to comply with such direction, order, or notice after service thereof, and within a certain specified time to be named therein, shall be liable to a penalty, for each and every day after the expiration of such specified time, of not more than Five pounds and not less than Five shillings. Provided that any expenses incurred by the person occupying or in possession of the premises, or by such agent, in complying with the said direction, order, or notice of the local board shall (unless any nuisance so removed or abated had been caused or created by or by the default of such occupier) be summarily recoverable by the person occupying or in possession of such premises or by such agent from the owner before two or more justices as money paid to the use of such owner, or may be deducted from or set off against the rent then due or thereafter at any time and from time to time to become due, and the owner from or against whom such expenses are so recovered, deducted, or set off, if he be a tenant to another person of the same premises, may in like manner recover, deduct, or set off the said expenses, any covenant or agreement whatsoever to the contrary notwithstanding. Provided further, that in the event of the neglect or failure of the person to whom any such order or notice shall be addressed to comply therewith, the local board may, if they see fit, carry out the requirements of such order or notice, and may recover in manner hereinafter provided from such person all costs and expenses which such local board shall thereby have incurred. Provided also, that when the owner or occupier of any premises is from poverty or otherwise unable, in the opinion of the local board, effectually to carry out the requirements of any order or by-law or of any of the provisions of this Act relating to the removal, abatement, or prevention of any nuisance, or the construction of any works or the doing of any matter or thing for the aforesaid purpose, the local board may, without enforcing such requirements on such owner or occupier, enter the said premises, and out of the moneys applicable to the execution of this Act remove, abate, or prevent such nuisance or construct such works.

102. ANY expenses incurred under this Act by any local board in the removal, abatement, or discontinuance of any nuisance or other cause of offence shall (except when otherwise ordered by the local board under the last proviso of the next preceding section) be payable by and recoverable from the person occupying or in possession of the premises whereon such nuisance or other cause of

Expenses recover-
able.

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offence existed, or by and from the agent for the said property ; and in all cases in which it is provided by this Act that any works which may be necessary for the removal, abatement, or discontinuance of any nuisance or other cause of offence may be done at the expense of the occupier of premises in which such works are necessary, such expenses shall be recoverable by him or by such agent from the owner as money paid to his use, or the same may be deducted by the occupier from or set off against the rent then due or thereafter at any time and from time to time to become due, any covenant or agreement whatsoever to the contrary notwithstanding.

Local board may abate nuisances or execute works where owner cannot be found.

103. WHENEVER it appears that the person by whose act, default, permission, or sufferance a nuisance arises, or the owner or the occupier of the premises whereon a nuisance exists, or the owner of any land or premises in respect of which an order has been made by the local board to do or to permit the local board to do any matter or thing, is not known or cannot be found, then the local board may execute such works or do such matter or thing as may, in the opinion of such local board, be necessary in order to remove, abate, or discontinue the nuisance, or as may be mentioned in any order made as aforesaid ; and any costs or expenses incurred by the local board in the removal, abatement, or discontinuance of such nuisance, or the execution of such works, shall be defrayed out of the moneys applicable to the execution of this Act, but shall remain a charge upon such premises and be recoverable at any future time from any owner thereof.

Power to take possession of and lease property on which expenses are due.

104. WHERE any lands or premises are unoccupied and any expenses incurred by any local board in respect of such land or premises under the provisions of this Act have been unpaid for three years, such local board may take possession of such land or premises and may hold the same as against any person interested therein, and from time to time grant leases of the same subject to the provisions hereinafter contained.

Notice to be given before taking possession.

105. NO local board of health shall take possession of any such land or premises until one month after a notice in writing setting forth that expenses incurred by such local board in respect of such property are unpaid and demanding payment thereof, and stating that, in default of such payment, such local board will take possession thereof under the provisions of this Act, has been served on every person in Western Australia entitled to an estate of freehold in possession in such land or premises, or to the possession of such land or premises under any lease, whose name and address is known to such local board, or, if there is no such person whose name and address is so known, has been fixed to some conspicuous place on such land or premises ; and every such notice served on any

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person shall contain a sufficient description of the land or premises to identify the same; but every lease granted by any local board otherwise in accordance with the provisions of this Act shall be valid notwithstanding the non-compliance with any of the provisions of this section, unless all expenses incurred by such local board and due in respect of such land or premises are paid and a release demanded from such local board within twelve months after the local board take possession.

106. WITHIN three months after demand by any person who but for the provisions of this Act would be entitled to the possession of any such land or premises made within twelve years after the taking possession thereof on the part of the local board of health, and after payment of all expenses incurred by the local board of health and due in respect thereof and interest upon all arrears of such expenses at the rate of Eight pounds per centum per annum, the local board of health shall execute a release of such land or premises from all such expenses due in respect thereof; and if the local board of health made default in executing such release the Supreme Court in its equitable jurisdiction may at the suit of any person interested in that behalf compel them so to do, and upon the execution of such release, subject to any lease theretofore lawfully granted by the local board of health under the provisions of this Act, such person or persons shall be entitled to such land or premises and the possession thereof as would have been so entitled if this Act had not passed, and any tenant of such land or premises under any such lease shall attorn to such person or persons accordingly.

Release of property
after demand and
payment of expenses.

107. EVERY such lease shall be for such term not exceeding seven years as to the local board of health may seem fit, and shall reserve the best rent which can be reasonably gotten for such land or premises, and shall contain and be subject to such other reservations and such exceptions, covenants, and conditions as to the local board of health may seem fit.

Lease.

108. ALL rent and other moneys payable under any such lease shall, until the execution of a release as hereinbefore mentioned or the expiration of twelve years from the local board taking possession whichever shall first happen, be received by the local board and shall be applicable:—

Application of rents.

- (1.) In defraying the expenses of and incidental to the execution of such lease and the collection of the rents.
- (2.) In payment to the local board of all expenses incurred by the local board and due in respect of such land or premises, together with interest on all such expenses at the rate of Six pounds per centum per annum,

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from the time such expenses have become due respectively and in payment of all rates and other payments accruing due thereon.

And the residue of any such moneys shall belong to such person or persons as would, when the same respectively were received, have been entitled to receive the rents and profits of such land or premises if this Act had not passed; and such local board shall deposit such residue in some bank at such interest as can from time to time be gotten for the same.

After twelve years
property to vest in
Crown.

109. UNLESS some person entitled in that behalf perform the conditions entitling him to demand a release of any land or premises of which any local board has taken possession under the foregoing provisions within twelve years after such taking possession, such land or premises and all accumulations of rent and other moneys on account thereof shall vest absolutely in the Crown.

Notice to be affixed
on taking possession.

110. ON taking possession of any land or premises as aforesaid, such local board shall cause to be affixed upon some conspicuous part thereof a notice that such land or premises has been taken possession of by such local board, under the provisions of this Act, and is to let on lease.

Costs and expenses
recoverable in any
court.

111. WHERE any costs or expenses are recoverable by any local board from the owner of any land in respect of works executed on or to improve such land or any street or road, public or private, adjoining thereto, such costs and expenses shall be recoverable in any court having jurisdiction.

Costs and expenses
of works to include
purchase-money and
compensation.

112. WHERE any local board is empowered to recover any costs or expenses of any works from the owner of any land, any money expended in the purchase of any land necessary for such works, or in compensation in respect of any land injuriously affected by such works, shall be deemed to be included in such costs and expenses.

PART VII.—LEGAL PROCEEDINGS.

Other proceedings
not affected.

113. NOTHING in this Act contained shall be held to affect the power of proceeding by indictment or information, or to take away any other remedy against any offender against any of the provisions of this Act.

Service of notices.

114. ANY notice or order under this Act may be wholly or partly in printing or in writing or both, and where under this Act any notice or order is required to be given to the owner or occupier of any house, building, or land, such notice or order addressed to the

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owner or occupier thereof, as the case may require, may be served on the occupier of such house, building, or land, or left with some inmate of his abode, or if there is no occupier may be put up on some conspicuous part of such house, building, or land; and it shall not be necessary in any such order or notice to name the occupier or the owner of such house, building, or land. Provided that when the owner of any such house, building, or land and his residence are known to the local board it shall be the duty of the local board, if such owner is residing within the district of such local board, to cause every notice or order required to be given to the owner to be served on such owner or left with some inmate of his abode, and if such owner is not resident within the district to send every such order or notice by the post addressed to the residence of such owner.

115. ALL notices or orders required under this Act to be served on any owner or occupier shall, if due service thereof has been once made on any owner or occupier, be binding on all persons claiming by, from, or under such owner or occupier to the same extent as if such order or notice had been served on such last-mentioned persons respectively.

Continued operation
of notices and orders.

116. WHERE any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the local board within whose district such nuisance is caused, or for any other complainant, to institute proceedings against any one of such persons or to include all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which in the opinion of such court contributes to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings where
nuisance is caused
by two or more
persons.

Proceedings 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.

Whenever in any proceeding under the provisions of this Part of this Act, whether written or otherwise, it becomes 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.

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Evidence.

117. WHERE under this Act it is directed that any by-law, order, or regulation shall be published in the *Government Gazette*, the production of a copy of the *Gazette* containing a copy of such order or regulation shall be evidence in all legal proceedings of the due making and approval of such order or regulation without further or other proof.

Name of sanitary authority need not be proved.

118. IN any proceeding instituted by or against a local board under this Act it shall not be necessary for the plaintiff or complainant to prove the constitution or limits of the district of the local board, nor the appointment of the members thereof.

Appearance of local authorities in legal proceedings.

119. ANY local board may appear before any court or in any legal proceeding by their secretary or by any officer or member authorised generally or in respect of any special proceeding by resolution of such board, and their secretary or any officer or member so authorised shall be at liberty to institute and carry on any proceeding which such local board is authorised to institute and carry on under this Act, and any such proceeding may be instituted and carried on in the name of the local board as if such board were incorporated by such name.

Proceedings not to be quashed for want of form.

120. NO order, conviction, or thing made or done, or relating to the execution of this Act shall be vacated, quashed, or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari or any other writ or process whatsoever into the Supreme Court. Provided that nothing in this section shall prevent the removal of any case stated for the opinion of such court or of any order, conviction, or thing to which such special case relates.

False evidence punishable as perjury.

121. ANY person who on examination on oath under any of the provisions of this Act wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

Protection of sanitary authority and their officers from personal liability.

122. NO matter or thing done and no contract entered into by the Central Board or any local board and no matter or thing done by any member of any such board or by any officer of any such board or other person whomsoever acting under the direction of any such board shall, if the matter or thing were done or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such board, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the moneys applicable by such board to the general purposes of this Act.

50° VICTORIÆ, No. 19.

The Public Health Act, 1886.

123. ALL complaints of offences under this Act shall (save as is herein otherwise provided) be heard and determined and all moneys, costs, and expenses made payable or recoverable hereby may be recovered in a summary way before two or more Justices of the Peace in Petty Sessions.

Complaints before justices.

124. ANY person who feels himself aggrieved by any conviction or order of any justices under this Act may appeal from such conviction or order to the Supreme Court. Provided that notice of such appeal be given in writing by or on behalf of the appellant to the convicting justices and to the defendant within three days after such conviction, exclusive of the day on which such conviction was made, and provided that such notice shall state the grounds of appeal, and every such appeal shall be entered for hearing within one month after such conviction.

Appeal.

125. PROCEEDINGS for the recovery of demands, costs, or expenses below One hundred pounds which any local board is empowered to recover in a summary manner may at the option of such local board be taken in any local court as if such demands were debts within the cognizance of such court.

Demands below £100 may be recovered in Local Courts.

126. NOTWITHSTANDING anything hereinbefore contained, any local board may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in any superior court of law or equity to enforce compliance with any order given under this Act, or the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties or expenses from or for the punishment of any persons offending against the provisions of this Act, and may order the expenses of and incident to all such proceedings to be paid out of the fund or moneys applicable by them to the general purposes of this Act.

Sanitary authority may take proceedings in superior court for abatement of nuisances.

127. WHERE anything is by this Act, or by any regulation or direction of the Central Board, or by any order, notice, direction, or by-law of any local board made under the authority of this Act, directed to be done or forbidden to be done, or where any authority is given to the Central Board or any local board, or any officer of theirs, to direct anything to be done or to forbid anything to be done, and such act so directed to be done remains undone, or such act so forbidden to be done is done, in every such case the person making default as to such direction and prohibition respectively shall be deemed guilty of an offence against this Act. And every person guilty of an offence against this Act not otherwise specially provided for, by or under the authority hereof, shall be liable for every such offence, besides any costs or expenses which may be in-

Penalties for disobedience of this Act.

curring in the taking of proceedings against such person guilty of such offence, as well as any costs or expenses which may be incurred in remedying such default, as particularly provided for in this Act, to a penalty not exceeding the sum of Twenty pounds, and to a penalty not exceeding Five pounds nor less than Twenty shillings for each day during which such offence is continued by such person, and such penalty or penalties shall be recoverable notwithstanding that the local board may not have chosen to exercise any power given to local boards by this Act to remedy such default.

Penalties unpaid to be enforced by distress or imprisonment.

128. WHENEVER any penalty, forfeiture, costs, expenses, or other payment has been imposed, directed, or awarded to be paid under the provisions of this Act, and the person convicted or against whom an order for the payment of such penalty, forfeiture, costs, expenses, or other payment has been made does not pay the same within such time as the justices or court by whom the same has been imposed, directed, or awarded, direct, such justices or court may order that the same be levied by distress and sale of the goods and chattels of such person, or may in default of such distress or in the discretion of such justices or court, without ordering any such distress, direct such person to be imprisoned with or without hard labor, as they think fit, for a period not exceeding one month if the penalty, forfeiture, costs, expenses, or payment do not exceed Twenty pounds, and for a period not exceeding three months if the penalty, forfeiture, costs, expenses, or payment be above Twenty pounds; and such person shall be imprisoned accordingly unless such respective penalties, forfeitures, costs, expenses, and payments shall be sooner paid.

Application of penalties.

129. WHERE the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the person on whose complaint or information of an offence against this Act such penalty has been inflicted, and the remainder to the local board of health of the district in which the offence was committed. Provided that if the local board or their officer be the informer, the local board shall be entitled to the whole of the penalty recovered.

Express words giving right of recovery to any person.

Except where it is herein otherwise expressly directed, the moneys arising from fines, penalties, and forfeitures imposed by this Act shall when recovered be paid and applied towards defraying the expenses of carrying this Act into execution in such manner as the local board within whose jurisdiction such fines, penalties, or forfeitures may have been recovered directs.

Repeal.

130. EXCEPTING section 74, the whole of Part VI. of "The Municipal Institutions Act, 1876," is hereby repealed.

50° VICTORIÆ, No. 19.

The Public Health Act, 1886.

131. ALL the provisions of any Ordinance or Act now in force, and all by-laws or regulations made thereunder, which may relate to the preservation of or concern the public health shall cease to have any force or effect wherever similar provisions are in this Act enacted, or by-laws or regulations for effecting the same or a similar object are made under the authority of this Act.

Provisions, &c., of
this Act to super-
sede other similar
provisions.

In the name and on behalf of the Queen I hereby assent
to this Act.

F. NAPIER BROOME, Governor.