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 10 of 1934.
 30 of 1934.
CHAPTER 137.
SANITARY BOARDS.
An Enactment to amend and consolidate the law with regard to Sanitary Boards.

[1st February, 1930.]

Short title. 1. (i) This Enactment may be cited as the Sanitary Boards Enactment.

(ii) Nothing in this Enactment contained shall affect the provisions of any Enactment in force for the time being for preventing the introduction and spread of infectious and contagious diseases or the liability of any person to any punishment or penalty to which he may be liable under any Enactment other than this Enactment, but so that no person shall be twice punished for the same offence.

Interpretation.

3 of 1931.
 2 of 1932.

2. In this Enactment:

"annual value" means the estimated gross annual rent at which the holding might reasonably be expected to let from year to year: provided that in estimating the annual value of any holding in or upon which there is any machinery used for the following purposes or any of them,

- (a) the making of any article or part of an article,
- (b) the altering, repairing, ornamenting or finishing of any article,
- (c) the adapting for sale of any article,

the enhanced value given to the holding from the presence of such machinery shall not be taken into consideration; and for the purposes of this definition "machinery" includes the steam engines, boilers or other motive power belonging to such machinery, provided also that in the case of any holding which is vacant or unoccupied or only partially built upon, the annual value shall at the option of the Board be deemed to be the annual value as hereinbefore defined or one-tenth of the improved value thereof;

"arcade" includes verandah;

"Board" means a Sanitary Board appointed under Section 3 for any particular area;

"building" includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, septic tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge or any structure connected with the foregoing;

"Chairman" means the officer for the time being lawfully performing the duties of the office of Chairman of a Sanitary Board, and includes a Deputy Chairman;

occupied as lodgings
 at forty cents for
 accommodation

strangers to one another may occupy one and the same room; or in which the same class of accommodation is furnished by an employer of workmen to the workmen employed by him or is paid for by subscription to a common fund;

(b) any house or part of a house (not being a public hospital) used for the reception of sick or dying persons or for the lying-in of women;

(c) any house where six or more jinrikisha-pullers are lodged as tenants or sub-tenants;

"dairy" includes any cow-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

"document of title" means a grant, lease of State land, certificate of title, entry in the mukim register, lease for mining land or other document evidencing title registered or kept by a Registrar of Titles or Collector of Land Revenue;

"footway" includes five-foot ways and verandahs at sides of streets;

"Health Officer" means the officer for the time being performing the duties of Health Officer to a Sanitary Board, and includes Assistant Health Officer;

"holding" means any land, with or without buildings thereon, which is held under a separate document of title; provided that for the purposes of Part IV of this Enactment it shall not include mining land;

"horse" includes pony;

"house" includes dwelling-house, warehouse, office, counting-house and shop, also schools and any other buildings in which persons are employed;

"improved value" of land is the capital sum which the land might be expected to realise if offered for sale on such reasonable terms and conditions as a *bonâ fide* seller would require;

"market" means any place, other than a shop, ordinarily used for the sale of animals or of meat, fish, fruit, vegetables or other perishable articles of food for human consumption, and includes all land and premises in any way used in conjunction or connection therewith or appurtenant thereto;

"mining land" means land comprised in a mining lease or mining certificate;

"motor vehicle" has the meaning assigned to that expression in the Motor Vehicles Enactment;

For Index

26 of 1929. 1/36
 3 of 1931. 20/36
 2 of 1932. 46/36
 15 of 1933. 18/27
 36 of 1933. 3/28
 10 of 1934.
 30 of 1934.

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"arcade" includes verandah;

"Board" means a Sanitary Board appointed under Section 3 for any particular area;

"building" includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, septic tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge or any structure connected with the foregoing;

"Chairman" means the officer for the time being lawfully performing the duties of the office of Chairman of a Sanitary Board, and includes a Deputy Chairman;

"common lodging-house" includes—

- (a) any house which, or part of which, is occupied as lodgings at a nightly rate of payment not exceeding forty cents for each person; or in which the sleeping accommodation provided for lodgers is such that two or more persons though strangers to one another may occupy one and the same room; or in which the same class of accommodation is furnished by an employer of workmen to the workmen employed by him or is paid for by subscription to a common fund;
- (b) any house or part of a house (not being a public hospital) used for the reception of sick or dying persons or for the lying-in of women;
- (c) any house where six or more jinrikisha-pullers are lodged as tenants or sub-tenants;

"dairy" includes any cow-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

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"holding" means any land, with or without buildings thereon, which is held under a separate document of title; provided that for the purposes of Part IV of this Enactment it shall not include mining land;

"horse" includes pony;

"house" includes dwelling-house, warehouse, office, counting-house and shop, also schools and any other buildings in which persons are employed;

"improved value" of land is the capital sum which the land might be expected to realise if offered for sale on such reasonable terms and conditions as a *bona fide* seller would require;

"market" means any place, other than a shop, ordinarily used for the sale of animals or of meat, fish, fruit, vegetables or other perishable articles of food for human consumption, and includes all land and premises in any way used in conjunction or connection therewith or appurtenant thereto;

"mining land" means land comprised in a mining lease or mining certificate;

"motor vehicle" has the meaning assigned to that expression in the Motor Vehicles Enactment;

"nuisance" means any act, omission, or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger, or damage to the sense of sight, smell, or hearing, or which is or is likely to be injurious or dangerous to health or property;

"occupier" means the person in occupation of the holding or building in respect of which the word is used, or having the charge, management, or control thereof either on his own account or as agent of another person, but does not include a lodger;

"owner" means the person for the time being receiving the rent of the holding in connection with which the word is used whether on his own account or as agent or trustee for any other person, or who would so receive the same if such holding were let to a tenant; and in any case in which such person cannot be found or makes default shall include also the occupier, if any, of such holding;

"premises" includes lands and buildings of any kind whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

"private market" means a market licensed as such by the Chairman;

"public market" means a market established under this Enactment or under any former Sanitary Boards Enactment or declared to be such by the Board;

"public street" means a street repairable out of Government funds over which the public have a right of way;

a person is said to "reside" in any dwelling in which he sometimes uses a sleeping apartment, although he does not use it uninterruptedly or has elsewhere a dwelling where he has and sometimes uses another such apartment. A person does not cease to "reside" in a dwelling where he has such an apartment merely because he is absent from it if there is the liberty of returning at any time and no abandonment of the intention to return at pleasure;

"sky-sign" means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things or any erection of a like nature or any visible object which floats or is kept in position by wire or other flexible attachment displayed for the purposes of trade or professional advertisement in such a position as to be conspicuously visible against the sky above the general level of the roofs of surrounding buildings from any street or public place;

"street" includes any road, square, footway or passage, whether a thoroughfare or not, over which the public have a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses, whether the public have a right of way thereover or not, and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;

"town limits" means the limits of a town as declared from time to time under the Land Code or any previous Land Enactment;

"unimproved value" of land is the capital sum which the land might be expected to realise if offered for sale on such reasonable terms and conditions as a *bond fide* seller would require assuming that the improvements, if any, thereon or appertaining thereto and made by the owner or his predecessor in title had not been made.

"*zoning*" means the setting apart of zones or districts in accordance with the provisions of Part IX.

ILLUSTRATIONS.

(a) Land was originally covered with jungle. It is not known who cleared it. The unimproved value is the value of the land cleared of jungle.

(b) Land was originally swampy but has been drained by the construction by Government of an anti-malarial drain in the neighbourhood. The unimproved value of the land is the value of the land so drained.

PART II.

CONSTITUTION OF SANITARY BOARDS.

3. (i) The Resident of a State may by notification in the Gazette

(a) declare any area within such State to be a Sanitary Board area for the purposes of this Enactment, and may after consultation with the Sanitary Board appointed for such area vary the boundaries of any area so declared;

(b) appoint Sanitary Boards consisting of such Government officers and other persons as he may nominate, and may appoint any member of a Sanitary Board to be Chairman thereof: provided that every such appointment shall cease and determine at the expiration of the year in respect of which the same is made;

(c) appoint Secretaries, Health Officers, Inspectors and such other officers as may be necessary for the purposes of this Enactment. Such officers are hereinafter referred to as officers of the Board.

(ii) Any Sanitary Board area may coincide with the defined area of a town or village declared under the Land Code or any previous Land Enactment or may be separately defined.

(iii) Any declaration or appointment made under this section may in like manner be varied, added to or revoked.

4. (i) The Chairman may, whenever he thinks fit, and shall, on a requisition in writing by not less than three members, convene a meeting of the Board.

(ii) All meetings shall be open to the public unless the Board, by resolution, at any meeting, otherwise decides.

5. (i) The quorum necessary for the transaction of business at any meeting shall be three.

(ii) If at any meeting a quorum is not present, the meeting shall stand adjourned to such other day as the Chairman fixes, and the

Declaration of Sanitary Board areas and appointment of Boards and officers.

Power to call meetings.

Quorum.

New 14/39

Subs. 14/39

Subs 14/39

business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted by the adjourned meeting whether there is a quorum thereat or not.

Absence of
Chairman.

6. If when any meeting is held the Chairman is absent from the meeting, the members present shall elect one of their members to be chairman of the meeting.

Decision of
questions.

7. (i) All questions coming before any meeting of the Board shall be decided by a majority of the votes of the members present.

(ii) In the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

8. The Chairman shall cause full minutes of the proceedings of all meetings of the Board to be taken, and shall submit the same to the Resident at the earliest opportunity after the close of the meeting.

Member not
to vote where
pecuniarily
interested.

9. (i) No member of a Board shall vote on or take part in the discussion of any matter in which he has directly or indirectly by himself or by his partner any pecuniary interest.

(ii) A member shall not be deemed to have a pecuniary interest in any matter in which he is interested merely by reason of being a shareholder in a joint stock company which is interested in such matter, but shall be deemed to have such interest if he is a director or officer of such company.

Committees.

10. A Sanitary Board may from time to time appoint Committees consisting of members of the Board and may refer matters relating to any of the purposes of this Enactment to any such Committee for enquiry or report, and may delegate to any such Committee any of the powers of the Board under this Enactment, and may at any time dissolve or alter the constitution of such Committee; provided that any such Committee shall conform to all orders and instructions of the Board, and that all proceedings of any such Committee shall be subject to confirmation by the Board.

Co-opting
further
members.

11. (i) A Committee may co-opt any person or persons whose assistance or advice it may desire for such period or for such purpose as it may determine.

(ii) Every person so co-opted shall for such period or for such purpose be a member of the Committee.

Disposal of
revenue.

12. All monies received by a Board by virtue of this or any other Enactment shall be paid into the Treasury to the credit of the public revenue.

Public
servants.

13. All members of a Sanitary Board or of a Committee shall be deemed to be public servants within the meaning of the Penal Code.

PART III.

DUTIES AND POWERS OF SANITARY BOARDS AND CHAIRMAN.

14. (i) Every Sanitary Board shall

Duties of
Board and
Chairman.

(a) exercise the powers and perform the duties conferred or imposed upon it by this Enactment;

(b) advise the Chairman in respect of the exercise of the powers conferred upon him by this Enactment.

(ii) The Chairman shall exercise on behalf of the Government of the State the powers conferred upon him by this Enactment.

(iii) If the Chairman does not agree with the advice of the Board as to the exercise of any of the powers conferred upon him by this Enactment he shall refer the matter to the Resident for his decision.

15. (i) The powers in this Enactment conferred upon a Sanitary Board or upon a Chairman may be exercised for the following purposes:

Purposes for
which powers
may be
exercised.
2 of 1932.
10 of 1934.

(a) the regulation and control of buildings and building operations, and in the discretion of the Board the prohibition of the erection of a building of a particular class, design or appearance in particular districts, localities or streets or portions of streets within a Sanitary Board area;

(b) the laying out, ^{maintenance, control & supervision} and maintenance of reserves for recreation and other purposes; the enclosure and care of unoccupied premises; the planting and preservation of trees and shrubs; the laying out of new streets and the cleaning, watering, lighting and control of streets, canals and bridges; the removal of undue projections; the numbering of houses; and the naming of streets;

c) the control and supervision by registration, licensing or otherwise, including in proper cases the prohibition, of

(i) latrines, sanitary fittings and conveniences, sewage tanks and disposal plants, cess-pools and dust-bins,

(ii) drains, wells, water-tanks and cisterns,

(iii) stables and cattle-sheds and places for keeping sheep, goats, swine or poultry,

(iv) cow-houses and dairies,

(v) the sale of water, fresh provisions and milk,

(vi) bakeries, laundries, and street stalls,

(vii) common lodging-houses, eating-houses, coffee shops, jinrikisha depôts and premises where jinrikisha-pullers reside, theatres, native inns and other places of public resort,

(viii) garages and places kept or used for repairing, painting, storing or housing motor vehicles, except garages or places used in connection with private dwelling-houses for housing motor vehicles kept for private use only,

and 46/36

- (ix) persons who hawk food-stuffs,
- (x) persons who sell articles of food in markets;
- (d) the registration of all persons carrying on the trade of cow-keepers, dairymen or purveyors of milk, and securing the cleanliness of cow-sheds and milk-shops or other places where milk is kept for sale and milk-vessels and utensils used by such persons, and prescribing precautions to protect milk against infection and contamination;
- (e) the establishment and regulation of public markets and the licensing and regulation of private markets, and if the Board shall think fit the prohibition of the sale within a certain radius from a public market of any articles of the kind sold in such market;
- (f) the regulation of public bathing places, including the power to charge fees for the use of or to lease the same;
- (g) the establishment and regulation of slaughter-houses including
 - (i) the sanitary inspection of animals before being slaughtered and of their carcasses,
 - (ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased,
 - (iii) the slaughtering with or without compensation of diseased animals brought to be slaughtered,
 - (iv) the disposal of the carcasses of diseased animals which were slaughtered or died on premises under the control of a Sanitary Board,
 - (v) the marking of the carcasses of animals slaughtered in slaughter-houses under the control of a Sanitary Board to denote that such animals have been so slaughtered,
 - (vi) the fixing of fees to be charged for the use of slaughter-houses under the control of the Sanitary Board, including, if the Board shall think fit, the grant to particular persons of the exclusive right to provide or slaughter any particular description of beast for human food, and
 - (vii) the control of vehicles used for the transport of carcasses and the fixing of fees to be charged for transport when such vehicles are provided by the Board;
- (h) the seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions found within a Sanitary Board area or exposed for sale therein;
- (i) the collection, removal and disposal of night-soil, dung, trade and garden refuse and other filth, including, if the Board shall think necessary, the publication of Rules making it compulsory on all persons who may require night-soil buckets to buy such buckets from the Government;
- (j) the prevention and abatement of nuisances and the regulation and if necessary the prohibition within a Sanitary Board area of dangerous or unhealthy or offensive trades or

- occupations, and the prescribing of the limits within a Sanitary Board area in which such trades or occupations may be carried on;
- (k) the regulation, restriction or prevention of the exhibition of advertisements;
- (l) the prescribing of the localities within which cattle, swine or poultry may be kept;
- (m) the prevention and removal of obstructions in the streets and in the verandahs or footways;
- (n) the repair or removal of ruinous or dangerous buildings and the removal of occupants therefrom;
- (o) the examination of the bodies of dead persons, and the certification of the cause of death in cases where the cause of death has not been certified by a duly qualified medical practitioner;
- (p) the prevention and abatement of malaria, and of places favourable to the breeding of mosquitoes;
- (q) all other matters whether similar or not to those above mentioned connected with the conservation and the improvement of the Sanitary Board area.
- (ii) (a) A Sanitary Board may in its discretion resolve to take over the control, supervision, maintenance and repair of private septic tanks or other sewage purification plants to such extent as it may by by-law provide, and may charge fees therefor. Any such resolution may from time to time be varied or rescinded.
- (b) Such fees shall be payable by the person to whom such septic tank or other sewage purification plant belongs and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.
- (c) A Sanitary Board may subject to the provisions of the next succeeding section make by-laws prescribing the extent to which it shall take over such control, supervision, maintenance and repair and for the regulation thereof and prescribing the fees to be charged.
- 16. (i) A Sanitary Board may make by-laws with respect to any of the purposes described in Section 15 and for the conduct of its own business. Such by-laws may apply to the whole area subject to its control or to any specified part or parts thereof, and may provide for the payment of reasonable fees for such registration, licensing or otherwise as may be required for the purposes of this Enactment. Any such fee may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.
- (ii) A Sanitary Board shall pass such new by-laws or vary or repeal such existing by-laws as the Resident ~~with the approval of the Chief Secretary~~ may from time to time prescribe.
- (iii) No by-law and no resolution rescinding or varying any such by-law shall have effect unless and until it has been confirmed by the Resident ~~with the approval of the Chief Secretary~~, and such confirmation has been published in the Gazette.

Power to
make by-laws.
2 of 1932.

*Rules in Council
18/34*

*Rules in Council
18/34*

Penalty for
contravening
by-law.

17. (i) A Sanitary Board may in making any by-law prescribe the fine with which the contravention thereof shall be punishable, but so that such fine shall not exceed for any one offence the sum of fifty dollars or in the case of a continuing offence the sum of five dollars for every day during which such offence is continued.

(ii) Any person who contravenes any by-law for the breach of which no fine is prescribed shall be punished with a fine which may extend to two hundred and fifty dollars or in the case of a continuing offence to the sum of ten dollars a day for every day during which such offence is continued.

Power to
compound
offences.
10 of 1934.

18. The Chairman may in his discretion compound any such offence against the provisions of this Enactment or of any rules made thereunder as may be specified by the Resident by notification in the Gazette by accepting from the person accused of having committed any such offence a sum of money not exceeding ten dollars.

Licences.

19. Every licence issued under any by-law shall be subject to such conditions and restrictions as the Chairman may impose and shall be revocable at any time by him without compensation at the expiry of one month's notice in writing served upon the holder thereof, or without compensation and without notice if in his opinion or in the opinion of the Health Officer the licensee or his agents or servants shall have failed to observe or comply with any such condition or restriction or with any provision of this Enactment or of any by-law made thereunder.

Powers of
Chairman
where default
made.

20. (i) Where any by-law or any notice issued to enforce the provisions of this Enactment or of any by-law requires any act to be done or refrained from or any work to be executed by the owner or occupier of any premises, and default is made in complying with the provisions of such by-law or notice, the Chairman may cause such act to be done or such work to be executed and may pull down any work executed in contravention of any such by-law or notice.

(ii) Where any expenses are incurred in carrying out any work in pursuance of sub-section (i), the Chairman shall certify the cost thereof to the defaulting owner or occupier, and the certificate of the Chairman shall be conclusive proof of the sum due.

(iii) Such sum shall be deemed to be a debt due to the State and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

Power of
entry.

21. (i) The Chairman and members of the Board, all officers of the Board and all officers, workmen or contractors of the Government shall for the purposes of this Enactment have power to enter at all reasonable hours between sunrise and sunset into and upon any holding as well for the purpose of making any survey or inspection as for the purpose of executing any work authorised by this Enactment to be executed without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done upon such

holding in pursuance of this Enactment. Provided that except when herein otherwise provided no entry shall be made into any dwelling-house in actual occupation unless with the consent of the occupier thereof, without six hours' previous notice to such occupier.

(ii) The Resident may declare that any class of premises for the regulation, control, supervision or inspection of which by-laws may be passed under Section 16 are liable to night inspection, and thereupon the Chairman or Health Officer may at any time of the day or night and without notice, by himself or by any Sanitary Board officer generally authorised by the Chairman in that behalf in writing, enter into and inspect any premises of the class specified in the declaration.

(iii) For the purpose of enquiry into or examination of any thing or matter which is declared to be a nuisance under Part VI of this Enactment the Health Officer may at any time of the day or night and without notice in person enter into and upon any premises and inspect the same.

22. (i) Every notice, order, or document required or authorised by this Enactment or by any by-law passed hereunder to be served on any person may be served personally upon the person to whom it is addressed or be left at his usual place of abode with some adult member or servant of his family, or if it cannot with the exercise of due diligence be so served may be affixed in some conspicuous part of such place of abode, and shall thereby be deemed to be duly served: provided that if the place of abode of the owner or occupier of any holding in respect of which such notice, order, or document is required to be served be unknown, or if the owner or occupier of such holding be not resident within the Sanitary Board area, every such notice, order, or document shall be deemed to be duly served if affixed on some conspicuous part of such holding.

Service of
notices and
other
documents.

(ii) Where such notice, order or document is addressed to the owner or occupier of a holding and the name of such owner or occupier is not known it shall be sufficient to designate him in such notice, order or document as the "owner" or "occupier" of the holding without further description.

23. (i) Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Enactment or any by-laws passed hereunder directed to be paid the amount and if necessary the apportionment of the same shall in case of dispute be summarily ascertained and determined by a Magistrate of the First Class, or if the compensation claimed amount to one thousand dollars then by the Court of a Judge.

Compensation,
damages,
and costs to
be determined
by
Magistrate or
Judge.

(ii) If the amount of compensation, damages, costs, or expenses be not paid by the party liable to pay the same within seven days after demand, such amount may be reported to such Magistrate or Court and recovered in the same way as if it were a fine imposed by such Magistrate or Court.

Recovery of cost of work carried out by Chairman.

24. (i) Wherever it is provided by this Enactment that the Chairman may recover the costs or expenses of any work carried out by him or that any person shall pay the costs or expenses of any such work the Chairman shall on the completion of such work certify the amount of such costs or expenses to the person liable to pay the same, and the certificate of the Chairman shall be conclusive as to the sum due.

(ii) Such sum shall be deemed to be a debt due to the State and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

PART IV.

RATING.

Power to impose rates.

25. The ~~Resident~~ ^{Public Council} after consultation with the Sanitary Board for any area may from time to time so often as he thinks necessary impose either separately or as a consolidated rate an annual rate or rates within such area for all or any of the following purposes:

- the general purposes of this Enactment including the payment and housing of the staff required for carrying out the same;
- public lighting;
- the extinction and prevention of fire.

Further rates.

26. In addition to the rates referred to in Section 25 the Resident may in like manner impose

- an improvement rate in accordance with Sections 29 or 30;
- a drainage rate in accordance with Section 31.

Division of area for rating purposes.

27. For the purposes of Sections 25 and 26 ~~the Resident~~ ^{Public Council} may, after consultation with the Sanitary Board for any area, divide such area into two or more parts and impose within each separate part such rate or rates as may be considered just and proper.

Basis of assessment of rate.

28. Any rate or rates imposed under this Part may be assessed upon the annual value of holdings or upon the improved or unimproved value of holdings as the case may be, according as the ~~Resident~~ ^{Public Council} after consultation with the Sanitary Board may determine; provided that such rate or rates if assessed upon the annual value of holdings shall not exceed

- in the case of a rate or rates imposed under Section 25. twenty per centum in the aggregate of such annual value.
- in the case of an improvement rate imposed under Section 26. fifteen per centum of such annual value.
- in the case of a drainage rate imposed under Section 26. five per centum of such annual value.

29. (i) In any area in which the rates are assessed upon the annual value of holdings the improvement rate referred to in Section 26 may be imposed upon all holdings which being held under a document of title the terms whereof, express or implied, are not inconsistent with the right to build a house or houses covering one-half the area of such holding and being within a distance of 100 feet of any public street have no house erected thereon: provided that

Improvement rate where rates are assessed on annual value.

within a distance of 100 feet and not be imposed at more than

no house erected

thereon the said rate shall not be imposed upon such part unless the area of such part exceeds one-half of so much of the area of such holding as is within a distance of 100 feet from a public street.

(ii) The said rate shall not be payable in respect of any holding until the expiration of three years from the date of the registration of the document of title under which the same was first alienated, nor in respect of any holding which shall have been included within a Sanitary Board area for a period of less than three consecutive years.

Improvement rate where rates are assessed on capital value.

be imposed Drainage rate.

only to meet the cost of maintenance of any system or systems of drainage constructed under Section 116.

32. The rates referred to in Sections 25 and 26 shall endure for any period not exceeding twelve months and shall be payable half yearly in advance by the owners of holdings at the office of the Sanitary Board or other prescribed place or places in the months of January and July, and shall be assessed and levied in manner hereinafter provided.

Duration of rate.

33. All holdings used exclusively for

worship, Exemptions from rate.

schools, literature belonging to the State or the Resident.

34. When any holding is used wholly or partly for recreational or social purposes the Resident may exempt such holding from the

Exemption or reduction of rate.

Recovery of
cost of work
carried out by
Chairman.

24. (i) Wherever it is provided by this Enactment that the Chairman may recover the costs or expenses of any work carried out by him or that any person shall pay the costs or expenses of any such work the Chairman shall on the completion of such work certify the amount of such costs or expenses to the person liable to pay the same, and the certificate of the Chairman shall be conclusive as to the sum due.

0.40/54
s.24(1) or, in the case of a Board in respect of which a declaration has been made under sub-section (1) of section 12A, to the Board
0.40/54.

RATING.

Power to
impose rates.

25. The *Public Council* Resident after consultation with the Sanitary Board for any area may from time to time so often as he thinks necessary impose either separately or as a consolidated rate an annual rate or rates within such area for all or any of the following purposes:

(a) the general purposes of this Enactment including the payment and housing of the staff required for carrying out the same;

Further rate
Twenty per centum in the aggregate of such annual value or, with the approval of the Ruler in Council, thirty-five per centum in the aggregate of such annual value.
0.66/53

(b) a drainage rate in accordance with Section 31.

Division of
area for
rating
purposes.

27. For the purposes of Sections 25 and 26 *Public Council* the Resident may, after consultation with the Sanitary Board for any area, divide such area into two or more parts and impose within each separate part such rate or rates as may be considered just and proper.

Basis of
assessment of
rate.

28. Any rate or rates imposed under this Part may be assessed upon the annual value of holdings or upon the improved or unimproved value of holdings as the case may be, according as the Resident after

Public Council
ss.25, 26, 27, 28 & 34. Board in the case of a Board in respect of which a declaration has been made under sub-section (1) of section 12A and in any other case the
0.66/53
0.40/54.

ment rate imposed under
Section 26. value.

(c) in the case of a drainage rate five per centum of such annual value imposed under Section 26.

29. (i) In any area in which the rates are assessed upon the annual value of holdings the improvement rate referred to in Section 26 may be imposed upon all holdings which being held under a document of title the terms whereof, express or implied, are not inconsistent with the right to build a house or houses covering one-half the area of such holding and being within a distance of 100 feet of any public street have no house erected thereon: provided that

Improvement rate where rates are assessed on annual value.

(a) in the case of a holding whereof part only is within a distance of 100 feet of a public street the said rate shall not be imposed on any part of such holding which is distant more than 100 feet from a public street; and

(b) in the case of a holding whereof a part only has no house erected thereon the said rate shall not be imposed upon such part unless the area of such part exceeds one-half of so much of the area of such holding as is within a distance of 100 feet from a public street.

(ii) The said rate shall not be payable in respect of any holding until the expiration of three years from the date of the registration of the document of title under which the same was first alienated, nor in respect of any holding which shall have been included within a Sanitary Board area for a period of less than three consecutive years.

30. In any area in which the rates are assessed upon the unimproved value of holdings the improvement rate referred to in Section 26 may be imposed upon all holdings the improved capital value of which does not exceed the unimproved capital value of the same by twenty-five per centum.

Improvement rate where rates are assessed on capital value.

31. The drainage rate referred to in Section 26 may be imposed only to meet the cost of maintenance of any system or systems of drainage constructed under Section 116.

Drainage rate.

32. The rates referred to in Sections 25 and 26 shall endure for any period not exceeding twelve months and shall be payable half yearly in advance by the owners of holdings at the office of the Sanitary Board or other prescribed place or places in the months of January and July, and shall be assessed and levied in manner hereinafter provided.

Duration of rate.

33. All holdings used exclusively as places for religious worship, all duly licensed public burial and burning grounds used exclusively for such purposes, all holdings used exclusively for public schools or for charitable purposes or for the purposes of science, literature or the fine arts and not for pecuniary profit, and all holdings belonging to or rented by the Ruler of the State or the Government of the State or of the Federated Malay States may [by direction of the Resident] be exempted from the payment of any rate.

Exemptions from rate.

34. When any holding is used wholly or partly for recreational or social purposes the Resident may exempt such holding from the

Exemption or reduction of rate.

payment of all or any rates or may reduce the amount of any rate imposed upon such holding.

Minimum
rate payable.

35. When the rate in respect of any holding would not amount to fifty cents in one year no rate shall be payable thereon.

Preparation
of assessment
list.

36. The Chairman shall cause an assessment list of all holdings not exempted from the payment of rates to be prepared, containing

- (a) the name of the street or locality in which such holding is situated;
- (b) the designation of the holding either by name or number sufficient to identify the same;
- (c) the names of the owner and occupier, if known;
- (d) ~~the unimproved value of the holding;~~ *sub*
- (e) ~~the improved value of the holding;~~
- (f) ~~the annual value of the holding;~~

(g) the amount of the rate assessed thereon;

And 1/36
~~provided that in areas in which the rates are assessed upon the annual value of holdings the unimproved and improved values thereof need not be entered in the assessment list.~~

Designation
if name of
owner
unknown.

37. When the name of the owner or occupier is not known it shall be sufficient to designate him in the assessment list and in any proceedings to recover any rate as the "owner" or "occupier" of the holding on which the rate is assessed without further description.

New 1/36
Returns may
be required.

37A
38. (i) In order to enable the Board to assess the value of holdings liable to assessment the Chairman may require the owner or occupier thereof to furnish returns of the area, situation, quality, use and rent thereof and to give all such information as may be necessary for the preparation of the assessment list or otherwise for the purpose of such assessment, and for the like purpose the Chairman or any person appointed by him for that purpose may, at any time between sunrise and sunset, enter and inspect and if necessary survey the same.

(ii) No entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without twenty-four hours' previous notice to such occupier specifying the hour as near as may be of such intended entry.

Penalty for
not furnish-
ing returns.

(iii) Any person who

- (a) refuses or fails to furnish such return or to give such information as aforesaid for the space of one week from the day on which he has been required so to do;
- (b) knowingly makes a false or incorrect return or gives false or incorrect information;
- (c) hinders, obstructs or prevents the Chairman or any person appointed by him as aforesaid from entering, inspecting or surveying any such holding,

shall be liable to a fine of five hundred dollars.

39. (i) When the assessment list has been completed the Chairman shall give public notice of the same, and of the place where the list or a copy thereof may be inspected, in the *Gazette* and in such other manner, either by advertisement in a newspaper or by placards posted in conspicuous places or by both, as the Board may think fit.

Notice of
assessment
list to be
published.

(ii) Any person claiming to be either owner or occupier of a holding included in the list, or the agent of any such person, may inspect the list and make extracts therefrom without charge.

(iii) The Chairman shall give public notice in the same manner of a day not being less than six weeks from the date of the notification in the *Gazette* when the Board will proceed to revise the assessment list, and in all cases in which any holding is for the first time assessed or the assessment thereon is increased the Chairman shall also give notice to the owner or occupier thereof.

Notice of
time for
revision.

40. Any person aggrieved on any of the following grounds—

Objections.

- (a) that any holding for which he is rateable is valued beyond its rateable value; or
- (b) that any holding is assessed which is not rateable; or
- (c) that any person who, or any holding which, ought to be included in the list is omitted therefrom; or
- (d) that any holding is valued below its rateable value, *(c) (d) (g) 1/36*

may make objection in writing to the Chairman at any time not less than fourteen days before the time fixed for the revision of the assessment list.

41. (i) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorised agent as they think fit and the revision of the assessment list has been completed the amendments made in the list shall be authenticated by the signatures of two members of the Board, who shall at the same time certify that no valid objection has been made to the assessment contained in the list except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made the rate so assessed shall be deemed to be the rate for the whole year next following that in which the assessment was made.

Authentica-
tion of assess-
ment list.

(ii) The list when amended under this section shall be deposited in the office of the Board and shall be open there during office hours to inspection by all owners and occupiers of holdings comprised therein, and a public notice that it is so open to inspection shall forthwith be published.

42. (i) Where

- (a) the name of any person or any holding which ought to have been inserted in or omitted from the assessment list has been omitted or inserted, or any holding has been insufficiently or too highly assessed owing to mistake, oversight or fraud, or

Amendments
to assessment
list.

36 of 1933.

(b) the value of any holding has been increased by building or other improvement

the Board may at any time amend the assessment list.

(c) (ii) Notice shall be given to all persons interested in the amendment of a time, not less than one month from the date of the service of such notice, at which the amendment is to be made.

(iii) Any person aggrieved on any of the grounds specified in Section 40 may make objection in writing to the Chairman before the time fixed in the notice or in writing or orally at that time, and shall be allowed an opportunity of being heard in person or by authorised agent as he thinks fit.

(iv) Any amendment made in the list in accordance with this section shall be authenticated by the signature of two members of the Board.

(v) Where on account of any amendment in the list the rate payable in respect of any holding is enhanced, reduced or extinguished the new rate shall be payable, or the rate shall cease to be payable, from the commencement of the next half year only.

New assessment list.

43. It shall be in the discretion of the Board either to prepare a new assessment list every year or to adopt the assessment contained in the list for any year, with such alterations as are in particular cases deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment list had been prepared.

Appeals.

44. (i) Any person who having made an objection in the manner prescribed by Section 40 or Section 42 (iii) is dissatisfied with the decision of the Board thereon may appeal to the Supreme Court: provided that with the presentation of the petition of appeal there shall be paid into Court the amount of the rate appealed against.

(ii) Every such appeal shall be commenced with fifteen days of the date of the certificate of the Board under Section 41, or in the case of any subsequent amendment under Section 42 within fifteen days of the receipt by the person dissatisfied of notice of such amendment.

(iii) The Chairman shall be the respondent in any appeal under this section.

(iv) Every such appeal shall be heard before the Court of a Judge and the decision of such Court shall be final and conclusive.

Rates to be a first charge.

45. Subject to the provisions of the Land Code, the rate shall be a first charge on the holding in respect of which it is assessed, and if not paid within the prescribed time shall be recoverable in the manner hereinafter provided.

Proceedings in default.

46. (i) If any sum payable in respect of any rate remains unpaid at the expiration of the prescribed time a notice, substantially in the

Form A in the Schedule, shall be served on the person or any one of the persons, if more than one, liable to pay the same, calling on him to pay the same together with a fee of fifty cents for cost of the notice within fifteen days of the service of such notice. *Proviso added*

(ii) If no person liable to pay the same can be found such notice shall be deemed to have been duly served by the posting thereof at the office of the Sanitary Board and by fixing a copy thereof on some conspicuous part of the holding in respect of which the rate is payable.

(iii) If at the expiration of the said period of fifteen days or such further period as may be allowed by the Chairman, if any, such sum or any part thereof remains due and unpaid, it shall be deemed to be an arrear and may be recovered as hereinafter provided.

47. (i) For recovery of an arrear the Chairman may issue a warrant of attachment, substantially in the Form B in the Schedule, and may seize by virtue thereof any movable property, wherever found within the Sanitary Board area, of any person liable to pay the same, and may also seize any movable property to whomsoever belonging which is found on the holding in respect of which the arrear is due. *Proceedings for recovery of an arrear. And 1/36 46/36*

(ii) The warrant shall be executed by an officer of the Board who shall make an inventory of the property attached thereunder, and shall at the same time give notice substantially in the Form C in the Schedule to the person in possession of the property at the time of attachment.

(iii) Such officer may break open in the daytime any house or building for the purpose of effecting such attachment.

(iv) The fee for the cost of a warrant of attachment shall be one dollar and fifty cents and shall be costs of the attachment. *of such amount as the Board is to pay from time to time*

48. (i) Unless the arrear with costs be paid within seven days from the date of the attachment the property attached or such part thereof as may be necessary shall be sold by public auction: provided that when the property seized is of a perishable nature or when the expense of keeping it in custody will exceed its value it may be sold at once.

(ii) The expenses of the maintenance of live stock and the custody of movable property shall be costs of the attachment.

49. The proceeds of sale shall be applied in satisfaction of the arrear together with interest thereon at the rate of six per centum per annum and costs, and the surplus, if any, shall be paid to the person in possession of the property at the time of attachment. *Sale of property attached. Application of proceeds of sale.*

50. (i) If the arrear cannot be recovered in the manner aforesaid it shall be lawful for the Registrar or Assistant Registrar of the Supreme Court upon application made by the Chairman, or by any officer of the Board authorised by the Chairman in that behalf, to order the

Amend 1/36

attachment and sale of the holding^{or holdings} in respect of which the arrear has accrued.

(ii) Such attachment and sale may be effected in the manner provided by the Civil Procedure Code, for the execution of a decree by attachment and sale of immovable property.

(iii) The proceeds of sale, after deduction of the costs of attachment and sale, shall be paid to the Chairman and shall be applied in satisfaction of the arrear, together with interest thereon at the rate of six per centum per annum, and costs. In the event of there being any surplus remaining the Chairman shall, if he is satisfied as to the right of any person claiming such surplus, pay the amount thereof to him, and if he is not so satisfied shall place the amount on deposit in the Treasury to be held in trust for the person who may ultimately succeed in establishing his claim thereto.

(iv) No holding belonging to the Ruler of the State or to the Government of the State or of the Federated Malay States shall be sold under this Enactment.

(v) The Chairman may in his discretion refrain from seizing and selling or may release from attachment any property lawfully seizable under Section 47 (i) where such property is the property of the occupier, being a tenant, of the holding^{or of a person not liable to pay an arrear due in respect of such holding} and, where such property is the property of a tenant-occupier, shall refrain from seizure and sale or shall release from attachment provided the tenant-occupier pays to the Chairman the rent of such holding^{as it falls due until the arrear is satisfied or until the termination of his tenancy}; and in any such case, notwithstanding anything contained in sub-section (i), such holding may be attached and sold under this section. ^{The Amount etc}

or holding
- do -

Amend 1/36

- do -

New 46/36

Recovery of costs.

51. All costs of any proceeding under this Enactment for the recovery of arrears may be recovered as if they formed part of such arrears.

Power to stop sale.

52. If any person having any interest in any property liable to be sold under this Enactment at any time previous to such sale tenders the arrear with interest and costs the Chairman shall thereupon desist from all further proceedings in respect thereof, and where the property has been attached by the Court under the provisions of Section 50 shall inform the Court of such payment.

Objection to attachment.

or holding

Amend 1/36

53. (i) If any person whose property has been attached under the provisions of this Enactment disputes the propriety of the attachment he may apply to the Court of a Judge, in the case of the attachment of a holding^{or the Court of a Magistrate in the case of the attachment of movable property}, for an order to stay the proceedings, and such Court after making such enquiry as may be necessary shall make such order in the premises as may be just.

(ii) No application under this section shall be entertained by any Court unless the applicant has deposited in Court the amount of the

arrear, with interest and costs, or given security for the same to the satisfaction of the Court.

54. If the sum due from the owner of any holding on account of any rate or costs is paid by the occupier of such holding such occupier may, in the absence of any agreement to the contrary with the owner, deduct from the next and following payments of his rent the amount which may have been so paid by him. Recovery of rates paid by occupier.

55. The production of the books purporting to contain any rate or assessment made under this Enactment shall, without any other evidence whatever, be *prima facie* proof of the making and validity of the rates or assessment mentioned therein. Evidence of rates.

56. (i) No valuation or rate assessed thereon, no charge or demand of any rate and no attachment or sale shall be impeached or affected by reason of any mistake in— Assessment, etc., not to be impeached for want of Form.

- (a) the name of any person liable to pay the rate;
- (b) the description of any holding liable to such rate;
- (c) the amount of the rate assessed thereon;
- (d) the mode of attachment or sale;

provided that the direction of this Enactment or of any by-law made thereunder is in substance and effect complied with.

(ii) No proceedings under this Enactment for the recovery of any rate shall be quashed or set aside in any Court for want of Form. *56 A. New 1/36*

57. (i) Whenever any rateable holding within a Sanitary Board area is sold or transferred it shall be the duty of the purchaser or transferee within three months after such sale or transfer to give notice thereof to the Board in writing. Notice of transfer of rateable holding.

(ii) Whenever the owner of any rateable holding within a Sanitary Board area dies it shall be the duty of the person becoming the owner thereof by succession or otherwise to give notice thereof in writing to the Board within one year after the death of the deceased. Notice of death.

(iii) The notice to be given under this section shall be in Form D or Form E in the Schedule as the case may require.

(iv) On receipt of such notice the Board may require the production of the instrument effecting change of ownership, or of a certified copy thereof. Production of instrument.

(v) Every person who sells or transfers any rateable holding within a Sanitary Board area shall continue liable for the payment of all rates payable in respect of such holding and for the performance of all other obligations imposed by this Enactment or by any by-law made thereunder upon the owner of such holding which become payable or are to be performed at any time before notice of such transfer has been given or until the sale or transfer has been recorded in the books of the Board. Liability for rate where notice not given.

(vi) Nothing herein shall affect the liability of the purchaser or transferee to pay the rates in respect of such holding or to perform such obligation as aforesaid, or affect the right of the Board or the Chairman to recover such rate or to enforce such obligation under this Enactment.

(vii) Every person failing to give any notice required by this section shall be liable to a fine of twenty-five dollars.

Notice of
new build-
ings.

58. (i) When any new building is erected or when any building is rebuilt or enlarged or when any building which has been vacant is re-occupied the owner of the holding whereon such building is situate shall within fifteen days give notice thereof in writing to the Board.

(ii) The said period of fifteen days shall be reckoned from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt or of the enlargement, as the case may be, and in the case of a building which has been vacant from the date of the re-occupation thereof.

Notice of
demolition.

(iii) When any building or portion of a building on any rateable holding is demolished or removed otherwise than by the order of the Chairman the owner of such holding shall give notice thereof in writing to the Board. Until such notice is given the owner shall continue liable to pay rates in respect of such holding as though such building or portion of a building had not been demolished or removed.

(iv) Every person failing to give any notice required by this section shall be liable to a fine of twenty-five dollars.

Refund on
unoccupied
buildings.
36 of 1933.

59. (i) If any building is unoccupied and no rent is payable in respect thereof during a period of not less than one calendar month in any half year in respect of which a rate has been paid under this Enactment the Chairman may order the refund of a part of such rate proportionate to the period during which the building has been unoccupied.

(ii) No refund shall be ordered unless the person claiming the same shall have within seven days from the commencement of the period in respect of which the refund is claimed given written notice to the Chairman of such vacancy and shall have claimed payment thereof in writing not later than one month after the expiration of the half year in respect of which the claim is made.

(iii) No refund shall be ordered in respect of any building unless the owner of the holding in question proves to the satisfaction of the Board—

- (a) that such building is in good repair and fit for occupation;
- (b) that every reasonable effort to obtain a tenant has been made;
- (c) that the rent demanded is a reasonable one;
- (d) that the building has been vacant during the whole period for which the refund is claimed.

(iv) Claims under this section shall state the dates between which the building was unoccupied and an address to which communications in reference thereto may be sent.

60. Sections 58 and 59 shall apply only within Sanitary Board areas in which the rates are assessed upon the annual value of holdings.

Applications
of Sections 58
and 59.

61. (i) In the case of buildings situated on mining land or on State land or on land reserved for a public purpose and not occupied by the Government of the Federated Malay States or of any of them the Resident, after consultation with the Board, may impose the rates referred to in Section 25 upon the annual value of all or any of such buildings, and the occupiers of such buildings shall be liable to pay the said rates: provided that buildings on mining land which are used as hospitals for the labourers employed thereon or which are occupied rent free as residences for such labourers shall be exempt from such rates.

Provision for
rating build-
ings on State
or reserved
land.
3 of 1931.

(ii) The provisions of this Part shall apply to any rate imposed under sub-section (i) provided that—

- (a) in the application thereof references to a "holding" shall be deemed to be references to a "building," and references to the "owner" of a holding shall be deemed to be references to the "occupier" of a building;
- (b) Sections 26, 28, 29, 30, 31, 45, 50, 54, 58 and 59 shall not apply to any such rate.

PART V.

PREVENTION AND EXTINCTION OF FIRES.

62. (i) The Chairman may cause fire alarms to be provided of such design and at such places as the Board may determine.

Fire alarms.

(ii) The owner and occupier of any holding shall be bound to permit the erection on such holding of any fire alarm provided under sub-section (i).

63. Any person who pulls down, injures or conceals any fire alarm provided under Section 62 or wilfully gives or causes to be given any false alarm of fire by any such fire alarm shall be liable to a fine of two hundred and fifty dollars or to imprisonment for six months.

Penalty for
tampering
with fire
alarms.

64. (i) On the occasion of a fire the Chairman or the Superintendent or other officer in charge of the fire brigade on the spot may—

Powers of
Chairman,
etc., at fires.

- (a) remove or cause to be removed any person who in his opinion by his presence interferes with the due operations of the fire brigade;
- (b) by himself or others take any measures that appear expedient for the protection of life and property;
- (c) by himself or others enter, break into or through, take possession of or pull or throw down any premises for the purpose of putting an end to any fire.
- (ii) All police officers may aid the fire brigade in the execution of their duty and may close any street in or near which a fire is burning.

Penalty for
interference.

65. Any person who assaults, disturbs, hinders or interferes with any member of the fire brigade or any police officer or person assisting the fire brigade or acting under the orders of the Chairman or the officer in charge of the fire brigade on the spot shall be liable to a fine of one hundred dollars.

Enquiries
into fires.

66. (i) Where any fire occurs within a Sanitary Board area whereby damage or loss is occasioned to any dwelling-house or other building, the Chairman may, if he thinks fit, and shall if requested thereto in writing by two or more rate-payers, institute an enquiry into the cause of such fire and the circumstances attending the same.

(ii) For the purpose of such enquiry the Chairman shall have and may exercise all the statutory and other powers which shall for the time being be vested in and exercisable by a Magistrate of the First Class for summoning and enforcing the attendance of witnesses, for administering oaths or affirmations to such witnesses, and for compelling such witnesses to answer all reasonable and proper questions relative to the matters which are the subject of such enquiry.

(iii) The Chairman shall within seven days from the conclusion of such enquiry transmit to the Resident of the State the depositions taken by him together with his finding as to the cause of the fire.

PART VI.

OBSTRUCTIONS AND NUISANCES.

Obstructions
in streets.

67. (i) Any person who—

(a) builds, erects, sets up or maintains or permits to be built, erected, set up or maintained any wall, fence, rail, post or any accumulation of any substance or other obstruction in any street or in any open arcade or verandah abutting on any street;

(b) except with the permission in writing of the Chairman covers over or obstructs any open drain, sewer or aqueduct along the side of any street;

(c) deposits or causes to be deposited any box, bale or package of merchandise or other article in or upon any street or in or upon any open arcade or verandah abutting on any street so as to prevent, hinder or delay the work of scavenging or to create obstruction or inconvenience to the public for a longer time than is reasonably necessary for loading or unloading such merchandise or article;

(d) causes or allows any carriage, cart or vehicle for the conveyance of persons or of goods or other articles to stand in any public road, except at such places as are appointed for such standing, for a longer time than is absolutely necessary to take up or set down any person or to load or unload any goods or other articles or to collect hire;

shall be guilty of causing an obstruction and liable to a fine of one hundred dollars.

(ii) If it is shown in any case that any box, bale or package of merchandise or other article has been deposited from any holding in contravention of this section in or upon any street or in or upon any open arcade or verandah abutting on any street it shall be presumed that the offence was committed by or by the permission of the occupier of such holding.

68. (i) The Chairman may remove or cause to be removed any such obstruction to a suitable place there to remain at the risk of the owner and person offending, and may detain the same there until the expenses of removal and detention are paid, provided that such power of removal shall be exercised only in regard to such streets as the Board may, with the approval of the Resident, prescribe and in the presence of such officer of the Board as the Chairman may nominate for that purpose.

(ii) If at the expiration of seven days from the date of removal the expenses of removal and detention shall not have been paid the matter that has been removed shall be sold by public auction or otherwise as the Chairman may direct.

(iii) The proceeds of sale, less expenses, shall if duly claimed be paid to the owner of the matter removed, but if such proceeds are not claimed within three months of the sale they shall become the property of the Government.

69. No person shall erect or maintain or permit to be erected or maintained any obstruction in or over any back-lane, and the Chairman may where any such obstruction exists take down and remove the same.

70. (i) The Chairman may give notice in writing to the owner or occupier of any holding to remove or alter any projection, encroachment or obstruction which has been or may be erected or placed against or in front of any building on such holding if such projection, encroachment or obstruction overhangs or juts into or in any way projects into or encroaches upon or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects or encroaches into or upon any aqueduct, drain or sewer in such street.

(ii) Such owner or occupier shall within fourteen days after the service of such notice upon him remove such projection, encroachment or obstruction, or alter the same in such manner as is therein directed; provided that if such projection, encroachment or obstruction has been lawfully made the expenses of removal or alteration thereof shall be borne by the Government.

(iii) No such projection, encroachment or obstruction shall be deemed to have been lawfully made unless the same was made before the holding was included within a Sanitary Board area or with the permission of the Chairman for the time being, and the onus of proof shall lie on the person asserting that the same was lawfully made.

Permission to erect projecting verandahs, etc.

71. (i) The Chairman may give permission in writing to the owner or occupier of any holding abutting on a public street to put up upon any building on such holding open verandahs, balconies, sunshades, weather frames, sign boards and the like to project over the street.

(ii) Any such permission may be withdrawn at any time.

(iii) After the withdrawal of any such permission the Chairman may give notice in writing to such owner or occupier to remove or alter any verandah, balcony, sunshade, weather frame, sign board or the like to which such permission related, and the said owner or occupier shall within fourteen days of the service of the notice carry out the work therein directed to be performed.

Deposit on street of building materials.

72. (i) No person shall deposit any building materials on or make a hole in any street without the permission in writing of the Chairman.

(ii) When such permission is granted to any person he shall cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed or the hole filled up or otherwise made secure to the satisfaction of the Chairman and shall cause the same to be sufficiently lighted during the night.

(iii) If any person—

(a) deposits materials or makes a hole without such permission;

(b) does not fence or enclose and light such materials or hole;

(c) does not remove such materials or fill up such hole or otherwise make it secure in the manner aforesaid when notice that the permission is withdrawn has been served upon him,

he shall be liable to a fine of fifty dollars and to a further fine of fifty dollars for every day during which the offence is continued, and the Chairman may cause such materials or hole to be fenced, enclosed and lighted and recover the expenses from such person.

Dangerous places to be repaired or enclosed.

73. (i) If any building, tank, well, hole or other place is for want of sufficient repair, protection or enclosure or from any other cause, in the opinion of the Board, dangerous to the public the Chairman may give notice in writing to the owner thereof to repair, protect or enclose the same forthwith so as to prevent danger therefrom.

(ii) Any owner who fails without reasonable cause to comply with such notice shall be liable to a fine of two hundred and fifty dollars.

Hedges and trees to be trimmed.

74. The Chairman may by notice require the owner or occupier of any holding to trim or prune the hedges thereof bordering any public street so that they do not exceed seven feet in height from the level of the street and in the case of hedges within fifteen yards of a corner four feet from the level of the street, and to cut and trim all trees overhanging any public street so that they do not injure the same or annoy the passengers thereon.

75. (i) Any person who—

(a) deposits or permits his servants or other persons, whether employed by him or not, to deposit any dust, dirt, dung,

Depositing refuse on street or State land.

ashes, garden, stable or trade refuse or filth of any kind or any animal matter or any broken glass or earthenware or waste paper or other rubbish in any street or upon any State land or land reserved for a public purpose except in such places, in such manner and at such hours as are fixed by the Chairman;

(b) causes or allows the water of any sink or drain or any other offensive liquid matter belonging to him or being on his holding to run, drain or be thrown or put upon any street;

(c) causes or allows any offensive matter from any sewer, latrine or cesspool to run, drain or be thrown into a surface drain,

shall be liable to a fine of twenty-five dollars.

(ii) If in any case it is shewn that any dust or other substance in this section mentioned has been deposited on any place in contravention of this section from any holding, or that any such water or any offensive matter has run, drained or been thrown or put upon or into any street or drain from any holding it shall be presumed that the offence was committed by or by the permission of the occupier of such holding. Presumption.

76. (i) If any building or anything affixed thereto is in a ruinous state, likely to fall or in any way dangerous to the inhabitants or occupiers of such building or to any neighbouring buildings or to the inhabitants or occupiers thereof or to passengers it shall be deemed a nuisance and shall be liable to be dealt with under this Enactment. Buildings in ruinous or dangerous state. 6267 46/36

(ii) The Chairman may immediately, if it appears to him to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers or take such other steps as appear to him necessary to render such building secure, or may demolish such building, and the expenses thereby incurred shall be paid by the owner of the building.

77. (i) Within any Sanitary Board area the Chairman shall take steps to remove, put down and abate all nuisances of a public nature on public or private premises which may tend either to injure the health or to affect in any way the safety or rights of the public, and shall if need be proceed against any person committing any such nuisance for the abatement thereof and for damages.

(ii) When anything declared to be a nuisance under Section 78 is also the subject of or included in any by-law in force for the time being the Chairman may at his option either take proceedings under this Part or take proceedings in respect of the contravention of the by-law, but shall not do both.

78. For the purposes of this Part—

(a) any building or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health;

Nuisances liable to be dealt with summarily.

Nuisances to be abated. 2 of 1932.

- (b) any building certified by the Health Officer to be so overcrowded as to be injurious or dangerous to the health of the inmates;
 - (c) any building wherein a plague epizootic among rats is present;
 - (d) any pool, gutter, water-course, water-tank, waste pipe, sanitary fitting or convenience, sewage tank or disposal plant, latrine, cess-pool, sewer or drain so foul or in such a state or so situate as to be a nuisance or injurious or dangerous to health;
 - (e) any animal kept in such place or manner or in such numbers as to be a nuisance or injurious or dangerous to health;
 - (f) any accumulation or deposit which is a nuisance or injurious or dangerous to health or likely to be a breeding place for mosquitoes;
 - (g) any factory, workshop or work place which
 - (i) is not kept in a cleanly state and free from effluvia arising from any sewer, drain, latrine or other nuisance;
 - (ii) is not ventilated in such 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 or dangerous to health;
 - (iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein;
 - (h) any hut or shed, or huts or sheds, whether used as dwellings or as stables or for any other purpose which are by reason of the manner in which they are crowded together or the want of drainage or the impossibility of scavenging or for any other reason a nuisance or injurious or dangerous to health;
 - (i) any well, tank, pool or ditch the water from which is used or likely to be used for drinking or domestic purposes or for manufacturing drink for human consumption, which is so polluted or likely to become so polluted as to be injurious or dangerous to health;
 - (j) any pond or tank or low, marshy ground which is injurious to health or offensive to the neighbourhood or is likely to become a breeding place for mosquitoes;
 - (k) any fireplace, furnace or chimney, sending off smoke or other unconsumed combustible material in such quantity as to be a nuisance or injurious or dangerous to health;
 - (l) any brickfield, sandpit or any other kind of excavation which is injurious to health or offensive to the neighbourhood or used for any purpose likely to be injurious to health;
- shall be a nuisance liable to be dealt with summarily under this Part.

Notice
requiring
abatement
of nuisance.

79. (i) On the receipt of information respecting the existence of a nuisance liable to be dealt with under this Part the Chairman may, if satisfied of the existence of such nuisance, serve a notice on the

person by whose act, default or sufferance the nuisance arises or continues, or if such person cannot be found upon the occupier or owner of the holding on which the nuisance arises requiring him to abate the same within the time specified in the notice and to execute such works and do such things as are necessary for that purpose, and if the Chairman thinks it desirable specifying any works to be executed.

(ii) The Chairman may also by the same or another notice served on such occupier, owner or person require him to do what is necessary for preventing the recurrence of the nuisance, and, if he thinks it desirable, specify the works to be executed for that purpose, and may serve this notice notwithstanding that the nuisance may have for the time been abated if he considers that it is likely to recur.

Power to
require
works to be
executed.

(iii) Where the nuisance arises from any want or defect of a structural character or where the holding is unoccupied the notice shall be served on the owner.

(iv) Where the person causing the nuisance cannot be found and the Chairman is satisfied that the nuisance does not arise or continue by the act, default or sufferance of the occupier or owner of the holding the Chairman may abate the nuisance and do what is necessary to prevent the recurrence of the same.

When Board
may abate
nuisance.

(v) Where a notice has been served on any person under this section and either—

Penalty.

(a) the nuisance arose from the wilful act or default of such person, or

(b) such person makes default in complying with any of the requisitions of the notice within the time specified,

he shall be liable to a fine of one hundred dollars for each offence whether any such nuisance order as is hereinafter mentioned is or is not made upon him.

(vi) A notice under this section may be in the Form F in the Schedule with such variations as the circumstances require.

80. (i) If either—

Nuisance
order.

(a) the person on whom notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified; or

(b) the nuisance although abated since the service of the order is in the opinion of the Chairman likely to recur;

on complaint by the Chairman the Magistrate hearing the complaint may make on such person a summary order, in this Enactment referred to as a nuisance order.

(ii) A nuisance order may be an abatement order or a prohibition order or a closing order or a combination of such orders.

(iii) An abatement order may require a person to comply with all or any of the requisitions of the notice or otherwise to abate the nuisance within a time specified in the order.

Abatement
order.

Prohibition
order.

(iv) A prohibition order may prohibit the recurrence of a nuisance.

(v) An abatement order or prohibition order shall, if the person on whom the order is made so requires or if the Magistrate considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

Closing order.

(vi) A closing order may prohibit a dwelling-house from being used for human habitation.

(vii) A closing order shall only be made where it is proved to the satisfaction of the Magistrate that by reason of a nuisance a dwelling-house is unfit for human habitation, and if such proof is given the Magistrate shall make a closing order and may in addition impose a fine of two hundred dollars.

(viii) A Magistrate when satisfied that the dwelling-house has been rendered fit for human habitation may cancel the closing order.

(ix) A Magistrate making any order under this section may require any person on whom any order is made to pay all costs and expenses incurred by the Chairman in obtaining the order.

(x) A summons and an order under this section may be respectively in Forms G and H in the Schedule.

Penalty for
not comply-
ing with
order.

81. (i) Any person who fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance shall, unless he satisfies the Magistrate that he has used all due diligence to carry out such order, be liable to a fine of ten dollars for every day during which such default continues.

(ii) Any person who knowingly and wilfully acts contrary to a prohibition order or closing order shall be liable to a fine of twenty dollars for every day during which such contrary action continues.

(iii) In either of the cases mentioned in sub-sections (i) and (ii) the Chairman may be authorised by the Magistrate by whom the nuisance order was made to enter on the holding to which the nuisance order relates and abate or remove the nuisance and do whatever is necessary in execution of such order, and the expenses thereby incurred shall be paid by the person in default.

Ejectment
after closing
order.

82. (i) Where a closing order has been made with respect to any dwelling-house the Chairman shall serve notice of the order on every occupier of the dwelling-house and within such period as is specified in the notice, not being less than seven days after the service thereof, the order shall be obeyed by him and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable to a fine not exceeding ten dollars a day during his disobedience to the order, and a Magistrate shall, upon application by the Chairman, make a summary order for his ejectment and the same may be carried into effect by any police officer not below the rank of Sergeant.

(ii) The owner of such dwelling-house shall make to every tenant whose tenancy has not been lawfully determined such reasonable

allowance on account of his expenses in removing as a Magistrate may allow or order, and such allowance may be recovered in the manner provided in Section 23.

83. (i) Where a closing order has been made in respect of any dwelling-house and has not been cancelled by a subsequent order, if in the opinion of the Board—

(a) the dwelling-house has not been rendered fit for human habitation;

(b) the necessary steps are not being taken with all due diligence to render it so fit; and

(c) the continuance of any building being or being a part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses,

the Chairman may make a complaint to a Magistrate and such Magistrate after hearing the complaint may make on the owner a summary order for the demolition of such dwelling-house within a time specified in the order.

(ii) The order may also contain a direction that the materials of the building or any part of such materials shall be destroyed.

84. (i) Where an order for the demolition of a building has been made the owner thereof shall within the time mentioned in such order take down and remove the building and if the order for demolition so directs and to the extent therein mentioned destroy the materials thereof.

(ii) If the owner fails therein the Chairman shall proceed to take down and remove such building and if necessary destroy the materials, and may recover the costs of such work from the owner.

85. (i) If it appears to a Magistrate on the application of any owner of such dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made or in the demolition of any building or any dwelling-house and that the interests of the applicant will be prejudiced by such default and that it is just to make the order, the Magistrate may make an order empowering the applicant forthwith to enter on the dwelling-house and within the time fixed by the order to execute the said works or to demolish the building.

(ii) A Magistrate may at any time by order enlarge the time allowed under any order for the execution of any works or the demolition of a building.

(iii) Before any order is made under this section notice of the application shall be given to the Chairman.

(iv) Any person being the occupier of any dwelling-house who prevents or resists the entry or execution of any works or demolition of any building by an owner empowered for that purpose under

sub-section (i) shall be liable on conviction to a fine of five hundred dollars.

Remedies for breach of contract not prejudiced.

86. (i) Nothing in this Part shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any agreement or contract entered into by a tenant or lessee in respect of which an order is made under this Part.

(ii) If any owner is obliged to take possession of any dwelling-house in order to comply with any such order the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance that has occurred prior to his so taking possession.

Ex parte order in case of urgency.

87. (i) If in any case in which a Magistrate has jurisdiction to make a nuisance order such Magistrate is of opinion that the matter complained of is injurious or dangerous to health or safety and that the immediate abatement thereof or work sought to be done will not cause any injury which cannot be compensated for by damages, such Magistrate may by an *ex parte* order authorise the Chairman immediately to abate the nuisance or do the work sought to be done.

(ii) If the Chairman so abate the nuisance and the application for a nuisance order is subsequently refused the cost of such abatement or work and the damages, if any, sustained thereby by any person shall be paid by the Government, but if the nuisance order is granted the Chairman may recover the cost of the abatement or work.

Appeals.
2 of 1932.

88. (i) An appeal may be brought against a nuisance order or against any refusal to make a nuisance order in the manner provided by Chapter XXX of the Criminal Procedure Code, provided that no appeal shall lie unless the order made or refused is or includes a prohibition or closing order or requires the execution of structural works.

(ii) No appeal against a refusal to make an order shall be brought except by or with the written sanction of the Chairman.

(iii) In any appeal against a nuisance order the Chairman shall be the respondent.

Part VI A Control of Street Stalls and
PART VII.
Jewellers.

STREETS AND BUILDINGS.

BUILDINGS.

Matters which may be regulated by building by-laws.

89. (i) The powers hereinbefore given to the Board to make by-laws for the regulation of buildings and building operations, and with respect to the prohibition of the erection of buildings of a particular class, design and appearance in particular districts, localities or streets or portions of streets within the Sanitary Board limits, hereinafter called the building by-laws, shall include the power to make by-laws in respect of all or any of the following matters—

- (a) the submission of plans and specifications including block or site plans, and the fees to be paid on such submission;

(b) the authorisation of persons qualified to submit plans and specifications, and the nature or classification of plans and specifications which each such person may submit;

(c) the foundation of buildings and the mode of pavement;

(d) the drainage of buildings, including the provision of rain-water, sullage, waste and soil pipes;

(e) the provision of light and air to rooms or cubicles, if any, and other parts of buildings;

(f) the size and dimensions of any room or cubicle in a building;

(g) the mode in which the open space required to be left under Section 100 shall be situated and arranged;

(h) the formation and enclosure of back yards, including the materials and height of the wall separating them from any street or back yard, and the means of communication between the street or back-lane and the back yards;

(i) the prevention of damp in buildings;

(j) the stability of structure and quality of materials to be used in buildings and the tests to be applied thereto;

(k) security against fire and, in the case of places of public resort, the means of ingress and egress in case of fire or accident;

(l) the construction, width and level of arcades or pavements for the use of foot passengers along that part of any building which abuts on a street;

(m) the supply of sufficient latrine and urinal, bath-room and kitchen accommodation, and enforcing the adoption of any particular type of latrine, closet or urinal approved by the Board;

(n) the rounding off of corners when buildings are erected;

(o) the provision of satisfactory approaches to buildings;

(p) the prohibition of occupation of any building until a certificate of fitness for occupation has been given by the Board;

(q) the construction and number of cubicles in buildings;

(r) the construction of roofs;

(s) the width and construction of stairs and passages.

(ii) Nothing in this section shall in any way restrict the generality of the powers conferred on the Board by Section 16 but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it is expedient to make by-laws for the regulation of building and building operations or the prohibition of the erection of buildings of a particular class, design and appearance.

90. (i) Every person intending to erect or re-erect any building shall submit to the Board plans and specifications of the proposed building prepared in accordance with this Enactment and the building by-laws.

Notice of new buildings.

Buildings
S. N. 940/17.2.39

Board
may give
directions.

(ii) The Chairman may give written directions to the person submitting a plan and specification with regard to any of the following particulars—

- (a) compliance with this Enactment and the building by-laws;
- (b) the site of any building and the space to be left about any building to secure free admission of light and circulation of air and to facilitate scavenging in addition to the open space referred to in Section 100;
- (c) the levels at which the foundation and lowest floor are to be laid;
- (d) the raising of the level of the site to form a stable and healthy foundation and the materials to be used in raising the same;
- (e) the line of frontage with neighbouring buildings, if the building abuts on or is within fifty feet of a public street;
- (f) the front elevation, and where the side elevation abuts on or is within fifty feet of a public street the side elevation;
- (g) the setting forward or back of buildings to the regular line of the street as hereinafter defined;
- (h) the class, design and appearance of the building when the building is to be erected in a district, locality or street in which only buildings of a certain class, design or appearance may be erected;

(i) the provision of a sufficient and pure water supply within a reasonable distance of the building.

(iii) The person to whom any written directions are so given shall amend the plan and specification accordingly.

(iv) Where a building is directed to be set forward to the regular line of the street, it shall be a sufficient compliance with such direction if a wall or fence of such materials or dimensions as are approved by the Board is erected along the line.

(v) If the Chairman directs any person submitting the plan of a building to set such building back to the regular line of the street, compensation shall be paid to him in accordance with Section 106, but no compensation shall be made in respect of any land required for the purpose of an arcade or pavement for the use of passengers or for any approach or for rounding off of corners.

Notice of
commence-
ment or
resumption of
building
operations.

91. (i) No person shall commence any building operations involving the erection or re-erection of a building or, in the case of any operations the progress whereof has been suspended for a period exceeding three months, resume any such building operations unless—

- (a) he has given to the Board four days' notice of his intention to commence or resume such operations with particulars of the intended works; and
- (b) a plan and specification of the building have been approved by the Board within one year before the date of the notice.

Provisions
in the
case of

(ii) Where any building operations have been commenced on any land and the building not being completed work thereon has been

suspended for a period of three months, the Chairman may, unless the owner satisfies him that the building is being efficiently watched, by notice in writing require the owner of the land whereon such building operations have been commenced to close up, within such time as is stated in such notice, such building so as to prevent access thereinto by any person, and, if he thinks it desirable may specify any works to be executed for that purpose.

suspension of
building
operations.

(iii) Any owner who fails to comply with the requirements of such notice shall be liable to a fine not exceeding ten dollars for each day during which such non-compliance continues, and the Chairman may cause the work to be done, and the owner shall pay the cost and expense thereof.

Penalty.

92. (i) Any person who

- (a) commences or resumes building operations in contravention of Section 91;
- (b) deviates from any plan or specification approved by the Board without its written permission;
- (c) executes any building operation in contravention of any of the provisions of this Enactment or of any of the building by-laws; or
- (d) fails to comply with any lawful order or written direction of the Board;

shall be liable to a fine of three hundred dollars and to a daily fine of ten dollars for every day on which the offence is continued after conviction, and a Magistrate may, on the application of the Chairman, make an order requiring such person to alter in any way or demolish the building.

44/36
Penalties.

93. (i) A person shall be deemed to erect a building who

- (a) begins work on a new building;
- (b) adds to or alters any existing building in such a manner as to involve
 - (1) new foundations; or
 - (2) new or partly new or increased superstructure on existing foundations;
- (c) converts into a dwelling-house any building not originally constructed for human habitation;
- (d) converts into more than one dwelling-house a building originally constructed as one dwelling-house;
- (e) converts to other purposes a house originally constructed as a dwelling-house;
- (f) departs either before or after the completion of the building in any particular from any plan or specification approved by the Board at any time in respect of such building;
- (g) infringes the provisions of this Enactment as to buildings or of the building by-laws; or

What consti-
tutes erecting
a building.

(h) renews or repairs any existing building in such a manner as to involve a renewal, reconstruction or re-erection of any portion of any outer or party wall to the extent of one storey in height, whatever the material of such outer or party wall is.

Owner liable.

(ii) Where any building operations are commenced or carried out in respect of any building they shall be deemed to have been commenced or carried out by the owner of the holding whereon such building is erected, and he shall be liable therefor.

Requisition not delivered within two months.

94. If the Board does not, within two calendar months after the submission of plans, approve such plans or make written requisition with regard thereto the person submitting the plan may apply to the Resident, and the powers vested in the Board with regard to such plans shall vest in the Resident.

14/39
Land to be set apart for back-lane.

95. (i) A Sanitary Board shall not approve the plan of any domestic building unless

(a) the open space, if any, required to be left under Section 100 is shown to abut on a back-lane of such width not exceeding twenty feet, as is required by the Board; or unless

(b) the person submitting his plan surrenders to the State a strip of his land sufficient together with other land, if any, available for such purpose to form a back-lane of such width, not exceeding twenty feet, as is required by the Board.

Where ventilation otherwise provided for.

(ii) Where in any particular case it is shown to the satisfaction of a Sanitary Board that ~~ventilation and conservancy~~ are otherwise sufficiently and permanently provided for, the Board may approve a plan notwithstanding that the conditions of sub-section (i) have not been complied with.

Situation of back-lane.

96. The back-lane shall, where a Sanitary Board so requires, be situated so as to conform with such line as is laid down therefor by the Board, and so as to communicate at each end thereof with the land surrendered for a back-lane by the owners of the properties on each side thereof or laid out as a back-lane, and the same shall wherever possible open upon public streets at both ends, and shall in all cases be free from obstruction throughout.

Non-approval of plan where building site does not abut on land available as a back-lane.

97. Where upon the submission of a plan of any domestic building for the approval of a Sanitary Board, it appears that the site thereof does not abut upon any land so situated as to be capable of being surrendered for or laid out as a back-lane in conformity with the line laid down by the Board therefor, the Board may refuse to approve the plan until the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site has been acquired and added to the holding in respect whereof the plan has been submitted, and the person submitting the plan has reimbursed the State for the cost of such acquisition.

98. Where in any such case as is referred to in the last preceding section the person submitting the plan so requests, the Resident may acquire the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site for the purpose of the same being added to the holding in respect whereof the plan has been submitted.

Acquisition of land between building site and line of back-lane.

99. In cases where the surrender would cause a severance of land belonging to the owner from other land forming part of the same holding and the lesser portion of the land so severed has been rendered useless as a building site on account of the severance, the Resident shall, if the owner so requires, acquire such lesser portion.

Compensation in special cases.

100. (i) Every building which any person intends to erect or re-erect for the purpose of being used wholly or in part as a domestic building shall, unless the Board is of opinion that in any particular case air space is otherwise sufficiently and permanently provided for have directly attached thereto an open space exclusively belonging thereto.

Open spaces to be provided. 2 of 1934.

(ii) Such open space exclusive of party or external walls shall be not less than one half of the area covered by the building.

(iii) In calculating the open space such latrines, bathing places and cooking places as are deemed necessary by the Board for the use of the inhabitants of the building and do not exceed in height the level of the ground floor storey shall be reckoned as neutral, and half the area of that portion of the back-lane, if any, provided in accordance with this Part immediately opposite the building shall be deemed to be included, but no space occupied by air wells shall be reckoned in calculating any open space.

(iv) Any person aggrieved by a direction of the Board with regard to the situation and arrangement of the open space required to be left in any respect not specially provided for by the building by-laws may within fourteen days appeal to the Resident whose decision shall be final.

(v) Nothing in this section contained shall be deemed to invalidate any by-law requiring the provision of a larger open space than the minimum herein prescribed.

(vi) No compensation shall be payable in respect of any land not built on by reason of the provisions of this section.

101. For the purposes of Sections 95 and 100 "a domestic building" shall be deemed to include a dwelling-house, offices or other outbuildings appurtenant to a dwelling-house, whether attached thereto or not, and a shop, workshop or factory and a school and any other building used, constructed or adapted to be used for human habitation in whole or in part.

Meaning of domestic building.

102. (i) Wherever any open space has been provided in connection with any building in pursuance of this Enactment or of any former

Open space not to be altered or roofed.

Sanitary Board Enactment or of the building by-laws it shall not be lawful

- (a) to make any alteration in such open space;
- (b) to roof over any portion thereof so as to diminish the area of such open space.

Penalties.

(ii) Any person who acts in contravention of this section shall be liable to a fine not exceeding one hundred dollars, and a Magistrate may, on the application of the Chairman, make an order against such person requiring him to remove any such alteration or roof or otherwise to do such works as will make the open space conform to this Enactment and the building by-laws.

Alteration in use of building other than domestic building.

103. (i) No person shall use or knowingly permit to be used for the purposes of human habitation any building originally constructed for use otherwise than as a domestic building.

Provided that—

- (a) any such building may be used for the purposes of habitation by not more than two persons placed therein to take care thereof; and
- (b) if such building is in all respects in accordance with the law for the time being in force regarding domestic buildings, and if such part of the building as is intended to be used as a domestic building has undergone such structural alterations, if any, as are necessary in the opinion of the Board to render it fit for that purpose, the same may be used as a domestic building.

(ii) Any person who offends against this section shall be liable to a fine of one hundred dollars and to a further fine of ten dollars for every day during which the offence is continued.

Alteration in use of dwelling house.

104. (i) No person shall use or knowingly permit to be used, any building originally constructed for a dwelling-house for any purpose other than a dwelling-house, office, counting-house or shop without the sanction of the Board; and the Board may give its sanction subject to such conditions as it thinks fit.

(ii) Any person who offends against this section shall be liable to a fine of one hundred dollars and to a further fine of ten dollars for every day during which the offence is continued.

Erection of galleries, lofts, etc., prohibited.

105. (i) No person shall erect or cause or permit to be erected in any house any partition, compartment, gallery, loft, roof, ceiling or other structure without having previously obtained the consent in writing of the Chairman.

(ii) In every case the owner of the house shall be deemed to have permitted such erection until the contrary is proved.

(iii) Any person who acts in contravention of this section shall be liable to a fine of twenty-five dollars, and to a further fine of ten dollars

for each day after conviction during which such erection is allowed to remain.

(iv) The Chairman may cause to be removed any structure which has been erected after the commencement of this Enactment without his consent in writing, and may recover the expenses incurred by such removal from the owner of the house.

REGULAR LINE OF STREET.

106. (i) The Board may, with the sanction of the Resident, prescribe a line on each side of a public street within which no building abutting on the said street shall after such line has been prescribed be constructed. *and every such declaration be published in the Gazette and 29/36*

(ii) A line so prescribed shall be called the "regular line of the street."

(iii) When any building or any part thereof within the regular line of the street falls down or is burned down or is taken down, whether under the provisions of Section 90 or otherwise, the Chairman may at once on behalf of the Ruler of the State take possession of the portion of land within the regular line of the street theretofore occupied by the said building and if necessary clear the same.

(iv) If any land whether open or enclosed lies within the regular line of the street and is not occupied by a house, or if a platform, verandah, step or some other structure external to a house abutting on a public street, or a portion of a platform, verandah, step or other such structure is within the regular line of the street, the Chairman may, after giving to the owner of the land or building not less than fourteen clear days' written notice of his intention so to do, on behalf of the Ruler of the State take possession of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure as aforesaid, and if necessary clear the same.

(v) When possession is taken of any land under this section the Chairman shall cause a plan of such land to be prepared and shall by writing under his hand declare that he has taken possession of the land shewn in such plan, and shall send such plan and such writing to the Collector of Land Revenue.

(vi) The land comprised in such plan shall be deemed to have been acquired for a public purpose, and the provisions of the Land Acquisition Enactment shall apply to such acquisition, the date of the Chairman's declaration under sub-section (v) being substituted for the publication of the declaration under Section 6 of that Enactment.

PRIVATE STREETS.

107. (i) No building shall be constructed in any new private street until plans for such new street have been approved by the Board.

(ii) Every person who intends to make or lay out any new street shall give notice in writing thereof to the Board, accompanied by a

"Regular line of street" may be prescribed

Board in certain cases may take possession of land within regular line.

Plans for new street.

plan in duplicate, showing the intended level and construction of such street, and the level of the houses to be built abutting upon it, and the proposed manner of draining it, in order that the same may be approved or disapproved by the Board.

(iii) The Chairman ^{shall} give written directions to the person submitting the plan for a new street with regard to any of the following particulars:

(a) compliance with this Enactment and any by-laws made thereunder;

(b) the line of the new street, so as to ensure that it forms a continuous street with any existing street specified by the Board;

(c) the level of the new street;

(d) the provision along the length of the new street of intersecting roads or back-lanes as the Board directs;

(e) the width of the new street, which shall be at least 40 feet inclusive of the space occupied by drains;

(f) the width of any intersecting road or back-lane required by the Board under paragraph (d), which shall be of such width, not exceeding 20 feet in the case of a back-lane, as the Board requires;

(g) the mode of drainage of the new street and of any intersecting roads or back-lanes;

(h) the rounding of the corners of new streets.

(iv) The person to whom any written directions are given shall amend the plan accordingly.

(v) When a plan has been approved under this section the Board shall inform the Collector of Land Revenue who shall cause the boundaries of such street, as far as it lies within the holding of the person whose plan has been approved, to be surveyed and demarcated by such boundary marks as he considers sufficient to denote the width, length and alignment of the street.

(vi) The actual cost of such survey if not paid within three months may be recovered from the person whose plan has been approved in the manner provided by this Enactment for the recovery of unpaid rates.

(vii) Any person who

(a) makes or lays out any new street, otherwise than in accordance with a plan approved by the Board under this section; or

(b) erects any building abutting on a new street which has not been laid out in accordance with a plan so approved; or

(c) erects any building or plants any hedge in such manner that any part thereof is, without the consent in writing of the Board, in any direction less than 20 feet from the centre, or less than 40 feet from the opposite side of any street approved under this section, shall be liable to a fine of two hundred and fifty dollars, and a Magistrate of the First Class may, on the

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except in the case of a back lane etc

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application of the Chairman, make an order against the offender requiring him to execute any of the following works:

(1) to alter the street, or

(2) to alter any building so built, or

(3) to remove any building so built or any hedge so planted.

(viii) No person shall erect or maintain or permit to be erected or maintained any obstruction in any street made or laid out under this section which will close or partially close such street at either end or at any other part thereof and the Chairman may, where any such obstruction exists, take down and remove the same.

(ix) If the person giving a notice under sub-section (ii) is dissatisfied with any requisition or disapproval by the Board, he may within fourteen days from the receipt of such requisition or disapproval appeal to the Resident whose decision shall be final.

(x) If the Board does not within two months from the delivery of a notice and plan under this section approve such plan or make written requisition with regard thereto, the person who has given the notice may apply to the ~~Resident~~ and the powers vested in the Board under this section shall then vest in the ~~Resident~~. *Ruler in Council*

108. (i) Where any private street or any part thereof is in a dangerous or defective condition, the Chairman may, by notice in writing, require the owners of all holdings abutting on such street and having access or right of access thereto from such holdings to cause such street to be properly repaired and amended within such time as is stated in such notice. *Repair of private streets.*

(ii) If such owners fail to comply with the requirements of such notice, the Chairman may cause the work to be done and the owners shall pay the cost and expense thereof in such proportions as are settled by the Chairman or, in case of dispute, as are settled in manner provided in Section 23.

109. (i) The ~~Resident~~ *Ruler in Council* if he is satisfied that any private street

(a) is not less than 40 feet wide, and

(b) has been levelled, metalled, channelled, drained, kerbed, flagged, paved or tarred to the satisfaction of the Board

may upon the recommendation of the Board by notification in the Gazette declare such private street to be a public street. *Taking over of private street.*

(ii) Before any such declaration is published the Chairman shall cause such street to be surveyed and a plan thereof prepared.

(iii) Upon the publication of such notification the land comprised in the plan shall be deemed to be surrendered to and shall vest in the Ruler of the State, and the street shall become a public street.

(iv) As soon as may be after the publication of such notification the Chairman shall send the plan together with a copy of such notification to the Collector of Land Revenue.

(v) The Collector of Land Revenue shall thereupon require the delivery to him of the issue document of title to any land included in such plan.

(vi) Where the whole of the land comprised in any document of title is included in such plan the Collector of Land Revenue shall

(a) if the issue document of title is an extract from the mukim register cancel the same together with the corresponding entry in the mukim register; or

(b) if the issue document of title is a grant or lease of State land or certificate of title forward the same to the Registrar of Titles who shall cancel the same together with the corresponding register document of title.

(vii) Where a portion only of the land comprised in any document of title is included in such plan the Collector of Land Revenue shall cause new documents of title to be prepared in respect of the surrendered and unsurrendered portions of the land, and shall register the same or forward the same to the Registrar of Titles for registration.

(viii) Upon registration of such new titles the Collector of Land Revenue or Registrar of Titles, as the case may be, shall cancel the register and issue documents of title to the surrendered portion of the land.

Making up of private street.

110. (i) If any private street not less than 40 feet in width, or any part of such street, is not levelled, metalled, channelled, drained, kerbed, flagged, paved or tarred to the satisfaction of the Board the Chairman may by notice in writing to the respective owners of the holdings fronting, adjoining or abutting upon such street, or upon such part thereof, require them to do any one or more of the following works, that is to say to level, metal, channel, drain, kerb, flag, pave or tar such street or such part thereof.

(ii) Such notice shall state a date by which such works are to be commenced and the time within which they are to be completed.

(iii) The notice prescribed by sub-section (i) may also, if the Board thinks fit, be served upon the owner of any holding from which there is access to such street, or such part thereof, and which in the opinion of the Board will be benefited by the works.

(iv) If such works are not commenced by the date stated in the notice, or being commenced are thereafter suspended, or are uncompleted within the time stated in the notice the Chairman may cause the same to be executed.

(v) For this purpose the Chairman shall cause to be prepared a plan and specifications of the works, an estimate of the cost and an apportionment of the cost among all those persons upon whom notice has been served under sub-section (i). If the Government decides to bear any part of such cost the apportionment shall show what part of the cost and what part of the works (if any) the Government has decided to bear or pay for. The plan and specifications, estimate and appor-

tionment shall be open to inspection during one month at the offices of the Board.

(vi) A notice shall be served on all those persons included in the apportionment stating that the plans and specifications, estimate and apportionment are open to inspection as aforesaid and naming a day, not less than one month from the date of such notice, upon which the Board will consider any objections to the plan and specifications, estimate and apportionment or any proposed amendment of the same.

(vii) Objections may be made in writing or orally, and after any objections have been enquired into and the objectors have been allowed an opportunity of being heard the Board may at its discretion confirm or amend the plan and specifications, or estimate or apportionment. No further objection shall be made to any such amendment.

(viii) The plan and specifications, estimate and apportionment shall be deposited in the offices of the Board and shall be open to public inspection during office hours, and a public notice that they are open to inspection shall forthwith be published.

(ix) The cost of the execution of the said works shall be paid by the persons who are the owners when the work is completed according to the apportionment made as aforesaid; provided that if the cost of the execution of the works exceed the estimate the owners shall not be liable to pay that part of the cost which is in excess of a sum equal to the said estimates and ten per centum thereof.

111. (i) When any private street is less than 40 feet wide the Resident may on the recommendation of the Board acquire such land as is necessary to widen such street to a width of not less than 40 feet.

Widening of private street. 36 of 1933.

(ii) Such acquisition shall be made as provided by the Land Acquisition Enactment, subject to the special provisions as to compensation hereinafter contained.

(iii) When the acquisition of land on which a portion of a building is situate renders the remainder of such building useless the land on which the remainder of such building and its appurtenances is situate shall, if the owner so requires, be acquired and compensation paid therefor in accordance with sub-section (v).

(iv) When the acquisition of any land would render useless as a building site the whole or any part of the remainder of a holding such whole or such part shall, if the owner so requires, be acquired and compensation paid therefor in accordance with sub-section (v).

(v) Compensation shall be paid in accordance with the following provisions—

(a) Where the whole of a holding is acquired compensation shall be paid for the whole of such holding.

(b) Where the land acquired is vacant or there are no buildings other than an enclosing wall, hedge, paling, gateway or fence on the land acquired, compensation shall be paid only for land acquired lying beyond a distance of 20 feet from the

centre of the street existing at the date of the recommendation under sub-section (i), and no compensation shall be payable in respect of severance. The Chairman shall in such case cause such wall, hedge, paling, gateway or fence to be set back to the boundary of the land acquired.

- (c) Where there are buildings on the land acquired compensation shall be paid for such land and buildings, provided that in the ascertainment of such compensation the value of all land lying within a distance of 20 feet from the centre of the street existing at the date of the recommendation under sub-section (i) shall not be taken into account, and that no compensation for severance of land shall be payable where the whole of a building is acquired.
- (d) In the case of a holding at the corner of such private street and another street where the frontage of the holding to such other street is of greater value per square foot than the frontage to the private street, compensation shall be paid for the whole of the land acquired to a depth not exceeding 100 feet from such other street.

Making up of
widened
street.

112. (i) When any private street has been widened in accordance with the preceding section the provisions of Section 110 shall be put in force for the purpose of making up such street.

Payment of
cost of
acquisition.

(ii) The cost of acquisition under Section 111 shall be apportioned among the same owners and in the same proportion as the cost of execution of the works, and shall be paid by such owners.

Private street
to be declared
public street.

113. When any private street has been made up under the provisions of Section 110 the ~~Resident~~ shall declare such private street to be a public street and the provisions of Section 109 shall apply to such declaration.

PUBLIC STREETS.

Widening
public street.

114. When any public street is less than 40 feet wide the ~~Resident~~ may on the recommendation of the Board acquire such land as is necessary to widen such street to a width of not less than 40 feet and the provisions of Section 111 shall apply to any such acquisition.

Contribution
to cost of
constructing
public street.

115. (i) In the case of any public street constructed by the Government after the commencement of this Enactment it shall be lawful for the ~~Resident~~ to require the owner of any holding benefited by the construction of such street to contribute to the cost of such construction and of the acquisition of the land required for the same: provided that where a portion of any holding has been acquired under the provisions of the Land Acquisition Enactment for the construction of such street account may be taken of any deduction made under the provisions of Section 29 (i) (b) of that Enactment in determining the amount of the contribution to be required from the owner of such holding.

(ii) The amount of the contribution shall be assessed with reference to the value of the holding before such construction and the benefit accruing from such construction: provided always that the amount of such contribution shall not exceed the difference between the improved value of the holding before such construction and the improved value thereof after the same.

(iii) The Board shall assess such contributions and the Chairman shall give notice of the amounts assessed and of the time or times at which payment shall be made, and shall afford to every person required to contribute all reasonable facilities for ascertaining the nature of the proposals in respect of which assessment is made.

(iv) Any person required to contribute may make objection to the Chairman in writing at any time not later than 21 days after the service upon him of the notice of assessment.

(v) Any objections shall be enquired into by the Board and the person making the objection shall be allowed an opportunity of being heard either in person or by authorised agent. When all objections have been heard and determined the amount of contribution and the times of payment shall be authenticated by the signature of two members of the Board.

(vi) Any person who having made an objection in manner provided above is dissatisfied with the decision of the Board may appeal in the manner provided by Section 44.

(vii) Any contribution duly imposed under this section shall be deemed to be a rate and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

Building Lines

115 A New 14/39

PART VIII.

TOWN IMPROVEMENT.

DRAINAGE WORKS.

116. In addition to the powers with regard to drains hereinbefore conferred upon him the Chairman may construct and maintain within a Sanitary Board area a system or systems of drainage for the removal of water from any holdings within the said area, and may fill up irregularities in the surface of any land and adjust such surface in the course of construction or maintenance of any such system.

Construction
and mainten-
ance of drain-
age system.

117. (i) The owner of any holding benefited by a system of drainage constructed under Section 116 may be required to contribute to the cost of such construction. The amount of his contribution shall be assessed with reference to the condition of his holding before such construction and the benefit accruing to him from such construction: provided always that the amount of such contribution shall not exceed the difference between the improved value of the holding before such construction and the improved value thereof after the same.

Contribution
to cost of
construction.

(ii) The Chairman shall give notice of the assessment of contributions and of the time or times at which payment shall be made, and shall afford to every person required to contribute all reasonable facilities for ascertaining the nature of the proposals in respect of which assessment is made.

(iii) Any person required to contribute may make objection to the Chairman in writing at any time not later than 21 days after the service upon him of the notice of assessment.

(iv) All objections shall be enquired into by the Board and the person making the objection shall be allowed an opportunity of being heard either in person or by authorised agent. When all objections have been heard and determined the amount of contribution and the times of payment shall be authenticated by the signature of two members of the Board.

(v) Any person who having made an objection in manner provided above is dissatisfied with the decision of the Board may appeal in the manner provided by Section 44.

(vi) Any contribution duly imposed under this section shall be deemed to be a rate and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

Prevention of damage.

118. For the better maintenance of any system of drainage constructed under Section 116, or under the provisions of any former Sanitary Boards Enactment, the Chairman may, with or without the payment of compensation as he may determine, remove or otherwise deal with any tree or other vegetation which in his opinion is likely to cause obstruction or damage to such system of drainage.

Penalty for interference with drainage system.

119. (i) Any person who fills up, diverts or otherwise interferes with any drain constructed under Section 116, or under the provisions of any former Sanitary Boards Enactment, shall be liable to a fine of five hundred dollars, and the Court before which he is convicted may make an order requiring the owner of the holding to restore such drain to its former condition.

(ii) If such order be not complied with the Court may authorise the Chairman to carry out the order and to recover the expenses thereby incurred from the said owner.

ROUNDING CORNERS.

Notice to round off street corner.

120. (i) The Chairman may by notice in writing served upon the owner of the holding in which such corner is comprised require that any corner situated at the junction of two public streets be rounded off to the extent specified in such notice.

(ii) On receipt of such notice such owner may either undertake the work himself or require the Chairman to undertake it at the expense of the Government.

(iii) If the owner undertakes the work himself all expenditure incurred in the performance thereof shall be repaid to him.

121. When any corner has been rounded off in accordance with Section 120

Rounding off corner.

(a) all land formerly included in the holding which has by reason of such rounding off become part of the public streets shall be deemed to have been surrendered by the owner of such holding;

(b) a new document of title for such holding, containing in such manner as to preserve their respective priorities memorials of all then existing registered interests to which the land may be subject, shall on his application be prepared and issued free of all charges to the owner of such holding in the place of his existing document of title.

New title.

122. No notice shall be served under Section 120 if by reason of the consequent surrender of land such holding would thereby be rendered unsuitable for use as a building site.

When notice may not be issued.

OBSTRUCTIVE BUILDINGS.

123. If the Health Officer finds that any building within a Sanitary Board area, whether by itself unfit for habitation or not, is so situated by reason of its proximity to or contact with other buildings that it causes one of the following effects:

Representation by Health Officer.

(a) it stops or impedes ventilation or otherwise makes, or conduces to make, such other buildings, or any part thereof, to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) it prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of with respect to such other buildings;

the Health Officer may represent to the Board the particulars relating to such first mentioned building hereinafter referred to as an "obstructive building," stating that in his opinion it is expedient that the obstructive building or any part thereof should be demolished.

124. (i) The Board on receiving any such representation as is in Section 123 mentioned,

Board may recommend demolition.

(a) shall cause a report to be made to it respecting the circumstances of the building and the cost of demolishing the building or part thereof and acquiring the land;

(b) on receiving such report shall consider the same;

(c) if it is of opinion that the obstructive building should be demolished shall cause a copy of the representation and the report to be given to the owner of the holding on which the obstructive building stands, with notice of a time and place at which any objection will be heard and considered.

(ii) The owner of the holding may attend and state his objections in person or by authorised agent, and after hearing such objections the Board may either allow the same or may recommend to the

Rules in Council

Resident that such holding be acquired and such obstructive building be demolished.

Rules in Council
Resident may acquire.
Further hearing to be given.

Rules in Council
125. (i) The *Resident* on receipt of the recommendation of the Board may acquire such holding, provided that before taking any steps towards such acquisition he shall afford the owner of the holding an opportunity of being heard in person or by authorised agent in objection to such acquisition. At any such hearing the Chairman may attend and be heard on behalf of the Board.

(ii) The decision of the *Resident* on any such hearing shall be final.

Owner may retain land on demolition of building.

Rules in Council
126. (i) The owner of any holding which the *Resident* has decided to acquire in pursuance of Section 125 may within one month after notice of acquisition has been served upon him inform the *Resident* that he desires to retain such holding, and undertake either to demolish or to permit the demolition of the obstructive building or part thereof.

(ii) The owner may in such case be permitted to retain the holding and shall receive compensation for the demolition of the obstructive building or part thereof.

Site not to be built upon except as approved.

127. Where the owner retains the holding or any part thereof no building which will be an obstructive building within the meaning of Section 123 shall be erected upon such holding, and the Board shall not approve the plan of any building to be erected thereon which will be an obstructive building within the meaning of that section.

Apportioning of betterment.

128. (i) Where in the opinion of the Board the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in Section 123 the Board may, after service of notice upon the owners of such other buildings and after giving them an opportunity of being heard, apportion among such owners so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of such other buildings.

(ii) Any person aggrieved by an apportionment under this section may appeal to the *Resident*, whose decision shall be final.

(iii) Every sum apportioned under this section shall be recoverable in the same manner and by the same process as a rate.

BACK-LANES.

Application to Resident.

129. (i) Where a Sanitary Board is of opinion that a back-lane with approaches thereto, if necessary, of a width not exceeding twenty feet should be laid out through any lands such Board may apply to the *Resident* to order that such back-lane should be laid out.

(ii) Before making any such application to the *Resident* the Board shall give notice of its intention so to do to the owner of every holding which, or a part of which, would be required for the laying

out of such back-lane, or would be served by such back-lane, and shall appoint a time and place at which any objection will be heard and considered. The owner of such holding may attend and state his objections in person or by authorised agent.

Rules in Council
130. (i) On receipt of the application of the Board the *Resident* shall afford the owners of all holdings concerned an opportunity of being heard in person or by authorised agent in opposition to the application. At any such hearing the Chairman may attend and be heard on behalf of the Board.

(ii) If after such hearing the *Resident* orders a back-lane to be laid out the Chairman shall cause the boundaries of such back-lane to be surveyed and a plan to be made thereof.

Rules in Council
131. (i) The *Resident* shall acquire for the purpose of such back-lane

- (a) any holding lying wholly within such back-lane;
- (b) the whole of any holding lying partly within such back-lane where by reason of severance the remaining portion or portions of such holding would be rendered useless as a building site;
- (c) where by reason of severance one or more portions only of a holding are rendered useless as a building site, such portion or portions.

(ii) No compensation shall be allowed for severance on account of any acquisition under this section.

Rules in Council
132. (i) The *Resident* may by notification in the *Gazette* declare that the land comprised in the plan is required for a back-lane, and order that such back-lane be laid out and constructed.

(ii) Upon the publication of the notification such land shall be deemed to be surrendered to and shall vest in the Ruler of the State.

(iii) As soon as may be after the publication of such notification the Chairman shall send the plan together with a copy of such notification to the Collector of Land Revenue, and the Collector of Land Revenue and Registrar of Titles shall thereupon take such action as is prescribed in Section 109.

133. The Chairman shall cause any building or part of a building within such back-lane to be set back to the boundary thereof, and shall cause the back part of any building to be reconstructed to such extent and in such manner as may be approved by the *Resident*.

134. (i) When any back-lane is formed the owner of every holding abutting thereon shall provide to the satisfaction of the Chairman a means of access and egress to and from his holding to such back-lane for the purpose of removing night soil.

(ii) If any owner fails to provide the same within a reasonable time the Chairman may enter upon such holding and do whatever is necessary to provide the same, and the owner shall pay to the Chairman the cost and expenses thereof.

Land to be acquired for back-lane.

Declaration that land is required for back-lane.

Chairman to reconstruct buildings, etc. 14/39

Means of access to back-lane to be provided. 134 (i) New

134 A New 14/39

PART IX.

TOWN PLANNING.

Powers of Board.

135. Every Sanitary Board shall have power to prepare a general town plan in respect of the area for which it has been appointed or any part thereof.

Contents of general town plan.

136. (i) A general town plan (hereinafter referred to as a draft plan) may shew or make provision therein for

- (a) streets, railways and other main communications;
- (b) zones or districts set apart for use for residential, commercial, industrial, agricultural or other specified uses (hereinafter referred to as "zoning");
- (c) reserves for Government purposes;
- (d) parks, recreation grounds and similar open spaces.

(ii) The draft plan may consist of one or more plans drawn to such scale and reproduced in such manner as the Committee may determine.

Exhibition of draft.

137. A draft plan when prepared shall be open to public inspection for a period of three months. During such period the Board shall advertise once a week in a local newspaper and shall notify in each issue of the *Gazette* the place and hours at which such plan may be inspected.

Consideration of objections.

138. (i) Any person affected by the draft plan may within the said period of three months send to the Chairman a written statement of his objections to anything appearing in the draft plan.

(ii) Such written statement shall set out

- (a) the nature of and reasons for the objection;
- (b) if the objection would be removed by an alteration of the draft plan, any alteration proposed.

(iii) Any such written statement shall be considered at a meeting of the Board, of which the objector shall be advised, and the objector may attend and be heard in person or by advocate or by duly authorised agent or officer.

(iv) The Board may reject any objection in whole or in part or frame amendments of the draft plan to meet such objection. Notice of any amendment shall be served upon the registered proprietor of any land affected thereby.

(v) Any written objection to an amendment received within fourteen days after service of such notice upon the objector shall be considered at a meeting of the Board of which such objector and the objector (if any) upon whose objection such amendment was made shall be advised, and all the objectors may attend and be heard in person or by advocate or by a duly authorised agent or officer.

139. After consideration of all objections the Board shall submit the draft plan with or without amendments to the Resident for his approval. They shall submit therewith

- (a) a schedule of the objections (if any) made under Section 138 and not withdrawn;
- (b) a schedule of the amendments (if any) framed by the Board with a view to meeting such objections.

140. (i) Upon submission of a draft plan the Resident may

- (a) approve it;
 - (b) refuse to approve it;
 - (c) refer it to the Board for further consideration and amendment.
- (ii) The Resident may approve a draft plan notwithstanding that any requirements under the provisions of this Part applicable thereto have not been complied with.

(iii) A draft plan approved as aforesaid is hereinafter referred to as "an approved plan."

(iv) The Resident may by notification in the *Gazette* correct any omission from or error in any approved plan.

(v) On such approval being given the approved plan shall be printed and a copy shall be permanently exhibited for public inspection at the offices of the Board, and the fact of such approval and exhibition shall be notified in the *Gazette*.

(vi) The Board shall supply a copy of the approved plan to any person on payment of such fee as the Board may determine.

141. If the Resident refuses to approve a draft plan such refusal shall be notified in the *Gazette*, but any such refusal shall be without prejudice to the preparation of a new draft plan and the submission of the same.

142. (i) Copies of the approved plan certified by the Chairman shall be deposited with the Collector of Land Revenue and the Registrar of Titles, and each such officer shall forthwith make an endorsement on the document of title registered in his office to the holding affected by the approved plan to the effect that such holding is subject to the conditions of the approved plan.

(ii) The Collector or Registrar may, if he shall think fit, by notice in the prescribed form require any person in possession of an issue copy of a document of title to deliver the same to him for similar endorsement, and such person shall be legally bound to deliver the same within fourteen days from the service of such notice.

143. (i) Whenever it appears to the Board that any land is in process of development the Board may prepare a lay out shewing the streets, back lanes and open spaces which it deems necessary to secure proper

F.M.S.—VOL. III. & any of the things for which provision may be made under section 136 (i)

Submission of draft plan to Resident.

Powers of Resident.

Refusal to approve plan.

Deposit of copies of plan.

Plan of lay out of local area.

sanitary conditions, amenity and convenience in connection with the laying out and the use of such land and of any neighbouring lands.

(ii) The provisions of Sections 137 to 141, both inclusive, shall apply to the preparation of such lay out.

(iii) When any such lay out has been approved it shall become part of the general town plan and a copy shall be deposited and endorsement made as provided in Section 142.

(iv)

144. (i) The Resident may by notification in the Gazette

(a) amend an approved plan in whole or in part by the alteration or deletion of any provision or matter therein appearing or the addition of any provision thereto: provided that before any approved plan is so amended a Schedule of the proposed amendments shall be exhibited in the manner prescribed in Section 137 and objections thereto may be made and considered as provided in Section 138;

(b) revoke in whole or in part an approved plan by the approval of any subsequent draft plan prepared and submitted in accordance with this Enactment.

(ii) Any amendment to an approved plan shall be permanently exhibited in the manner provided by Section 140, and a copy thereof shall be deposited and endorsement made as provided in Section 142.

145. The Board may refuse to approve the plan of any new building or of any new private street submitted under Part VII of this Enactment, unless such plan is in conformity with the approved plan.

146. (i) Whenever the plan of a new building submitted under Part VII of this Enactment has been approved and any part of the holding upon which such building is to be erected is affected (otherwise than by zoning) by an approved plan the Chairman shall inform the Collector of Land Revenue who shall cause the boundaries of any street, railway, back-lane or open space shewn in the approved plan, so far as such boundaries lie within the holding of the person whose plan has been approved, to be surveyed and demarcated by such boundary marks as he considers sufficient to denote the said boundaries.

(ii) The cost of such survey shall be borne by the Government.

147. (i) Subject to the provisions of Parts VII and VIII of this Enactment where the provision shown or made in an approved town plan for any of the purposes specified in paragraphs (a), (c) and (d) of Section 136 (i) extends to the inclusion therein of any alienated land compensation shall be paid for the acquisition of so much of such land as is so included: provided that nothing herein contained shall be deemed to require the Resident to acquire any such land until the same is required for the carrying out of the approved plan or until the registered proprietor thereof shall have submitted a plan under

Part VII of this Enactment and approval thereof shall have been refused under Section 145.

(ii) Nothing in this section contained shall apply to any such lay out as is referred to in Section 143.

148. No compensation shall be paid to the proprietor or any person interested in any holding on account of any zoning in an approved plan affecting such holding. No compensation for zoning.

149. No sub-division of alienated land within a Sanitary Board area shall be registered in a Land Office or Registry of Titles unless such sub-division be approved in writing by the Chairman, provided that such approval shall not be unreasonably withheld. Any person aggrieved by the withholding of such approval may appeal to the Resident whose decision shall be final. Control of sub-division.

PART X.

EXTENDED APPLICATION OF ENACTMENT.

150. (i) The Resident of a State, with the approval of the Chief Secretary, may from time to time by notification in the Gazette apply, with such modifications as to him shall seem fit, any of the provisions of this Enactment or any by-law made thereunder to any area situate in the State whereof he is Resident which is not comprised in whole or in part within any Sanitary Board area, and thereupon all such provisions of this Enactment and all such by-laws made thereunder as are specified in such notification shall, subject to such modifications as aforesaid, come into force within the area to which the same have been applied. Application of Enactment to areas not being Sanitary Board areas.

(ii) Where under sub-section (i) any of the provisions of this Enactment or any by-law made thereunder shall have been applied to any area, the Resident of the State, with the approval of the Chief Secretary, may by notification in the Gazette appoint any person or persons, either by name or office, to exercise and perform within such area all or any of the powers and duties which are by this Enactment or by any by-law made thereunder conferred or imposed on a Sanitary Board or on any of its officers.

PART XI.

COLLECTION OF RATES BY INSTALMENTS.

151. (i) At any time during the continuance of this Part, the High Commissioner may from time to time by notification in the Gazette order that the operation of this Part be suspended and thereupon, subject to the provisions of sub-section (ii), the operation of this Part shall be suspended as from the end of the year in which such order is made. Provision for suspension of this Part.

(ii) At any time after the publication of an order of suspension of the operation of this Part under sub-section (i), the High Commissioner may by further notification in the *Gazette* order that this Part be again brought into operation with effect either from the first day of January of the year in which such order is made or from the first day of January next following, and thereupon the provisions of this Part shall have full force and effect from such date as aforesaid.

Interpretation.
15 of 1933.

152. In this Part unless the context otherwise requires the word "rates" means all or any of the rates imposed by the Resident under Sections 25 and 26, and includes any other rates which are lawfully recoverable under the provisions of Part IV of this Enactment.

Resident may authorise payment of rates by instalments.
15 of 1933.

153. (i) The Resident may from time to time by writing under his hand authorise the Chairman of any Sanitary Board, either generally or in any particular case, to accept payment of rates by instalments.

(ii) Any authorisation by the Resident under sub-section (i) may be subject to such modifications and limitations as to the Resident may seem fit and in particular may be limited to holdings the annual or unimproved or improved value whereof exceeds a certain sum and to holdings in one or more particular Sanitary Board areas.

(iii) All sums received by the Chairman as instalments under an authorisation under this section shall be credited to revenue.

Sale of property where rates have been paid in part.
15 of 1933.

154. Nothing in this Part shall be deemed to limit the powers of the Chairman as to the collection of rates under Part IV of this Enactment and any balance of rates remaining unpaid on any date shall subject to the provisions of Section 46 be deemed to be an arrear notwithstanding the prior payment by instalments of any portion of such rates, but the amount stated to be due in any notice under Section 46 or in any warrant of attachment under Sections 47 or 50 or in any notice of sale in pursuance thereof shall be the balance due after deducting from the rates due for the current year or half year or any preceding year or half year the sum or sums which have been paid by the defaulter or on his behalf by way of instalments, to which balance shall be added any costs and expenses which may be due.

Rates remaining unpaid on date of suspension of this Part.
15 of 1933.

155. Any balance of rates remaining unpaid at the end of any year as from the end of which the operation of this Part is suspended under the provisions of sub-section (i) of Section 151 may be thereafter recovered in the manner provided by Part IV as varied by Section 151, as if the operation of this Part had not been suspended.

Instalments paid not to be refunded.
15 of 1933.

156. When, in order to the recovery of any balance of rates on which instalments have been paid, any land or movable property is sold by auction under Part IV as modified by this Part, no instalments so paid shall be refunded.

157. In the event of any conflict between the provisions of this Part and the provisions of any other part of this Enactment the provisions of this Part shall prevail.

Provisions of this Part to prevail against any other part of the Enactment.
15 of 1933.

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Temporary provision.

THE SCHEDULE.

FORMS.

FORM A.

"The Sanitary Boards Enactment," Section 46.

— SANITARY BOARD AREA.

NOTICE OF DEMAND.

To

No.

And 1/36

Take notice, you are hereby required to pay at the rates due by you for the period amounting to \$ together with 50 cents for the cost of this notice within 15 days from the date of the service hereof on you; in default of payment within the period specified, the amount of the arrears due, together with the costs of process, will be recovered under the powers contained in the Sanitary Boards Enactment.

Dated at this day of 19

* Current assessment for *Holdings separately valued*
Arrears for \$
Notice fee \$

Total ... \$

Chairman
Secretary, Sanitary Board,

* The documents of title should be stated in each case.

(ii) At any time after the publication of an order of suspension of the operation of this Part under sub-section (i), the High Commissioner may by further notification in the *Gazette* order that this Part be again brought into operation with effect either from the first day of January of the year in which such order is made or from the first day of January

S.152 &
153(11)

0.40/54.

Board in the case of a Board in respect of which a declaration has been made under sub-section (1) of section 12A and in any other case the

Interpretation.
15 of 1933

S.153(1)

0.40/54.

The Board in the case of a Board in respect of which a declaration has been made under sub-section (1) of section 12A and in any other case the Ruler in Council may from time to time authorise in writing

Resident authorities payment rates by instalment
15 of 1933

(iii) All sums received by the Chairman as instalments under an authorisation under this section shall be credited to revenue.

Sale of property where rates have been paid in part.
15 of 1933.

[154. Nothing in this Part shall be deemed to limit the powers of the Chairman as to the collection of rates under Part IV of this Enactment and any balance of rates remaining unpaid on any date shall subject to the provisions of Section 46 be deemed to be an arrear notwithstanding the prior payment by instalments of any portion of such rates, but the amount stated to be due in any notice under Section 46 or in any warrant of attachment under Sections 47 or 50 or in any notice of sale in pursuance thereof shall be the balance due after deducting from the rates due for the current year or half year or any preceding year or half year the sum or sums which have been paid by the defaulter or on his behalf by way of instalments, to which balance shall be added any costs and expenses which may be due.

Rates remaining unpaid on date of suspension of this Part.
15 of 1933.

[155. Any balance of rates remaining unpaid at the end of any year as from the end of which the operation of this Part is suspended under the provisions of sub-section (i) of Section 151 may be thereafter recovered in the manner provided by Part IV as varied by Section 151, as if the operation of this Part had not been suspended.

Instalments paid not to be refunded.
15 of 1933.

[156. When, in order to the recovery of any balance of rates on which instalments have been paid, any land or movable property is sold by auction under Part IV as modified by this Part, no instalments so paid shall be refunded.

157. In the event of any conflict between the provisions of this Part and the provisions of any other part of this Enactment the provisions of this Part shall prevail.

Provisions of this Part to prevail against any other part of the Enactment.
15 of 1933.

PART XII.

SUPPLEMENTARY.

158. Until such time as an assessment list shall have been prepared by the Board in accordance with Part IV of this Enactment the lists furnished to the Board by the Valuer-General under the provisions of the Valuation of Land Enactment, shall, notwithstanding the repeal of that Enactment, be the basis of the rates to be levied in respect of any land contained in such lists, and the rates imposed under this Enactment shall until such time as aforesaid be assessed in accordance with the said lists and shall be paid and may be recovered in accordance with the provisions of Part IV hereof.

Temporary provision.

THE SCHEDULE.

FORMS.

FORM A.

"The Sanitary Boards Enactment," Section 46.

SANITARY BOARD AREA.

NOTICE OF DEMAND.

To

No.

And 1/36

Take notice, you are hereby required to pay at the rates due by you for the period amounting to \$ together with 50 cents for the cost of this notice within 15 days from the date of the service hereof on you; in default of payment within the period specified, the amount of the arrears due, together with the costs of process, will be recovered under the powers contained in the Sanitary Boards Enactment.

Dated at this day of 19

* Current assessment for	<i>Holdings separately valued</i>	\$
Arrears for	<i>Holdings jointly valued</i>	\$
Notice fee		\$
Total		\$

Chairman,
Secretary, Sanitary Board,

* The documents of title should be stated in each case.

FORM B.

"The Sanitary Boards Enactment," Section 47.

— SANITARY BOARD AREA.

WARRANT OF ATTACHMENT.

To
Whereas by a notice of demand served (or published) on the
day of 19 , was required to pay at the sum
of \$ (being arrears and costs recoverable under the Sanitary
Boards Enactment) as noted in the margin and whereas the said sum
of \$ has not been paid:

Current assessment for 19	...		
Arrears for years, viz., 19	...		
to 19	...		
Notice fee	...		
Attachment fee	...		
Costs	...		
Total	...		

These are to command
you to attach the movable
property of the said
wherever the same may be
found within the said
Sanitary Board area and
also any movable property
to whomsoever belonging
which may be found upon

the holding (here describe holding) and unless the said sum of \$
together with \$, the costs of this attachment, be paid, to hold the
same until further orders.

You are further commanded to return this warrant on or before the
day of 19 , with an endorsement certifying the date and
manner in which it has been executed or why it has not been executed.

Given under my hand this day of 19 .

Chairman, Sanitary Board.

FORM C.

"The Sanitary Boards Enactment," Section 47.

— SANITARY BOARD AREA.

INVENTORY AND NOTICE.

To of

(State particulars of goods attached.)

Current assessment for 19	...		
Arrears for years, viz., 19	...		
to 19	...		
Notice fee	...		
Attachment fee	...		
Costs	...		
Total	...		

Take notice that I have
this day attached the pro-
perty specified in the above
inventory for the sum of
\$ due for the rates
(or fees) (or rates and fees)
specified in the margin,
and that unless you pay
into the office of the

Sanitary Board the amount due together with the costs of this attach-
ment within seven days after the date of this notice the property will
be sold.

Date

(Signature)

FORM D.

"The Sanitary Boards Enactment," Section 57.

— SANITARY BOARD AREA.

NOTICE OF TRANSFER OF RATEABLE HOLDING.

To the Chairman,
Sanitary Board.

I, A. B., of hereby give notice as required by Section 57 of
the Sanitary Boards Enactment of the following transfer:

Title to holding.	Description and situation of holding.	Name of transferor.	Name of transferee.	Number or symbol of instrument.	Date of registration of instrument.	Remarks.

Dated this day of 19 . (Signature)

FORM E.

"The Sanitary Boards Enactment," Section 57.

— SANITARY BOARD AREA.

NOTICE OF TRANSMISSION (AND TRANSFER) OF RATEABLE HOLDING.

To the Chairman,
Sanitary Board.

I, A. B., of hereby give notice as required by Section 57 of
the Sanitary Boards Enactment of the following transmission (and
transfer):

Title to holding.	Description and situation of holding.	Name of owner prior to transmission.	Name of present owner.	Number or symbol of instrument(s).	Date of registration of instrument(s).	Remarks.

Dated this day of 19 . (Signature)

FORM E.

46/36

New 46/36

E. 1

FORM F.

"The Sanitary Boards Enactment," Section 79.

SANITARY BOARD AREA.

NOTICE REQUIRING ABATEMENT OF NUISANCE.

To (person causing the nuisance, or owner or occupier of the holding on which the nuisance exists, as the case may be).

Take notice that under the provisions of the Sanitary Boards Enactment, the Chairman of the Sanitary Board being satisfied of the existence at (describe holding where the nuisance exists) of a nuisance being (describe the nuisance, for instance, holding in such a state as to be a nuisance or injurious to health, or, for further instance, a ditch or drain so foul as to be a nuisance or injurious to health) hereby requires you within (specify the time) from the service of this notice to abate the same and to execute such works and do such things as may be necessary for that purpose or and for that purpose to (specify any works to be executed), and the said Chairman hereby requires you to do what is necessary for preventing the recurrence of the nuisance [and for that purpose to, etc.]

(Where the nuisance has been abated but is likely to recur say) The said Chairman being satisfied that at, etc., there existed recently, to wit, on or about the day of the following nuisance, namely (describe the nuisance) and that although the said nuisance has since the last-mentioned day been abated the same is likely to recur on the said holding hereby requires you within (specify time) to do what is necessary for preventing the recurrence of the nuisance (and for that purpose, etc.).

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance before a Magistrate to answer a complaint which will be made for the purpose of enforcing the abatement of the nuisance, or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of , 19 .

Signature of Chairman .

FORM G.

SUMMONS.

(On Charge under Section 80.)

To A. B., of (or to the owner or occupier of) (describe holding) situated (insert such description of the situation as may be sufficient to identify the holding).

Whereas your attendance is necessary to answer to a charge that on a certain holding situated at No. in street (or insert any

other such description or reference as may be sufficient to identify the holding), within the limits of the Sanitary Board of the following nuisance exists (describe the nuisance and add where the person causing the nuisance is summoned), and that the said nuisance is caused by the act, default or sufferance of you, A. B.

(Where the nuisance is discontinued, but is likely to be repeated, say) to answer the complaint, etc., that at, etc., there existed recently, to wit, on or about the day of the following nuisance (describe the nuisance and add, where the person causing the nuisance is summoned, and that the said nuisance was caused, etc.), and although the said nuisance has since the said last-mentioned day been abated or discontinued, that the same or the like nuisance is likely to recur on the said holding.

You are hereby required to appear on the day of at the hour of forenoon in person (or by advocate as the case may be) before the Court at (here describe the situation of the Court-house).

Dated this day of , 19 .

(Signature)
Magistrate.

[Seal.]

FORM H.

NUISANCE ORDER.

To A. B., of (or to the owner or occupier of) (describe holding) situated (insert such description of the situation as may be sufficient to identify the holding).

Whereas the said A. B. (or the owner or occupier of the said holding within the meaning of the Sanitary Boards Enactment) has this day appeared before me to answer the matter of a complaint made by, etc., that at, etc. (follow the words of complaint in summons) (or in case the party charged does not appear, say),

Whereas it has been now proved to my satisfaction that a summons has been duly served according to the Sanitary Boards Enactment, requiring the said A. B. (or the owner or occupier of the said holding) to appear this day before me to answer the matter of a complaint made by, etc., that at, etc.:

(Any of the following orders may be made or a combination of any of them as the case seems to require):

ABATEMENT ORDER.

Now on proof here had before me that the nuisance so complained of does exist on the said holding (add, where the order is made on the person causing the nuisance, and that the same is caused by the act, default, or sufferance of A. B.), I in pursuance of the Sanitary Boards Enactment do order the said A. B. (or the said owner or occupier) within (specify the time) from the service of this order according to the

said Enactment (*here specify the nuisance to be abated, as, for instance, to prevent the premises being a nuisance or injurious to health, or, for further instance, to prevent the ditch or drain being a nuisance or injurious to health*) and (*state any works to be executed, as, for instance, to white-wash and disinfect the premises, or, for further instance, to clean out the ditch*).

PROHIBITION ORDER No. 1.

And I being satisfied that, notwithstanding the said nuisance may be temporarily abated under this order, the same is likely to recur, do therefore prohibit the said A. B. (or the said owner or occupier) from allowing the recurrence of the said or a like nuisance, and for that purpose I direct the said A. B. (or the said owner or occupier) (*here specify any works to be executed, as for instance, to fill up the ditch*).

PROHIBITION ORDER No. 2.

Now, on proof here had before me that at or recently before the time of making the said complaint, to wit, on the nuisance so complained of did exist on the said holding, but that the same has since been abated (*add, where the order is made on the person causing the nuisance, and that the nuisance was caused by the act, default, or sufferance of A. B.*), yet, notwithstanding such abatement, I being satisfied that it is likely that the same or the like nuisance will recur on the said holding, do therefore prohibit the said A. B. (or the said owner or occupier) from allowing the recurrence of the said or a like nuisance, and for that purpose I direct the said A. B. (or the said owner or occupier) (*here specify any works to be executed, as for instance, to fill up the ditch*).

CLOSING ORDER.

Now, on proof here had before me that by reason of the nuisance the dwelling-house (*describe the house*) situated at (*insert such a description of the situation as may be sufficient to identify the dwelling-house*) is unfit in my judgment for human habitation, I in pursuance of the Sanitary Boards Enactment do hereby prohibit the use of the said dwelling-house for human habitation.

Given under my hand and the seal of the Court, this
day of , 19 .

(Signature)

,
Magistrate.