

Cap. 133

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prohibited by section 213 or the irrigation of land in any specific manner in any area within the Municipality is a nuisance, they may prohibit such method of cultivation, the use of storing or method of preparing or dealing with such manure or such manner of irrigation within such area or may regulate it by imposing such conditions thereon as may prevent the nuisance.

Notice.

(2) Notice of such prohibition or conditions shall be published in the *Gazette* and copies of such notice in Malay, Chinese and Tamil shall be posted at such places within the area as are sufficient to affect the occupiers with notice of such prohibition or conditions; provided that the absence of such posting or the failure to prove the same shall not constitute a defence.

Penalty.

(3) The owner and occupier of any land upon which any method of cultivation, any kind of manure or any manner of irrigation is used in disregard of any such prohibition or conditions shall both be liable to a fine not exceeding fifty dollars and to a further fine of twenty-five dollars for every day during which the offence is continued and on a second conviction to like fines or to imprisonment of either description for a term which may extend to six months.

Latrines, etc.

Latrines.

215.—(1) The Commissioners shall provide and maintain in proper and convenient situations so as not to create a nuisance, common water-closets, latrines and urinals and shall cause the same to be kept in proper order and to be daily cleansed.

Licences.

(2) The Commissioners may license latrines for public use for such periods and on payment of such fees as they think fit.

Privies.

216.—(1) If the Commissioners are of opinion that any water-closets, privy, privies or additional water-closets, privy or privies are necessary to be attached to or provided for any house, building or land, they may by notice in writing require the owner thereof within fourteen days after notice to construct such water-closets, privy or privies as they think fit.

Power to require privies, etc., to be constructed.

(2) The Commissioners may by notice in writing require any person employing workmen, labourers or other persons exceeding twenty in number in any one

Repair of private streets.

in sub-section of section 211

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place to construct, within fourteen days from such notice such water-closets, privies and urinals as to them seem fit.

(3) If any notice given under subsection (1) or (2) is not complied with, the person to whom it is addressed shall be liable to a fine not exceeding twenty dollars and to a fine not exceeding ten dollars for every day during which such notice is not complied with, and a Police Court may, on the application of the Commissioners, make a mandatory order, requiring such person to construct such water-closet or water-closets, privy or privies, latrine or latrines as the Court thinks fit.

Penalty.

217.—(1) Every person shall cause every water-closet, privy, latrine or urinal on the premises in his occupation to be kept clean and to be emptied and cleansed as often and in such manner as is prescribed by the Commissioners.

Privies to be kept clean.

(2) Any person who neglects to keep any such water-closet, urinal, privy or latrine in his occupation clean or to cause the same to be emptied and cleansed as prescribed shall be liable to a fine not exceeding five dollars for the first offence and ten dollars for each subsequent offence, and the water-closet, urinal, privy or latrine shall be deemed to be a nuisance liable to be dealt with summarily under this Ordinance.

Penalty.

218.—(1) The owner or occupier of any house, building or land having a privy, latrine, urinal, water-closet or bath on his premises shall have such privy, latrine, urinal, water-closet or bath shut out by a sufficient roof, wall or fence from the view of persons passing by or residing in the neighbourhood.

Neglecting to enclose private privy.

(2) No owner or occupier shall keep any privy or latrine open or with a door or trap-door opening on any street.

(3) Any owner or occupier who omits to comply with or commits any breach of any of the provisions of this section shall be liable to a fine not exceeding five dollars a day for each day of default or breach.

Penalty.

(4) The Commissioners may in their discretion permit the continuance for such time as they think fit of any such privy or latrine open or with a door or trap-door opening on to any street where such privy or latrine already exists and does not create a nuisance.

Proviso.

Repair of
private
sewers.

Drains, etc.,
to be kept in
order at cost
of owners.

If owners
neglect to
keep drains,
etc., in good
order Police
Court may
cause the
same to be
done at
owner's
expense.

In each section
of section 27.

Regular
of street
may be

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Commis-
sioners in
certain ca-
ses may take
possession
land with
regular

Commis-
sioners may
take posses-
sion of land
not built

Penalty for
persons mak-
ing or alter-
ing drains,
etc., contrary
to the provi-
sions of the
Ordinance.

219.—(1) All sewers, drains, privies, cesspools, septic or other tanks, latrines, urinals, water-closets, sinks, baths or lavatories or any appurtenances thereof, shall be altered, repaired and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong or for the use of which they are maintained.

(2) If the owner of any land or building to which any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof belongs neglects after notice in writing for that purpose to alter, repair or put the same in good order in the manner required by the Commissioners, and within the time specified in the notice, a Police Court may, on the application of the Commissioners, make a mandatory order, requiring him to alter, repair and put the same in good order as required by the Commissioners.

(4) (3) Any person who—

- (a) has constructed any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof, contrary to this Ordinance or any by-laws made thereunder or contrary to the Ordinance or by-laws in force at the time of its construction; or
- (b) without the consent of the Commissioners constructs any new sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof; or
- (c) constructs, re-builds or unstops any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof, which has been ordered by the Commissioners to be demolished or stopped up or not to be made;

shall be liable to a fine not exceeding fifty dollars.

Commis-
sioners may
take over,
etc.

(5) (4) (a) The Commissioners may in their discretion resolve to take over the control, supervision, maintenance and repair of private septic tanks or other sewage purification plants to such extent as they may by by-law provide

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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 same manner as taxes under this Ordinance.

(c) The Commissioners may make by-laws prescribing the extent to which they shall take over such control, supervision, maintenance and repair and for the regulation thereof and prescribing the fees to be charged.

[Subsection added by Ordinance 11 of 1932, S. 20.]

220.--(1) The President or any officer appointed by him for that purpose may inspect any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof within the Municipality, and for that purpose at any time may enter upon any lands and buildings with such assistants and workmen as are necessary and cause the ground to be opened where such President or officer thinks fit, doing as little damage as may be.

Inspection of
drains and
privies.

(2) If upon such inspection it appears that the sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof is not in good order and condition or that it has been constructed contrary to this Ordinance or any by-laws made thereunder or contrary to the Ordinance or by-laws in force at the time of its construction, the expenses of such inspection shall be paid by the person to whom such sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof belongs and shall be recoverable as hereinafter provided.

§ 11. power of
"drains and
privies."

(3) If such sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof is found to be in proper order and condition and not to have been constructed in violation of such provisions as aforesaid, the ground shall be closed and made good as soon as may be, and the expenses of the opening,

closing and making good such sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof shall in that case be defrayed by the Commissioners.

(4) No entry shall be made under this section into any dwelling house in actual occupation unless with the consent of the occupier without six hours' previous notice to such occupier.

Pollution of Streams.

Committing nuisance in streams.

221. Any person, who commits a nuisance or deposits any filth in any stream, channel or water-course or upon the bank of any stream, channel or water-course within the municipal limits shall be liable to a fine not exceeding ten dollars.

Pollution of streams with trade refuse, etc.

222. Any person who within the limits of a Municipality—

- (a) puts or causes to be put or to fall or flow or knowingly permits to be put or to fall or to flow or to be carried into any stream, so as either singly or in combination with other acts of the same or any other person to interfere with its due flow or to pollute its waters, the solid or liquid refuse of any manufactory, manufacturing process or quarry or any rubbish or cinders or any other waste or any putrid matter; or
- (b) causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter; or
- (c) uses for the purposes of carrying on therein the trade of dhoby or washerman any stream, ditch, water-course, pool, pond or tank which the Commissioners have prohibited from being so used;

shall be deemed to be guilty of causing a nuisance liable to be dealt with summarily under this Ordinance.

Removal of Night-soil, etc., from Private Premises.

Penalty on occupier of house not removing the filth.

223.—(1) Any occupier of any house or premises who keeps or allows to be kept for more than forty-eight hours, or otherwise than in some proper receptacle, so as to be a nuisance to his neighbours, any dirt, dung, bones, ashes, night soil, filth or any noxious or

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offensive matter in any part of such premises or house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable to a fine not exceeding twenty-five dollars and to a fine not exceeding five dollars for every day during which the offence is continued.

(2) The cause of the nuisance may be removed by the Commissioners who may recover the expenses thereby incurred from the occupier or owner of the house or premises *in the manner and etc.*

224.—(1) The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles wherein dust, dirt, ashes and rubbish may be temporarily deposited to be provided and placed in proper and convenient situations, or carts to go round at stated hours to receive the same.

Dust-boxes
in streets.

(2) Any person who after such receptacles or carts have been provided deposits or causes or permits to be deposited any such matter in any street except in such receptacles or carts shall be liable to a fine not exceeding ten dollars.

Penalty.

(3) No dung or trade or garden or stable refuse shall be deposited in any such receptacle or cart as aforesaid.

Dung, etc.,
not to be
put into
dust-boxes.

(4) Any person who deposits or causes or permits to be deposited any dung or trade or garden or stable refuse in any such receptacle or cart as aforesaid shall be liable to a fine not exceeding ten dollars.

Penalty.

(5) The Commissioners may also, at any time, apply to all houses, lands, buildings and other erections within such area or areas as are from time to time defined by them for this purpose any system which they think fit for the collection and removal of dust, dirt, ashes, refuse, offal and all other rubbish from such houses, lands, buildings and other erections; and may make regulations for—

Application
of systems
for removal
of dust, etc.

- (a) the provision of suitable receptacles for the reception of such dust, dirt, ashes and other things from private premises;
- (b) the removal of such dust, dirt, ashes and other things from such premises by the servants of the Commissioners;

(c) prescribing the fees to be charged in respect of such removal, such fees to be payable by the occupier of the premises in respect of which they are due and to be recoverable in the same manner as municipal taxes are recoverable under this Ordinance;

(d) any other purpose which in the opinion of the Commissioners is necessary for the better carrying into effect of this section.

Offences.

(6) Any person shall be guilty of an offence under this Ordinance who within any area in which any such system as in subsection (5) mentioned has been applied—

(a) disposes of any dust, dirt, ashes, refuse, offal or rubbish otherwise than in accordance with the regulations in force for the carrying out of such system; or

(b) commits any breach of any such regulations.

Proviso.

(7) Before any such system is applied to any area under this section one month's previous notice thereof shall be served on the occupier of every house or other building within the area to which such system is to be applied.

Scavenging of private premises.

225.—(1) Notice may be given by the Commissioners to any person carrying on a trade, manufacture or business or occupying any stable, cattle-shed or place for keeping sheep, goats, swine or poultry within the municipal limits, requiring the periodical removal of trade or stable refuse.

Penalty.

(2) Any person to whom such notice is given and who fails to comply with it shall be liable without further notice to a fine not exceeding ten dollars for each day during which such non-compliance continues.

Commissioners may contract for removal.

(3) The Commissioners may contract with any person for removing any dung, urine, trade, stable or garden refuse from his premises upon such terms and conditions and for such periods as the Commissioners think fit.

(4) The amount due by any contracting person to the Commissioners may be recovered as though it were a tax leviable under this Ordinance.

How disputes to be dealt with.

(5) If any dispute or difference of opinion arises between the person to whom such a notice as is mentioned in subsection (1) has been given and the Commissioners

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as to what is to be considered as trade or stable refuse, a Police Court on complaint made by either party may by order determine whether the subject matter in dispute is or is not trade or stable refuse, as the case may be, and the decision of such Court shall be final.

226.—(1) The Commissioners may fix the hours within which only it shall be lawful to collect and remove any night-soil, decaying fish, decaying rice or other such offensive matter and, when so fixed, shall give notice thereof in the *Gazette* and one local newspaper in the Municipality.

Removal of
night-soil.

(2) Any person who—

Penalties.

- (a) removes or causes to be removed along any street any such offensive matter at any time except within the hours so fixed; or
- (b) at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom; or
- (c) stops or spills any such offensive matter in the removal thereof; or
- (d) does not carefully sweep and clean every place in which any such offensive matter has been stopped or spilled; or
- (e) places or sets down in any public place any vessel containing such offensive matter; or
- (f) removes any offensive matter in any cart from any place other than the places provided for the deposit of night-soil or other offensive matter; or
- (g) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid through or by any street or route other than such as is appointed for that purpose by the Commissioners by notice in the *Gazette* as aforesaid;

shall be liable to a fine not exceeding twenty-five dollars.

(3) Any person found committing an offence under this section may be arrested without warrant.

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Place of
deposit for
filth.

227.—(1) The Commissioners shall provide places convenient for the deposit of night-soil, dung and other filth and the dust, dirt, ashes and rubbish and filth collected and removed under the authority of this Ordinance.

(2) No such dust, dirt, ashes, rubbish, night-soil, dung and other filth collected and removed under the authority of this Ordinance shall be deposited in any place so as to become a public nuisance.

All rubbish,
etc., collected
to be the
property of
Commis-
sioners.

228.—(1) All dirt, dust, ashes, rubbish, sewage, soil, dung, filth, and trade, garden and stable refuse collected by the servants or contractors of the Commissioners from streets, houses, privies, sewers and cesspools shall be the property of the Commissioners who may sell or dispose of the same as they think proper.

(2) The money arising therefrom shall be paid to the credit of the Municipal Fund.

Removal of Sewage.

229. The Commissioners may at any time apply any system of sewage removal to such houses, lands, buildings and tenements as are within such area or areas as are defined by them for that purpose.

230.—(1) For the purpose of the removal of night soil in any area, the Commissioners may make regulations for— [Amended by Ordinance 8 of 1927, S. 13.]

- (a) the reconstruction and re-arrangement of latrines within such area;
- (b) the entry into all houses and buildings within such area daily at proper times by the agents and servants of the Commissioners for the purpose of collecting and removing night-soil;
- (c) the supply of pails and other utensils for the reception and removal of such night-soil and recovering the cost of supplying, renewing and repairing such pails and other utensils;
- (d) the safe custody, preservation and proper use of such pails and utensils by the inhabitants of the houses within such area.

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(2) In lieu of a rate for removal of night-soil the Commissioners may, where no such rate exists, charge fees for the same.

Fee may be charged instead of rate. *and 23/70 25*

(3) The fees charged for the removal of night-soil shall be such fees as are prescribed by the Commissioners.

Scale of fees. *and 23/70 25*

(4) Such fees shall be payable by the occupier of the premises from which the night-soil is removed and may be recovered in the same manner as taxes are recoverable under this Ordinance.

Occupiers of the houses etc. and 23/70 25

231. Any person who within any area to which such system has been applied—

Offences. *and 23/70 25*

(a) disposes of any night-soil otherwise than in accordance with the regulations without the consent of the Commissioners; or

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(b) commits any breach of the regulations;

shall be guilty of an offence under this Ordinance:

Provided always that at least one month before the application of any system of sewage removal to any area under this Ordinance, notice thereof shall be served at every dwelling-house within the area either by delivery of such notice to an inmate of such house or by affixing the same to some part of the premises and such notice shall be published in the Gazette.

for the collection etc. inspected thereby and 23/70 25

232.—(1) Any servant of the Commissioners employed under a contract for any period not less than a month to remove or otherwise deal with night-soil or other offensive matter who without the permission of the Commissioners withdraws from his duties shall, unless he has given notice not less than one month previously of his intention so to withdraw, be punished with imprisonment for a term which may extend to three months or with fine not exceeding fifty dollars and shall forfeit any wages due to him.

Penalty for certain servants of Commissioners withdrawing from work.

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(2) For the purposes of this section a servant of a contractor who is employed by the Commissioners shall be deemed to be a servant of the Commissioners.

Interpretation.

Insanitary Premises.

233.—(1) Any owner, occupier or tenant of any house, building or land, whether tenantable or otherwise, who suffers the same or any part thereof to be in a filthy and unwholesome state or overgrown with

Filthy houses, etc.

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Report of
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Regular time

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certain cases
may take
possession of
land within
regular line.

Commi-
sioners may
take possession
of land within
regular line.

Power to
enter and
cleanse
houses and
buildings.

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etc
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Penalty.

the time specified

Previous
notice to be
given in
some cases.

Destruction
of rats and
mice.

Penalty.

rank or noisome vegetation, shall be liable to a fine not exceeding ~~twenty-five~~ ^{five} dollars and to a fine not exceeding ~~five~~ ^{five} dollars for every day after conviction for such offence during which the offence is continued.

(2) Such house, building or land shall be deemed to be a nuisance liable to be summarily dealt with under this Ordinance.

234.—(1) The President or Health Officer may, at any time between sunrise and sunset by himself or by any municipal officer generally authorized by the President in that behalf in writing, enter into and inspect all houses and buildings and by an order in writing direct the occupier to cause all or any part to be ~~forthwith~~ internally and externally limewashed or otherwise cleansed for sanitary reasons and, if necessary, disinfected and all dirt or rubbish removed or collected and burnt on the premises.

(2) In the case of common lodging-houses, such entry and inspection may be made at any time of the day or night.

(3) If such order is not complied with within ~~three~~ ^{three} days, the occupier shall be liable to a fine not exceeding ~~twenty~~ ^{twenty} dollars and to a further fine not exceeding ~~five~~ ^{five} dollars for each day after conviction until the order is complied with.

(4) No entry shall be made under this section into any dwelling-house in actual occupation, not being a common lodging-house or jinrikisha depôt, unless with the consent of the occupier, without six hours' previous notice to such occupier.

235.—(1) When the Health Officer is of opinion that any premises are so infested with rats, mice or other vermin as to be a danger to the health of the persons in the house or of the community, he may serve notice on the owner or occupier of such premises, calling upon him to take such measures as the Commissioners consider necessary for the destruction of such rats, mice or other vermin and for the removal of their breeding places and for preventing their reappearance.

(2) Any owner or occupier who does not comply with such notice within seven days shall be liable to a fine not exceeding ~~twenty-five~~ ^{twenty-five} dollars and a further

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fine not exceeding five dollars for every day after conviction during which the work is not carried out, and the Commissioners may enter upon the premises and take such measures as they consider necessary for carrying out the purposes of this section and the expenses thereby incurred shall be paid by the person in default, and may be etc.

Commis-
sioners may
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lition.

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236.—(1) When the Health Officer has certified in writing that in his opinion any building or part of a building or anything attached to a building used or occupied as a dwelling is unfit for human habitation and cannot be rendered fit therefor without the removal, alteration or demolition in whole or in part of any partition, compartment, loft, gallery, pent-roof, out-house or other structure or erection or without the execution of such alterations or structural operations as he specifies, the Commissioners may by notice in writing require the owner thereof to carry into effect all or any of the following things:—

Closing and
demolition,
etc., of
insanitary
dwellings.

- (a) the removal, alteration or demolition of the whole or a part of the partitions or other erections or obstructions complained of;
- (b) the execution of such operations or structural alterations as are necessary to render the premises fit for human habitation and to guard against danger of disease.

(2) The notice shall appoint not less than twenty-four hours in advance for the commencement of the operation enjoined and specify a number of days for the work.

Length of
notice.

(3) If the notice has not been complied with by the appointed time, a Police Court may, on the application of the Commissioners, make a mandatory order requiring the owner to carry into effect all or any of the things specified in the said notice.

(4) Any person who without the express sanction in writing of the Commissioners replaces any partition, erection or obstruction removed under subsection (1), shall be liable to a fine not exceeding fifty dollars, and the Commissioners may enter upon such premises and remove such partition, erection or obstruction.

Penalty.

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Repa
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Commis-
sioners may
require
tenants to
cease to
inhabit
building.

(5) The Commissioners may also, by notice to be posted in a conspicuous position upon the building, require the owner or occupiers, as the case may be, to cease to inhabit the building and to remove all goods, furniture and effects from the building within forty-eight hours from the posting of the notice.

(6) The owner and every occupying tenant shall thereupon comply with the requirements of the notice.

(7) Any owner or occupier in default shall be liable to a fine not exceeding ten dollars a day during the period in which he has failed to comply with the requirements of the notice.

Power to
remove
goods, etc.

(8) At the expiration of forty-eight hours from the posting of the notice mentioned in subsection (5), the Commissioners may remove all goods, furniture and effects from the building.

Language of
notice.

(9) The notice mentioned in subsection (5) shall be in English, Malay, Tamil and Chinese.

Overcrowd-
ing of houses.

237.--(1) Any person who permits a house to be so overcrowded as to be injurious or dangerous to the health of the inhabitants shall be liable to a fine not exceeding twenty-five dollars, and the Police Court hearing the complaint may make a nuisance order under section 247, notwithstanding that the notice prescribed by section 246 has not been given.

(2) Any person who fails to comply with such nuisance order shall be liable to be dealt with under section 247 (9), (10) and (11).

When house
to be deemed
"over-
crowded."

238. For the purposes of this Ordinance a house shall be deemed to be so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, if it or any room therein is found to be inhabited in excess of the proportion of one adult to every three hundred and fifty cubic feet of clear internal space, and in such calculation every person over ten years of age shall be deemed an adult and two children not exceeding ten years of age shall be counted as an adult.

Common Lodging-houses.

Explanation
of term
"common
lodging-
house."

239.--(1) For the purposes of this Ordinance a house shall be deemed to be a "common lodging-house," when such house or part thereof is occupied as lodgings at a rate of payment not exceeding fifteen cents per

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night for each person, whether the same is payable nightly or otherwise, or where 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.

(2) "Common lodging-house" shall also include 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, and any house where ten or more jinrikisha-pullers are lodged as tenants or subtenants of one landlord or lessee.

240. The owner of a house used as a common lodging-house shall be deemed to be the keeper thereof unless some other person is proved to be the keeper thereof and such owner shall be liable for all acts or defaults of the keeper.

Owner to be deemed the keeper.

241. (1) The Commissioners may make by-laws—

By-laws.

- (a) for regulating the number of persons who may be received into common lodging-houses, and the space to be provided for the accommodation of each person therein;
- (b) for the separation of the sexes in common lodging-houses;
- (c) for the proper sanitation of such houses, and for the cleaning thereof, and for the removal of all night-soil and refuse, and for precaution against infectious disease;
- (d) for the good management generally thereof and for the comfort and health of the inmates.

(2) The President or Health Officer or any person or persons authorized by the President in that behalf in writing may, at any time of the day or night without previous notice and if need be by force, enter into any house which is or which the President or Health Officer has reason to believe is used as a common lodging-house, for the purpose of ascertaining whether such house is a common lodging-house and whether the requirements of this Ordinance have been complied with.

Power to enter premises.

Licensing
and registra-
tion of
common
lodging-
houses.

242.—(1) The Commissioners may also by by-law provide that no person shall within the Municipality or within any prescribed area thereof keep any common lodging-house unless he has obtained a licence to do so from the Commissioners.

(2) In such case the Commissioners shall cause to be kept a register of all licensed common lodging-houses, and such register shall show the following particulars which shall also appear upon the face of every licence :—

- (a) the name and address of the person licensed;
- (b) the locality, street and number of the house to be used as a common lodging-house and the number of rooms to be so used;
- (c) the number of persons who may be accommodated in each room thereof.

(3) Every such licence shall be for one year but may be revoked at any time at the discretion of the Commissioners.

Penalty.

243. Any person who—

- (a) in any Municipality or in any prescribed area of any Municipality, for which a register of common lodging-houses is kept, keeps a common lodging-house without a licence or, being a licensed keeper of a common lodging-house, infringes the terms of the licence; or
- (b) is guilty of any breach of any by-law made by the Commissioners under sections 241 and 242;

shall be liable to imprisonment of either description for a term not exceeding six months or to a fine not exceeding ~~five~~ ^{one hundred} dollars or to both such punishments.

Nuisances.

Nuisances to
be abated.

244. The Commissioners shall take steps to remove, put down and abate all nuisances of a public nature within the Municipality on public or private premises which may tend either to injure the health or in any way affect the safety or the rights of the inhabitants at large and, if need be, to proceed at law against any person committing any such nuisance for the abatement thereof and for damages, and further shall cause

MUNICIPAL.

all streets, water-courses, drains, roads, canals and places within the Municipality to be kept clean and free from dirt, filth or rubbish.

245. For the purposes of this Ordinance—

- (a) any premises or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health;
- (b) any pool, gutter, water-course, cistern, water-closet, earth-closet, privy, urinal, cesspool, sewer, drain, dung-pit or ash-pit so foul or in such a state or so situate as to be a nuisance or injurious or dangerous to health;
- (c) any animal kept in such place or manner or in such numbers as to be a nuisance or injurious or dangerous to health;
- (d) any accumulation or deposit which is a nuisance or injurious or dangerous to health or is or is likely to become a breeding place for mosquitoes;
- (e) any factory, work-shop or work place which—
 - (i) is not kept in a cleanly state and free from effluvia arising from any sewer, drain, privy, earth-closet, urinal or other nuisance; or
 - (ii) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health; or
 - (iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein;
- (f) any huts or sheds, whether used as dwellings or as stables or for any other purpose, which are by reason of the manner in which the huts or sheds are crowded together or the want of drainage or the impracticability of scavenging or for any other reason a nuisance or injurious or dangerous to health;

Nuisances
liable to be
dealt with
summarily
under this
Ordinance.

for one section
of section 17.

"Regular I
 of Street"
 may
 Dec:
 296 9
 H.C.
 [Signature] Kyparh

Commissioners in certain cases may take possession of land within regular line

Commissioners may take possession of land not built on.

X Colonial ...

Notice
requiring
abatement
of nuisance.

Power to
require
works to
be executed.

At
6

- (g) any hut or shed, whether used as a dwelling or as a stable or for any other purpose, which is a nuisance or injurious or dangerous to health;
- (h) any pool or ditch the water from which is used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man and which is so polluted or is likely to become so polluted as to be injurious or dangerous to health;
- (i) any tank, well, pool, water-course, ditch or low marshy ground which is injurious to health or offensive to the neighbourhood or is or is likely to become a breeding place for mosquitoes;
- (j) any fire-place or furnace and any chimney sending off smoke or other unconsumed combustible matter in such quantity as to be a nuisance or injurious or dangerous to health;
- (k) any brick-field, 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 Ordinance.

246.—(1) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Ordinance, the Commissioners shall, if satisfied of the existence of a 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, on the occupier or owner of the premises 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 Commissioners think it desirable specifying any works to be executed.

(2) The Commissioners 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 they think it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance had for the time been abated if the Commissioners consider that it is likely to recur on the same premises.

(3) Where the nuisance arises from any want or defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner. Provisoes.

(4) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or owner of the premises, the Commissioners may themselves abate the same and may do what is necessary to prevent the recurrence thereof.

(5) Where the Health Officer certifies to the Commissioners that any house or part of a house in his district is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, the Commissioners shall take proceedings under this section for the abatement of such nuisance and the expenses thereby incurred shall be paid by the person in default.

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

- (a) the nuisance arose from the wilful act or default of the said 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 not exceeding one hundred dollars for each offence whether any such nuisance order as in this Ordinance mentioned is or is not made upon him.

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

Nuisance Order.

247.—(1) If either—

- (a) the person on whom a 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

On non-compliance with notice, nuisance order to be made.

(b) the nuisance, although abated since the service of the notice, is in the opinion of the Commissioners likely to recur on the same premises: on complaint by the Commissioners the Police Court hearing the complaint may make on such person a summary order, in this Ordinance referred to as a nuisance order.

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

(3) 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.

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

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

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

(7) A closing order shall only be made where it is proved to the satisfaction of the Police Court that by reason of a nuisance a dwelling-house is unfit for human habitation, and, if such proof is given, the Police Court shall make a closing order and may impose a fine not exceeding two hundred dollars.

(8) A Police Court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9) 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 a Police Court that he has used all due diligence to carry out such order, be liable to a fine not exceeding ten dollars a day during his default.

(10) Any person who knowingly and wilfully acts contrary to a prohibition order or closing order shall be liable to a fine not exceeding twenty dollars a day during such contrary action.

- (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 part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses;

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

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

Execution of order for demolition.

249.—(1) 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.

(2) If the owner fails therein, the Commissioners shall proceed to take down and remove the building and, if necessary, destroy the materials, and may recover the costs of such work from the owner ~~in a summary way under this Ordinance.~~

Obstructive Buildings.

***250.**—(1) If a Health Officer finds that any building within the Municipality, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects:—

- (a) it stops or impedes ventilation or otherwise makes or conduces to make such other buildings 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 in respect of such other buildings;

the Health Officer shall represent to the Commissioners the particulars relating to such first-mentioned building, in this Part referred to as "an obstructive

*But see Chapter 134, S. 2.

Repair of
private
streets.

- (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 part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses;

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

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Execution of
order for
demolition.

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(2) If the owner fails therein, the Commissioners shall proceed to take down and remove the building and, if necessary, destroy the materials, and may recover the costs of such work from the owner ~~in a summary way under this Ordinance.~~

Obstructive Buildings.

***250.**—(1) If a Health Officer finds that any building within the Municipality, although not in itself unfit for human habitation, is so situate that by reason of its proximity to or contact with any other buildings it causes one of the following effects:—

- (a) it stops or impedes ventilation or otherwise makes or conduces to make such other buildings 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 in respect of such other buildings;

the Health Officer shall represent to the Commissioners the particulars relating to such first-mentioned building, in this Part referred to as "an obstructive

**But see Chapter 134, S. 2.*

building. ~~the~~ obstructive building should be pulled down.

(2) The Commissioners on receiving any such representation as above in this section mentioned shall cause a report to be made to them respecting the circumstances of the building and the cost of pulling down the building and acquiring the land.

Commissioners may make an order for demolition.

(3) On receiving such report the Commissioners shall take into consideration the representation and report and, if they decide to proceed, shall cause a copy of both the representation and report to be given to the owner of the obstructive building with notice of the time and place appointed by the Commissioners for the consideration thereof.

(4) Such owner may attend and state his objections, and after hearing such objections the Commissioners shall make an order either allowing the objection or directing that such obstructive building shall be pulled down.

(5) Any person aggrieved by an order of the Commissioners under this section may, within fourteen days after notice of the order has been served upon him, appeal to the ~~Governor in Council~~ ^{State Building} and no work shall be done nor proceedings taken under such order until after the appeal is determined.

Appeal to Governor
Council

(6) The person aggrieved shall be heard by himself or by counsel and the Commissioners shall be heard by a person appointed by them or by counsel.

(7) Where an order of the Commissioners for pulling down an obstructive building is made under this section and either no appeal is made against the order or an appeal is made and either fails or is abandoned, the Commissioners shall be authorized to purchase the lands on which the obstructive building is erected.

Power to acquire building site.

(8) Such order shall have the like effect with respect to such building as a declaration under section 5 of the Land Acquisition Ordinance (*Chapter 126*) and the obstructive building and the land on which it is erected may be acquired and paid for in accordance with that Ordinance, subject to the special provisions for compensation contained in section 339 of this Ordinance.

(9) The owner may, within one month after notice has been given as provided by section 8 of Ordinance

Notice owner
ing to
site.

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Repair
private
streets.

the Land Acquisition Ordinance (*Chapter 128*), declare that he desires to retain the site of the obstructive building and undertakes either to pull down or to permit the Commissioners to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the Commissioners for the pulling down of the obstructive building.

(10) Such compensation shall, in all cases where the amount claimed does not exceed one thousand dollars, be ascertained in the manner provided by section 371, but in all other cases shall be ascertained and paid for in accordance with the Land Acquisition Ordinance (*Chapter 128*), subject to the special provisions for compensation contained in section 339 of this Ordinance in all respects as if that Ordinance were intended to deal with claims of this nature.

Site not to
be built upon
except as
approved.

(11) Where the owner retains the site or any part thereof, no house or other building or erection which will be an obstructive building within the meaning of this section shall be erected upon such site or any part thereof, and the Commissioners shall not approve of the plan of any building to be erected upon such site which will be an obstructive building within the meaning of this section.

Open spaces
to be kept.

(12) Where the lands are acquired or purchased by the Commissioners, they shall pull down the obstructive building or such part thereof as is obstructive within the meaning of this section and keep as an open space the whole site or such part thereof as is required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building and may, upon such terms as they think expedient, sell, exchange or lease such portion of the site as is not required for the purpose of carrying this section into effect.

(13) In particular the Commissioners may insert in any grant or lease of any part of the site provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed and to maintain and repair the building and prohibiting the erection of buildings and any addition to or alteration of the character of the building without the consent of the Commissioners and for the reverting of the land to the Commissioners or their re-entry thereon in case of breach of any provision

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in any grant or lease subject to section 18 of the Conveyancing and Law of Property Ordinance (*Chapter 118*).

(14) The Commissioners may, where they so think fit, dedicate any land acquired by them under the authority of this section as a highway or other public place.

251.—(1) If it appears to a Police Court, on the application of any owner of the 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 or in claiming to retain any site in pursuance of this Part and that the interests of the applicant will be prejudiced by such default and that it is just to make the order, the Court 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 and, where it seems to the Court just so to do, the Court may make a like order in favour of any other owner.

Order to enter.

(2) A Police Court may in any case by order enlarge the time allowed under any order for the execution of any works or the demolition of a building.

Enlargement of time allowed.

(3) Before an order is made under this section notice of the application shall be given to the Commissioners.

Notice.

252.—(1) Nothing in this Ordinance shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by the Commissioners under this Part.

Remedies of owner for breach of covenant, etc., not prejudiced.

(2) 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.

253.—(1) If any person being the occupier of any dwelling-house prevents the owner thereof or being the owner or occupier of any dwelling-house prevents the Health Officer or the officers, agents, servants or workmen of such owner or officer from carrying into effect

Penalty for preventing execution of this Part.

with respect to the dwelling-house any of the provisions of this Part after notice of the intention so to do has been given to such person, a Police Court, on proof thereof, may order such person to permit to be done on such premises all things requisite for carrying into effect with respect to such dwelling-house the provisions of this Part.

Penalty.

(2) Any person who at the expiration of seven days after the service of such order fails to comply therewith shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding ~~one~~ ^{two} hundred dollars; provided that, if any such failure is by the occupier, the owner shall not be liable to a fine if he has applied for an order under subsection (1).

Wells, etc.

254.—(1) No person shall, without the previous written permission of the Commissioners, open, dig or otherwise construct or permit or allow to be opened, dug or otherwise constructed any well, tank or reservoir the water in which is likely to be used for drinking or domestic purposes.

Penalty.

(2) Any person who commits a breach of subsection (1) shall be liable to a fine not exceeding ~~one~~ ^{two} hundred dollars.

(3) The Commissioners may give to the owner or occupier of any premises notice to close any well, tank or reservoir the water in which is likely to be used for drinking or domestic purposes and may by such notice specify any works to be executed for such purpose within a time to be specified in such notice, and the owner or occupier shall comply with the terms of such notice.

(4) If the owner fails to execute the works referred to in such notice, section 255 shall apply, and in addition a Police Court may make an order directing the well, tank or reservoir to be permanently closed.

(5) If after a Police Court has made an order directing a well, tank or reservoir to be permanently closed the same is at any time re-opened, the owner and occupier at the time the well, tank or reservoir is found by the Commissioners to be re-opened shall be liable to a fine of one hundred dollars notwithstanding that it may have been re-opened more than twelve months previous to any complaint to a Magistrate in respect of such re-opening, and section 255 shall again apply.

255.—(1) Whenever any owner or occupier is required under this Ordinance to erect or remove any building or thing or to perform any other work to which the provisions of this Ordinance with respect to nuisances to be dealt with summarily thereunder do not apply, and such owner or occupier after due notice fails to erect or remove such building or thing or to perform such work within the prescribed time, the Commissioners may make a complaint and the Police Court hearing the complaint may make on such owner or occupier a summary order, in this Ordinance referred to as a mandatory order, requiring such owner or occupier to execute the required work.

Mandatory order.

(2) A mandatory order shall require the person to whom it is directed to execute any work which the Police Court is authorized to require to be executed within a time to be specified in such order and may also require such person to pay the Commissioners a sum for their costs and expenses incurred in obtaining such mandatory order.

Terms of mandatory order

(3) Any person to whom the order is addressed who fails to comply with the requirements of a mandatory order shall, unless he satisfies the Police Court that he has used all due diligence to carry out such order, be liable to a fine not exceeding ten dollars a day during his default, and the Commissioners may enter the premises and execute the work so required to be executed and the expenses thereby incurred shall be paid by the person in default, and, if such person, etc.

Penalty for non-complying

(4) A notice, a summons and an order under this section may be respectively in forms I, J and K in Schedule A, with such variations as the circumstances require.

256.—(1) Where a person appeals to the High Court against a nuisance order or a mandatory order, no liability to a fine shall arise nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of such appeal.

Provision as to appeal against order.

(2) There shall be no appeal to the High Court against a nuisance order, unless it is or includes a prohibition or closing order or requires the execution of structural works.

No appeal in certain cases.

Repair
private
streets.

Penalty
where appeal
fails.

24/2/35

(3) Where a nuisance order or mandatory order is made and a person does not comply with it and appeals against it to the High Court and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding ~~ten~~ ^{ten} dollars a day during the non-compliance with the order, unless he satisfies the Court before which proceedings are taken for imposing a fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay, and, where the appeal is heard by the High Court, that Court may, on dismissing the appeal, impose the fine as if the Court were the Court before which the summons was returnable.

Proceedings
pending
appeal.

(4) Where a nuisance order or mandatory order is made on any person and appealed against and the Court which made the order is of opinion that the continuance of the nuisance or the non-execution of the mandatory order will be injurious or dangerous to health and that the immediate abatement thereof will not cause any injury which cannot be compensated by damages, such Court may authorize the Commissioners immediately to abate the nuisance or execute the work.

(5) The Commissioners, if they do so and the appeal is successful, shall pay the cost of such abatement and the damages, if any, sustained by the said person by reason of such abatement, but, if the appeal is dismissed or abandoned, the Commissioners may recover the cost of the abatement ~~in a summary manner~~ from the said person, and, if such person etc.

Proceedings
where owner
is unknown.

257.—(1) Where the name or address of the owner of any premises upon which a nuisance exists or with regard to which a Police Court is empowered to make a mandatory order is unknown and cannot with reasonable diligence be discovered, such Court may issue a summons addressed to the owner of the premises.

(2) Such summons may be served in the manner specified in section 385.

(3) If the owner does not appear upon the hearing of the summons, such Court may make such an order upon him in his absence as it might have made in his presence except that it shall not inflict any fine upon him.

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258.—(1) If, in any case in which a Police Court has jurisdiction to make a nuisance order or a mandatory order, such Court is of opinion that the matter complained of will be injurious or dangerous to health or safety and the immediate abatement or work sought to be done will not cause any injury which cannot be compensated for by damages, such Court may, by an *ex parte* order, authorize the Commissioners immediately to abate the nuisance or do the work sought to be done.

In cases of urgency order may be made *ex parte*.

(2) If the Commissioners so abate the nuisance and the application for a nuisance order or mandatory order is subsequently refused, they shall pay the cost of such abatement or work and the damages, if any, sustained by any person thereby, but if the nuisance order or mandatory order is subsequently granted the Commissioners may recover the cost of the abatement or work as if it had been executed by them in pursuance of the power contained in section 249 or 256, as the case may be.

Part XI.

LIGHTING AND MISCELLANEOUS DUTIES.

Lighting.

Repealed by F.M. Ord. 30/49

259.—(1) The Commissioners may either themselves construct and maintain works for the production of artificial light, gas and electrical energy for public and private purposes or they may enter into contracts with any person or persons, and upon such terms as they think fit, for the supply to them of such light and energy for the like purposes. *[Amended by Ordinance 59 of 1935, S. 13.]*

Lighting and supply of gas and electricity.

12 years 6m 15/28

(2) The Commissioners may cause to be laid such mains, pipes, conduits and electric lines as they judge necessary for sufficiently supplying the Municipality and the inhabitants thereof with light, gas and electrical energy and, if necessary, may carry such mains, pipes, conduits and electric lines through, across, over or under any street and, after reasonable notice in writing on that behalf, through or under any inclosed or other land whatsoever, doing as little damage as may be and making full compensation for any damage done. *[Amended by Ordinance 59 of 1935, S. 13.]*

Power to lay mains, pipes, etc.

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Disputes as to compensation.

(3) Any dispute which arises touching the amount or apportionment of the compensation shall be settled as hereinafter provided.

Electric lines to be insulated.

(4) When the Commissioners lay any electric line crossing or liable to touch any mains, pipes, lines or services, the conducting portion of such electric line shall be effectually insulated.

Power to construct boxes for various purposes.

(5) The Commissioners may also construct in any street, road or place such boxes as are necessary for purposes in connection with the supply of energy and may place therein, meters, switches and any other suitable and proper apparatus for the purpose of leading off service lines and other distributing conductors or of examining, testing, measuring, directing or controlling the supply of energy or testing the conditions of the mains and other portions of the works. [Amended by Ordinance 1 of 1929, S. 13.]

Construction of boxes.

(6) Every such box, including the upper surface or covering thereof, shall be constructed of such materials and shall be maintained by the Commissioners in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

Maps to be prepared.

(7) The Commissioners shall, forthwith after commencing to supply energy, cause a map to be made of the area of supply and shall cause to be marked thereon the line and depth below the surface of all their then existing mains, service lines and other underground works and street boxes and shall, once in every year, cause such map to be duly corrected so as to show the then existing lines.

Commissioners may put up lamp-posts and lamps.

(8) The Commissioners may cause such lamp-irons, lamp-posts or other lighting apparatus to be put up or fixed upon or against the walls or palisades of any houses, buildings or enclosures, doing as little damage as is practicable thereto, or to be put up or erected in such other manner within all or any of the streets, roads and places within the limits of the Municipality as are deemed proper and may also cause such number of lamps of such sizes and sorts to be provided and affixed and put on such lamp-irons and lamp-posts as are necessary for lighting all or any of such streets, roads and places and cause the same to be lighted during such hours as are necessary. [Amended by Ordinance 1 of 1929, S. 13.]

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(9) If any person wilfully removes, destroys or damages any pipe, line, lamp-post or other work of the Commissioners for supplying gas or electricity, or wilfully extinguishes any of the public lamps or lights, whether such work, lamp, or light be within or without the Municipality, any person who sees the offence committed may apprehend and also any other person may assist in apprehending the offender and by the authority of this Ordinance and without any warrant may deliver him to any constable who shall with all reasonable despatch convey him before a Police Court, and, if the party accused is convicted of any such offence, he shall, in addition to being liable to a fine not exceeding two hundred and fifty dollars, be adjudged to make full satisfaction for the damage which he has done. *[Amended by Ordinance 1 of 1929, S. 13.]*

Penalty for
injuring
lamps, etc.

(10) Any person who carelessly or accidentally throws down or damages any pipe, line, pillar or lamp, whether within or without the Municipality, belonging to the Commissioners shall pay such sum of money by way of satisfaction to the Commissioners for the damage done, not exceeding one hundred dollars, as any Police Court thinks reasonable. *[Amended by Ordinance 1 of 1929, S. 13.]*

Accidental
damage.

260.—(1) The Commissioners may agree to supply with gas or electricity any person or persons residing within or without the Municipality, for domestic or other purposes, upon such terms and conditions and for such period as the Commissioners think fit.

Agreements
for supply
of gas or
electricity.

(2) The Commissioners may without incurring any liability for so doing other than a liability to make a proportionate abatement in the sum agreed to be paid for the supply of gas or electricity reduce, as they see fit, the quantity of gas or electricity agreed for, if by reason of any unforeseen circumstances they are of opinion that the supply of gas or electricity generated is insufficient to supply the full quantity; provided that persons having agreements for the supply of gas or electricity within the Municipality shall be preferred to persons residing without the Municipality.

Commis-
sioners may
reduce quan-
tity agreed
for.

(3) A supply of gas or electricity for domestic purposes shall not include a supply of gas or electricity for any trade, manufacture or business or for illuminations.

Interpreta-
tion.

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Commis-
sioners may
cut off
supply in
default of
payment.

(4) If any person entitled to a supply of gas or electricity under any such agreement as in subsection (1) is mentioned makes default in payment of any sum payable by him under such agreement, the Commissioners may cut off the supply of gas or electricity by severing or disconnecting any pipe, line or other work through which gas or electricity is supplied and may, until such charge or other sum together with the expenses incurred by the Commissioners are fully paid but no longer, discontinue the supply of gas or electricity to such person.

Penalty for
wrongful
renewal of
supply.

(5) If at any time after the supply of gas or electricity to any premises has been cut off by the Commissioners it is found that the supply has been renewed without the order of the Commissioners and that the gas or electricity is being used by any person or persons, the occupier of such premises shall be deemed, until the contrary is proved, to have authorized such user, and shall be liable to a fine not exceeding ten dollars for each day the gas or electricity has been so used.

Power of
inspection,
etc.

(6) Any officer appointed by the Commissioners may at all reasonable times enter any premises to which electricity or gas is or has been supplied by the Commissioners in order to examine the pipes, lines, meters, accumulators, fittings, works and apparatus for the supply of electricity and gas belonging to the Commissioners and for the purpose of ascertaining the quantity of electricity or gas consumed or supplied or, when the Commissioners are authorized to take away and cut off the supply of electricity or gas from any premises, for the purpose of removing any pipes, electric lines, accumulators, fittings, works or apparatus belonging to the Commissioners, repairing all damage caused by such entry, inspection or removal.

Penalty for
waste,
injury, etc.

(7) Any person who—

- (a) lays or causes to be laid any pipe or line to communicate with any pipe or line belonging to the Commissioners without their consent; or
- (b) fraudulently injures any meter; or
- (c) keeps the lights burning for a longer time than he has contracted to pay for; or
- (d) wastes or improperly uses such gas or electricity; or

MUNICIPAL.

- (e) supplies any other person with any part of the gas or electricity supplied to him by the Commissioners, except with the consent in writing of the Commissioners; [*Amended by Ordinance 11 of 1932, S. 21.*] or
- (f) alters the index of any meter or prevents any meter from duly registering the quantity of gas or electricity supplied, or fraudulently abstracts, consumes or uses gas or electricity of the Commissioners; [*Added by Ordinance 11 of 1932, S. 21.*]

shall be liable to a fine of two hundred dollars and also the sum of ten dollars for every day such pipe or line so remains or such offence is so committed or continued or such supply is furnished. [*Amended by Ordinance 11 of 1932, S. 21.*]

(8) In any prosecution for an offence under subsection (7) (f), the existence of artificial means for altering the index of any meter or for preventing any meter from duly registering the quantity of gas or electricity supplied, or for abstracting, consuming or using gas or electricity of the Commissioners, when such meter is under the custody or control of the consumer, shall be *prima facie* evidence that such alteration, prevention, abstraction or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter. [*Added by Ordinance 11 of 1932, S. 21.*]

Presumption
against
consumer.

(9) When any pipes, electric lines, meters, accumulators, fittings, works or apparatus belonging to the Commissioners are placed in or upon any premises, not being in the possession of the Commissioners, for the purpose of supplying gas or electricity, such pipes, lines, meters, accumulators, fittings, works or apparatus shall not be subject to distress nor to be taken in execution under any process of a Court or any proceedings in bankruptcy against the person in whose possession the same are.

Apparatus
exempt from
distress, etc.

(10) All moneys which accrue due from any person in respect of the supply of gas or electricity under this section to any premises owned or occupied by him or for work done or materials provided in connection therewith shall be recoverable from such person in like manner

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Act XIV of 1856 or opened, made or formed by or under the authority of the Governor in which burials and burnings have not been prohibited under section 264 hereof or under any other law previously in force;

State Authority
... 298/59

(a) places licensed by the Commissioners before the first day of July, 1906.

(2) The Commissioners may permit the burial at any suitable place within the municipal limits of any person who in the opinion of the Governor in Council has rendered eminent service to the Colony.

Commissioners may license burial grounds, etc.
M.C. in Council
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263.—(1) Any person who buries or burns or causes or procures or suffers to be buried or burned any corpse in or upon any place, not being a place wherein burial or burning is permitted under this Ordinance, or prepares any such place to be used for the burial or burning of any corpse, shall be liable on conviction by a District Court to imprisonment of either description for a term which may extend to twelve months or to a fine not exceeding one hundred dollars or to both.

Penalty for unlawful burials.
298/59

(2) A District Court, if for sanitary or other reasons it considers it expedient, may, by a written order under its seal, direct any person who has been convicted of an offence under this section to remove within fourteen days—

94, 63, 53

(a) the corpse in respect of the unlawful interment of which he has been convicted from the place in which it has been buried to a lawful burial ground;

Removal of corpse after unlawful burial.

(b) any structure which has been erected in contravention of this section.

(3) If within fourteen days the person convicted produces to the District Court a licence granted by the Commissioners under section 262, the order may be cancelled.

Proviso.

(4) Any person who refuses or neglects to obey such order shall be liable to a fine not exceeding fifty dollars and a further sum not exceeding ten dollars a day for every day during which such default continues, and the District Court may proceed to carry the order into execution at the expense of such person and to hire and employ proper persons for that purpose and may recover such expense in the manner provided by law for the levy of fines imposed by a District Court.

Penalty.
94, 63, 53

Exhumation
of corpses.

265/83

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Power to
close burial
grounds, etc.

(5) No corpse shall be exhumed within municipal limits otherwise than by order of a District Court under this section or by special licence granted by the Colonial Secretary, or by the Resident Councillor for the Settlement of Penang, or by the Resident Councillor for the Settlement of Malacca, or by the Resident of Labuan for the Settlement of Labuan for that purpose or by order of the Coroner.

(6) Any person who in contravention of the foregoing provisions exhumes or causes to be exhumed or being owner, trustee or person in charge of any burial ground permits to be exhumed any corpse shall be liable to a fine not exceeding two hundred and fifty dollars.

264.—(1) If upon the evidence of competent persons it at any time appears to the Commissioners that—

(a) any burial ground or place of burial or any place used for the burning of corpses is in such a state as to be dangerous to the health of the persons living in the neighbourhood thereof; or

(b) such burial ground or place or any part thereof is—

(i) noxious or offensive or unfit for use as a burial or burning ground; or

(ii) cannot be further used for the burial or burning of the dead without danger to the public health; or

(iii) is being used in contravention of the conditions of the licence;

the Commissioners may order the same or any such part thereof to be closed or may revoke the licence thereof, as the case may be, and thereafter it shall not be lawful to use the same as a place for the burial or burning of corpses.

Proviso.

L.H.C. 298/48

L.N. 298/48

Power to
make by-
laws.

(2) No such closing or revocation as aforesaid shall have any force and effect unless and until it has been confirmed by the ~~Goverment in Council~~ and until the expiration of one month from such confirmation.

265. The Commissioners may make by-laws for the inspection and regulation of burial and burning grounds and as to the depth of graves and places of interment and generally as to all matters connected with the good order of burial and burning grounds, due

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regard being had to the religious usages of the several classes of the community.

266.—(1) The owner, trustee or person in charge of every burial and burning ground shall keep or cause to be kept a register in which shall be entered the name, sex, age, religion, residence and, as far as possible, the cause of death of every person whose body is brought to such burial or burning ground and shall permit the Commissioners or any officer duly appointed by them to inspect such register and make copies or extracts therefrom.

Owners, trustees or persons in charge to keep register of burials

(2) Any person who being the owner, trustee or person in charge of any burial or burning ground—

- (a) omits to enter the above particulars referring to any person whose body is brought there; or
- (b) does not show such register to the Commissioners or their duly appointed officer; or
- (c) prevents the making of copies or extracts as above provided; or
- (d) falsifies such register;

shall be liable to a fine not exceeding fifty dollars.

Weights and Measures.

267.—(1) The ~~Governor in Council~~ may by Order delegate to the Commissioners the duty of carrying into execution within the Municipality the provisions of the Weights and Measures Ordinance (*Chapter 204*), and may confer upon them all powers necessary for performing such duty including the power of appointing inspectors of weights and measures under the said Ordinance and of making rules for the conduct of such inspectors in the performance of their duties.

Supervision of weights and measures may be delegated to Commissioners.

(2) Notwithstanding anything to the contrary contained in the said Ordinance, all fees taken by inspectors appointed by the Commissioners shall be accounted for to the Commissioners and shall form part of the Municipal Fund.

Contribution to Police.

268. The Commissioners shall every year pay to the Government towards the maintenance of the Police Force such sum as was annually paid at the first day of June, 1913, by the Municipal Commissioners of the

Expense of Police.

For the words "Secretary of State" substitute the word "Among"

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Settlement or such other sum as is fixed by the
Commissioners.

Registration of Births and Deaths.

269. (1) The Governor in Council may by Order
delegate to the Commissioners the duty of executing
within the Municipality the provisions of the Registra-
tion of Births and Deaths Ordinance (Chapter 89) and
of the rules made thereunder, and may confer upon
them all powers necessary for performing such duties
including the power of appointing a Registrar and
Deputy Registrars and subordinate officers under the
said Ordinance.

(2) Every Registrar, Deputy Registrar or other officer
appointed by the Commissioners shall be subject to the
directions and control of and shall make all such returns
to the Registrar General as such officers when holding
their office by appointment of the Governor are under
the said Ordinance subject to and required to make.

270. Notwithstanding anything to the contrary con-
tained in the said Ordinance, the register books required
to be kept thereunder and safes for preserving the same
shall be furnished for use within the Municipality at
the expense of the Municipal Fund on the application
of the Registrar General and all fees taken by a Regis-
trar or Deputy Registrar appointed by the Commis-
sioners shall be accounted for to the Commissioners and
shall form part of the Municipal Fund.

Part XII.

PREVENTION AND EXTINCTION OF FIRES.

271. The Commissioners shall maintain within the
Municipality a sufficient fire brigade under an officer of
the Municipality to be appointed by them and to be
called the Superintendent of the Fire Brigade and such
other officers as the Commissioners think necessary, and
shall provide all such fire engines, tools and imple-
ments as are deemed by the Commissioners necessary
and proper for the purpose of extinguishing fires and
preserving life and property in case of fire and shall
maintain and keep in repair the same.

272. Any person who pulls down, injures or conceals
any fire alarm or wilfully gives or causes to be given a

MUNICIPAL.

false alarm of fire by any such fire alarm shall be liable to a fine not exceeding ~~two hundred and fifty~~ ^{one hundred} dollars or to imprisonment of either description for a term which may extend to six months.

Ord. 65/53

273. On the occasion of a fire the Superintendent or other officer in charge of the brigade on the spot may—

Powers of Superintendent at fire.

- (a) remove or cause to be removed any person who in his opinion by his presence interferes with the due operations of the brigade;
- (b) by himself or others take any measures that appear expedient for the protection of life or 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.

274.—(1) 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.

Police may assist and close streets.

(2) Any person who assaults, disturbs, hinders or interferes with any member of the fire brigade or any police officer or person assisting the brigade or acting under the orders of the officer in charge of the fire brigade on the spot shall be liable to a fine not exceeding ~~one~~ ^{one} hundred dollars.

Penalty for interfering with fire brigade.

Ord. 65/53

Fire Inquests.

275.—(1) Where any fire occurs within the Municipality whereby damage or loss is occasioned to any dwelling-house or other building, the President may, if he thinks fit, and shall, if requested thereto in writing by two or more ratepayers, institute an inquiry into the cause of such fire and the circumstances attending the same.

President may hold fire inquests.

(2) For the purposes of such inquiry the President shall have and may exercise all the statutory and other powers which are for the time being ~~vested~~ ^{vested} in and exercisable by Police Courts in the ~~Colony~~ ^{Colony} 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 inquiry.

President to have power to summon witnesses, etc.

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Part XIII repeated in so far as it
relate to motor vehicles. Ad. 49/58
Road Traffic

Part XIII.

HACKNEY CARRIAGES, CARTS AND
JINRIKISHAS.

Interpreta-
tion.

276.—(1) In this Part and in any rules or by-laws
made thereunder, unless there is something repugnant
in the subject or context—

"Hackney carriage" means a carriage or motor
vehicle kept for use or habitually used for the
conveyance of passengers for hire within the
limits of any Municipality, but does not in-
clude vehicles constructed for use on fixed
rails or specially prepared ways;

"Cart" means a wagon, cart, hand-cart or trolley
kept for use or habitually used and not
included within the definition of hackney
carriage;

"Tricycle" means a three-wheeled pedal cycle
constructed or adapted for use in the con-
veyance of goods or other articles or of a
design suitable for such purpose; [Added
by Ordinance 59 of 1935, S. 15.]

Single
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manner
Ad. Ord. 56/48

"Jinrikisha" means a wheeled vehicle for the
conveyance of passengers drawn by one or
more men and kept, used or plying within
the limits of any Municipality for hire;

"Fittings" includes, in the case of jinrikishas,
wheels, wheel guards, shafts, hood, apron,
lamps, cushions, pads, foot-mats and wash-
ing covers;

or propelling in
any manner
Ad. Ord. 56/48

"Puller" means the person or persons proceeding
to, returning from or for the time being
drawing or pushing a jinrikisha or in charge
of it, when plying or waiting for hire;

"Registrar of Vehicles" means a Registrar
appointed under this Part;

"Owner" means the person in whose name a hack-
ney carriage, cart or jinrikisha is for the
time being registered under this Part;

"Driver" means a driver of a hackney carriage of
a class other than the first class, licensed
under this Part, or a person driving, pulling
or pushing a cart;

MUNICIPAL.

"Conductor" means a conductor of a hackney carriage of a class other than the first class, licensed under this Part;

"Hiring" includes a hiring a place for a passenger in a hackney carriage.

(2) Where in any Ordinance the Registrar of Hackney Carriages or Jinrikishas is referred to, the Registrar of Vehicles shall be deemed to be referred to.

Other Ordinances.

277.—(1) For carrying into effect this Part the Commissioners may, with the sanction of the *State Authority* appoint an officer, to be styled the Registrar of Vehicles, and such Assistant and Deputy Registrars and other officers as are necessary.

Appointment of Registrar of Vehicles and other officers.

L.N. 248/57

(2) The Commissioners may by special resolution assign to an Assistant or Deputy Registrar such functions, powers and duties as they deem necessary, and any act done by, to, or before an Assistant or Deputy Registrar within the powers conferred upon him shall have the same effect as if done by, to, or before the Registrar of Vehicles; provided that no person appointed to be an Assistant or Deputy Registrar shall exercise the powers vested in the Registrar of Vehicles by section 320, unless such powers are conferred upon him by the Governor by notification in the Gazette.

Substituted by Ordinance 8 of 1927, S. 14.

State Authority

278. All fees levied and all moneys received by the Registrar of Vehicles under this Ordinance, except as hereinafter provided, shall be paid into the Municipal Fund.

L.N. 248/57
Fees, etc., to be paid into Municipal Fund.

279. The Commissioners may appoint one or more public stands for licensed hackney carriages, carts or jinrikishas within the limits of the Municipality as they think fit and may also, on the application of or with the consent of any owner of carts, jinrikishas or hackney carriages, grant a licence to such owner to use any building premises or place as a public stand.

Public stands.

280.—(1) Every hackney carriage, cart and jinrikisha shall be licensed and registered in the Settlement in which it is kept for use or plies for hire, and shall be classified as may be prescribed by by-laws under this Part; provided that no carriage shall be classified

Vehicles to be licensed and registered.

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as first class except carriages which do not ply for hire on the public streets. [Substituted by Ordinance 11 of 1932, S. 23.]

Fittings.

(2) Every licensed hackney carriage and jinrikisha shall be furnished with such fittings of such regulation pattern as the Registrar of Vehicles with the approval of the Commissioners directs and such fittings may be supplied by him on payment to the Commissioners of the cost thereof.

(3) All applications for licences shall be made to the Registrar of Vehicles by the applicant in person.

Inspection.

281. The Registrar of Vehicles shall appoint a place and time when and where any hackney carriage, cart or jinrikisha to be licensed shall be produced for inspection.

Registrar
to license
hackney
carriages
and carts.

282. If the Registrar of Vehicles is satisfied that any hackney carriage and its fittings or cart produced to him or any officer appointed by him is fit to be registered in the class applied for, he may register and license the same.

Registrar to
license
jinrikishas.

283. If the Registrar of Vehicles is satisfied that any jinrikisha and its fittings produced to him or any officer appointed by him is in accordance with this Part and all by-laws made thereunder, he may register and license the same.

Register to
be kept.

284.—(1) The Registrar of Vehicles shall keep a register of all hackney carriages, carts and jinrikishas and shall enter therein the following particulars:—

- (a) in the case of hackney carriages other than motor vehicles, carts and jinrikishas—
 - (i) the class and number assigned;
 - (ii) the duration of the licence;
 - (iii) the name and residence of the owner;
- (b) in the case of motor vehicles which are hackney carriages—
 - (i) the class assigned to the motor vehicle;
 - (ii) the number assigned by the Registrar appointed under the Traction Engines and Motor Cars Ordinance (Chapter 214);
 - (iii) the duration of the licence;
 - (iv) the name and residence of the owner.

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(2) No notice of any trust shall be entered on the register or be receivable by or affect the proceedings of the Registrar of Vehicles. Trusts not recognised.

285.—(1) The Registrar of Vehicles may grant a licence to act as a driver or conductor of a hackney carriage of a class other than the first class to any person above the age of sixteen years. Registrar to license drivers and conductors.

(2) In every such licence shall be specified the number of the licence, the date of issue, place of abode and age of the licensee. Terms of licence.

(3) The particulars of such licence shall be entered in a register to be kept for that purpose by the Registrar of Vehicles.

(4) Such licence shall be for a period not exceeding one year. Period of licence.

(5) Before any such licence is issued the driver or conductor shall be photographed in such manner and at such time and place as the Registrar of Vehicles directs. Driver or conductor to be photographed.

(6) One copy of such photograph shall be attached to the licence and one copy shall be retained by the Registrar of Vehicles and affixed to the register.

(7) Any person who drives a hackney carriage of a class other than the first class or acts as a conductor thereof without being licensed under this Ordinance shall be liable to a fine not exceeding fifty dollars. Driving without licence.

(8) Any owner, driver or conductor who permits any person not licensed under this Ordinance to drive a hackney carriage shall be liable to a fine not exceeding fifty dollars.

286.—(1) Whenever the owner of a hackney carriage, cart or jinrikisha or a driver or conductor of a hackney carriage of a class other than the first class changes his residence or place of abode, he shall give notice thereof to the Registrar of Vehicles, specifying in such notice his new residence or place of abode and shall at the same time produce his licence to the Registrar or any officer appointed by him who shall endorse thereon a memorandum of such change and correct the entry in the register. Change of residence.

(2) Any such owner, driver or conductor who changes his residence or place of abode and neglects for seven Penalty.

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days to give notice of such change and to produce his licence in manner aforesaid shall be liable to a fine not exceeding ~~ten~~ ^{five} dollars.

287.—(1) The Registrar of Vehicles may, if he thinks fit, require every person obtaining a licence for a jinrikisha before receiving his licence to give such security by the deposit of money with the Registrar of Vehicles as is prescribed by the Commissioners, for—

- (a) his appearance before the Registrar of Vehicles and also, failing valid excuses, for the appearance of the puller, when they are respectively required so to appear;
- (b) his duly producing the jinrikisha when called on by the Registrar of Vehicles to do so;
- (c) paying all damages and costs which may be recovered before any Court against himself or the puller of such jinrikisha for or by reason of the negligent or improper management of such jinrikisha by the puller thereof; and
- (d) surrendering his licence and registration plates in accordance with this Part.

(2) At the expiration of the term for which a jinrikisha has been licensed, the licensee shall return the plates to the Registrar of Vehicles and the Registrar of Vehicles shall return to the owner the sum deposited by him under this section or any balance thereof remaining in the hands of the Registrar of Vehicles unless he wishes to renew his licence.

(3) Any owner of jinrikishas failing to withdraw the amount deposited by him or the balance thereof within six years from the date of the expiration of his licence shall lose all claim to the same and such amount shall be paid into and form part of the Municipal Fund.

(4) Where no security has been required under subsection (1), the Registrar of Vehicles in default of the payment by the owner or puller of any fine imposed by a Court of Law may seize, wherever found, all or any of the licensed jinrikishas belonging to the defaulting owner or belonging to an owner whose licensed jinrikisha was in charge of the offending puller when he committed the offence and may hold and detain such jinrikishas until all requirements have been complied with and all penalties have been paid.

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(5) In the event of the non-payment of the penalty within one month after the seizure of any jinrikisha, the Registrar of Vehicles may proceed to sell it by public auction and the net amount realized by such sale shall be applied in or towards payment of the fine and the surplus, if any, shall be paid to the owner or, if unclaimed for a period of twelve months, shall be transferred to the Reward Fund hereinafter mentioned.

Sale by
auction.

288.—(1) The Registrar of Vehicles may in his discretion refuse to issue a licence to any applicant, if after due inquiry it appears to him that for any reason such applicant is not a fit and proper person to hold a licence or for any other reason a licence should not be granted.

Registrar
may refuse
to issue a
licence.

(2) Before a licence is issued to any person as the owner of a hackney carriage or jinrikisha he shall, if the Registrar so requires, be photographed in such manner and at such time and place as the Registrar directs.

Owner to be
photo-
graphed.

(3) One copy of such photograph certified by the signature of the Registrar shall be furnished to the owner and attached to a schedule specifying the number of hackney carriages or jinrikishas of which he is the registered owner and one copy shall be retained by the Registrar and affixed to the register.

(4) If the owner at any time proves to the Registrar that the copy of such photograph furnished to him as aforesaid has been lost or destroyed, a duplicate copy of such photograph, certified by the signature of the Registrar, may be furnished to him on payment by him of a sum not exceeding one dollar.

Lost
photograph.

289.—(1) On and after the expiry of three years from the first day of June, 1913, no further licences shall be granted for any jinrikisha the body of which exceeds an inside width of two feet and the Governor in Council may, by notification published in the *Gazette* at any time, appoint a date not being earlier than three months from the date of publication of the notification from and after which no licence shall be granted for any jinrikisha exceeding the said width, which has not prior to the appointed date been at any time licensed under the Jinrikisha Ordinance, 1900, or this Ordinance.

No licence
for jin-
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(2) The said period of three years may be extended for such further period as the Governor in Council may direct, and during such extended period no

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land within
regular line.

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sioners may
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sion of land
not built on.

The 6th of June

Owner to be
of age.

Period of
licences.

Fees for
licences.

Substituted
7/4/1

Transfer of
licence.

Only by
permission.

Plates and
markings to
be affixed.

licence shall be granted for any jinrikisha the body of which exceeds an inside width of two feet and which has not been licensed at any time during the said period of three years.

(3) On and after the expiration of such extended period no licence shall be granted for any jinrikisha exceeding the said width.

290. No licence for a hackney carriage, cart or jinrikisha shall be issued to a person who is a minor.

291. Licences for vehicles shall, except as herein-after provided, be for a period not exceeding one year in the case of carts, six months in the case of hackney carriages, and four months in the case of jinrikishas.

292. Such fees as are prescribed by the Governor in Council by notification in the *Gazette* shall be payable for registration and licences under this Part in addition to the taxes, if any, prescribed under section 82 (1).

293.—(1) The Registrar of Vehicles may at his discretion permit the sale or transfer of an owner's licence on registration and payment of a fee of twenty-five cents.

(2) No such transfer shall take place without the permission of the Registrar of Vehicles and all such transfers shall be made at a Registration Office or in the presence of an officer appointed by the Registrar of Vehicles.

294.—(1) Every licensed hackney carriage of a class other than the first class, and every cart and jinrikisha shall have thereto affixed in such conspicuous place or places as the Registrar of Vehicles directs a plate or plates bearing the number assigned to it and the same number shall be marked on the body of such hackney carriage, cart or jinrikisha, as the case may be, and on the fittings in such manner as the Registrar of Vehicles thinks fit.

(2) Every motor vehicle which is a hackney carriage of a class other than the first class shall, in addition to the identification mark fixed thereon under the Traction Engines and Motor Cars Ordinance (*Chapter 214*), have painted thereon such letter or letters indicating that it is a hackney carriage, of such size, and in such position as the Registrar of Vehicles directs.

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(3) In the case of every vehicle specified in section 22, except such as is registered under this Part or is referred to in subsection (4), a document showing that the current tax has been paid shall be attached to and carried on the vehicle in a holder at all times when the vehicle is in use on a public street. [Substituted by Ordinance 8 of 1927, S. 15.]

motor vehicle specified in section 22
Ord. 20/27
Repealed
9/41

(3)(4) Every motor vehicle primarily constructed for the carriage of goods or merchandise shall have affixed thereto, at all times when the vehicle is in use on a public street, a metal plate or other distinguishing mark as the Commissioners may determine. [Substituted by Ordinance 8 of 1927, S. 15.]

Sub.
Ord. 48/40
and every vehicle not 1927
for metal plates
etc. Ord. 20/27

(4)(5) The Commissioners may from time to time make by-laws prescribing the method and place of affixing and the specification of the holder and the form of the document, referred to in subsection (3), and prescribing the method and place of affixing the plate or other mark referred to in subsection (4), the description thereof and the inscription to be made thereon. [Substituted by Ordinance 8 of 1927, S. 15.]

Sub. 9/41
plate or plates or
etc. Ord. 20/27

(5)(6) The owner of any vehicle subject to the provisions of subsection (3) or (4), used on any public street in breach of the provisions of either of such subsections or of any by-law made under subsection (5) shall be liable to a fine not exceeding twenty-five dollars or in the case of a continuing offence to a fine of ten dollars for every day during which such offence is continued. [Added by Ordinance 8 of 1927, S. 15.]

9/41
Ord. 55/23

(6)(7) Any vehicle so used on any public street on which the current tax is unpaid and of which the owner cannot be traced may be seized by any police officer or municipal officer duly authorized in writing by the Registrar of Vehicles generally or in any particular case and detained at the office of the said Registrar until such time as the tax due is paid. [Added by Ordinance 8 of 1927, S. 15.]

295.—(1) From a date of which the Commissioners shall give three months' previous notice by notification in the *Gazette*, every bicycle to which such notification shall apply shall have affixed thereto at all times when the vehicle is in use in a public street, a metal plate and such other distinguishing mark (which may be required to be stamped upon the frame or other part

Identification of bicycles.

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of such bicycle) as the Commissioners may by by-law require.

(2) The Commissioners may from time to time make by-laws prescribing the specification of and the method and place of affixing such plate and mark and for the periodical change thereof and for keeping a correct record of the owners, hirers and users for the time being of such bicycles and the change of ownership thereof and the time within which the provisions of any by-law shall be complied with and for the fees to be charged. Any such by-law shall be published in the *Gazette* but shall not have effect until it is confirmed by the *State Public Council* and such confirmation has been published in the *Gazette*.

(3) The owner of any bicycle subject to the provisions of subsection (1) which is used in any public street in breach of the provisions of subsection (1) shall be liable to a fine not exceeding twenty-five dollars or in case of a continuing offence to a fine not exceeding ten dollars for every succeeding day during which such offence is continued, and any bicycle so used may be seized by any police officer or municipal officer duly authorized in writing by the Registrar of Vehicles generally or in any particular case and detained at the office of the said Registrar until the owner claims it.

(4) If any bicycle has been detained by the Registrar of Vehicles under the last preceding subsection and such bicycle is not claimed and removed within three months by the owner, the Registrar of Vehicles may sell it by auction in the first instance or, failing sale by auction, may dispose of it otherwise or cause it to be destroyed and the proceeds, if any, shall be paid into the Reward Fund constituted under section 311 (4).

(5) In this section "bicycle" means a pedal bicycle, and includes a pedal tricycle whether such tricycle is constructed or adapted or is of a design suitable for the conveyance of goods or other articles or not.

[Added by Ordinance 59 of 1935, S. 16.]

On expiry,
licence and
plates to be
returned.

296.—(1) On the expiry or suspension of any licence under this Part the same shall be immediately returned by the owner, driver or conductor, as the case may be, to the Registrar of Vehicles together with all plates or badges issued therewith.

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(2) Any owner, driver or conductor, as the case may be, who omits to return any such licence or all or any of such plates or badges shall be liable to a fine not exceeding fifty dollars.

Penalty.

Ord. 57, 1932

297.—(1) The Registrar of Vehicles may at any time summon the owner of any hackney carriage, cart or jinrikisha to produce before him at such place as he appoints any hackney carriage, cart or jinrikisha together with, in the case of a hackney carriage, its driver, conductor, horse, harness and fittings, in the case of a cart, its driver, and, in the case of a jinrikisha, its puller and fittings. [Amended by Ordinance 11 of 1932, S. 24.]

Production to Registrar of hackney carriages, etc.

(2) Any owner who fails without reasonable cause to produce such hackney carriage, cart, horse, harness, driver, conductor, jinrikisha puller or fittings, as the case may be, shall be liable to a fine not exceeding one hundred dollars for every day he so fails to produce the same. [Amended by Ordinance 11 of 1932, S. 24.]

Penalty.

Ord. 57, 1932

(3) In the case of the owner of a jinrikisha such fine may be deducted from any sum deposited by him under section 287, and such hackney carriage, cart or jinrikisha may be seized by an officer of the Municipality and impounded and detained by the Registrar of Vehicles and dealt with as described in section 318 (9).

(4) Any licensed hackney carriage, cart or jinrikisha belonging to an owner who has failed to appear before the Registrar for a period of three days after being summoned as aforesaid may be seized by an officer of the Commissioners and impounded and detained by the Registrar of Vehicles and dealt with as described in section 318 (9).

Hackney carriages, etc., may be seized.

298.—(1) The Registrar of Vehicles shall issue to every driver or conductor of a hackney carriage of a class other than the first class, a badge upon which shall be marked or engraved a number corresponding with the number in the licence.

Badges to be supplied.

(2) Every driver or conductor of a hackney carriage of a class other than the first class shall at all times while acting as such or while attending before any Magistrate or the Registrar of Vehicles carry such badge strapped on his left arm above the elbow or in such manner that the badge is clearly exposed to view.

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Penalty.

Lost or defaced plates and badges.

Plate or badge when found to be returned.

Using plate after licence expired, etc.

Use of badge by unlicensed person.

Allowing badges to be used.

Alteration, etc., of plate, badge or letters.

(3) Any driver or conductor who fails to comply with subsection (2) shall be liable to a fine of ten dollars.

299. Whenever any plate or badge is proved to the satisfaction of the Registrar of Vehicles to have been lost or mislaid or become obliterated or defaced so that the same is not easily legible, the owner of the hackney carriage, cart or jinrikisha to which such plate was attached or the driver or conductor to whom such badge was issued, as the case may be, shall be entitled to have a new plate affixed or a new badge upon payment of such sum not exceeding four dollars, where the plate or badge has been lost or mislaid, and one dollar, where it has been obliterated or defaced, as the Registrar of Vehicles thinks fit.

300. If any plate or badge which has been lost or mislaid is found by any person, it shall forthwith be returned by such person to the Registrar of Vehicles and, if he and any person into whose possession the same comes fails or refuses to return the same forthwith to the Registrar of Vehicles, he shall be liable to a fine not exceeding fifty dollars.

301. Any person who uses any plate on any hackney carriage, cart, or jinrikisha or allows any letter or letters printed on any hackney carriage in pursuance of section 294 to remain thereon after the licence granted in respect of such hackney carriage, cart or jinrikisha has expired or been suspended or cancelled shall be liable to a fine not exceeding fifty dollars.

302. (1) Any person who uses any badge without having a licence in force relating to such badge shall be liable to a fine not exceeding fifty dollars.

(2) Any driver or conductor who lends or allows to be used or worn by any other person any licence or badge granted to him shall be liable to a fine not exceeding twenty-five dollars.

303. Any person who alters, obliterates, obscures or defaces the number on any plate or badge issued under this Part or the letter or letters painted on any hackney carriage in pursuance of section 294 shall be liable to a fine not exceeding one hundred dollars.

304.—(1) Any person who uses or has affixed to any hackney carriage, cart or jinrikisha any plate or uses or has any badge falsely purporting to be issued under this Part shall be liable to a fine not exceeding one hundred dollars.

False plate
or badge.

(2) Any person who except in accordance with this Part marks any hackney carriage, cart or jinrikisha or the fittings thereof or paints any letter or letters on any hackney carriage so that it may be believed by any person that such hackney carriage, cart or jinrikisha is registered and licensed by the Registrar of Vehicles or has in his possession any die, plate or other instrument intended to be used for so marking shall be liable to a fine of one hundred dollars.

False marks
and dies.

305. Whenever any hackney carriage or its horse or harness or its fittings or any jinrikisha or its fittings is found plying or used for hire unfit for public use, the Registrar of Vehicles may suspend any licence granted for such hackney carriage or jinrikisha until such time as in his opinion such hackney carriage or jinrikisha has been rendered fit for public use.

Hackney
carriages
and jin-
rikishas
unfit for
public use.

306.—(1) Any vehicle found plying ^{for hire etc.} or used for hire and any cart being used on any public street in any Settlement without being licensed and registered under this Part in such Settlement, or without the letters prescribed by this Part painted thereon, or with defaced or defective plates, or with plates which should have been returned to the Registrar of Vehicles on the expiry or suspension of the licence of such vehicle or cart granted hereunder, may be seized by any police officer or municipal officer duly authorized in writing by the Registrar of Vehicles either generally or in any particular case and removed to the office of the Registrar of Vehicles and there detained.

Seizure of
hackney
carriages,
carts and
jinrikishas.

(2) Nothing in the preceding subsection shall prevent a vehicle licensed and registered in one Settlement from proceeding to, or returning from, another Settlement with goods or passengers, provided that such vehicle does not ply for hire within such other Settlement except at a recognised stand for the purpose of soliciting custom for the return journey to the former Settlement or to any place *en route* thereto outside of the other Settlement.

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distance.

Luggage.

(3) Any ~~owner, driver or puller~~, as the case may be, who has permitted any vehicle or cart to be used or has so used the same in contravention of subsection (1) shall be liable in the case of a jinrikisha to a fine not exceeding fifty dollars and in the case of any other vehicle or cart to a fine not exceeding two hundred and fifty dollars.

[Substituted by Ordinance 11 of 1932, S. 25.]

307.—(1) Any jinrikisha found in the possession of any puller who for any reason is, in the opinion of any police officer or municipal officer, authorized in writing by the Registrar of Vehicles generally or in any particular case, unfit to act as a puller may be seized and removed to any police or jinrikisha station or to the office of the Registrar of Vehicles who, if he also is of opinion that such puller is so unfit to act, may suspend the licence for a period not exceeding one month and detain the jinrikisha.

(2) Any owner who has allowed such unfit puller to ply for hire shall in addition be liable to a fine not exceeding fifty dollars.

308.—(1) The owner, driver or conductor of any hackney carriage of a class other than the first class, and the owner or puller of a jinrikisha shall be entitled to demand and take for hire such rates of hire at the different Settlements as the Governor in Council fixes by Order.

(2) Nothing herein shall prevent any owner, driver, conductor or puller entering into a contract to receive a lower rate than that fixed by any Order as aforesaid.

(3) If any dispute arises as to the fare to be calculated according to the distance, any table of distances published by authority of the Registrar of Vehicles in the Gazette shall be conclusive evidence of all the distances therein stated.

(4) No charge shall be made for any luggage carried with a passenger in a jinrikisha and the puller shall be bound to carry such quantity of luggage as is reasonable under the circumstances.

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(5) The owner, driver or conductor of any hackney carriage of a class other than the first class shall be entitled to demand and take for luggage carried such sums as the Governor in Council fixes by Order. *29.8.59*
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309.—(1) The driver of every hackney carriage shall, unless he has a reasonable excuse, drive the same to any place within municipal limits to which he is required by the hirer thereof to drive. *Limits of obligation to drive.*

(2) Any driver who without reasonable excuse refuses or omits to drive the same to the place aforesaid shall be liable to a fine not exceeding ten dollars. *Penalty for refusing.*
1.6.53

310.—(1) A puller shall, unless he has a reasonable excuse, draw his jinrikisha to any place within the municipal limits, but he may demand a rest not exceeding ten minutes after every three miles, and shall not be engaged for more than eight hours at a time, or, in the absence of any special agreement, be required to draw his jinrikisha a greater distance than ten miles on any one day. *Limits of obligation to pull a jinrikisha.*

(2) Any puller who refuses or omits to draw his jinrikisha as provided in subsection (1) shall be liable to a fine not exceeding ten dollars. *Penalty for refusing.*
1.4.53

311.—(1) Every driver or conductor of a hackney carriage or puller of a jinrikisha or driver of a cart, as the case may be, shall forthwith deposit at a police station or at a jinrikisha station or at the office of the Registrar of Vehicles all money or other property left in any hackney carriage or jinrikisha or cart of which he is in charge and not claimed by the owner thereof, and the person in charge of every such station or office shall forthwith give a receipt to the driver, conductor or puller, as the case may be, for such money or other property and shall transmit such money or other property to the Registrar of Vehicles. *Property left in hackney carriages, carts or jinrikishas.*
[Amended by Ordinance 8 of 1927, S. 16.]

(2) Any driver, conductor or puller who neglects or omits so to deposit all money and property shall be liable to a fine not exceeding fifty dollars. *Penalty for not depositing.*
1.6.53

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Property
may be sold
by Registrar
after three
months.

(3) The Registrar of Vehicles may keep any money or other property left in a hackney carriage or jinrikisha or cart which is deposited with him under this Ordinance for a period of three calendar months, except in the case of perishable articles which may be sold at once, and, if at the end of the three calendar months such property is not claimed, he shall put up for sale by auction all such property as does not consist of money. [Amended by Ordinance 8 of 1927, S. 16.]

(4) Such money and the proceeds of any such auction after payment of all expenses that are incurred and of such sum to the driver, conductor or puller as the Registrar of Vehicles awards shall be paid into a fund to be called the "Reward Fund", of which an account shall be kept and audited in the same manner as other municipal accounts.

Register to
be kept.

(5) The Registrar of Vehicles shall keep a register of all money and other property deposited with him under this section and of the disposal thereof, such register to be in such form as the Commissioners prescribe.

Property
left in
hackney
carriage or
jinrikisha
or cart to
be returned
to owner.

312.—(1) Property deposited with or recovered by the Registrar of Vehicles under this Ordinance shall be returned to the person who proves to the satisfaction of the Registrar of Vehicles that the same belongs to him on payment of all expenses reasonably incurred and of such reasonable sum to the owner, driver, conductor or puller as the Registrar of Vehicles awards; provided that he applies for the same within a period of three months after it comes into the possession of the Registrar of Vehicles.

(2) For the purpose of recovering any property alleged to have been left in or stolen from a licensed jinrikisha the Registrar of Vehicles may exercise the powers conferred by section 71 of the Criminal Procedure Code on officers of police not below the rank of inspector.

Application
of Reward
Fund.

313. The Registrar of Vehicles may pay out of the Reward Fund rewards to persons who deposit unclaimed property left in hackney carriages or jinrikishas or carts with the Registrar of Vehicles, also to persons who render any service or give any information

to the department which leads to the detection or suppression of offences under this Ordinance, or apply the whole or any part thereof in providing or contributing to any object for the comfort, amusement or advantage of any officer engaged in connection with the matters referred to in this Part.

314. If a charge made under this Part is found by the Registrar of Vehicles to be not proved there may be paid out of the Reward Fund to the owner and driver or conductor or puller respectively such sum not exceeding, in the case of the owner, two dollars and, in the case of the driver, conductor or puller, fifty cents for each day or part of a day during which the hackney carriage or jinrikisha has been detained as is a reasonable compensation for the loss sustained by them respectively by such stoppage and detention.

If charge be not proved owner and driver or conductor or puller may be paid compensation.

315.—(1) Any person hiring a hackney carriage or jinrikisha who refuses or fails to pay the driver, conductor or puller on dismissing or leaving the hackney carriage or jinrikisha the fare payable under this Part shall be liable to a fine not exceeding twenty-five dollars.

Refusal to pay hire.

(2) The Police Court convicting may adjudge to be paid to the owner or driver, conductor or puller, as the case may be, the whole or any portion of such fine as compensation for any injury or loss of time which he has sustained.

316.—(1) Any person who wilfully causes any injury to a hackney carriage or licensed jinrikisha shall be liable to a fine not exceeding fifty dollars.

Injuring hackney carriages or jinrikishas.

(2) The Police Court convicting may, in addition to such fine, order such person to pay such compensation to the owner as it thinks fit in respect of the injury done.

317. Any person who absconds with a jinrikisha or abstracts any part of its fittings or appurtenances shall be liable to a fine not exceeding fifty dollars or to imprisonment of either description for a term which may extend to three months or to both.

Abscounding with or abstracting part of jinrikisha.

318.—(1) In addition to any other offences referred to in this Part any driver, conductor or puller, as the case may be, shall be guilty of an offence who, while

Other offences by drivers, conductors and pullers.

acting as such driver, conductor or puller—[*Substituted by Ordinance 11 of 1932, S. 26.*]

- (a) is not dressed in accordance with the requirements of any by-laws made in that behalf;
- (b) loiters on any public street or place;
- (c) enters without invitation or licence the garden or compound of a private house or the private road leading to a dwelling-house or dwelling-houses, not being either a road with a name post in it affixed by the Municipality or a thoroughfare;
- (d) wilfully obstructs, endangers or interferes with the traffic in any public street or place;
- (e) places the shafts of the jinrikisha over the foot pavement or at right angles to the street;
- (f) improperly leaves a passenger before the completion of his engagement with such passenger;
- (g) demands more than the authorized fare or uses insulting language or behaves in a disorderly manner;
- (h) is found after dark without proper lamps of the regulation pattern or with lamps not properly fitted, lighted or closed;
- (i) solicits passengers in a persistent or disorderly manner;
- (j) without reasonable excuse uses the jinrikisha or hackney carriage for the conveyance of any person suffering from an infectious disease or for the conveyance of a corpse;
- (k) allows the jinrikisha or hackney carriage to contain more than the lawful number of passengers or to contain articles forbidden to be carried or of greater weight than that allowed by any by-law made under this Ordinance;
- (l) when in charge of a hackney carriage or jinrikisha refuses without a reasonable excuse to let for hire such hackney carriage or jinrikisha while plying for hire or standing at or being on a public stand or standing or passing along any public street, road or place;

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- (m) without the consent of the owner hands over his jinrikisha to another puller or otherwise improperly parts with the possession thereof;
- (n) leaves his jinrikisha without some proper person to take care of it in any street or at any place of public resort or entertainment;
- (o) is guilty of reckless or negligent driving or pulling;
- (p) by carelessness or wilful misbehaviour causes any hurt or damage to any person or property.

(2) In addition to any other offences referred to in this Part any driver shall be guilty of an offence who—

Other offences by drivers.

- (a) suffers his hackney carriage or cart to stand across any street or road or alongside any other vehicle;
- (b) refuses or neglects unreasonably to give way to any other vehicle;
- (c) hinders or obstructs the driver of any other vehicle from being hired or from taking up passengers;
- (d) leaves his hackney carriage or cart without some proper person to take care of it;
- (e) refuses or neglects to drive his hackney carriage at not less than five miles an hour except in cases of unavoidable delay when so required by the hirer;
- (f) is drunk while driving or in charge of his hackney carriage or cart.

(3) Any police officer or municipal officer, authorized in writing by the Registrar of Vehicles generally or in any particular case, may arrest without warrant any driver, conductor or puller committing in his sight any offence mentioned in subsection (1) or (2) or who from the complaint of any person he has reason to believe has committed any such offence within twelve hours of such complaint. [Amended by Ordinance 11 of 1932, S. 26.]

Arrest without warrant.

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(4) Every driver, conductor or puller so arrested shall be taken with all convenient speed to a police or jinrikisha station or to the office of the Registrar of Vehicles so that he may be charged with his offence. [Amended by Ordinance 11 of 1932, S. 26.]

Offender to be taken to a police station, etc.

Penalty.

(5) Every driver, conductor or puller convicted of any such offence shall be liable to a fine not exceeding ~~fifty~~ ^{one hundred} dollars or to imprisonment of either description for a term which may extend to three months or both. [Amended by Ordinance 11 of 1932, S. 26.]

(6) The amount of any such fine may, in the case of a puller, be deducted by the Registrar of Vehicles from any sum of money deposited by the owner under section 257 and shall be paid into and form part of the Municipal Fund.

Hackney carriage, cart or jinrikisha may be detained.

(7) When any driver, conductor or puller is arrested under this section the hackney carriage, cart or jinrikisha of which he is the driver, conductor or puller may be taken to the office of the Registrar of Vehicles or to a police or jinrikisha station and detained pending the hearing of the charge against the driver, conductor or puller. [Amended by Ordinance 11 of 1932, S. 26.]

Licence may be suspended.

(8) In addition to or in lieu of imposing a fine or imprisonment a Police Court or the Registrar of Vehicles may suspend the licence of the hackney carriage, cart or jinrikisha for any period not exceeding one month, and in that case shall cause a notice of such suspension to be served on the owner personally or at the registered address of the owner calling on him to surrender his licence and hackney carriage, cart or jinrikisha, which he shall thereupon be bound to do.

Disposal of detained hackney carriage, cart or jinrikisha.

(9) If on the expiration of the period for which any hackney carriage, cart or jinrikisha has been detained by the Registrar of Vehicles such hackney carriage, cart or jinrikisha is not claimed and removed within one month by the owner, the Registrar of Vehicles may sell it by auction in the first instance or, failing sale by auction, may dispose of it otherwise or cause it to be destroyed, and the proceeds, if any, shall be paid into the Reward Fund, if unclaimed for a space of twelve months.

Responsibility of owners.

319.—(1) The owner of any hackney carriage, cart or jinrikisha shall be responsible for all offences under this Part or any by-laws made thereunder committed by the driver, conductor or puller so long as the driver, conductor or puller is in charge of the hackney carriage, cart or jinrikisha and shall be

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liable to pay all fines inflicted on the driver, conductor or puller. *[Amended by Ordinance 11 of 1932, S. 27.]*

(2) The complainant may in his discretion prosecute either the owner, driver, conductor or puller of a hackney carriage, cart or jinrikisha, as the case may be, or both the owner and driver or conductor or puller for any offence under this Part or against any of the by-laws made thereunder committed by the driver, conductor or puller.

Driver, conductor, puller or owner may be prosecuted.

320.—(1) Every charge of an offence under this Part may be heard and determined in a summary manner either by a Police Court or at the office of the Registrar of Vehicles by the Registrar of Vehicles.

Registrar to have powers of Police Court in certain cases.

(2) For the purposes of the exercise of the jurisdiction hereby conferred the Registrar of Vehicles shall have and exercise all the powers of a Police Court.

(3) Any fines imposed under this Part shall be paid into the Municipal Fund.

Fines to go to Municipal Fund.

321.—(1) In every case where any hurt or damage has been caused, the Police Court or Registrar of Vehicles upon the hearing of the complaint may adjudge as and for compensation to the party aggrieved a sum not exceeding one hundred dollars and may order the owner of the hackney carriage, cart or jinrikisha, the driver, conductor or puller of which has caused such hurt or damage, forthwith to pay such sum and also such costs as have been incurred. *[Amended by Ordinance 11 of 1932, S. 28.]*

Owner to pay compensation for damage done by hackney carriage, cart or jinrikisha.

(2) Payment thereof shall be recoverable from such owner as a fine.

(3) Any sum which is so paid by the owner may in like manner be recovered in a summary way before a Police Court or the Registrar of Vehicles from the driver, conductor or puller through whose fault such sum has been paid upon proof of the payment thereof. *[Amended by Ordinance 11 of 1932, S. 28.]*

Owner can recover from driver, conductor or puller.

(4) The award of any sum under this section shall not relieve the person ordered to pay the same from any other proceedings in respect of such damage or cost.

Proviso.

322.—(1) Where any hurt is caused to the driver or conductor of a hackney carriage or cart or to the

Injury to driver or conductor

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of hackney
carriage or
jinrikisha
puller.

puller of a jinrikisha while acting as a driver, conductor or puller, the Police Court or Registrar of Vehicles upon the hearing of the complaint may adjudge as and for compensation to the driver, conductor or puller a sum not exceeding twenty dollars which shall be recoverable as a fine from the defendant, and may in addition thereto order the defendant to pay a fine not exceeding ^{the hundred} fifty dollars or to undergo imprisonment of either description for a term which may extend to three months. [Substituted by Ordinance 11 of 1932, S. 29.]

Proviso.

(2) The award of any sum under this section shall not relieve the person ordered to pay the same from any other proceedings in respect of such hurt.

Registrar
may cancel
or suspend
licences
where
offence
committed.

323.—(1) Subject to the other provisions of this Part, the Registrar of Vehicles may, in any case where an offence has been committed under this Part, cancel or suspend for such period as he thinks fit any licence granted under this Part.

Licence may
be cancelled
if owner
refuses to
let out for
hire.

(2) The Registrar of Vehicles may also cancel the licence of any hackney carriage or jinrikisha if the owner refuses to let the same out for hire when called on so to do.

Appeal.

(3) Any person dissatisfied with the action of the Registrar of Vehicles under this section may appeal to the Commissioners, whose decision shall be final.

General
penalty.

324. Any breach of this Part or of any by-laws made thereunder for which no penalty is specially provided shall be punishable by fine not exceeding ^{one hundred} fifty dollars.

Labour
Ordinance to
apply.

325.—(1) Every contract made between an owner of a licensed hackney carriage or jinrikisha and a person who agrees to act as a driver of a hackney carriage or puller of a jinrikisha shall be subject to the Labour Ordinance (*Chapter 69*), and the driver or puller shall be deemed to be a labourer within the meaning of that term defined in the said Ordinance.

(2) The Registrar of Vehicles shall, in all matters concerning persons referred to in subsection (1), have and may exercise all the powers conferred on Magistrates by the said Ordinance.

326.—(1) Subject to the provisions of this section the Commissioners may, in their discretion, grant to any person applying therefor a licence (in this section referred to as an "omnibus service licence") to provide upon the route or routes therein specified, and irrespectively of whether or not any such route or any part thereof is specified in any other omnibus service licence, such a service of motor omnibuses as may be therein mentioned. The omnibus service licence shall be for a period not exceeding one year and the fee to be paid therefor by any such person (in this section referred to as a "licensee") shall be such sum as may be determined by the Commissioners having regard to the period and the route or routes for which such licence is granted.

Licences of omnibuses for prescribed routes.

(2) From and after the grant of an omnibus service licence no motor omnibus other than the motor omnibuses of a licensee, and if any route specified or any part thereof is a trolley route or is approved in writing by the Authority within the meaning of section 13 of the Singapore Traction Ordinance (*Chapter 109*) the omnibuses of the Singapore Traction Company Limited, shall ply for hire along any route specified in such licence or any part thereof, and this provision shall have effect notwithstanding anything in this Ordinance contained and notwithstanding that such other motor omnibus may have been licensed generally to ply for hire and registered under this Ordinance.

(3) In exercising their discretion to grant or refuse an omnibus service licence in respect of any route or routes and their discretion to attach conditions to any such licence, the Commissioners shall have regard to the following matters :—

- (a) the suitability of the route or routes on which a service is to be provided under the licence;
- (b) the extent, if any, to which the needs of the proposed route or routes are already adequately and satisfactorily served by the trolley-buses or omnibuses of the Singapore Traction Company Limited, or otherwise;
- (c) the extent to which the proposed service is necessary or desirable in the public interest;
- (d) the needs of the area as a whole in relation to traffic (including the provision of adequate,

safe, suitable and efficient services, the elimination of unnecessary or unsatisfactory services and the provision of remunerative services) and the co-ordination of all forms of passenger transport;

(c) the financial standing of the applicant and his ability to maintain an adequate, satisfactory and efficient service.

(f) Before ~~exercising any discretion~~ under this section the Commissioners shall give notice in the *Gazette* and in one newspaper circulating in the Municipality that an application for an omnibus service licence has been made under this section. In the Municipality of Singapore such notice shall also be given direct to the Singapore Traction Company Limited. Such notice shall specify the route or routes in respect of which the licence is sought, and shall state that the application will be taken into consideration on the expiration of one month from the date of the publication of the notice. *Provided that*

(5) Any representation made following upon any notice given in accordance with subsection (4) by the Singapore Traction Company Limited and by persons who are already providing transport facilities along or near to such route or routes or any part thereof shall be taken into consideration by the Commissioners.

(6) Nothing in subsection (4) or (5) shall apply to the granting on occasions of race meetings, public gatherings, and other like special occasions, of a temporary omnibus service licence for a period not exceeding one month.

(7) All Municipal by-laws from time to time in force applicable to motor omnibuses shall apply to motor omnibuses operating under an omnibus service licence, and in addition the Commissioners may attach to an omnibus service licence such conditions as they may think fit with respect to the matters to which they are required to have regard under the preceding subsections and in particular for securing that—

(a) copies of the time-table and fare-table shall be carried and be available for inspection in vehicles used on the service;

(b) passengers shall not be taken up or set down except at specified points or shall not be

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taken up or set down between specified points:

(c) there shall be no racing or cutting in or dangerous competition with other vehicles on the route;

(d) security to the satisfaction of the Commissioners shall be deposited by the licensee with the Commissioners for the due performance by the licensee of all and any obligations imposed upon him by the omnibus service licence or by this Ordinance or any by-law.

(8) If any person uses a motor omnibus or causes or permits a motor omnibus to be used in contravention of this section, he shall be guilty of an offence and shall be liable on conviction to a fine which shall not exceed for any one offence the sum of \$50 or, in the case of a continuing offence, the sum of \$10 for every day on which the offence is committed.

(9) If any licensee wilfully or negligently fails to comply or fails to secure the compliance of his drivers, servants, agents or contractors with any of the conditions attached to his omnibus service licence or with the provisions of this Ordinance or any by-law relating to motor omnibuses, or in the opinion of the Commissioners, fails to provide and maintain an adequate and satisfactory service of motor omnibuses upon the route or routes in such licence specified or any part thereof, then the Commissioners may, by a notification in writing and without compensation, suspend or cancel the omnibus service licence and forfeit the whole or any part of any security deposited with the Commissioners under subsection 7 (d) hereof and may grant to any other person an omnibus service licence in respect of such route or routes.

(10) In this section "Motor Omnibus" means a hackney carriage which is a motor vehicle intended or used for the conveyance of passengers and in which the passengers are charged separate and distinct fares for their respective seats.

[Section added by Ordinance 59 of 1935, S. 17.]

327. The Commissioners may make by-laws for carrying out the purposes of this Part, and in

Power to make by-laws.

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particular may in like manner make by-laws for any of the following purposes :--

- (a) to provide for the licensing and registration of jinrikisha pullers and cart drivers, and for the photographing of licensed pullers and cart drivers;
- (b) to prescribe the time for the licensing of pullers and cart drivers, the period for which they may be licensed and the time for the expiry of pullers' and cart drivers' licences;
- (c) to prescribe the badges to be worn by pullers and cart drivers and to regulate the issue, use and possession of such badges;
- (d) to prescribe for the suspension or cancelling of the licences of pullers and cart drivers in certain cases;
- (e) to prescribe the fee to be taken in respect of the issuing of pullers' and cart drivers' licences;
- (f) to classify the jinrikishas to be used within the Municipality and to prescribe the number of each class which may be licensed;
- (g) to prescribe the manner in which licensed jinrikishas may be used, as to the number of passengers and the nature and quantities of the goods that may be conveyed therein;
- (h) to describe the fittings with which hackney carriages or licensed jinrikishas must be furnished;
- (i) to classify hackney carriages;
- (j) to prescribe the conditions on which licences for motor vehicles used or kept for use or intended for use for the conveyance of passengers for hire may be granted, suspended or cancelled;
- (k) to provide for the giving of security by the owner of any such motor vehicle by means of cash deposited with the Commissioners or by means of insurance or otherwise;
- (l) for the maintenance of such security during the continuance of a licence;
- (m) for the payment out of such security of damages, compensation or costs recovered

Sub: G.O. 50/39.

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in any Court or before the Registrar of Vehicles against the owner or driver of any such vehicle by reason of driving or management thereof:

- (n) for the due accounting to the licensee for such security or the balance thereof;
- (o) to provide for the keeping by the owners of hackney carriages of registers in which shall be entered particulars concerning the drivers of such carriages, to prescribe the particulars to be entered in such registers and to provide for the production of such registers to the Registrar of Vehicles; *[Added by Ordinance 8 of 1927, S. 17.]*
- (p) to provide for the licensing and registration of tricycles; *and [Added by Ordinance 59 of 1935, S. 18.]*
- (q) to prescribe the number of tricycles which may be licensed, to prescribe the manner in which they may be used, to regulate, restrict and control the dimensions and type of construction of tricycles and to describe the registration marks and fittings with which they must be furnished; *[Added by Ordinance 59 of 1935, S. 18.]*

(r) *(s)* 328. No sale of any licensed hackney carriage, cart or jinrikisha under any writ of execution or distress warrant shall take place unless and until twenty-four hours' notice of the time and place of sale has been given by the Sheriff or Bailiff to the Registrar of Vehicles.

C. 133/2
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Sale under execution.

Part XIV.

RECONSTRUCTION OF UNHEALTHY AREAS AND BUILDINGS.

329.—(1) Where a representation is made to the Commissioners of any Municipality by the Health Officer that within a certain area within such Municipality either—

- (a) any houses, courts or alleys are unfit for human habitation; or
- (b) the narrowness, closeness and bad arrangement or the bad condition of the streets and

Improvement scheme for insanitary area.

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- opinion, be required for the execution of the scheme;
- (ii) the laying out or re-laying out of the land in the said area;
 - (iii) such demolition or alteration of buildings situated in the said area and such construction or re-construction of buildings as the Commissioners think necessary;
 - (iv) the laying out or alteration of streets, if required;
 - (v) the levelling, paving, metalling, flagging, channelling sewerage, and draining of streets and the provision therein of water, lighting and other sanitary conveniences ordinarily provided in a Municipality;
 - (vi) the raising, lowering or levelling any land in the area comprised in the scheme;
 - (vii) the formation or retention of open spaces;
 - (viii) the construction of dwellings for persons displaced by the execution of the scheme;
 - (ix) the widening of existing approaches to the unhealthy area or otherwise for opening out the same for purposes of ventilation or health; and
 - (x) any other matter, including the closing and diversion of highways, for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme.

(2) The scheme shall distinguish the lands proposed to be taken compulsorily.

(3) The scheme may also provide for the scheme or any part thereof being carried out and effected by the owner of any property comprised in the scheme or with the concurrence of such person under the superintendence and control of the Commissioners and upon such terms and conditions to be embodied in the scheme as are agreed upon between the Commissioners

and such person, and the Commissioners may advance moneys for such period and at such rate of interest and subject to such conditions as appear to them advisable for the purpose of enabling such owner to carry out the scheme.

332.—(1) Upon the completion of an improvement scheme, the Commissioners shall—

(a) publish during three consecutive weeks in the *Gazette* an advertisement stating the fact of a scheme having been made, the limits of the area comprised therein and naming a place within such area or in the vicinity thereof where a copy of the scheme may be seen at all reasonable hours; and

(b) serve a notice on every owner or reputed owner, lessee or reputed lessee and occupier of any lands proposed to be taken compulsorily for the purpose of an improvement scheme and, in the case of any owner or reputed owner, lessee or reputed lessee, requiring an answer within fourteen days from the date of service, stating whether the person so served dissents or not in respect of taking such lands.

(2) One notice addressed to the occupier or occupiers without naming him or them and left at any house shall be deemed to be a notice served on the occupier or on all the occupiers of any such house.

(3) Any person served with a notice who fails to deliver an answer within fourteen days from the date of service shall be deemed not to dissent from the scheme.

(4) Any person intending to dissent from any such scheme shall, not less than seven days before the same is heard under section 333 (3), give notice in writing to the Commissioners of the grounds of his objection and shall not put forward any other.

333.—(1) Upon compliance with the foregoing provisions with respect to the publication of an advertisement and the service of notices, the Commissioners

Publisher and service of notices.

Order compliance giving scheme.

Reputed private streets

Amendment of Act of 1894

Commissioner of Public Works

Duration amount rate.

MUNICIPAL.

shall apply to the ~~Governor in Council~~ ^{State Authority} that an order may be made confirming such scheme.

(2) The application shall be accompanied by a copy of the scheme and shall state the names of the owners or reputed owners, lessees or reputed lessees who have dissented in respect of the taking of their lands.

(3) If on consideration of the application and on proof of the publication of the proper advertisements and the service of the proper notices the ~~Governor in Council~~ ^{State Authority} thinks fit to proceed with the scheme, he may, after giving any person who has dissented from the scheme and the Commissioners an opportunity of being heard, in the case of the Commissioners by a person appointed by them or by counsel, and, in the case of the person dissenting, either in person or by counsel, make an order declaring the limits of the area comprised in the scheme and authorizing the scheme to be carried into execution.

(4) Such order may be made either absolutely or with such conditions and modifications of the scheme as the ~~Governor in Council~~ ^{State Authority} thinks fit.

334. Every such order shall have the like effect as a declaration under section 5 of the Land Acquisition Ordinance (*Chapter 128*) with respect to lands proposed in the scheme to be taken compulsorily, and, subject to the special provisions for compensation contained in section 339 of this Ordinance, such lands may be acquired and paid for in accordance with the provisions of that Ordinance.

335. Where a representation is made by the Health Officer to the Commissioners with a view to their making an improvement scheme, the Commissioners shall send a copy of the representation to the ~~Governor in Council~~ ^{State Authority} accompanied by their decision as to whether they intend to act on the representation, and, if they do not so intend, their reasons for not doing so and, if they decide not to act on the representation or in the opinion of the ~~Governor in Council~~ ^{State Authority} fail to make an improvement scheme in a reasonable time, the ~~Governor in Council~~ ^{State Authority} may, if he is of opinion that an improvement scheme ought to be made in respect of the area referred to in such representation, make an order, calling on the Commissioners to make such scheme, and they shall make the same accordingly.

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336.—(1) When any improvement scheme has been

authorized and approved under this Part, the Commissioners shall take steps for purchasing the lands required for the scheme and otherwise for carrying the scheme into execution as soon as practicable.

(2) The Commissioners may sell or let all or any part of the area comprised in the scheme to any purchasers or lessees for the purpose and under the condition that such purchasers or lessees will, as respects the land so purchased by or leased to them, carry the scheme into execution; and in particular they may insert in any grant or lease of any part of the area provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed, and to maintain and repair the buildings, and prohibiting the erection of buildings and any addition to or alteration of the character of buildings without the consent of the Commissioners, and for the re-vesting of the land in the Commissioners or their entry thereon on breach of any provision in the grant or lease subject to section 18 of the Conveyancing and Law of Property Ordinance (*Chapter 118*).

(3) In any grant or lease of any part of the area which is appropriated by the scheme for the erection of dwellings the Commissioners shall impose suitable conditions and restrictions as to the elevation, size and design of the houses and the extent of the accommodation to be afforded thereby and shall make due provision for the maintenance of proper sanitary arrangements.

(4) The Commissioners may, where they think it expedient so to do without themselves acquiring the land or after or subject to their acquiring any part thereof, contract with the owner of any land comprised in an improvement scheme for the carrying of the scheme into effect by him in respect of such land, and the Commissioners may advance moneys for such period and at such rate of interest and subject to such conditions as appear to them advisable for the purpose of enabling such owner to carry out the scheme.

337. The Government in Council on application from the Commissioners and on its being proved to his satisfaction that an improvement can be made in the details of any scheme may, after hearing the owner of

Duty of
Commissioners to
carry out
scheme when
confirmed.

Power of
Commissioners to
sell or let.

Conditions
and restrictions in
leases.

Power to
contract
with owner
for carrying
scheme into
effect.

Power of
Government in
Council to
modify
scheme.

1. N. 248.57

Repair
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any land affected by the proposed modification either in person or by counsel if he desires so to be heard, permit the Commissioners to modify any part of their improvement scheme not only by the abandonment of any part of the scheme which it appears inexpedient to carry out but also by amending or adding to the scheme in matters of detail in such manner as appears expedient to the ~~Governor in Council~~ *the Authority*

338.—(1) Where such a representation as is referred to in section 329 is made to the Commissioners in respect of an area which consists or the greater part of which consists of lands which are the property of the Crown but subject to a lease or leases of less than one hundred years, such representation shall forthwith be transmitted to the ~~Governor in Council~~ *the Authority*

(2) If the ~~Governor in Council~~ *the Authority* is satisfied that an improvement scheme ought to be made in respect of such area, the ~~Governor in Council~~ *the Authority* may forthwith direct that an improvement scheme shall be prepared by such officers as he nominates for the purpose, and the ~~Governor in Council~~ *the Authority* after giving any person who has dissented from the scheme an opportunity of being heard either in person or by counsel may make an order, declaring the limits of the area comprised in the scheme and authorizing the scheme with such conditions and modifications as he thinks fit to be carried into execution.

(3) Every such order shall have the like effect as a declaration under section 5 of the Land Acquisition Ordinance (*Chapter 128*) with respect to lands proposed in the scheme to be taken compulsorily, and, subject to the special provisions for compensation contained in section 339 of this Ordinance, such lands may be acquired and paid for in accordance with the provisions of that Ordinance, and sections 331, 332, 336 (1), (2) and (3), 339 and 340 of this Ordinance shall apply to such scheme but shall be read in such case as if the ~~Governor in Council~~ *the Authority* were substituted for the Commissioners in those sections

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Governor in
Council may
direct
improvement
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prepared:*

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L.N. 298/59

And may contract with leaseholders for carrying out scheme and advance moneys for the purpose

(4) In every such case the ~~Governor in Council~~ may, if he thinks it expedient so to do, without acquiring any leasehold or other interests which exist in the land or after or subject to the acquisition of any such interest in any part thereof, contract with any leaseholder or other person interested in such lands for the carrying out by him of the scheme so far as it affects the land in which he has an interest, and may, for the purpose of such contract, advance moneys for such period and at such rate of interest and subject to such conditions as appear to him to be advisable for the purpose of enabling the party to such contract to carry out the scheme.

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L.N. 298/59
Council may modify scheme

(5) The ~~Governor in Council~~ on its being proved to his satisfaction that an improvement can be made in the details of any scheme made under this section may, after hearing any person interested in any land affected by the proposed modification either in person or by counsel if he desires so to be heard, modify any part of any such improvement scheme.

Paving, draining, lighting, etc.

(6) The Commissioners shall level, pave, metal, flag, channel, drain and light all land which is set apart as streets under any improvement scheme under this section.

Special provisions for compensation.

339.—(1) Whenever the compensation payable in respect of any land or dwelling-house or of any interest therein proposed to be taken compulsorily in pursuance of this Part requires to be assessed—

- (a) the estimate of the value of such land, dwelling-house or interest shall be based upon the fair market value thereof at the date of the publication of the advertisement of the improvement scheme, due regard being had to the nature and the condition of the property and the probable duration of the buildings in their existing state and to the state of repair thereof without any additional allowance in respect of compulsory purchase or of any other matters; and
- (b) in such estimate any addition to or improvement of the property made after the date of the publication of the advertisement of the improvement scheme shall not, unless such

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addition or improvement was necessary for the maintenance of the property in a proper state of repair, be included nor, in the case of any interest acquired after the said date, shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the land or dwelling-house.

(2) On the occasion of assessing the compensation payable in respect of any house or premises, evidence shall be receivable by the Court to prove—

Assessment
of compensa-
tion.

- (a) that the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates;
- (b) that the house or premises are in such a condition as to be a nuisance within the meaning of the laws relating to nuisances or are in a state of defective sanitation or are not in reasonably good repair;
- (c) that the house or premises are unfit and not reasonably capable of being made fit for human habitation;

and, if the Court is satisfied by such evidence, then the compensation—

- (i) shall, in the first case, so far as it is based on rental, be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only by a number of persons whom the house or premises were under all circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and
- (ii) shall, in the second case, be the amount estimated as the value of the house or premises if the nuisance had been abated or if they had been put into a sanitary condition or into reasonably good repair after deducting the estimated expense of abating the nuisance or putting them into such condition or repair, as the case may be; and

(iii) shall, in the third case, be the value of the land and of the materials of the buildings thereon.

Extinction
of rights of
way and
other ease-
ments.

340.—(1) Upon the purchase by the Commissioners of any lands required for the purpose of carrying into effect any scheme, all rights of way, rights of laying down or of continuing any pipes, sewers or drains on, through or under such lands or part thereof and all other rights or easements in or relating to such lands or any part thereof shall be extinguished, and all the soil of such ways and the property in the pipes, sewers or drains shall vest in the Commissioners subject to this provision that compensation shall be paid by the Commissioners to any persons or bodies of persons proved to have sustained loss by this section.

(2) Such compensation shall be determined in the manner in which compensation for lands is determinable under this Part or as near thereto as circumstances admit.

(3) Any such scheme may, with the consent of the person or body of persons entitled to any right or easement which would be extinguished by virtue of subsection (1), provide for any exceptions, restrictions or modifications in the application to that right or easement of that subsection and that subsection shall take effect subject to any such exceptions, restrictions or modifications.

Borrowing
powers.

341.—(1) The Commissioners may also, with the sanction of the ~~Governer in Council~~, borrow such sums of money or any part of such sums as are necessary for defraying the expenses referred to in this Part and in section 59 (2) (b) (i), (ii) and (iii). [Amended by Ordinance 8 of 1927, S. 18.]

(2) Loans made under this section may be raised notwithstanding that the total indebtedness of the Commissioners exceeds the amount allowed by section 344 (a), and such loans shall not for the purposes of that subsection be deemed to be part of the total indebtedness of the Commissioners.

Accounts to
be presented
annually.

342. The Commissioners shall every year present to the ~~Governer in Council~~ an account of what has been done and of all moneys received and paid by them

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during the previous year with a view to carrying into effect the purposes of this Part and of sections 145, 148 and 250 and of section 59 (2) (b) (i), (ii) and (iii).
[Amended by Ordinance 8 of 1927, S. 19.]

Part XIVA.

*Part XV.

Municipal Loans.

343.—(1) The Commissioners may, with the sanction of the ~~Legislative Council~~ ^{Amended} and subject to the provisions of section 341, borrow such sums of money or any part of such sums as are necessary for the purposes described in subsection (2), and may, with the like sanction, fix such rates of interest and such periods for the repayment of the sums borrowed with interest as they think fit:

Provided that where the period for repayment of any money so borrowed does not exceed two years the sanction required by this subsection may be given by the ~~Governor in Council~~ ^{Amended}.

(2) The purposes for which money may be borrowed under this Ordinance are—

- (a) to ~~defray~~ the expenses incurred or to be incurred in the execution of works of a permanent character which have been approved by the Governor in Council;
- (b) to pay off existing loans.

344. The exercise of the powers of borrowing conferred by this Ordinance shall be subject to the following provisions:—

- (a) A loan shall not be raised under the authority of this Ordinance so as to make the total indebtedness of the Commissioners for loans, after deducting from such indebtedness the current value of all sums credited to the sinking funds on loans, exceed five times the annual value of the houses, buildings, lands and tenements liable to assessment within the Municipality, provided that indebtedness for loans raised for unremunerative works, after deducting from such indebtedness the current value of all sums credited

Power to borrow

L.V. 298/57

✓ Strike Authority
A.C. 6/68
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[L.V. 6/68]

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L.V. 298/57
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Provisions
as to exer-
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*[Substituted by Ordinance 11 of 1932, S. 39.]

to the sinking funds on such loans, shall not exceed double the annual value of the houses, buildings, lands and tenements liable to assessment within the Municipality.

For the purposes of this section all works shall be deemed to be unremunerative unless and until the ~~Governor in Council~~ ^{State Council} has ordered that any work shall be deemed to be remunerative.

(b) The period for repayment shall in no case exceed sixty years;

(c) When money is borrowed to pay off an existing loan the period for repayment of the money so borrowed shall not, except with the sanction of the ~~Governor in Council~~ ^{State Council}, extend beyond the unexpired period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

345. Every security given under this Part shall be—

(a) by deed under the common seal of the Commissioners;

(b) exempt from all stamp duty;

(c) in such form as the ~~Governor in Council~~ ^{State Council} may sanction;

(d) transferable by the person entitled thereto in whole or in part by deed.

346. All moneys borrowed subsequent to the first day of January, 1926, and all interest and other sums payable in respect thereof shall be and are hereby charged indifferently upon all the revenues of the Commissioners and shall rank equally one with another without any priority whatsoever.

347.—(1) The Commissioners may secure all or any moneys which they are authorized to borrow under this Ordinance by mortgage or by the creation and issue of debenture stock.

(2) Any such mortgages or debenture stock may be issued either in the currency of the Colony or in sterling or partly in the one currency and partly in the other.

(3) The conditions of issue of mortgages and of debenture stock shall be subject to the approval of the

Securities to be by deed and transferable.

Loans to rank pari passu.

Power to issue mortgages or debenture stock.

Report of the

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MUNICIPAL.

444 State Authority
~~Governor in Council~~ and shall be declared at the time of such issue, and a printed copy of such conditions shall be supplied to every owner of such security requiring the same and shall be entered in the register of such security.

*1/12/28
 16/12/28
 1/12/29*

348.—(1) The Commissioners shall make due provision in the Municipal Budget for all instalments of principal or principal and interest and for all contributions to sinking funds and for all interest payable during the year dealt with by the Budget in respect of all moneys borrowed by them.

Provision to be made in budget for annual instalments and sinking fund contributions.

(2) All such instalments and interest shall be payable half yearly unless the terms of issue of any loan provide otherwise, and the Commissioners shall in each half year ending with the day on which payment thereof becomes due appropriate out of the Municipal Fund such sums as may be payable.

Redemption of Debt.

349.—(1) In order to discharge the principal moneys borrowed before the first day of June, 1913, and still outstanding, the Commissioners shall in every year appropriate and set apart out of the Municipal Fund, for each and every such loan, a sum equal to at least two per centum of the sums so borrowed as a sinking fund for the repayment thereof; or, in cases where any such loans are repayable by instalments, the Commissioners shall in every year appropriate and set apart out of the Municipal Fund sums sufficient to meet such instalments.

Repayment of loans.

(2) In order to discharge the principal moneys borrowed since the first day of June, 1913, or to be borrowed under this Ordinance, the Commissioners shall either—

- (a) repay the moneys so borrowed by equal annual instalments of principal or of principal and interest; or
- (b) appropriate and set apart out of the Municipal Fund in every year such sums, as sinking funds, as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to repay the moneys so borrowed within the periods sanctioned.

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Investment
of sinking
fund
moneys.

State Authority
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Duty of Auditor:

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Application of sinking fund money.

350. The Commissioners may at any time apply all or any moneys in the sinking funds created under this or any previous Ordinance to the purchase of mortgages or debenture stock issued by them :

Sinking Funds.

MUNICIPAL.

Britain and Northern Ireland or India or of any British Colony or Dependency;

- (b) any securities which are guaranteed both as to principal and interest by the Government of the United Kingdom of Great Britain and Northern Ireland or India or of any British Colony or Dependency.

353. The following provisions shall apply to the sinking funds maintained by the Commissioners:—

Increase and decrease of sinking fund contributions.

- (a) If it appears to the Commissioners at any time that the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Ordinance together with the probable accumulations thereto will not be sufficient to repay within the sanctioned period the moneys for the repayment of which the sinking fund was created, the Commissioners shall make such further annual payments to the sinking fund as with such future payments and accumulations will cause the sinking fund to be sufficient for that purpose;

- (b) If it appears to the satisfaction of the ~~Governor in Council~~ at any time that the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Ordinance together with the probable accumulations thereto will be more than sufficient to repay within the sanctioned period the moneys for the repayment of which the sinking fund was created, the Commissioners may reduce all or any future payments to the sinking fund either temporarily or permanently to such amounts as with such accumulations will in the opinion of the ~~Governor in Council~~ be sufficient to repay within the sanctioned period the moneys for the repayment of which the sinking fund was created;

- (c) If it appears to the satisfaction of the ~~Governor in Council~~ at any time that the amount in any sinking fund together with the probable accumulations thereto, but without the future payments thereto in accordance with

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the provisions of this Ordinance, will be sufficient to repay the moneys in respect of which the sinking fund was created within the sanctioned period, the Commissioners may, with the consent of the Council, discontinue such future payments to such sinking fund;

(d) If it appears to the satisfaction of the Council at any time that any sinking fund shows a surplus over the principal sum which the sinking fund has been accumulated to redeem, such surplus may be transferred to the Municipal Fund;

(e) Where under the provisions of section 350 of any previous Ordinance any sinking fund has been applied to the purchase of mortgages or debenture stock of the loan in respect of which it was created, and it appears to the satisfaction of the Governor in Council that the mortgages or debenture stock so purchased are equal in amount to the loan, or the portion thereof for the redemption of which the sinking fund was created, the Commissioners may, with the sanction of the Governor in Council, cancel and extinguish such mortgages or debenture stock, and thereafter it shall not be necessary for them to pay into the sinking fund any interest in respect of the mortgages or debenture stock so cancelled.

(d) If it appears to the satisfaction of the governing body that it is not expedient to continue such future payments to such sinking fund;

(e) Where under the provisions of section 350 of the Municipal Ordinance any sinking fund is transferred to the Municipal Fund:

in Connell at any time that any sinking fund shows a surplus over the principal sum which the sinking fund has been accumulated to redeem, such surplus may be transferred to the Municipal Fund;

the provisions of this Ordinance, will be sufficient to repay the moneys in respect of which the sinking fund was created within the sanctioned period, the Commissioners may, with the consent of the Governor, ~~discontinue~~ ^{continue} such future payments to such sinking fund; it appears to the satisfaction of the Governor, in Council at any time that any sinking fund is created.

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(b) the date at which the name of any person was entered in the register in respect of any such security.

(2) A number of persons not exceeding three may be registered as joint owners of the same securities with right of survivorship between them. Joint owners.

(3) The register shall be evidence of any matters by this Ordinance directed or authorized to be inserted therein and, as regards persons entered therein as proprietors of securities, of the title of each person to such securities. Register to be evidence.

(4) Any person may inspect the register at any reasonable time upon payment of such fee not exceeding twenty-five cents as is fixed by the Commissioners and shall be entitled to obtain from the registrar copies or extracts certified by him to be true copies or extracts of such register upon payment of such fee not exceeding twenty-five cents for every folio of one hundred words as the Commissioners may fix, and any copy or extract so certified shall be admissible in evidence. Inspection of register.

(5) The Commissioners may cause a separate register to be kept of any portion of any such securities issued in sterling in one or more book or books by some person or corporation in the United Kingdom of Great Britain and Northern Ireland and all the provisions of this Ordinance with reference to a register of securities and to the registrar shall apply to any such separate register and to the person or corporation appointed to keep the same. Separate register in United Kingdom.

(6) The Commissioners may under their common seal authorize any person or corporation appointed to keep a register of securities in the United Kingdom of Great Britain and Northern Ireland to execute and issue certificates of sterling securities on their behalf.

355.—(1) The legal personal representatives of a deceased person shall be the only persons recognised by the Commissioners as having any title to any securities registered in his sole name or standing in his name as the last survivor of joint owners. Transmission on death, bankruptcy or marriage.

(2) Any person becoming entitled to securities in consequence of the death or bankruptcy of any owner may be registered as owner upon such evidence being produced as may be required by the Commissioners.

(3) Any person who has become entitled to securities in consequence of the death, bankruptcy or marriage of the owner may, instead of being registered himself, elect to have some other person to be named by him registered as a transferee of such securities, and shall testify such election by executing to his nominee a deed of transfer of such securities, upon the presentation of which to the Commissioners together with such evidence as they may require to prove the title of the transferor the Commissioners shall register the transferee as owner.

Rectification
of register.

356.—(1) If the name of any person is without sufficient cause entered in or omitted from the register, or if default is made or unnecessary delay takes place in making any entry in such register, the person aggrieved or the Commissioners may apply to the High Court for an order that the register may be rectified.

(2) The Court may either refuse the application with or without costs to be paid by the applicant or may, if satisfied of the justice of the case, whether there has or has not been any default on the part of the registrar, make an order for the rectification of the register, and make such order as to the payment of the costs of the application or of damages to the person aggrieved as to the Court may seem just.

(3) The Court may, in any proceeding under this section, decide any question relating to the title of any party to such proceeding to have his name entered in or omitted from the register and generally any question which it is necessary or expedient to decide for the rectification of the register.

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and
Rule

Notice of
trust,
charge or
other
interest not
receivable.

357. The Commissioners shall not be affected with notice, whether express, implied or constructive, of any trust, charge or other interest, legal or equitable, whereby any person other than the registered owner or owners for the time being may claim to be interested in or entitled to any security issued by the Commissioners.

Holder of
security
not bound
to inquire
into appli-
cation of
moneys.

358. A person advancing any money to the Commissioners and receiving in consideration of such advance any security under this Ordinance shall not be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or misapplication thereof.

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359.—(1) A trustee, executor or administrator may, unless forbidden by the will or other instrument under which he acts, whether prior in date to the first day of June, 1913, or not, invest the trust funds in any security issued by the Commissioners under this Ordinance or any previous Ordinance and may for that purpose call in any trust funds invested in any other securities.

Securities
to be trust
investments.

(2) Where any public officer is by law authorized or required to invest moneys in the securities of the Government of the Colony, he may invest such moneys in any securities issued by the Commissioners under this or any previous Ordinance.

Remedies for Default in Payments of Loans.

360.—(1) The Commissioners shall pay or raise all sums for the time being due or authorized to be raised on or in respect of any security issued by them under this or any previous Ordinance.

Mandamus.

(2) If default is made in payment of any sum so due, such sum shall be deemed to be a specialty debt due to the person entitled thereto from the Commissioners of such a nature that a mandamus will be granted to enforce the payment thereof, and an action may be brought accordingly in which a mandamus may be claimed.

361.—(1) Where the Commissioners make default for a period of twenty-one days in paying an amount of not less than two thousand five hundred dollars, whether in one sum or separate sums, for the time being due on or in respect of any security issued under this or any previous Ordinance, the persons entitled to the said amount or any of such persons may, instead of or in addition to bringing an action or actions, apply to the High Court for the appointment of a receiver.

Appoint-
ment of
receiver.

(2) Any receiver so appointed, subject to any direction which may be given by the Court, shall from time to time raise as hereinafter mentioned by or out of the rates, taxes or property charged sufficient money to pay the amount the payment of which is so in default and all sums due while he is receiver on or in respect of any such security together with all costs, charges and expenses incurred in or about the appointment of such receiver and the execution of his duties under this Ordinance, including a proper remuneration for his

trouble, and shall render to the defaulting Commissioners the balance, if any, remaining in his hands after making the said payments.

(3) Where the amount so due or authorized to be raised is charged on any municipal rates or taxes, the receiver may raise the money which he is authorized to raise under this section by means of such rates or taxes, and for that purpose shall have the same power as the defaulting Commissioners of levying the municipal rates or taxes, and the receiver shall have such access to and use of the documents of the defaulting Commissioners relative to such rates and taxes as he may require.

Part XVI.

SUPPLEMENTARY.

Municipal
limits.
Notification
of alteration.

*contemporaneously
advertis-
ed every
week for four
consecutive
weeks*

and 48/49

48 Ex-

48 Ex-

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48 Ex- 49 10.60/56

Power to
acquire land
for purposes
of the
Ordinance.

48 Ex- 49

If necessary,
land may be
acquired
under the
law for the
acquisition
of land for
public
purposes.

48 Ex- 49

362. No alteration shall be made in the limits of the Municipality under section 4, or in the water limits under section 59 or in the area mentioned in section 399, unless and until the proposed alteration has been notified in four successive *Gazettes* and ~~during the period of at least one month~~ in one English and one Vernacular paper, if any, circulating in the Municipality with an invitation to all persons affected by such alteration and who object thereto to make their objections known in writing to the Colonial Secretary or Resident Councillor in order that the same may be laid before the ~~Governor in Council~~, and unless and until all objections so made have been duly considered.

363. The Commissioners may, with the sanction of the Colonial Secretary, acquire any land or any interest therein or any easement thereover for the purpose of laying out and making new streets or of widening, enlarging or otherwise improving any of the public streets or for any purpose whatever connected with the conservancy or general improvement of the town or authorized by this Ordinance.

364.—(1) When there is any hindrance to the acquisition by purchase of any land required for the purposes of this Ordinance or any interest therein or any easement thereon, the Governor, upon the application of the Commissioners and after such inquiry as is thought proper, may declare that the land is needed for

MUNICIPAL.

a public purpose and may order proceedings to be taken for obtaining possession of the same for the Commissioners and for determining the compensation to be paid to the parties interested according to the law for the time being in force for the acquisition of land for public purposes.

(2) The compensation awarded shall be paid to the parties interested by the Commissioners out of the Municipal Fund.

365.—(1) The Commissioners, with the sanction of the ~~Colonial Secretary~~ may sell or exchange any lands or buildings vested in them by virtue of this Ordinance or acquired by them for the purpose thereof either in block or in parcels as they find most convenient and advantageous.

a) (2) The proceeds of such sale shall be paid to the credit of the Municipal Fund.

366. The Commissioners may, with the sanction of the ~~Governor in Council~~ sell, exchange or let on lease or otherwise any electric tramway or other undertaking vested in the Commissioners for such consideration or at such rent and upon such terms and conditions as the Commissioners with the sanction of the ~~Governor in Council~~ determine.

367.—(1) The Commissioners may, for the purposes of this Ordinance by themselves or their officers, servants, workmen or contractors, enter at all reasonable hours in the daytime into and upon any building or land as well for the purpose of making any survey or inspection as for the purpose of executing any work authorized by this Ordinance to be executed by them without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Ordinance:

Provided that except when herein otherwise provided the Commissioners or their officers shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without six hours' previous notice to such occupier.

(2) The ~~Governor in Council~~ may declare that any class of premises for the control and supervision of which by-laws may be made under section 58 are liable

Let H. Ex.
~~Power to~~
~~sell or~~
~~exchange~~
~~lands or~~
~~buildings~~
~~for purposes~~

Let H. Ex.
~~Power to~~
~~sell tram-~~
~~ways and~~
~~other under-~~
~~takings.~~

Let H. Ex.
~~Power to~~
~~enter upon~~
~~lands for~~
~~the purposes~~
~~of this~~
~~Ordinance.~~

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Provided.

Let H. Ex.
~~Power to~~
~~enter upon~~
~~lands for~~
~~the purposes~~
~~of this~~
~~Ordinance.~~

to night inspection, and thereupon the President or Health Officer or any municipal officer generally authorized by the President in that behalf in writing may, at any time of the day or night and without notice, enter into and inspect any premises of the class specified in the declaration.

Power of
Commissioners to
enter on
lands ad-
jacent to
works.

368.—(1) The Commissioners may, by themselves, their officers, servants, workmen or contractors, enter upon any land adjoining to or being within the distance of one hundred yards of any works by this Ordinance authorized to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of the said works without making any previous payment, tender or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them and making compensation for such temporary occupation or temporary damage of the said land to the owner and occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage done and making compensation to the owner also for the permanent injury, if any, to such land.

(2) If any dispute arises touching the amount or apportionment of such compensation, the same shall be settled in the manner provided by section 371.

Provided,

(3) Before the Commissioners make any such temporary use as aforesaid of the land adjoining or lying near to the said works, they shall give seven days' notice of their intention to the owners and occupiers of such land and shall set apart by sufficient fences so much of the land as is required to be used as aforesaid from the other land adjoining thereto.

Commis-
sioners in
executing
works to
provide
roads, etc.,
where exist-
ing ones
are injured.

369.—(1) The Commissioners in executing any works directed or authorized by the Ordinance to be made shall provide and make a sufficient number of convenient ways, water-courses, drains and channels in the place of such as are interrupted, injured or rendered useless by reason of the execution of such works.

(2) The Commissioners shall make reasonable compensation to any person who suffers damage by reason of the same, the amount of such compensation in case of dispute to be ascertained and determined in the manner provided by section 371.

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370. Any person who at any time obstructs or molests the Commissioners or any of their officers, servants, workmen or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do by virtue of or in consequence of this Ordinance, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Ordinance, shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term which may extend to three months.

Penalty for obstructing Commissioners in their duty.

371.—(1) Except as herein otherwise provided, in all cases when compensation, damages, costs or expenses are by this Ordinance directed to be paid the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute or neglect to pay, be summarily ascertained and determined by a Police Court or, if the compensation claimed exceeds five hundred dollars, by a District Court.

Compensation, damages and costs to be determined by Police or District Court. *Ord. 25/12*

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

(3) An appeal shall lie to the High Court from any decision of a Police Court or District Court under this section, and the provisions of Chapter XXVIII of the Criminal Procedure Code shall *mutatis mutandis* apply to all such appeals. [Added by Ordinance 11 of 1932, S. 31.]

372.—(1) When the Commissioners have incurred any expenses in executing any work which under this Ordinance the owner is required to execute, the Commissioners may, by way of additional remedy, whether an action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies the premises under such owner.

Power to levy charges on occupier who may deduct the same from the rent.

Repealed by Ord. 25/37

(2) In default of payment thereof by such occupier on demand the same shall be levied by distress of the goods and chattels of such occupier.

(3) Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from such occupier in respect of any such expenses and to retain possession until such expenses have been fully reimbursed to him.

Occupier not to be liable for more than the amount of rent due.

(4) No occupier of any premises shall be liable to pay more money in respect of any expenses charged under or by virtue of this Ordinance on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglects or refuses, upon application made to him for that purpose by the Commissioners, truly to disclose the amount of his rent and the address of the person to whom such rent is payable.

(5) The burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued shall be upon such occupier, but so that nothing herein shall be taken to affect any special contract made between any such person, owner or occupier respecting the payment of the expense of any such works as aforesaid.

Occupier in default of owner may execute work.

373. Whenever default is made by the owner of any premises in the execution of any work required under this Ordinance to be executed by him, the occupier of such premises may, with the approval of the Commissioners, cause such work to be executed and the expense thereof shall be paid to him by the owner or the amount may be deducted out of the rent from time to time becoming due from him to such owner, *and such etc.*

Ord 25/02.

Exemption of agent who has no funds in hand.

374.—(1) No person receiving the rent of premises as receiver or agent for another person shall be liable to do anything by this Ordinance required to be done by the owner of such premises if, after he or the actual owner has been required to do any work, such person gives notice to the Commissioners, within seven days after such requisition has been made, that he has not sufficient funds of the person on whose behalf he is receiving the rents to pay for such work.

MUNICIPAL.

(2) In such case the Commissioners may themselves execute the work and the expenses incurred thereby shall be charged and recoverable as provided by section 375.

375.—(1) When the Commissioners have incurred any expenses in executing any work which under this Ordinance the owner of any premises is required to execute, such expenses shall, subject and without prejudice to the rights of the Crown, be a first charge on the premises in respect of which such expenses are payable.

Recovery of
expenses
incurred on
behalf of
owners.

(2) If the Commissioners are unable to recover the amount thereof under sections 371 and 372, they may sell the premises in respect of which such expenses are payable in like manner as if such expenses were an arrear of rates payable in respect of such premises which could not be recovered in the manner specified in section 71, and sections 72 to 79 shall apply and be construed as if the word "expenses" were substituted for the word "arrear" or for the word "arrears" wherever either of such words occurs.

Amended
Ord. 25
77

376. When the Commissioners have incurred any expenses in executing any of the works which under this Ordinance the owners of any premises are required to execute, the Commissioners may either recover the amount of such expenses in the manner hereinbefore provided or, if they think fit, may take engagements from the said owners for the payment by instalments of such sums as will be sufficient to defray the whole amount of the said expenses with interest thereon at a rate not exceeding nine per centum per annum within a period not exceeding five years and such sums when due may be recovered by the same process by which rates may be recovered under this Ordinance.

Recovery of
expenses of
improve-
ments to
private
property.

Section
Ord. 25/77

377.—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of such premises any of the provisions of this Ordinance after notice of his intention so to do has been given by the owner to such occupier, a Police Court, upon proof thereof and upon application of the owner, may make an order in writing, requiring such occupier to permit the owner to execute all such works with respect to such premises as are necessary for carrying into effect the

Proceedings
if an occu-
pier opposes
the execution
of this
Ordinance.

provisions of this Ordinance and may also, if it thinks fit, order the occupier to pay to the owner the costs relating to such application or order.

(2) If after the expiration of eight days from the date of the order such occupier continues to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a fine not exceeding fifty dollars, and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Disposal of matters and things removed by Commissioners.

378.—(1) Any matter or thing removed by the Commissioners in executing any work which they are entitled to execute under this Ordinance shall be the property of the Commissioners and may be sold by public auction or, if the Commissioners think the circumstances of the case require, may be sold otherwise or be disposed of without sale.

(2) The moneys arising from the sale may be retained by the Commissioners and applied in or towards the expenses incurred by them and the surplus, if any, shall be paid on demand to the owner of such matter or thing.

(3) If such surplus is not claimed within two years it shall form part of the Municipal Fund.

(4) If any matters or things belonging to several persons are removed by the Commissioners in executing any such work, they shall cause such matters or things, if sold, to be sold separately.

Fees for certain licences.

379.—(1) When any licence is granted by the Commissioners under this Ordinance authorizing the use of any place for any of the purposes herein described, and when permission is given by the Commissioners for making any temporary erection or for putting up any projection or any verandah, balcony or other thing under section 115 or any skysign under section 116, the Commissioners may charge a fee for such licence or permission.

(2) The rate of the fees to be so charged shall be determined by the Commissioners with the sanction of the Governor in Council.

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6-1-17

(3) When permission or licence is given for the temporary occupation of any ground belonging to the Commissioners, they may charge rent for such ground according to the time the occupation continues at such rates as are fixed by them.

380.—(1) The grant of any licence pursuant to this Ordinance or any by-law made thereunder shall be in the discretion of the Commissioners or the Registrar of Vehicles, as the case may be, and the Commissioners or the Registrar of Vehicles may in their discretion refuse to grant or renew any licence without assigning any reason for such refusal, *and except as otherwise provided.*

Licence to be discretion-
ary.

(2) Any person dissatisfied with the action of the Registrar of Vehicles under this section may appeal to the Commissioners, whose decision shall be final.

[Section added by Ordinance 59 of 1935, S. 19.]

381.—(1) Every person to whom a licence has been granted under this Ordinance shall keep his licence exhibited at all times in some prominent and accessible place on the licensed premises and shall, at all reasonable times while such licence remains in force, point out such licence, if required so to do by the President or Health Officer or by any person authorized by either of them in that behalf.

Licences to
be exhibited.

(2) Any person who fails to keep his licence exhibited as hereinbefore mentioned or to point out his licence when required so to do as aforesaid shall be liable to a fine not exceeding twenty-five dollars.

Penalty.

382.—(1) Notices, orders, licences, receipts, warrants and other documents of whatsoever nature under this Ordinance or under any rules or by-laws made thereunder may be in writing or in print or partly in writing and partly in print. [Amended by Ordinance 1 of 1929, S. 16.]

Notices.

(2) Where any such notice, order, warrant or document requires authentication, the signature thereof by the President or by any municipal officer or officer thereunto authorized by the Commissioners or by the President, shall be sufficient authentication.

[Amended by Ordinance 1 of 1929, S. 16.]

383. All notices, orders, warrants and other documents of whatsoever nature which the Commissioners are required or authorized by this Ordinance or by any

Delegation
of power
to issue
notices, etc.

rules or by-laws made thereunder to issue, serve or give may be issued, served or given by any Committee appointed under section 42 to which the Commissioners have delegated their powers in that behalf either generally or specially. [*Amended by Ordinance 1 of 1929, S. 17.*]

Receipts and notices may be given by officer authorized thereunto.

384. All notices, orders, receipts, warrants and other documents of whatsoever nature which the President is empowered to give by this or any other Ordinance or under any rules or by-laws made thereunder may be given by any municipal officer or officers, he or they being authorized thereunto by the Commissioners or by the President, as the case may be. [*Amended by Ordinance 1 of 1929, S. 18.*]

Service of notice.

385.—(1) Every notice, order or document required or authorized by this Ordinance or by any rules or by-laws made thereunder to be served on any person may be served—

- (a) by delivering the same to such person or by delivering the same at the last known place of abode of such person to some adult member or servant of his family;
- (b) by leaving the same at the usual or last known place of abode or business of such person in a cover addressed to such person; or
- (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or business.

(2) If the document is served by post it shall be deemed to have been served at the time when the letter containing the document would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the letter containing the document was properly addressed and put in the post.

(3) A notice, order or document required or authorized by this Ordinance or any rules or by-laws made thereunder to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of such premises without further name or description.

(4) A notice, order, summons or document required or authorized by this Ordinance or by any rules or

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by-laws made thereunder to be served on the owner or occupier of any premises may be served by delivering the same or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by fixing the notice on some conspicuous part of the premises.

386.—(1) When any notice under this Ordinance requires any act to be done or work to be executed by the owner or occupier of any premises and default is made in complying with the requirement of such notice, the person in default shall, where no fine is specially provided for such default, be liable to a fine not exceeding twenty-five dollars.

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Ordinance, it shall fix a reasonable time for complying with the requirement.

387. Any offence under this Ordinance may be tried by a District Court and, unless the context otherwise requires, by a Police Court.

388.—(1) The Commissioners or the President may direct any prosecution for any offence under this Ordinance or any rules or by-laws made thereunder and may order the expenses of such prosecution to be paid out of the Municipal Fund.

(2) Any officer of the Municipality or police officer may conduct such prosecution on behalf of the Commissioners.

389.—(1) Any person who is charged by any officer of the Municipality or any police officer with any offence under this Ordinance or under any rules or by-laws made thereunder shall give his name and address to such officer, if so required.

(2) The occupier of any premises within the Municipality shall, if required by any officer of the Municipality or any police officer, give his name and the name and address of the owner of the premises, if known.

(3) Any person who offends under this section or wilfully mis-states his name and address or the name and address of the owner of any premises shall be liable to a fine not exceeding twenty-five dollars.

Default in compliance with notice General penalty.

Court for trial of offences under Ordinance.

Commissioners may direct prosecution.

Sub. O. 6/7/3

Officer of Municipality may demand names and addresses in certain cases.

Penalty.

D. PRI.

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Powers and duties of police in respect of offences, and assistance to municipal authorities.

390.—(1) Every police officer employed within a Municipality shall give immediate information to the Commissioners of any offence committed under this Ordinance or the rules or by-laws made thereunder, and shall be bound to assist all officers and servants of the Municipality in the exercise of their lawful authority.

(2) Any such police officer or any officer in the service of the Commissioners authorized in writing by the President generally or in any particular case may arrest any person committing in his view or who he has reason to believe has committed any offence under this Ordinance or the rules or by-laws made thereunder—
[Amended by Ordinance 1 of 1929, S. 19.]

(a) if the name and address of the person are unknown to him;

(b) if the person declines to give his name and address; or

(c) if there is reason to doubt the accuracy of the name and address, if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained; provided that no person so arrested shall be detained longer than is necessary for bringing him before a Police Court unless the order of a Police Court for his detention is obtained.

Saving of prosecutions under other laws.

391. Nothing in this Ordinance shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Ordinance or the rules or by-laws made under it or from being liable under that other law to any other or higher punishment or penalty than that provided by this Ordinance or the rules or by-laws made under it; provided that no person shall be punished twice for the same offence.

Except in any case

No person liable to penalty unless complaint made within twelve months after offence committed. Penalties.

392. No person shall be liable to any fine or penalty under this Ordinance or under any rule or by-law made thereunder for any offence under this Ordinance unless the complaint respecting such offence is made within twelve months next after the commission of such offence.

393. Any person guilty of an offence under this Ordinance for which no penalty is expressly therein provided shall be liable to a fine not exceeding one hundred dollars.

394.—(1) If through any act, neglect or default on account whereof any person has incurred any penalty imposed by this Ordinance any damage to the property of the Commissioners is committed by such person, he shall be liable to make good such damage as well as to pay such penalty.

Damage to property of Municipality to be made good in addition to penalty.

(2) The amount of such damage shall, in case of dispute, be determined by the Court by which the party incurring such penalty is convicted.

(3) The amount of such damage shall be recovered as if it were a fine imposed by the Court.

395. Where in this Ordinance any written authority is necessary for the performance of any act, it shall be sufficient if such authority is given or signed by the officer or persons authorized so to do at the time such written authority was given.

Written authority to perform an act.

396.—(1) No matter or thing done and no contract entered into by the Commissioners and no matter or thing done by any Commissioner or by any officer of the Commissioners or other person whomsoever acting under the direction of the Commissioners shall, if the matter or thing was done or the contract was entered into *bona fide* for the purpose of executing this Ordinance, subject them or any of them personally to any action, liability, claim or demand whatsoever.

Protection of Commissioners and officers from personal liability.

(2) Any expense incurred by the Commissioners or any Commissioner, officer or other person acting as last aforesaid shall be borne and repaid out of the Municipal Fund.

397. The Commissioners may make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners or their officers or servants under and by virtue of this Ordinance.

Commissioners may make compensation out of the Municipal Fund.

398. The Commissioners and municipal officers and servants of every description shall be held to be public servants within the meaning of the Penal Code.

Municipal officers to be public servants.

Part XVII.

REGULATION OF DISTRICTS NOT INCLUDED IN MUNICIPALITIES.

399.—(1) The Governor in Council may by notification

G.O. 20/12
Pg. 10/10

GOVERNOR IN COUNCIL

as he thinks fit in any local area outside the limits of any existing Municipality and by the same or any subsequent notification delegate to any person or persons forming such Rural Board all or any of the duties, powers, discretions, or authorities by this Ordinance imposed on, conferred upon or exercisable by Commissioners and by the same or any subsequent notification apply and extend to such local area or to any part or parts of such local area all or any of the provisions of this Ordinance and all or any rules or by-laws in force under this Ordinance and thereupon such of them as are for the time being specified in any such notification as aforesaid shall apply and extend to and may be enforced within any such local area or part thereof to which they have been extended or applied. [Amended by Ordinance 14 of 1934, S. 2.]

Every such Rural Board by its appropriate name shall be, and shall be deemed always to have been, a body corporate and shall have perpetual succession and a common seal with power to enter into contracts for the purpose of carrying into effect the provisions of this Ordinance, and may by such name sue and be sued. [Amended by Ordinance 11 of 1932, S. 32.]

All contracts entered into by a Rural Board shall be deemed to be and always to have been duly executed if signed by the person for the time being discharging the duties of Chairman of such Board and sealed with the seal of the corporation.

When a Rural Board consists of a single individual, that individual shall be deemed to be the Chairman for the purposes of this section.

(2) In applying any provisions of this Ordinance the ~~Governing Council~~ may make such modifications therein as, subject to this section, he thinks fit.

(3) A statement showing such modifications shall be laid on the table of the Legislative Council and such modifications shall remain in force unless and until they have been disapproved by a resolution of such Council or unless and until they have been rescinded or amended by the ~~Governor in Council~~.

(4) The affairs of every Rural Board shall be administered by a single individual or by such number of members as is in each case determined by the ~~Governor in Council~~ *State Authority*.

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*Amended by
L.N. 248/59*

*Repealed
by 1/46*

*Amended by
L.N. 248/59*

1/46

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L.N. 248/59

MUNICIPAL.

(5) The members of a Rural Board shall be appointed by the Governor either by name or office and may be removed at any time by him.

L.V. 298/59

(6) Where a Rural Board consists of a single individual the duties, powers, discretions and authorities imposed on, conferred upon or exercisable by the President or the Commissioners shall be performed by, vested in and exercisable by that individual.

(7) Where a Rural Board consists of two or more members the Governor shall appoint one member to be Chairman of the Board and the duties, powers, discretions and authorities which by the provisions applicable to the Board are imposed on, conferred upon or exercisable by the President or the Commissioners shall be performed by, vested in and exercisable by the Chairman of the Board.

L.V. 298/59

(8) The aggregate rate to be assessed by a Rural Board shall not exceed, in the case of buildings, ten per centum of the annual value thereof and, in the case of land, five per centum of such value, exclusive in each case of any rate for the supply of water levied within any area defined under section 59 (7).

10 per centum
or with the approval
of the H.C. & N.C.
3 per centum
D: 65/53

Provided that in the case of buildings within any area approved by the Governor in Council the aggregate rate may extend to fifteen per centum of the annual value thereof exclusive of any rate for the supply of water as aforesaid.

H.C. & N.C.
Notified to
dt
D: 65/53

(9) All rates and taxes shall be payable yearly or half-yearly in advance as the Governor directs at the same place at which the Government quit-rents for the district are for the time being paid.

(10) Buildings on plantations 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 assessment.

C.L. 48/40

(11) *Added*

(20/5/40) H.C. & N.C.

SCHEDULE A.

FORMS.

A.

FORM OF DECLARATION ON ACCEPTANCE OF OFFICE.

(See section 7.)

I, A. B., having been appointed a Municipal Commissioner for hereby declare that I take the said office on myself and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

sub. by

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of land

Acquis
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Proviso
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B.

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER
HAS BEEN EFFECTED BY INSTRUMENT.

(See section 80.)

To the Municipal Commissioners of

I, A. B., of hereby give notice, as required by section 80
of the Municipal Ordinance (Chapter 133) of the following transfer
of property:—

Date of Notice	Date of Instrument	Name of Vendor or Transferor	Name of Purchaser or Transferee	Description and situation of Property.	If Instrument has been registered the volume and number.	Reference Number in Municipal Assessment Roll (to be filled up by Assessor).

Signature.

C.

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER
HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

(See section 80.)

To the Municipal Commissioners of

I, A. B., of hereby give notice, as required by section 80
of the Municipal Ordinance (Chapter 133) of the following transfer
of property:—

Date of Notice.	Name of Owner prior to transfer.	To whose Name it is to be transferred.	Description and situation of property.	Authority or Title for the transfer.	Reference No. in Municipal Assessment Roll (to be filled up by Assessor).

Signature.

MUNICIPAL.

D.

WARRANT OF DISTRESS AGAINST DEFAULTERS.

(See section 89.)

To _____
and his Assistants.

Whereas the persons named in the Schedule underwritten have been taxed by the Municipal Commissioners of _____ at the sums opposite their respective names: And whereas the said persons have made default in the payment of the said several sums and the said sums are still due and owing: These are therefore to order you forthwith to seize the property of the said persons; and if within the space of seven clear days next after the said seizures respectively the said several sums set opposite to their respective names together with the costs in the said Schedule mentioned in each case shall not be paid then to sell the property seized by public auction and the surplus (if any) after payment of the sum due and costs to restore to the owner of the property so sold; and that you do certify to me on or before the _____ day of _____ 19____, what you shall have done by virtue of this warrant.

SCHEDULE.

Names of Defaulters.	Description of Tax.	Amount of Tax.	Costs.	Total.

Given under my hand at _____ this _____ day of _____

19____, _____ A. B., Municipal Officer.

[Amended by Ordinance 1 of 1929, S. 20]

E.

FORM OF INVENTORY AND NOTICE.

(See section 90.)

[State Particulars of Property seized].

Take notice that I have this day seized the property specified in the above inventory for the sum of _____ dollars _____ cents due for the taxes mentioned in the margin and that unless you pay into the Municipal Office the amount due together with _____ dollars _____ cents the costs of this distress within seven days from the date of this notice the property will be sold.

Dated _____

(Signature of Officer.)

Cap. 133

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F.

FORM OF NOTICE REQUIRING ABATEMENT OF NUISANCE.

(See section 246.)

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

Take notice that under the provisions of the Municipal Ordinance (Chapter 133) the Municipal Commissioners of being satisfied of the existence at (describe premises where the nuisance exists) of a nuisance being (describe the nuisance, for instance) premises 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, do hereby require 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 Commissioners do hereby require 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 Commissioners being satisfied that at etc. there existed recently to wit on or about the day of 19 , 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 at the said premises do hereby require 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 Police Court 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 Municipal Officer.

[Amended by Ordinance 1 of 1929, S. 20]

G.

FORM OF SUMMONS.

(On Charge under section 247.)

Summons.

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

Whereas your attendance is necessary to answer to a charge that at certain premises situated at No. in Street (or insert any other such description or reference as may

MUNICIPAL.

be sufficient to identify the premises), within the limits of the Municipality 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 19 , 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 at the said premises.

You are hereby required to appear on the day of 19 , at the hour of forenoon in person (or by advocate as the case may be) before the Police Court at (here describe the situation of the Court House.)

Dated this day of , 19 .

(Signature.)

Police Magistrate.

(Seal.)

H.

FORM OF NUISANCE ORDER.

(Under section 247.)

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

Whereas the said A. B. (or the owner or occupier of the said premises within the meaning of the Municipal Ordinance (Chapter 132), 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 Municipal Ordinance (Chapter 132) requiring the said A. B. (or the owner or occupier of the said premises) 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 at the said premises (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 Municipal Ordinance (*Chapter 133*) 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 Ordinance (*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 whitewash 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 19 , the nuisance so complained of did exist at the said premises, 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 at the said premises, do therefore prohibit (*continue as in the Prohibition Order No. 1*).

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 Municipal Ordinance (*Chapter 133*), 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.)

Police Magistrate.

(Seal.)

I.

NOTICE TO PERFORM WORK.

(Under section 255.)

To A. B. (*the owner or occupier of the premises in respect of which work has to be performed*).

Take notice that the Municipal Commissioners of being satisfied that you are required under the provisions of the Municipal Ordinance (*Chapter 133*) to (*here describe the work to be*

MUNICIPAL.

performed) do hereby require you within (specify the time) to execute such works and do such things as may be necessary for that purpose.

If you make default in complying with the requisitions of this notice, a summons will be issued requiring your attendance before a Police Court to answer a complaint which will be made for the purpose of enforcing the performance of the said work and for recovering the costs that may be incurred thereby.

J.

FORM OF SUMMONS.

(On Charge under section 255.)

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

Whereas your attendance is necessary to answer to a charge that at certain premises situate at No. in Street (or insert any other such description or reference as may serve to identify the premises) within the limits of the Municipality of you have made default in the performance of certain work which you are required under the Municipal Ordinance (Chapter 133) to perform.

You are required to appear on the day of 19, at the hour of forenoon in person (or by advocate as the case may be) before the Police Court at (here describe the situation of the Court House).

Dated this day of , 19 .

(Signature.)

(Seal.)

Police Magistrate.

K.

FORM OF MANDATORY ORDER.

(See section 255.)

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

Whereas the said A. B. (or the owner or occupier of the said premises) under the Municipal Ordinance (Chapter 133) has this day appeared before me to answer the matter of a complaint made by etc. that etc. (follow the words of complaint in summons) (or in case the party charged does not appear, say), Whereas it has now been proved to my satisfaction that a summons has been duly served according to the Municipal Ordinance (Chapter 133), requiring the said A. B. (or the owner or occupier of the said premises) to appear this day before me to answer the matter of a complaint made by etc. that etc.].

Now on proof here had before me that the said A. B. [or the owner or occupier of the said premises] is required under the provisions of the Municipal Ordinance (Chapter 133) to perform certain work with respect to such premises, that is to say [here describe the work that is to be performed]. I in pursuance of the Municipal Ordinance (Chapter 133) 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 Ordinance to (here specify the work to be performed).

SCHEDULE B.

and section 75(a)

(See section 81/)

RULES FOR THE COLLECTION OF RATES

AND EXPENSES

1. The notice required by section 71 of the Ordinance shall be in Form I, *adapted as the circumstances of the case may require*.
2. On payment of the sums due by each person as shown in the notice of demand, such person shall be furnished with a receipt in Form II, *adapted as the circumstances etc.*

ATTACHMENT AND SEIZURE.

3. The warrant of attachment issued under section 72 of the Ordinance shall be in Form III, *adapted as the circumstances etc.*
4. The officer to whom the attachment is addressed shall notify the same by affixing a copy thereof to a conspicuous part of the premises in which the seizure is effected.
5. The attachment of moveable property shall be executed by actual seizure, and an inventory shall forthwith be taken of such property by the attaching officer, who shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the safety thereof.
6. The attachment of crops shall be effected by notice prohibiting the person in possession from removing or dealing with the same. Such notice, in Form IV, shall be posted up on the land on which the crops are growing and a copy thereof at a police station or other public place in the vicinity.
7. The attaching officer shall immediately after seizure proclaim that if the amount due is not paid within ten days, or cause shown why the property should not be sold, such property will be sold by public auction.

SALE.

8. On the expiration of ten days, if no good cause to the contrary has been shown, and the arrear and costs are still unpaid, the property may be sold.
9. 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.
10. The expense of the maintenance of live stock and the custody of moveable property, while under attachment, shall be costs of the attachment.

MUNICIPAL.

11. No officer of the Municipality nor any person having any duty to perform in connection with any sale under the Ordinance shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in any property sold at such sale.

12. A sale under the Ordinance may be adjourned to a specified day and hour if the Commissioners see good reason for such adjournment. Every such sale shall be stopped if, before the lot is knocked down, the arrear and costs, including the costs of sale, are tendered to the officer conducting the sale.

SALE OF IMMOVEABLE PROPERTY.

13. Where ~~it becomes necessary to take proceedings~~ against the premises under section 73 of the Ordinance, the Commissioners shall record in their office a statement of the case, giving the reasons for the process adopted and the area and boundaries of the premises and the nature of the interest sold therein with a plan of the premises. A copy of this statement, authenticated by the signature of the President shall, on application, be given to the purchaser.

Proceedings are taken and copy

72(1)(2) 20/11

provided that, etc. and copy

14. The notice under section 73 of the Ordinance shall be in the Form V and contain a description of the boundaries of the property and shall be served personally on the person named therein or, if that is impracticable shall be posted up on the premises to be sold. A copy of the notice shall also be posted up at some conspicuous public place in the vicinity, and shall be published in the Gazette. The notice shall state the name of the owner of the property if known.

72(1)(4)

provided that etc. and copy

PAYMENT.

15. In the case of moveable property and crops, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs; in default of payment, the property shall be again put up and sold. On payment of the purchase-money, the officer conducting the sale shall give a receipt for the same.

16. On every sale of immoveable property under the Ordinance, the person declared to be the purchaser shall pay, immediately after such declaration, a deposit of twenty-five per centum on the amount of his purchase-money to the officer conducting the sale, and in default of such deposit, the property shall forthwith be put up again and sold.

17. The balance of the purchase-money shall be paid by the purchaser on or before the fifteenth day after the sale of the property, or, if the fifteenth day is a Sunday or other holiday, then on the first office-day after the fifteenth day.

18. In default of payment within the period mentioned above, the deposit shall be forfeited to the Commissioners and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it is subsequently sold.

MUNICIPAL.

MISCELLANEOUS.

19. The Commissioners may, if they think it desirable, advertise in such manner as they think fit, any sale held under these rules, and any expenses incurred in so doing shall be costs of the sale.

20. When land is sold, the boundaries shall first be made clear by demarcation.

21. On payment of the purchase-money, the purchaser shall receive from the Commissioners a conveyance of the land or interest in land, as the case may be, sold to him, and he shall forthwith be put in possession of the purchased property, the aid of the police being afforded if needful.

22. The sum to be deducted from the proceeds of the sale, besides the arrear originally due to the Commissioners, shall be—

- (a) any further arrear that may have accrued up to the day of sale;
- (b) the costs incurred by the process, sale and conveyance.

FEES.

23. The following fees may be demanded under the Ordinance—

	\$	c.
Service or publication of any Notice	0	50
Warrant of Attachment	1	00

24. A charge, calculated at a rate not exceeding 50 cents a day for each man, may be made when it is necessary to place a person or persons in charge of property attached.

FORM I.

NOTICE OF DEMAND.

To _____ No. _____

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 Municipal Ordinance (Chapter 133).

Subs:

Ord 25
38

Dated at _____ this _____ day of _____, 19 _____

Current Assessment for	\$
Arrears for
Notice Fee
Total			\$ _____

Secretary to the Municipal Commissioners of

MUNICIPAL.

FORM II.

RECEIPT.

Received from
Rates on the premises No. _____ Street,
in the Municipality of _____

Current Assessment for 19 _____ \$ _____ c. _____
Arrears for _____ years, viz., 19 _____ to 19 _____
Notice Fee _____
Total \$ _____

MUNICIPAL OFFICE, 19 _____ } Secretary to the Municipal
Commissioners of
(Counterfoil.)

Received from
Rates on _____ No. _____
Street _____
Current Assessment for 19 _____ \$ _____ c. _____
Arrears for _____ years, viz., 19 _____ to 19 _____
Notice Fee _____
Total \$ _____

MUNICIPAL OFFICE, 19 _____ } Secretary to the Municipal
Commissioners of

FORM III.

WARRANT OF ATTACHMENT.

To

WHEREAS by a notice of demand served or published on the
day of _____, 19 _____, the sum of \$ _____ was required to pay
at _____ the sum of \$ _____ being arrears
and costs recoverable under the Municipal Ordinance (Chapter 133) as noted
in the margin and whereas the said sum of \$ _____ has not
been paid:

Current Assessment for 19 _____	_____	_____
Arrears for 19 _____ to 19 _____ years, viz., _____	_____	_____
Notice Fee _____	_____	_____
Attachment Fee _____	_____	_____
Costs _____	_____	_____
Total _____	_____	_____

THESE ARE TO COMMAND you to
attach the personal property of the
said _____ wherever the same may be found
and also the effects and the goods
to whomsoever belonging which
may be found on the premises
No. _____ Street,
in the Municipality of _____
unless
the said sum of \$ _____ together
with \$ _____ the cost of this
attachment, be paid, to hold the
same until further orders.

MUNICIPAL.

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____.

Municipal Officer.

[Amended by Ordinance 1 of 1929, S. 21]

FORM IV.

NOTICE ATTACHING CROPS.

Whereas _____ has failed to satisfy an arrear of rates amounting, with costs, to \$ _____: Notice is hereby given that the property specified at the foot hereof has been attached under a Warrant of Attachment issued by the Municipal Commissioners of _____ dated the _____ day of _____, 19____, and the said _____ and all persons are hereby prohibited from disposing of or removing the said property, and all persons are prohibited from receiving the same by purchase, gift, or otherwise.

Officer of the Municipal Commissioners of

_____ { Dated the _____ day of _____, 19____ }

FORM V.

NOTICE OF SALE OF LAND.

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 Municipal Ordinance (Chapter 133) and whereas the said sum has not been paid and cannot be recovered in the manner prescribed in section 72 of the said Ordinance.

Notice is hereby given that, at the expiration of three months from the date of this notice, the Municipal Commissioners of _____ will proceed to sell by public auction the premises described at the foot hereof (being the premises in respect of which the arrear has accrued) and all persons are hereby warned against alienating the premises so described, by sale, gift, or otherwise, and from receiving the same by purchase, gift, or otherwise.

Given under my hand this _____ day of _____, 19____.

Municipal Officer.

[Amended by Ordinance 1 of 1929, S. 21]

SCHEDULE C.

THE MUNICIPAL COMMISSIONERS OF THE TOWN OF

the owner of premises being
and fronting, adjoining or
abutting on or from which access is had to a street known as
within the Municipality
of

And Whereas the Commissioners have fixed the _____ day of _____ 19____ at _____ o'clock in the _____ noon at the Municipal Offices for the purpose of considering any objections to the requisitions of this Notice or to any of the said works or to the said estimate of expenses or the said apportionment or to the amendment thereof and of confirming or amending the said plan and specification.

Now therefore the Commissioners hereby give you Notice in pursuance of the provisions of section 103 of the Municipal Ordinance (*Chapter 123*) to level, pave, metal, flag, kerb, channel and drain the said street in accordance with the plan and specification as confirmed or amended in a good workmanlike and substantial manner within a period of _____ months from the said day of _____ 19____.

The plan and specification confirmed or amended will be open to inspection at the Municipal Office during office hours.

And the Commissioners further notify you that in default of compliance with the requisitions of this Notice the Commissioners may themselves cause the said works to be done and the expenses incurred in such execution will in such event be payable by the owners in accordance with the provisions of subsection (7) of the said section 103.

Dated the _____ day of _____, 19____.

in the
column of
Contingen-
al Proce-

WE ASSENT.

T. BADLI SHAH,
ABU BAKAR BIN BAGINDA,
HAJI YUSOF,

Council of Regency

20th day of November, 1959

An Enactment to amend the Municipal Ordinance, in so far as it relates to the State of Selangor.

IT IS HEREBY ENACTED by the Legislature of the State of Selangor as follows:

1. This Enactment may be cited as the Municipal (Selangor) (Amendment) Enactment, 1959.

Short title
and com-
mencement.

2. Section 349 of the Municipal Ordinance is hereby amended by adding thereto the following new sub-section immediately after sub-section (2):

Amendment
of section
349.
S.S. Cap.
133.

"(3) Notwithstanding the provisions of sub-sections (1) and (2), where any sum borrowed by the Councillors on the construction of new, or the extension or alteration of existing works forming or to form part of an undertaking of a revenue-producing character, it shall be lawful for any yearly or half-yearly provision required to be made by the Councillors for the redemption of the sum so borrowed to be suspended for such period (not being a period longer than the period during which the expenditure remains unremunerative, or the period of five years from the commencement of the financial year next after that in which the expenditure commences to be incurred, whichever is the shorter) and subject to such conditions as the Minister of Finance may determine."

Passed this 26th day of October, 1959.

[Sel. Sec. 4466.]

MOHD. NOOR BIN ABU OSMAN,
*Clerk of the Legislative Assembly,
Selangor*

(4)
placement of
tingencies
Advance

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1,023

1,800

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Replenishment of Contingencies Fund Advance	
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0	—
0	—
10	—
7	\$51,100

OSMAN,
Member, Selangor

I ASSENT.

T. A. AZIZ SHAH,

Regent of Selangor

11th day of May, 1960

(STATE SEAL)

An Enactment to amend the Municipal Ordinance.

IT IS HEREBY ENACTED by the Legislature of the State of Selangor as follows:

1. This Enactment may be cited as the Municipal (Selangor) (Amendment) Enactment, 1960. Short title.

2. Section 54 of the Municipal Ordinance is hereby amended: Amendment of section 54.

(a) by substituting the following new sub-section for sub-section (1) thereof: S.S. Cap. 133

"(1) The Auditor or Auditors shall submit an annual report or observations on the accounts to the Councillors and shall send a copy of such report or observations to the Ruler."

(b) by substituting the words "Such report or observations" for the words "Every such report" appearing in line 1 of sub-section (2) thereof.

Passed this 18th day of April, 1960.

[Sel. Sec. 2156 (52).]

MOHD. NOOR BIN ABU OSMAN,

Clerk of the Legislative Assembly, Selangor

I ASSENT,

T. ABDUL AZIZ SHAH,

(STATE SEAL)

Sultan of Selangor

21st day of January, 1961.

An Enactment to amend the Municipal Ordinance.

[]

IT IS HEREBY ENACTED by the Legislature of the State of Selangor as follows:

1. This Enactment may be cited as the Municipal (Selangor) (Amendment) (No. 2) Enactment, 1960, and shall be deemed to have come into force on the first day of January, 1957. Short title and commencement.

2. Section 143 of the Municipal Ordinance (hereinafter called "the principal Ordinance") is hereby amended by inserting immediately after paragraph (i) in sub-section (1) thereof the following new paragraph: Amendment of section 143. S.S. Cap. 133.

"(ii) the specification of materials which are unsuitable for use in the construction of permanent buildings."

3. Section 156 of the principal Ordinance is hereby amended: Amendment of section 156. S.S. Cap. 133.

(a) by inserting immediately after the words "posts and plank", in sub-section (1) thereof the following words and punctuations:

"or wholly or partly of any other materials specified in the building by-laws as unsuitable for use in the construction of permanent buildings, whether or not such house or other building complies in other respects with the building by-laws for the time being in force,";

(b) by deleting sub-section (3) thereof and substituting therefor the following new sub-section:

"Councillors may attach conditions re. sanitary arrangements, etc. (3) The Councillors may attach to their permission in writing granted under the provisions of sub-sections (1) and (2) of this section any condition which they deem proper with regard to sanitary arrangements of the building, the ingress

thereto and the egress therefrom, protection against fire, and fixing the period during which the building shall be allowed to stand.”;

(c) by adding the following new sub-sections thereto:

“Extend fixed periods or vary conditions imposed.

(4) The Councillors may from time to time extend any period fixed or vary any conditions imposed under this section provided that unless an application in that behalf is made to them by the owner of the building in question they shall not exercise their power of varying conditions except when granting an extension, or further extension, of the period fixed with respect to the building.

Fees.

(5) When written permission is given by the Councillors under this section to erect a house or building or the Councillors extend any period fixed during which the building shall be allowed to stand, they may charge fees in respect of which permission or extension in accordance with a scale which the Councillors shall impose by by-law. Such fees may be payable monthly or annually or on the granting of such permission or extension and may vary according to the locality in and the nature of the land on which the building is erected and the use to which the building is from time to time put.

Power to remove building.

(6) The owner of any building or the landowner, in the event of the owner of the building not being traceable, in respect of which a period has been fixed under this section shall, on the expiration of that period, or as the case may be, of that period as extended, remove the building.

Penalty.

(7) Any person who contravenes any provision of this section or any condition imposed under sub-sections (3) and (4) of this section shall be liable to a fine not exceeding two hundred dollars and a daily fine not exceeding twenty dollars for every day during which the offence is

from, protecting the period shall be allowed

sections there-

time to time or vary any of this section application in by the owner they shall not ing conditions extension, or fixed with

given by the for to erect a e Councillors ing which the stand, they ect of which accordance eillors shall fees may be ily or on the or extension ae locality in on which the se to which time put.

or the land-owner of the 2, in respect n fixed under xation of may be, of remove the

ny provision ation imposed d (4) of this a fine not llars and a nty dollars for e offence is

continued, and a Magistrate may on the application of the Councillors issue a mandatory Order for the removal of any house or building erected or not removed, contrary to this section."

4. The principal Ordinance is hereby amended by inserting immediately after section 156 thereof the following new section:

New section 156A. S.S.Cap.133.

"156A. Any house or building constructed in the manner described in sub-sections (1) or (2) of section 156 and which has been erected before the first day of January, 1957, in accordance with a licence issued by the Councillors under the provisions of any by-laws applicable in any Municipality shall be deemed to have been erected with the permission of the Councillors and such permission shall be deemed to have allowed such house or building to stand for the period specified in such licence:

House or building erected before 1-1-57 shall be deemed to have been erected with the permission of the Councillors.

Provided that subject to the foregoing provisions of this section, the Councillors may exercise in respect of any such building any power conferred upon them under section 156."

Passed this 21st day of December, 1960.

[Sel. Sec. 103/48.]

YANG RASHDI BIN MA'ASOM.
*Clerk of the Legislative Assembly,
Selangor*