

T A S M A N I A.



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ANNO TERTIO

EDWARDI VII. REGIS,

No. 15.



AN ACT to further amend "The Metropolitan Drainage Act, 1898." [10 December, 1903.] A.D. 1903.

WHEREAS it is desirable to further amend "The Metropolitan Drainage Act, 1898," in manner hereafter appearing: PREAMBLE. 62 Vict. No. 47.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Metropolitan Drainage Amendment Act, 1903." Short title.

2 In this Act, unless the context otherwise requires — Interpretation.

"The said Act" shall mean "The Metropolitan Drainage Act, 1898."

"Prescribed" and "Prescribe" shall mean prescribed by By-law to be made by the Board, or as the Board may prescribe by By-law.

1s. 2d.]

Metropolitan Drainage Act Amendment.

A.D. 1903.

Private Premises.

General notice when any streets or portions are sewered. *Melbourne and Metropolitan Board of Works Act, 1897.* No. 1491, s. 5 (1).

3 The Board shall from time to time after sewers have been laid in any street or part of a street cause a general notice to be given as hereinafter mentioned that the Board has made provision for carrying off the sewage of each and every property which, or any part of which, abuts on such street or part of a street in which sewers have been so laid; and after such time as shall be fixed by the Board each and every property which, or any part of which, abuts on such street or part of a street shall be deemed and taken to be a sewered property within the meaning of this Act.

M. & M. B. of W. Act, 1897. No. 1523, s. 2 (2).

Provided always that for the purposes of any such general notice the provisions of this Section with regard to the description of any street or part of a street where sewers have been laid shall be deemed and taken to be sufficiently complied with if in any such notice the outer boundaries of the locality within which such sewers have been laid are described; and any such locality shall be deemed to be and may be called "a sewerage area."

Further general notice. M. & M. B. of W. Act, 1897. No. 1491, s. 5 (2).

4 The Board may by a further general notice, to be given as hereinafter mentioned, order that the owner of each and every property which, or any part of which, abuts on the said street or part of a street, if there are any houses or buildings on such property, shall within such time as shall be specified in such further notice or within such further time as the Board may allow provide such proper water-closet or water-closets, drains, appliances, apparatus, and connections with such sewer or sewers of the Board as may be prescribed. In any further general notice, the name of the street upon which such property or part thereof abuts shall be specified.

Sewered properties. *Ib.* s. 5 (3).

5 Every property whether or not abutting as aforesaid which shall be connected with any sewer of the Board shall be and shall be deemed to be a sewered property.

Circumstances of each case to be considered. *Ib.* s. 5 (4).

6 In fixing or allowing any such time or further time pursuant to this Section the Board shall have regard to all the circumstances of each case, so that each owner shall have a reasonable opportunity of complying with the requirements of any such notice.

How notices to be given. *Ib.* s. 5 (5).

7—(1.) The general notice shall be given by placards posted up in public in such street or part of street, and shall be advertised in the *Gazette*, and at least once a week for Four successive weeks in one or more daily newspapers published in *Hobart*, and shall be in the form in the First Schedule to this Act, or to the like effect.

Schedule (1).

(2.) The said further general notice shall be given by serving the same on the owner of any property which, or any part of which, abuts on such street or part of street in manner prescribed with regard to service of notices or orders by Section Seventy of the said Act, and shall be in the form of the Second Schedule to this Act, or to the like effect.

Schedule (2).

Metropolitan Drainage Act Amendment.

(3.) A copy of every such general notice or further general notice shall be posted by the Board to the Local Authority of any area within which any sewered property referred to in such notice is situate. A D. 1903. —

8 Within One month after a date to be specified in the said further general notice, or within such further time as the Board may either before or after the expiration of such One month allow, the owner of each and every property abutting on such street or part of a street shall, if there are any houses or buildings on such property—

Owners to submit plans, &c.
M. & M. B. of
W. Act, 1897,
No. 1491,
s. 6 (6.).

- i. Submit for the approval of the Board a plan for providing such property with such water-closet or water-closets, and such drains, appliances, apparatus, and connections, fitted and laid in such manner as may be prescribed, or any modification thereof which the Engineer of the Board, or such other officer as the Board may appoint for the purpose, on written application made to him shall in writing under his hand approve or require, and such owner shall in writing undertake to carry out such plan with such modification (if any) as may be approved or required as aforesaid within One month, or such further time as the Board may in writing allow, if the same is approved by the Board ; or
- ii. Submit for the approval of the Board a plan as aforesaid, and in writing request the Board if it approves thereof to give an estimate of the cost and expense thereof, and, thereupon, it shall be the duty of the Board so to do ; or, in writing, request the Board to prepare a plan as aforesaid, and give an estimate of the cost and expense thereof, and thereupon it shall be the duty of Board so to do. The expense of preparing any plan, or giving any estimate as aforesaid, shall be fixed by the Board and shall be borne by the owner of the property, and shall be paid by him before the Board is required to prepare any plan or give any estimate as aforesaid. As soon as the Board gives such estimate, such owner shall, in writing, undertake to carry out such plan within One Month, or such further time as the Board may allow, or shall, in writing, request the Board to carry out the same at the cost and expense of the said owner for the estimated amount, and thereupon it shall be the duty of the Board so to do.

9 If within such One month, or such further time, any such owner has not complied with the further requirements, or if, after undertaking so to do, any such owner has not within the limited time provided such water-closet or water-closets, and such drains, appliances, apparatus, and connections as aforesaid, then the Board may order such owner to comply with such of the requirements of the said further notice as it deems to be necessary, or may carry out such undertaking (as the case may be), and such order shall be deemed to be an order made under the provisions of the said Act, or of this Act.

If owner neglects Board may proceed.
Ib. s. 5 (7.).

Metropolitan Drainage Act Amendment.

A.D. 1903.

Board to maintain
certain works.
M. & M. B. of
W. Act, 1897.
No. 1491, s. 5(8).

Power to enter
for certain
purposes.
Ib. s. 5 (9.).

Inspection may be
made and altera-
tions ordered.
Ib. s. 5 (10.).

Drainage of
group of houses.
M. & M. B. of
W. Act, 1890.
No. 1197, s. 108.

New houses to
have drains
approved by
Board.
Ib. s. 109.

Construction of
drains and
branches.
Ib. s. 109.

10 In the event of the Board carrying out the work of providing such water-closet or water-closets, and such drains, appliances, apparatus, and connections, it shall be the duty of the Board, at its own cost and expense, to keep and maintain the same in good repair for a period of Twelve months from the time of completing the said work, unless the necessity for such repair is caused by the wilful act or negligence of the owner or occupier.

11 The Board, by its Engineer or such other officer as the Board may appoint for the purpose, may, at any reasonable time in the day-time, after Twenty-four hours' notice in writing has been given to the occupier, or left upon the premises with some person residing thereon, or in case there be no person resident on the said premises, without notice enter any house or building and ascertain and determine whether such further general notice has or has not been complied with.

12 The Board may cause the works hereinbefore mentioned to be inspected while in progress, and from time to time during their execution the Engineer of the Board, or such other officer as the Board may appoint for the purpose, may in writing order such reasonable alterations therein or additions thereto as to the said Engineer or other officer may seem necessary.

13 If it appears to the Board that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, may be drained and improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed within a reasonable distance (which shall be prescribed by the Board), of any part of such group or block of houses, whether contiguous, detached, or semi-detached, the Board may order that such group or block of houses be drained and improved as hereinbefore provided by a combined operation.

14 It shall not be lawful to erect any house or other building or to re-build any house or building within the Metropolitan Drainage Area which has been pulled down to or below the floor commonly called the ground floor (hereinafter referred to as "the lowest floor"), or to occupy any house or building so newly built or re-built unless a drain and such branches thereto and other connected works and apparatus as mentioned in the said Act or this Act be constructed and provided to the satisfaction of the Board.

15 Such drain and branches shall be constructed of such materials of such size and at such level and with such fall as the Board may direct, so that the same shall be available for the drainage of the lowest floor of such house or building, and of its several floors or stories, and such drain shall lead from such house or building, or the intended site of such house or building, to such sewer already made or intended to be constructed within a reasonable distance (which shall be

Metropolitan Drainage Act Amendment.

prescribed by the Board), of any part of the intended site of such house or building as the Board may direct. A.D. 1903.

16 Whenever any house or building is re-built as aforesaid, the level of the lowest floor of such house or building shall be raised sufficiently to allow of the construction of such a drain and such branches thereto, and other works and apparatus as are hereinbefore required, and for that purpose the levels shall be taken and determined under the direction of the Board. Level of lowest floor to be raised. M. & M. B. of W. Act, 1890. No. 1197, s. 109.

17 Any person who causes any house to be erected or re-built, or any drain to be constructed in contravention of the three preceding sections shall be liable to a Penalty not exceeding Fifty Pounds. Penalty.

18 If the occupier of any premises prevents the owner thereof from carrying into effect with respect to such premises any of the provisions of the said Act, or of this Act, or any order of the Board made in pursuance thereof, he shall be liable to a Penalty not exceeding Five Pounds for every day during the continuance of such prevention. Penalty if occupier prevents owner obeying Acts or orders of Board. *Ib.* s. 113.

19 If the occupier of any premises, when requested by or on behalf of the Board to state the name and address of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully misstates the same, any Justice may summon the party to appear before a Court of Petty Sessions at a time and place to be appointed in such summons. If occupier refuses to give name of owner. *Ib.* s. 113.

20 If the party so summoned neglects or refuses to attend at the time and place so appointed, or if he does not show good cause for such refusal, or if such wilful omissions or misstatements be proved, the Court before whom such party is so summoned may impose upon the offender a penalty not exceeding Twenty Pounds. Penalty upon non-compliance. *Ib.* s. 113.

21 Every such owner during the continuance of such refusal, and provided that he satisfy the Court that he has *bonâ fide* endeavoured to comply with the provisions of this Act, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. Indemnity to owner. *Ib.* s. 113.

22 Where under the authority of this Act Two or more persons are or may be directed by the Board to do or join in doing any act, or to pay or join in paying any sum of money, costs, or expenses, or where the Board may permit Two or more persons to join together in doing any act, or paying any sum of money or expenses, the Board may apportion the matter to be done, or the sum of money, costs, or expenses to be paid between such persons in such manner as the Board considers just and reasonable. Liability of persons jointly liable. *Ib.* s. 115.

23 Every person claiming compensation in respect of any injury or damage sustained by him by reason of the construction of any works Notice to be given of injury sustained.

Metropolitan Drainage Act Amendment.

A.D. 1903.

under the said Act or this Act, or of any works or other matter done under the authority of the said Act or this Act (not being an injury caused by the permanent taking of land), shall, within Twenty-eight days of the act committed, serve a notice in writing upon the Secretary of the Board, which notice shall set forth the nature of the injury or damage which he has sustained or will sustain by reason of such construction, work, or matter as aforesaid, and if the injury or damage is then sustained, the date on which it was so sustained, and no action or suit shall be brought in respect of claims for compensation as herein set forth, after Three months from the act committed.

Recovery of Charges, Costs, and Expenses.

Future owners
may become
liable.
M. & M. B. of
W. Act, 1890.
No. 1197, s. 116.

24 All costs and expenses which by this Act are made payable to the Board by the owner of any premises, or for which he may be liable, together with interest at the rate of Five Pounds per centum per annum, shall be recoverable at any future time from any owner thereof.

Board may
recover costs of
performing works.
M. & M. B. of
W. Act, 1897.
No. 1491, s. 6.

25 In all cases in which the Board provides any water-closet or water-closets, or drains, appliances, apparatus, and connections, pursuant to the requirement of any owner, as hereinbefore provided, or performs any works, matters, or things under the said Act or this Act, the costs and expenses thereof, with interest at the rate of Five Pounds per centum per annum, shall be recoverable after the expiration of one month from the time that the Engineer of the Board, or such other officer as the Board may appoint for the purpose, certifies in writing to the Board that the same have been provided or performed, and the amount of the costs and expenses thereof.

Board may accept
payment by
instalments.
Ib. s. 6 (3.).

26 At the request of the owner the Board shall accept payment of such costs and expenses by twenty-eight quarterly instalments, bearing interest on such portion as from time to time remains unpaid at the rate of Five Pounds per centum per annum.

How request to
be made
Ib. s. 6 (4.).

27 Such request must be made in writing, and signed by the owner, and must be lodged with the Board within one month from the time of such owner being notified, in writing, by the Board of the amount of such costs and expenses. The first quarterly instalment shall be payable immediately on the expiration of the said month. Notwithstanding anything contained in this Section, the said owner may at any time pay to the Board such portion as then remains unpaid of such costs and expenses, together with interest thereon at the said rate to the date of such payment.

Copy of last Two
Sections
Ib. s. 6 (5.).

28 A copy of the last Two preceding Sections shall be included in the notification hereinbefore referred to.

On default whole
amount unpaid to
become payable.
Ib. s. 6 (6.).

29 In the event of any of the instalments or interest not being paid within Fourteen days after the due date thereof, the whole amount then unpaid of the costs and expenses shall, if the Board so desires,

Metropolitan Drainage Act Amendment.

become due, payable, and recoverable with interest, as prescribed by A.D. 1903. the said Act or by this Act.

30 Payment of any instalment and interest may be recovered in the like manner as is provided by the said Act for the recovery of sums of money, costs, expenses, or penalties.

How instalments recoverable.
M. & M. B. of W. Act, 1897.
No. 1491, s. 6 (.7).

31 The certificate of the Engineer or such other officer as aforesaid in writing shall be *prima facie* evidence in any court that the water-closet, or water-closets, or drains, appliances, apparatus, and connections have been provided, or the works, matters, or things have been performed (as the case may be), and *prima facie* evidence as to the amount of the costs, expenses, and interest recoverable in respect thereof.

Certificate of engineer to be evidence.
Ib. s. 6 (8).

32 Where, under a lease existing at the commencement of this Act, a lessee has the right to remove buildings at the end of his term, he shall not be entitled to remove the same or any part thereof, unless—

Restriction on right of lessee to remove buildings.
Ib. s. 14.

- I. He first pays to the lessor or to the Board all the costs and expenses, and interest paid by, or payable under the said Act or this Act by the lessor in respect of any drains or appliances, apparatus, and connections constructed by or at the cost of such lessor for the purpose of the buildings so removed; or
- II. The removal of the buildings or such portion thereof as is removed, is effected without injury to such drains, appliances, apparatus, and connections.

33 Any trustee being owner of any houses, lands, or premises may apply any of the funds under his control in defraying any charges, costs, or expenses necessarily or properly incurred by him under the said Act or this Act as such owner.

Powers of Trustees.
M. & M. B. of W. Act, 1890.
No. 1197, s. 117.

34 Any agent may deduct from any moneys held by him for his principal all charges, costs, or expenses necessarily or properly incurred and paid by him under the said Act or this Act as "owner" of any houses, lands, or premises, for which he is the agent of such principal, or he may in any Court of competent jurisdiction recover from such principal the amount so incurred and paid.

Powers of Agents.
Ib. s. 118.

35 The Local Authority of any district within the Metropolitan Drainage Area may apply out of the Town Fund, District Fund, or Municipal Fund all charges, costs, and expenses necessarily and properly incurred by such Local Authority under the said Act or this Act, whether within or without the area controlled by such Local Authority.

Powers of Local Authorities.
Ib. s. 119.

36—(1.) In addition to any remedy which the Board may have against any owner or occupier, or against any premises, all costs and expenses, and every instalment, sum of money, and interest which by the said Act or this Act are made payable to the Board by the owner of any premises, or for which he may be liable, shall until payment be

Costs, &c., to remain charge upon premises.

Metropolitan Drainage Act Amendment.

A.D. 1903.

and remain a first charge upon such premises in priority to all mortgages, charges, liens, and encumbrances whatsoever, but subsequent to the Land Tax or to any rate payable to any Local Authority having jurisdiction in the part of the Metropolitan Drainage Area in which the premises are situated.

(2.) Whenever any costs, expenses, instalment, sum of money, or interest, shall become a charge upon any premises under the last preceding Sub-section, and shall be in arrear for the space of Two Years and upwards, it shall be lawful for the Board to cause to be published for Three consecutive weeks in the *Gazette*, and in Three consecutive numbers of a daily newspaper published in *Hobart*, specifying the premises and the amount charged thereon as aforesaid, and stating that if the same be not paid within Six months from the first publication of such notice the Board will apply to the Supreme Court for a sale thereof in the manner described in the next succeeding Sub-section.

(3.) If after Six months from the first publication of such notice the amount due to the Board at the time of such first publication is still unpaid, the Board may let such premises or any part thereof from year to year, and may receive the rents and profits thereof and apply the same towards the payment of all amounts due to the Board in respect of such premises, and hold any surplus in trust for the rightful owner of such land.

(4.) If after Six months from the first publication of such notice the amount charged upon such premises as aforesaid at the time of such first publication is still unpaid, the Board may by petition to the Supreme Court, in its Equity Jurisdiction, or a Judge thereof, apply for a sale of the land described in such notice, or of so much thereof as may be necessary to produce the amount so charged as aforesaid, and the Court or Judge on being satisfied by affidavit or otherwise that Six months' notice of such petition has been served on the owner of such land, or left at his usual or last known place of abode in *Tasmania*, and that the amount claimed is lawfully due and was in arrear at the time of such first publication of such notice in the *Gazette*, and that all things required by the said Act and by this Act to be done by the Board have been done, shall order the sale of the said land or so much thereof as shall be sufficient to pay the amount due or accrued due in respect of such land up to the time of sale together with all costs of and attending the sale of such land, and that the proceeds be paid into Court.

(5.) The Court or Judge shall order payment of any amount due for any tax or rate then payable in respect of such premises, and all amounts due to the Board to be first made out of the proceeds of sale and the conveyance or transfer as the case may be, shall be executed by the Registrar or such other officer of the Court as the Court may direct to the purchaser, his heirs, executors, administrators, and assigns in such form as shall be approved by the Court or a Judge; and such conveyance or transfer shall vest the land sold in the purchaser for an estate in fee simple free from encumbrances, and in cases where the land is under *The Real Property Act* the purchaser shall be entitled to

Metropolitan Drainage Act Amendment.

receive a Certificate of Title to the land purchased, and the balance arising from the proceeds of such sale shall be subject to any Orders of the Court for the benefit of the parties interested therein. A.D. 1903.

Metropolitan General Fund.

37 All moneys whatsoever received by the Board shall be paid into and shall form a fund to be called the Metropolitan General Fund. The moneys from time to time due as interest on any liability of, or moneys owing by the Board, shall be a charge on the said fund; and subject thereto any moneys standing to the credit of the said fund shall be applied in payment of the salaries of the officers and servants of the Board, and of the expenses of carrying this Act or the said Act into execution, and of carrying out any works under the authority hereof, and in paying off any principal money due to any person from whom they may have been borrowed, his executors, administrators, and assigns. Metropolitan General Fund. M. & M. B. of W. Act, 1890. No. 1197, s. 120.

38 All moneys of the Board amounting to Twenty Pounds and upwards shall, within Seventy-two hours, or such shorter periods as the Board may direct, after they have come to the hands of the proper officer of the Board, be paid into such Bank and in such manner as the Board may appoint and direct for that purpose, and no such money shall be drawn out of such bank save by cheque signed and countersigned by such persons as the Board may direct. Bank Account. M. & M. B. of W. Act, 1890. No. 1197, s. 121.

39—(1.) The Board shall, on or before the Fifteenth day of February in every year, cause an estimate to be prepared of the moneys required for the year for the several purposes in respect of which it is authorised to apply the Metropolitan General Fund, showing the sums available for such purposes and the several sums required, and the total net annual value of the properties in each sewerage area under the jurisdiction of each Local Authority mentioned in the said Act. Mode of raising contributions.

(2.) For the purpose of issuing any precept as is hereinafter mentioned the Board shall adopt as the net annual value of properties within any sewerage area the Assessment Roll in force for the time being upon which the Local Authority will levy the rate hereinafter mentioned.

(3.) After the estimate has been prepared the Board may in respect of the year and for the purposes aforesaid issue its precept to each of the said Local Authorities requiring them to pay, within a time limited by the precept, the amount specified in such precept to the Board, or to some person appointed by it.

(4.) The amount specified in such precept to any Local Authority shall be the amount that can be levied by such Local Authority under the provisions hereinafter contained.

(5.) Every precept shall be sent to the Local Authority at least

Metropolitan Drainage Act Amendment.

A.D. 1903.

Three Months before the day on which the sums specified in such precept are payable.

(6.) The Local Authority shall comply with the requisitions of such precept by paying the contributions required thereby, and may make and levy a rate in the same manner as if it were a rate authorised by "The Hobart Corporation Act, 1893," "The Rural Municipalities Act, 1865," "The Roads Act, 1884," or "The Town Boards Act, 1896," or any Amendments of such Acts respectively.

(7.) Such rate shall not exceed the amount of Seven Pence in the Pound upon the assessed annual value of the properties within any sewerage area.

Provided that in no case shall the amount payable in respect of any house for such rate be less than the sum of Twelve Shillings in any year.

Provided also that no owner or occupier of any land or other premises shall be liable to the payment of any rate under the said Act or this Act unless such land or other premises is within a sewerage area.

(8.) Every property upon which any building is erected belonging to or occupied or used by or on behalf of the Crown or any Local Authority, or any person or body of persons corporate or unincorporate, notwithstanding that such property may be exempt from any tax or rate which may be imposed or levied by the Local Authority, shall be subject to all rates levied by any Local Authority in pursuance of any such precept of the Board as aforesaid, the assessment being on the same principle as on similar property in corresponding parts of the same sewerage area.

(9.) The Crown or any Local Authority may in every such case as is mentioned in the last preceding Sub-section commute its liability to pay any such rate by the payment or contribution of an annual sum to be agreed upon by the Board and the Treasurer of the State or such Local Authority, as the case may be.

(10.) Any Local Authority may pay the amount specified in any precept issued by the Board out of any moneys in the possession of such Local Authority, or from any rate it is empowered by any Act of Parliament to levy, and may carry such payment to a suspense Account, but shall afterwards levy any of the rates in this Section mentioned to recoup itself for the sum paid on account of any precept.

(11.) All the rates under this Section shall as respects the powers of the Local Authorities in relation to the making and levying of such rates and all other incidents thereof, except the purposes to which it is applicable, and except as herein is provided, be subject to the same provisions as apply in law to any other rate levied by such Local Authority; but no such exemption shall be allowed on account of any property being unoccupied.

(12.) The officers ordinarily employed in the collection of the rates of the Local Authorities shall, if required by the Local Authorities, collect any rates made under this Section, and receive out of such rates such remuneration for the additional duty as the Local Authorities with the consent of the Board may determine.

Metropolitan Drainage Act Amendment.

40 The Secretary or other officer of the Board may from time to time inspect any rate made or to be made in any district within the Metropolitan Drainage Area, and any valuation or assessment on which the same is made, and may take copies or extracts from such rate, valuation, or assessment; and if any person having the custody of such rate, valuation, or assessment, wilfully neglect or refuse to permit such Secretary or other officer to inspect the same, or to take copies of or extracts from the same at all reasonable times, he shall for every such offence be liable to pay to the Board a penalty not exceeding Ten Pounds.

A.D. 1903.

Power for Officers of Board to inspect assessments, &c.
M. & M. B. of W. Act, 1890.
No. 1197, s. 124.

Miscellaneous.

41 The Sewerage works and all property vested in or occupied by the Board shall be exempt from any rate or tax which but for this section the Crown or Local Authority of any district within the Metropolitan Drainage Area might have imposed or levied thereon; but nothing herein shall preclude any such Local Authority from levying and collecting rates upon tenements erected on any land vested in the Board occupied for private purposes, and by persons other than the Board.

Works and property of Board to be exempt from rates and taxes.
M. & M. B. of W. Act, 1890.
No. 1197, s. 131.

42 No Justice shall be disabled from acting in the due discharge and execution of his duties in any matter arising under the said Act or this Act by reason only of his being a ratepayer or member of or interested in the concerns of any Municipality, Municipal District, Town or Road District, or by reason of his being a ratepayer of any Municipality, Municipal District, Town or Road District within the Metropolitan Drainage Area, or interested in the concerns of the Board, or as one of any other class of person liable in common with the others to contribute to, or be benefited by any rate or fund out of which any expenses under this Act are to be defrayed, but no Justice shall be capable of acting in cases in which he is a member of the Board or of any Local Authority who or whose officer may be a party to any litigation.

Justices may act though interested in certain cases.
Ib. s. 153.

43 Any summons or notice or any writ, process, or other proceeding requiring to be served upon the Board may be served by being given personally to the Secretary to the Board or by being left with some superior officer of the Board, at the principal office of the Board.

Service of process on Board.
Ib. s. 158.

44 The Board may appear before any Court, or in any legal proceeding by its Secretary, or by some other officer appointed generally, or in respect of any special proceeding by resolution of the Board or by the Chairman of such Board in writing under his hand, and the Secretary or other officer so authorised shall be at liberty to institute and carry on any proceeding which the Board is authorised to institute and carry on under the said Act or this Act.

Board may appear in Court by Secretary or other Officer.
Ib. s. 163.

Metropolitan Drainage Act Amendment.

A.D. 1903.

Bankrupts, &c.
M, & M. B. of
W. Act, 1890.
No. 1197, s. 164.

45 If any person against whom the Board has any claim or demand under the said Act or this Act, or any Act incorporated herewith, take the benefit of any Act for the relief of bankrupts or insolvent debtors, the Secretary to the Board in all proceedings against the estate of such bankrupt or insolvent, or under any adjudication, sequestration or act of bankruptcy or insolvency against such bankrupt or insolvent, may represent the Board, and act in its behalf in all respects.

Penalties
extended to
persons causing
offences.
Ib., s. 167.

46 The penalties declared by the said Act or this Act in the case of persons committing the offences mentioned therein or herein are hereby extended and made applicable to all persons causing the commission of any such offences, or by whose order or direction any such offences shall be committed.

Information may
be laid in name
of Board.
Ib. s. 168.

47 In any proceedings for the recovery of penalties under the said Act or this Act, or under any Act incorporated therewith or herewith, or under any by-law or regulation made under any of such Acts, the information or complaint shall and may be laid in the name of the Board or by the Secretary or by some officer of the Board generally or in respect of any special proceeding, or by any member of the Police Force.

Officers to be
reimbursed
expenses.
Ib. s. 169.

48 The Secretary or other officer appointed as last aforesaid shall, out of the Metropolitan General Fund, be reimbursed all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in the last preceding Section.

Power to make
By-laws.

49—(1.) The Board may make By-laws with respect to the following matters:—

For regulating all matters which by this Act are required or permitted to be prescribed, or in reference to which the word “prescribed” or “prescribe” is used in this Act, or as may be necessary or convenient to be prescribed for giving effect to this Act.

(2.) All the provisions of the said Act relating to By-laws made under the said Act, including the provisions relating to the imposition and recovery of penalties, shall apply to By-laws made under this Act; and such last-mentioned By-laws shall be deemed to be made under the said Act.

(3.) The power conferred by the said Act upon the Board to make any Regulations or By-laws shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions to rescind, revoke, amend, or vary such Regulations or By-laws.

Certificate, how
obtained.

50 Any person shall upon written application for the same, and upon payment of the sum of One shilling, be entitled to obtain from the Secretary or other officer of the Board appointed for the purpose, a

Metropolitan Drainage Act Amendment.

Certificate showing the amount (if any) due and payable to the Board A.D. 1903.
in respect of any property within the Metropolitan Drainage Area.

51 Sections Thirty-two, Forty-three, Forty-four, Forty-seven, Forty-eight, Forty-nine, Fifty-seven, and Eighty-two of "The Metropolitan Drainage Act, 1898," are hereby repealed; the first paragraph of Section Forty-two of the said Act is also hereby repealed, and the words "Provided that," in the second paragraph thereof, are hereby expunged, and the words "or septic tanks" are hereby inserted after the word "sewers" wherever occurring in the said second paragraph. Repeal.

52 This Act and the said Act and every Act amending the said Act shall, save as altered or amended by this Act, be read and construed together as one and the same Act; and the said Act and every Act amending the said Act and this Act may be referred to and may be cited for all purposes as "The Metropolitan Drainage Acts, 1898 to 1903." Acts to be read together.

SCHEDULE.

(1.)

METROPOLITAN DRAINAGE BOARD, HOBART.*General Notice.*

The Metropolitan Drainage Board, Hobart, having made sewers for carrying off the sewage from each and every property which or any part of which abuts on the streets or parts of streets in which such sewers are laid, and which are included within the sewerage area hereinafter described, doth hereby declare that on and after the day of 190 each and every property which or any part of which abuts on the said streets or parts of streets, shall be deemed to be a seweraged property within the meaning of "The Metropolitan Drainage Acts, 1898 to 1903."

The sewerage area hereinbefore referred to is [*here describe same*].

By order of the Board,

Chairman [*or Member of Board*].
Secretary [*or Acting Secretary*].

(2.)

METROPOLITAN DRAINAGE BOARD, HOBART.*Further General Notice.*

The Metropolitan Drainage Board having made sewers for carrying off the sewage from each and every property which or any part of which abuts on the street or part of a street hereinafter described, doth hereby order as follows (that is to say):—

1. Within One month after the day of 190 ,
or within such further time as the Board may either before or after the expiration of

Metropolitan Drainage Act Amendment.

A.D. 1903.

such One month allow, the owner of each and every property which or any part of which abuts on the said street or part of a street shall, if there are any houses or buildings on such property—

- (a) Submit for the approval of the Board a plan for providing such property with such water-closet or water-closets, and such drains, appliances, apparatus, and connections, fitted and laid in such manner as may be prescribed by the By-laws of the Board, or any modification thereof which the Engineer on written application made to him shall in writing under his hand approve, and such owner shall in writing undertake to carry out such plan within One month, or such further time as the Board may in writing allow if such plan is approved by the Board ; or
- (b) Submit for the approval of the Board a plan as aforesaid, and in writing request the Board if it approves thereof to give an estimate of the cost and expense thereof, and thereupon it shall be the duty of the Board so to do. The expense of preparing any plan or giving any estimate as aforesaid shall be fixed by the Board, and shall be borne by the owner of the property, and shall be paid by him before the Board is required to prepare any plan, or give any estimate as aforesaid. As soon as the Board gives such estimate such owner shall in writing undertake to carry out such plans within One month, or such further time as the Board may allow, or the Board will if so requested by the owner in writing carry out the same at the cost and expense of the owner for the estimated amount.

2. If within such One month or such further time any such owner has not complied with some one of the foregoing requirements, or if after undertaking so to do any such owner does not within the limited time provide such water-closet or water-closets and such drains, appliances, apparatus, and connections as aforesaid, then the Board may order such owner to comply with such of the requirements of this general notice as it deems to be necessary, or may carry out such undertaking (as the case may be), and such order shall be an order disobedience of which is punishable by a penalty of Twenty Pounds, and a continuing penalty of Five Pounds per day.

3. In the event of the Board executing the work the Board will, if so requested, accept payment of the costs and expenses by twenty-eight quarterly instalments, bearing interest at Five per cent. per annum, or the whole may be paid off at any time.

4. The street or part of a street hereinbefore referred to is [*here describe same.*]

5. The By-laws of the Board can be inspected at the office of the Board, situate at [*here state situation of office.*]

6. A copy of the By-laws of the Board can be obtained on application at the said office.

By order of the Board,

Chairman [*or Member of Board.*]

Secretary [*or Acting-Secretary.*]