

No. XVI.

An Act to abate the Nuisance arising from the
Smoke of Furnaces. [7th April, 1866.]

SMOKE NUISANCE
ABATEMENT.

WHEREAS it is expedient to abate the Nuisance arising from the Preamble.
Smoke of Furnaces Be it therefore enacted by the Queen's
Most Excellent Majesty by and with the advice and consent of the
Legislative Council and Legislative Assembly of New South Wales
in Parliament assembled as follows :—

1. From and after the first day of July one thousand eight hundred and sixty-six every furnace employed or to be employed in the working of engines by steam in any city town or hamlet containing according to the last preceding census not less than two thousand inhabitants or any suburbs thereof the boundaries of which shall be described in any proclamation issued by the Governor with the advice of the Executive Council and every furnace employed or to be employed in any mill factory distillery brewhouse sugar refinery bakehouse gas works water works public bath or washhouse in any such city town or suburbs (although a steam-engine be not employed therein respectively) shall in all cases be constructed or altered so as to prevent as far as possible the formation of smoke in such furnace and if any person shall in any such city town or suburbs after the said first day of July one thousand eight hundred and sixty-six use any such furnace which shall not be constructed so as to prevent as far as possible the formation of smoke therein or shall so negligently use such furnace as that smoke shall arise therefrom every person so offending being the owner or occupier of the premises or being a foreman or other person employed by such owner or occupier shall upon a summary conviction for such offence before any two or more Justices be liable to a penalty not exceeding five pounds nor less than forty shillings and upon a second conviction for a like offence to a penalty not exceeding ten pounds and upon each subsequent conviction for a like offence to a penalty not exceeding twice the amount of the penalty imposed for the last preceding conviction. To prevent the formation of smoke in furnaces.

2. The provisions of the preceding section shall apply to all furnaces therein described which shall hereafter be constructed in any other city or town within the Colony. All new furnaces in other towns to be on improved principle.

3. Provided that the words "prevent the formation of smoke" shall not be held absolutely to mean "the complete prevention of the formation of smoke" but that the Justices may in any case remit any of the penalties enacted hereby if they shall be of opinion that the furnace in question has been so constructed or altered as to prevent as far as possible the formation of smoke in such furnace and that the person charged has carefully attended to the same and prevented as far as possible any smoke to arise from such furnace. Power in certain cases to remit penalties.
Provided also that it shall be lawful for such Justices with the consent of such person on the hearing of the case to appoint a competent person to examine such furnace and to make his report thereupon whether it has been so constructed or altered and to suspend their decision until they shall have received such report.

Dog and Goat.

Complaints how
brought.

4. No complaint shall be brought against any person for the recovery of any penalty under this Act except by a Superintendent Inspector or Sergeant of Police or by any Inspector of Nuisances or by the owner or occupier of premises with reference to which the furnace in question is so situate as to create an annoyance to the occupiers of such premises.

One or more joint
owners may be
proceeded against
alone.

5. In case of any complaint under this Act to which two or more parties whether as owners or occupiers of premises may be jointly answerable it shall be sufficient to proceed against one or more of them without proceeding against the others or other of them but nothing herein contained shall prevent the parties so proceeded against from recovering relief in any case in which they would now be entitled to relief by law.

Short title.

6. This Act shall be styled and may be cited as the "Smoke Nuisance Abatement Act."
