



# Birmingham City Council 1991

## 1991 CHAPTER xvii

An Act to authorise the Birmingham City Council to dispose of or appropriate Cannon Hill House in the city for educational purposes. [22nd October 1991]

WHEREAS—

- (1) Cannon Hill Park is a park in the city of Birmingham (hereinafter called “the city”) which is a city under the management and government of Birmingham City Council (hereinafter called “the Council”):
- (2) By an indenture dated 18th April 1873 and made between Louisa Anne Ryland of the one part and the mayor, aldermen and burgesses of the borough of Birmingham (hereinafter called “the Corporation”) of the other part, land in the city forming part of Cannon Hill Park was conveyed to the Corporation upon the trusts and for the purposes in and by the Birmingham Parks Act 1854 expressed and declared of and concerning the lands which the Council of the city under the powers of that Act accept or purchase and subject to certain conditions and regulations expressed and contained in that indenture:
- (3) The Birmingham Parks Act 1854 was repealed by the Birmingham Corporation (Consolidation) Act 1883, Part IV of which re-enacted certain provisions thereof:
- (4) By an indenture dated 27th November 1907 and made between William Charles Henry Alston Smith-Ryland of the first part, Sir Thomas Frederick Chavasse and John Willmot of the second part and the Corporation of the third part further land in the city forming part of Cannon Hill Park was conveyed to the Corporation subject to certain covenants and conditions:
- (5) By an indenture dated 29th May 1908 and made between the parties to the indenture dated 27th November 1907 further land in the city forming part of Cannon Hill Park was conveyed to the Corporation subject to certain covenants:
- (6) By an indenture dated 22nd July 1910 and made between the parties to the indenture dated 27th November 1907 further land in the city forming part of Cannon Hill Park was conveyed to the Corporation subject to certain covenants:

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- (7) By the Birmingham Corporation Act 1961 it was provided that certain of the restrictions and conditions contained in the said indenture dated 18th April 1873 amongst others were removed and the Corporation were empowered to grant a lease or leases of a part or parts of Cannon Hill Park and it was provided that the remainder of Cannon Hill Park would be held by the Corporation as a park provided by them under Part IV of the Birmingham Corporation (Consolidation) Act 1883:
- (8) By a deed of release dated 12th December 1979 and made between Charles Mortimer Tollemache Smith-Ryland and the Council the Council and the land were released from certain of the covenants contained in the said indenture dated 18th April 1873:
- (9) By the West Midlands County Council Act 1980, Part IV of the said Act of 1883 was repealed and the said Act of 1961 was repealed and its substance re-enacted:
- (10) Cannon Hill House and its immediately surrounding land is part of Cannon Hill Park for the purposes of the West Midlands County Council Act 1980:
- (11) It is expedient that the Council should be empowered to dispose of or appropriate Cannon Hill House and its immediately surrounding land for educational purposes:
- (12) It is expedient that the other provisions contained in this Act be enacted:
- (13) The purposes of this Act cannot be effected without the authority of Parliament:
- (14) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

## **1 Short title**

This Act may be cited as the Birmingham City Council Act 1991.

## **2 Interpretation**

In this Act unless the subject or context otherwise requires—

“Cannon Hill House” means Cannon Hill House and its immediately surrounding land in the city shown on the signed map, being the area within the inner edge of the red line on that map;

“charity” has the same meaning as in the Charities Act 1960;

“the signed map” means the map signed in triplicate by Lord Aberdare, Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited at each of the following offices:—

- (a) the office of the Clerk of the Parliaments, House of Lords;
- (b) the Private Bill Office, House of Commons; and
- (c) the office of the Chief Executive of the Birmingham City Council.

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### **3 Power to dispose of or appropriate Cannon Hill House**

- (1) Notwithstanding the terms of section 85 of the West Midlands County Council Act 1980, the Council may—
  - (a) dispose of an estate or interest in all or part of Cannon Hill House to an educational charity; or
  - (b) appropriate Cannon Hill House for the purposes of its functions with respect to education.
- (2) In disposing of an estate or interest in all or part of Cannon Hill House under this section the Council may do so for a consideration less than the best that can reasonably be obtained.
- (3) For the avoidance of doubt it is hereby declared that nothing in the said section 85 affects or has at any time affected the operation of the deed of release dated 12th December 1979 and made between Charles Mortimer Tollemache Smith-Ryland of the one part and the Council of the other part.