



CHAPTER lxxvi.

An Act to empower the lord mayor aldermen and citizens of the city of Birmingham to construct additional waterworks and to provide and run trolley vehicles and to make further provision in regard to their several undertakings and to the health local government and improvement of the city and for other purposes. A.D. 1922.
[4th August 1922.]

WHEREAS in pursuance of powers contained in the Birmingham Corporation (Consolidation) Act 1883 and divers other Acts the lord mayor aldermen and citizens of the city of Birmingham (in this Act called "the Corporation") are supplying water within their city and certain places in the neighbourhood thereof and it is expedient to empower the Corporation to construct the additional waterworks mentioned in this Act and to make further provision in regard to their water undertaking :

And whereas it is expedient to empower the Corporation to provide and run mechanically propelled vehicles adapted for use on roads without rails and moved by electrical power transmitted thereto from an external source and to confer further powers upon them in regard to their tramway undertaking :

And whereas it is expedient to make further and better provision in relation to the health local government and improvement of the city and that the powers of the Corporation in regard thereto should be enlarged as provided in this Act :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

For and in connexion with the purchase of lands and easements for and the construction of the works authorised by Part III. (Water) of this Act and for other purposes of the water undertaking of the Corporation	£ 498,632
For the provision of trolley vehicles	36,000
For the provision of electrical equipment and the construction of other works necessary for working trolley vehicles	3,100

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the city and for the counties of Warwick and Worcester respectively and are in this Act respectively referred to as “ the deposited plans sections and book of reference ” :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King’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 (that is to say) :—

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Birmingham Corporation Act 1922.

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(2) The Acts mentioned in Part I. of the first schedule to this Act and the Orders mentioned in Part II. of that schedule and so much of the confirmation Acts therein mentioned as relates to those Orders and this Act may be cited as the Birmingham Corporation Acts 1876 to 1922. A.D. 1922.

2. This Act is divided into Parts as follows (that is to say) :— Division of Act into Parts.

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Water.
- Part IV.—Trolley Vehicles Tramways and Omnibuses.
- Part V.—Streets Buildings Sewers and Streams.
- Part VI.—Public Weighing Machines.
- Part VII.—Sale of Coke.
- Part VIII.—Finance and Rating.
- Part IX.—Miscellaneous.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :— Incorporation of Acts.

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words “ with the consent in writing “ of the owner or reputed owner of any such “ house or of the agent of such owner ” in section 44 of the Waterworks Clauses Act 1847 ;

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(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 (relating to accounts).

Interpreta-
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

- (a) "The city" means the city of Birmingham;
- (b) "The Corporation" means the lord mayor aldermen and citizens of the city of Birmingham;
- (c) "The town clerk" "the medical officer" and "the surveyor" mean respectively the town clerk the medical officer of health and the surveyor of the city and respectively include any persons duly authorised to discharge temporarily the duties of those offices;
- (d) "The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the city;
- (e) "The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- (f) "Trolley vehicle" means a mechanically propelled vehicle adapted for use on roads without rails and moved by electrical power transmitted thereto from an external source;
- (g) "Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;
- (h) "Vehicle" includes any cart lorry wagon timber-carriage float dray or other vehicle;
- (i) "Weighing machine" means a weighing machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the loading thereof;

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(j) "The Act of 1883" "the Act of 1903" and "the Act of 1914" mean respectively the Birmingham Corporation (Consolidation) Act 1883 the Birmingham Corporation Act 1903 and the Birmingham Corporation Act 1914. A.D. 1922.

5. Section 8 (Power to appoint committees) and section 9 (Proceedings of committees) of the Act of 1883 are incorporated with this Act and shall extend and apply to the powers and duties conferred upon the Corporation by this Act. Incorporation of sections 8 and 9 of Act of 1883 as to committees.

PART II.

LANDS.

6. Subject to the provisions of this Act and for the purposes of Part III. (Water) of this Act and of the water undertaking of the Corporation the Corporation may enter on take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference. Power to acquire lands.

7.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by Part III. (Water) of this Act (including the works and conveniences authorised by subsection (2) of section 10 of this Act) where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making enlarging renewing maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts. Acquisition of easements.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands

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(3) Provided that (except in the case of a conduit to be constructed at a depth of twenty-five feet or more than twenty-five feet below the surface of the ground) nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right or to impose any such restriction in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they shall give notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of restrictions shall either contain or be endorsed with a copy of this section.

Period for compulsory purchase of lands.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease ~~after the~~ expiration of three years from the thirty-first day of December nineteen hundred and twenty-two.

Extinction of private rights of way.

9.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

PART III.

WATER.

Power to make water-works.

10.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited

sections the works hereinafter described or referred to (that is to say) :— A.D. 1922.

Work No. 1 A service reservoir (to be called the Frankley New Reservoir) in the city and in the parish of Frankley to be formed by means of an embankment between Cromwell Lane and Woodcock Lane ;

Work No. 2 A new road or road diversion in the city across the intended embankment of the Frankley New Reservoir commencing at the existing junction of Woodcock Lane and Genner's Lane and terminating at the existing junction of Cromwell Lane and Genner's Lane ;

Work No. 3 A new road or road diversion in the city commencing near to the north-westerly end of Work No. 2 and terminating in Cromwell Lane ;

Work No. 4 A new road or road diversion in the city and the parish of Frankley commencing in Frankley Lane to the north-east of St. Leonard's Church Frankley and terminating in Scotland Lane near to Bartley Farm ;

Work No. 5 An aqueduct conduit or line or lines of pipes (to be called the New Reservoir Inlet) in the parish of Frankley commencing in the existing Elan Aqueduct of the Corporation and terminating in the Frankley New Reservoir ;

Work No. 6 An aqueduct conduit or line or lines of pipes (to be called the New Reservoir Outlet) in the city commencing in the Frankley New Reservoir and terminating in the existing pipe line of the Corporation near to the north-easterly corner of the existing Frankley Reservoir ;

Work No. 7 An aqueduct conduit or line or lines of pipes (to be called the Warley Rising Main Diversion) in the city and the parish of Frankley commencing in the existing Warley Rising Main of the Elan Aqueduct near to the north-easterly corner of the existing Frankley Reservoir and terminating in the same existing Rising Main in Scotland Lane near to Bartley Farm ;

Work No. 8 An aqueduct conduit or line or lines of pipes (to be called the Stream Diversion) in the city and the parish of Frankley commencing

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at the outlet works of the pond lying to the south-east of Westminster Farm and terminating in the stream below the downstream toe of the intended embankment (Work No. 1).

(2) In addition to the foregoing works the Corporation may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connexion with or subsidiary to the works authorised by this Act and the existing waterworks of the Corporation or any or either of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

11. In the construction of the works authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of other works five feet upwards and ten feet downwards. Provided that—

- (1) The Corporation shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition;
- (2) Except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for
completion
of works.

12.—(1) If the works authorised by this Act and delineated on the deposited plans are not completed within ten years from the thirty-first day of December nineteen hundred and twenty-two then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

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(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the aqueducts and conduits authorised by this Act lay down additional lines of pipes as and when occasion may require.

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13.—(1) Upon the commencement of the construction of the works authorised by this Act the Corporation may stop up so much of Genner's Lane as lies between the commencement and termination of Work No. 2 authorised by this Act.

Diversion of roads and stopping up of footpaths:

(2) When two justices have certified that the road diversion (Work No. 4) authorised by this Act has been completed to their satisfaction and is open for public use the Corporation may stop up so much of Scotland Lane as is shown on the deposited plans as intended to be stopped up.

(3) Before applying to the justices for their certificate the Corporation shall give to the road authority seven days' notice in writing of their intention to apply for the same.

(4) The Corporation may stop up any footpaths situate upon any of the lands shown on the deposited plans when the lands have been acquired by the Corporation.

(5) As from the stopping up of a highway under this section all rights of way over or along the same shall be extinguished and the Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines appropriate and use for the purposes of their undertaking the site of the highway stopped up as far as the same is bounded on both sides by lands of the Corporation.

(6) Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

14. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall with the necessary modifications apply to the construction laying down erection and maintenance in any streets

Application of Waterworks Clauses Act 1847 to

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discharge
pipes and
telephones.

or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down for the purposes of their water undertaking.

For protec-
tion of
Postmaster-
General.

15. Any telephone or telegraph posts wires conductors or apparatus made maintained erected or laid down by the Corporation under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Further
powers in
relation to
water mains.

16. The Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the limits of the Corporation for the supply of water shall be deemed to be the district of the Corporation.

Power to
lay pipes
in private
streets.

17.—(1) The Corporation may on the application of the owner or occupier of any premises within their limits for the supply of water abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in the Acts relating to the Corporation.

(2) This section shall not apply to a private street belonging to any railway company except with the consent of such company Provided that such consent shall not be unreasonably withheld and any question which may arise between the Corporation and any railway company as to whether it is unreasonably withheld shall be determined by arbitration under the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party.

Corporation
not bound
to supply
several
houses by
one pipe.

18.—(1) From and after the expiry of six months after the passing of this Act the Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think

fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. A.D. 1922.

(2) Provided that where and so long as a group or block of houses belong to one and the same owner and such owner is or becomes liable for the payment of the water rates and charges in respect of such houses he may at his option have one sufficient communication pipe for all or any two or more of the houses comprised in such group or block and in that case he shall be deemed to be a person supplied with water by the Corporation.

19. Subject to the provisions of this Act the waterworks to be constructed under the authority of this Act shall for all purposes whatsoever inclusive of water rents rates and charges be deemed part of the existing waterworks undertaking of the Corporation. New works to form part of existing waterworks undertaking.

PART IV.

TROLLEY VEHICLES TRAMWAYS AND OMNIBUSES.

20.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following route in the city (namely) a route commencing in the Old Square thence proceeding along Corporation Street Aston Street Gosta Green Lister Street Great Lister Street Bloomsbury Street Nechells Green Thimble Mill Lane Long Acre Cuckoo Road Nechells Park Road and so returning by Nechells Green Bloomsbury Street Great Lister Street Lister Street Gosta Green Aston Street and Corporation Street to its commencement in the Old Square. Power to use trolley vehicles.

(2) The Corporation may also with the consent of the Minister of Transport and subject to such conditions as he may impose use trolley vehicles along any road in the city along which they are authorised to construct or use tramways.

21.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working As to electrical works.

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A.D. 1922. — such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

Provided that no post or other apparatus shall be erected upon the carriageway of any public street or road except with the consent of the Minister of Transport.

(2) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways in streets or roads along which they are or may be authorised to run trolley vehicles.

(3) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1919 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Corporation to have exclusive right of using apparatus.

22. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

23. The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and

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as if the said trolley vehicles were carriages used on tramways :— A.D. 1922.

Part II (relating to the construction of tramways)
except sections 25 28 and 29;

Section 46 (Byelaws by local authority Promoters
may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license
drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters
in laying out tramway);

Section 51 (Penalty on passengers practising frauds
on the promoters);

Section 52 (Transient offenders);

Section 53 (Penalty for bringing dangerous goods
on the tramway);

Section 55 (Promoters or lessees to be responsible
for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities
to widen &c. roads); and

Section 61 (Power for local or police authorities to
regulate traffic in roads):

Provided that nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept.

24. The following provisions shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act and in the application of those provisions the same shall be read and have effect as if the said trolley vehicles were carriages used on the tramways of the Corporation :—

Application
of provisions
relating to
tramways
to trolley
vehicles.

Birmingham Corporation Act 1903—

Section 20 (Motive power);

Section 21 (Special provisions as to use of
electrical power);

Section 22 (For protection of Postmaster-
General);

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- Section 26 (Attachment of brackets to buildings);
 Section 29 (Byelaws);
 Section 30 (Amendment of Tramways Act 1870
as to byelaws by local authority);
 Section 32 (Corporation may appoint stopping
and starting places);
 Section 34 (Passengers' luggage);
 Section 36 (Corporation not bound to carry
animals and goods);
 Section 37 (As to fares on Sundays or holidays);
 Section 39 (Periodical revision of rates and
charges);
 Section 45 (Working and other agreements);
 Section 47 (Penalty for malicious damage);
 Section 48 (Orders &c. of Board of Trade):

Birmingham Corporation Act 1905—

- Section 17 (Shelters or waiting rooms);
 Section 19 (Regulations as to street traffic):

Birmingham Corporation Act 1912—

- Section 11 (Use of tramway posts by Postmaster-
General);
 Section 12 (Lost property).

Duties on
licences for
trolley
vehicles.

25. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for the trolley vehicles authorised by this Act as hackney carriages.

Vehicles
not to be
deemed
light loco-
motives or
motor cars.

26. The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

Approval of
vehicles by
Minister of
Transport.

27. The trolley vehicles authorised by this Act and the electrical equipment thereof shall be of such form construction weight and dimensions as the Minister of

Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport. A.D. 1922.

28. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by the Minister of Transport. Inspection by Minister of Transport.

29.—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the roads along which they are authorised to use trolley vehicles under the section of this Act whereof the marginal note is "Power to use trolley vehicles") they may make application to the Minister of Transport (in this section called "the Minister") and the Minister is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles upon any road in the city to which such application relates and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act. Minister of Transport may authorise trolley vehicle routes.

(2) No such application shall be entertained by the Minister unless the Corporation shall—

- (a) have published once in each of two successive weeks in the month of October or November in some newspaper or newspapers circulating in the city notice of their intention to make such application and have published once in one or other of the same months the like notice in the London Gazette;
- (b) have posted for fourteen consecutive days in the month of October or November in conspicuous positions in each of the several streets or roads along which it is proposed to run trolley vehicles a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister any objections to the grant of such application.

(3) The Minister may prescribe the procedure with respect to any application for a Provisional Order under this section.

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(4) The Minister shall consider any such application and may (if he thinks fit) direct an inquiry in relation thereto to be held or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Minister expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this section shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *primâ facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Minister in connexion with the preparation and making of any such Provisional Order and any expenses incurred by the Minister in connexion with any inquiry under this section shall be paid by the Corporation.

Provision of
depôts &c.

30.—(1) The Corporation may erect or construct and hold depôts yards offices motor-houses buildings sheds works and other conveniences in connexion with their trolley vehicle undertaking.

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(2) Nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them for the purposes of their said undertaking.

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31.—(1) The Corporation may demand and take such fares and charges for the conveyance of passengers parcels and goods in and on the trolley vehicles as may from time to time be approved by the Minister of Transport.

Fares and charges for trolley vehicles.

(2) In respect of the exercise by the Minister of Transport of his powers and duties under this section the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of the Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand" of the President or of one of the secretaries of the "Board."

32. The Corporation shall perform in respect of trolley vehicles such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

Conveyance of mails.

33.—(1) The trolley vehicle undertaking authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation.

Trolley vehicles to form part of tramway undertaking.

(2) Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connexion with trolley vehicles shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connexion with the remainder of such undertaking.

(3) The Corporation shall in every year transmit to the Minister of Transport a copy of the abstract of their accounts relating to their tramway undertaking.

34. Notwithstanding anything contained in the Birmingham Corporation Act 1912 the Corporation may continue to maintain work and use so much of Tramway No. 11 authorised by that Act as they have constructed between a point 2·85 chains north-west of Broad Road

Use of tramway in Warwick Road.

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and a point on the south-west side of the area known as the Green and 0·40 chain north-west of Shirley Road as if it had been constructed in accordance with that Act and subsection (3) of section 5 (Power to make tramways) of that Act shall not apply to such part of the said tramway unless and until it shall be reconstructed as a double line.

Definition of cars.

35. In the provisions of this Part of this Act hereinafter contained the expression "cars" means carriages used on the tramways of the Corporation their trolley vehicles and their omnibuses.

Attachment of signs indicating stopping places to lamp-posts &c.

36.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of their cars signs or directions indicating the position of stopping places :

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

Power to reserve cars for special purposes.

37.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may on any occasion run and reserve cars for any special purpose which the Corporation may consider necessary or desirable :

Provided that—

(a) Such cars shall be distinguished from other cars in such manner as may be directed by the Corporation ;

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(b) During the running of special cars the Corporation shall maintain a reasonably sufficient ordinary service; A.D. 1922.

(c) The Corporation shall not run special omnibuses except on routes on which they have for the time being power to run omnibuses.

(2) The Corporation may make byelaws for prohibiting the use of any such cars by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in this or any other Act of the Corporation as to tolls fares rates or charges for passengers shall not extend to any cars run under the powers of this section and in respect thereof the Corporation may demand and take such tolls fares rates or charges as they shall think fit.

38.—(1) The Corporation may run through cars along any of their routes or any specified portion thereof and such cars shall be distinguished from other cars in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars a toll fare or charge not exceeding the maximum toll fare or charge authorised or charged for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car. Through cars.

(2) Provided that during the running of such through cars the Corporation shall maintain a reasonably sufficient ordinary service.

(3) Section 18 (As to running through cars and charges for same) of the Birmingham Corporation Act 1905 is hereby repealed.

39.—(1) The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles and other vehicles at any depôt or building used by them in connexion with their tramway trolley vehicle and omnibus undertakings and at any places on the routes of their cars and may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles and other vehicles. Cloak-rooms &c.

(2) The Corporation may use for the purpose of this section portions of the public streets or roads but only with the consent of the road authority.

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Power to
require
intending
passengers
to wait in
queues.

40. For the better regulation of persons desiring to travel in the cars of the Corporation the Corporation may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of the highway and the Corporation may make byelaws requiring persons waiting to enter cars at any stopping place or terminus to wait in lines or queues and to enter cars in the order in which they stood in such line or queue.

Application
of Tram-
ways Act
1870 to
byelaws.

41. Any byelaws made under this Part of this Act shall be made subject and according to the provisions of section 46 (Byelaws by local authority Promoters may make certain regulations) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly.

For pro-
tection of
London
and North
Western
Railway
Company.

42. For the protection of the London and North Western Railway Company (hereinafter called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect in relation to the exercise of the powers of Part IV. of this Act:—

- (1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for any trolley vehicles and includes also any brackets wires and apparatus for the purposes of such apparatus:
- (2) If the company shall hereafter in the exercise of their existing powers require to widen lengthen strengthen reconstruct alter or repair any bridge belonging to or maintainable by the company under or upon which the apparatus is laid or fixed or the approaches thereto or to widen or alter any railway thereunder or thereover and if it shall be necessary for such purpose that such apparatus be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus

shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable dispatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

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- (3) The Corporation shall from time to time pay to the Company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the apparatus Provided that the company shall have given to the Corporation not less than twenty-eight days' notice of their intention to execute such widening lengthening strengthening reconstruction alteration or repair :
- (4) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been reasonably approved by the said engineer :
- (5) If having regard to the proposed position of any apparatus when considered in relation to the position of the works of the company at any

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point where any apparatus will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the company erected before the construction of the apparatus of the Corporation or erected under the existing powers of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation :

- (6) The Corporation shall not for the purposes of this Act make attachments to any part of the said bridges without the consent in writing of the engineer of the company which consent shall not be unreasonably withheld and such attachments if allowed shall be in all respects subject to the reasonable approval of the said engineer and shall be temporarily removed at any time when reasonably required by him in connexion with the maintenance and reconstruction or alteration of the said bridges :
- (7) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

For protection of London and North Western Great Western and Midland Railway Companies.

43. The following provisions for the protection and benefit of the London and North Western Railway Company the Great Western Railway Company and the Midland Railway Company (each of whom is in this section referred to as "the company") shall apply and have effect except so far as may be otherwise agreed in writing between the Corporation and the company :—

- (1) In the exercise of the powers of section 26 (Attachment of brackets to buildings) of the Birmingham Corporation Act 1903 as applied to the trolley vehicles authorised by this Act and of the powers in the section of this Act whereof the marginal note is "Attachment of

“ signs indicating stopping places to lamp-posts
“ &c.” no bracket or sign shall be fixed to any
building work or property of the company
without their consent which shall not be un-
reasonably withheld :

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(2) In the exercise of the powers of the sections of this Act whereof the marginal notes are respectively “ Application of provisions relating to tramways to trolley vehicles ” “ Cloakrooms &c.” “ Power to require intending passengers to wait in queues ” no shed shelter waiting-room gangway cloakroom or room barrier or post shall be erected maintained or provided nor shall any starting or stopping station or place be appointed nor shall the Corporation require persons waiting at any such stopping place or any terminus to wait in any line or queue so as to cause unreasonable interference with or render less convenient the access to or exit from any station or depôt belonging to the company nor shall any such shed shelter waiting-room gangway cloakroom room barrier or post be erected maintained or provided on any bridge carrying any street or road over the railways of the company :

(3) Any question which may arise between the company and the Corporation under this section shall be determined by arbitration under the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party.

PART V.

STREETS BUILDINGS SEWERS AND STREAMS.

44.—(1) Where any street or road repairable by the inhabitants at large or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street or road it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion necessary or desirable that the line of frontage

Power to
define future
line of exist-
ing streets.

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(2) The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot with reasonable diligence be ascertained by affixing such notice to or on the premises.

(3) No new building erection excavation or obstruction shall be made or placed nearer to the centre of the street or road than such line except with the consent in writing of the Corporation which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(4) The Corporation may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by the Corporation under this section and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled under the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919.

(5) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make compensation to the owner and other persons interested in any land for any loss or damage which he or they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building compensation in respect

thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept. A.D. 1922.

(6) In estimating the amount of compensation or purchase-money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase-money.

(7) If after any such line has been prescribed and defined as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

45.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the city distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called the "building line") and the Corporation shall within six weeks after the date of submission thereof signify to the person submitting the same their approval or disapproval thereof. Building line in streets.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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(4) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition for their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or of their prescribing a building line at a greater distance from the centre of a street already formed than the line provided under the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

(8) (a) Any person deeming himself aggrieved by any requirement of the Corporation under this section may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

Lopping of
trees over-
hanging
highways.

46.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to obstruct vehicular traffic or passengers or where any tree is dangerous to such traffic or passengers the Corporation may serve a notice on the owner or occupier of the premises on which

such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction interference or danger and such notice shall be sufficient authority to the person so served to execute the work prescribed in the notice. In default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage and the expenses incurred by them shall be repaid by the person in default.

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(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

(4) Section 64 (Trees or shrubs overhanging streets) of the Act of 1903 is hereby repealed.

47.—(1) For the purpose of facilitating traffic by removing obstructions to view the Corporation may give notice to the owner of any land situate at the corner of any street prescribing the height of fences boundary walls hedges trees and shrubs at such corner or within such distance from the corner as may be prescribed in the notice and thereupon the following provisions shall have effect:—

Height of
fences and
hedges at
street
corners.

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence or wall or permit a hedge tree or shrub to grow at a greater height than that prescribed contrary to the requirements of the notice;

(b) If required by the Corporation the owner of such land shall reduce the height of any fence wall hedge tree or shrub which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may reduce the height of such fence wall

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A.D. 1922. — hedge tree or shrub to the height prescribed by them and the expense incurred by the Corporation shall be repaid to them by the owner of the land.

(3) If any person for the period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may themselves carry out the requisition of their notice.

(4) The Corporation shall make compensation to the owner or other persons interested in any land for any loss or damage which he or they may sustain in consequence of the giving of any notice under this section but such compensation shall not include the expenses incurred by the Corporation and to be repaid to them under subsection (2) of this section and no compensation shall be paid a second time in consequence of the growth of any hedge tree or shrub above the height prescribed in the notice.

(5) Any person aggrieved by any notice given by the Corporation under this section may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(6) The owner of the land shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any notice of the Corporation under this section.

Direction
signs.

48.—(1) The Corporation may cause to be put up or painted on a conspicuous part of some house building or place at or near to the corner of any street signs indicating the position of or the direction to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives written notice

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of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. A.D. 1922.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

49.—(1) No person shall erect any building upon or cover over the banks of any stream or watercourse within or forming the boundary of the city or either of such banks within the limits of a width of twelve feet from such stream or watercourse or such less width as may be prescribed by the Corporation except in any case with the consent of the Corporation and in accordance with plans and sections to be submitted to and approved by them. Building upon banks of streams.

(2) The approval by the Corporation of plans and sections under subsection (1) of this section shall not be withheld or delayed unreasonably and any difference that may arise as to whether such approval is withheld or delayed unreasonably or as to the width to be prescribed as aforesaid shall be determined by arbitration under the Arbitration Act 1889.

(3) Any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In any case in which the Corporation withhold their consent under this section they shall pay compensation to the owner of the land desirous of so building upon or covering over the banks of such stream or watercourse.

50.—(1) In cases where separate sewage sewers have been provided and where a stream or watercourse is situate within one hundred feet of any house the Corporation may by notice require the owner of such house within a reasonable time to be specified in the notice to provide a drain emptying into such stream or watercourse for the purpose of disposing of all surface and storm water from such house such drain to be provided and laid in such manner as the Corporation may approve : Discharge of surface water into streams.

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Provided that no such requirement shall be binding upon the owner of the house unless he is either the owner of the land in which the drain is required to be laid or has obtained the consent of the owner of such land to the laying of the drain.

(2) Any person who shall fail to comply with a notice given by the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Provided that when the Corporation require a drain to be provided under this section for a house the drains whereof were already connected with sewers and would but for the provisions of this section have been sufficient for the effectual drainage of such house the expense of providing and laying the drain shall be borne by the Corporation.

Amendment
of provisions
as to separate
sewerage
system.

51. Section 65 (Provisions as to separate system of sewerage) of the Act of 1903 shall have effect as if the words " or subsoil " were inserted after the word " storm " in subsection (3) of that section.

Restriction
on erection
of tempor-
ary stands
&c.

52.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Further
provisions
as to
combined
drains.

53.—(1) If it appear to the Corporation that a house which is not already effectually drained may be drained effectually into a combined drain already existing or proposed to be constructed within one hundred feet of any part of such house the Corporation may with the consent of the owner of such house and of the owners of the premises using such combined drain or for the use of which it is proposed to be constructed order that such house shall be drained into such combined drain upon

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and subject to such terms and conditions as may be agreed between the last mentioned owners and the owner of the said house.

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(2) For the purposes of this section a "combined drain" means a drain provided or used for the drainage of two or more buildings whether provided in pursuance of an order made under section 68 (Corporation may order houses to be drained by a combined drain) of the Act of 1903 or otherwise.

(3) A combined drain used for the drainage of a house in pursuance of an order made under this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

54.—(1) Section 28 (Regulation dustbins) of the Act of 1914 is hereby amended by the insertion of the words "and to maintain in good order and condition" after the word "provide."

Further provisions as to dustbins.

(2) Where the Corporation are prepared to pay one half the expense of providing a portable dustbin the said section 28 as amended by this Act shall notwithstanding subsection (3) thereof apply to ashpits ashtubs and other receptacles for refuse in use at the passing of the Act of 1914 although they are of suitable material size and construction and in proper order and condition.

(3) In cases where a portable dustbin is substituted for an ashpit the Corporation may (if they think fit) contribute to the cost of converting the ashpit into a dustbin shed a sum not exceeding one half of such cost.

55. Where under a town planning scheme approved by the Local Government Board or by the Minister of Health unbuilt-on land is to be used for the construction or widening of a street or road such land shall be deemed to be a street and land dedicated to public use for the purpose of the exercise by the Corporation of their powers relating to the construction maintenance and use of sewers and of gas water and electric mains pipes lines conduits service pipes and other works and the Corporation may exercise such powers in and upon such land as if it were a street :

Construction of sewers and mains in proposed streets.

Provided that—

(1) Before exercising the powers of this section in any land the Corporation shall give reasonable notice to the owners thereof :

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(2) The Corporation shall pay compensation to the owners of and other persons interested in such land.

Saving for railway companies.

56. Nothing in this Part of this Act shall apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the purposes (other than for a dwelling-house) of the undertaking of such company with the authority of Parliament.

PART VI.

PUBLIC WEIGHING MACHINES.

Names of weighing machine keepers to be written on premises.

57. Every person keeping a weighing machine shall cause his full name and the words "Weighing machine keeper" to be painted in Roman capital letters at least two inches high and proportionately broad on the outside of the front of the premises to which such weighing machine is attached and so that the same shall be at all times plainly and distinctly visible and legible during all the time that he shall continue to keep such weighing machine and in default shall be liable to a penalty not exceeding five pounds.

Offences by weighing machine keepers and others.

58.—(1) Any person keeping or who acts as a keeper of a weighing machine who shall—

- (a) during ordinary business hours wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed;
- (b) not fairly weigh any such vehicle with or without loading;
- (c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading;
- (d) give to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof;

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(e) weigh any vehicle knowing that anything had been added to the loading thereof so as to increase the weight of the same or that the wheels thereof had been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein; or

(f) knowingly assist in or connive at any fraud to be committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively

shall be liable to a penalty not exceeding five pounds.

(2) Any person who shall knowingly act or assist in the committing of any fraud respecting the weighing or weight of any such vehicle or the loading thereof which shall be weighed or brought to be weighed at any such machine or which shall be alleged to have been weighed at any such machine shall be liable to a penalty not exceeding five pounds.

59.—(1) The driver of any vehicle loaded with any goods to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or their respective agents or of an inspector of weights and measures or other officer appointed for the purpose by the Corporation take such vehicle with or without the loading thereof to be weighed by any instrument stamped by an inspector of weights and measures.

Drivers of vehicles to take them to weighing machines on request.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would be otherwise necessary to pass than half a mile the owner of such vehicle shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

(3) All such charges for carriage together with the tolls or fees to be paid for weighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded

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A.D. 1922. — be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid if demanded take the same to such weighing machine as hereinbefore is directed or shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

(5) For the purposes of this section the word "driver" includes the owner driver or person in charge of any vehicle.

Penalties on
persons
committing
frauds.

60. Any person who in regard to the weighing of any vehicle at any weighing machine—

- (a) at or before the time of weighing any such vehicle place or knowingly leave any matter or thing in or about the same other than the proper loading thereof;
- (b) alter any ticket denoting the weight of any such vehicle or of the loading of the same;
- (c) make or use or be privy to the making or using of any false or fraudulent ticket or knowingly tender a false statement to a weighing machine keeper respecting the weight of any such vehicle or the loading thereof;
- (d) after the weighing of such vehicle with the loading of the same remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket;
- (e) after the same and the loading thereof have been so weighed substitute or attempt to substitute any vehicle with or without the loading thereof or to change the wheels thereof or place thereon lighter wheels or make any alteration or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;
- (f) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required refuse to bring back the same without alteration to be again weighed at the same machine; or

(g) be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof; A.D. 1922.

shall be liable to a penalty not exceeding five pounds.

61. The purchaser of any goods or merchandise conveyed in any vehicle who shall after such vehicle with the loading thereof has been weighed at a weighing machine and before the same is brought back to be re-weighed without the loading thereof change the wheels thereof and put on heavier wheels or make any alteration in such vehicle whereby the same may become heavier shall be liable to a penalty not exceeding five pounds. Penalty on purchaser committing fraud in weighing.

Part VII.

SALE OF COKE.

62.—(1) Where any coke sold or represented to be sold by weight and exceeding two hundred-weight in quantity is delivered by means of any vehicle to a purchaser the seller of such coke shall deliver or cause to be delivered or to be sent by post or otherwise to the purchaser or to his servant before such load is discharged a ticket or note as nearly as may be according to the form in the third schedule to the Weights and Measures Act 1889 or according to a form to the like effect. Weight ticket or note on delivery of coke over two hundredweight.

(2) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note or if the quantity of coke delivered is less than the quantity expressed in the ticket or note the seller thereof shall be liable to a penalty not exceeding five pounds.

(3) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser refuses or neglects to deliver it as required by this section or on being requested so to do to exhibit it to any inspector of weights and measures or other officer appointed for the purpose by the Corporation he shall be liable to a penalty not exceeding five pounds.

(4) Any purchaser of coke in a quantity exceeding two hundred-weight and any inspector of weights and measures or other officer appointed by the Corporation

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A.D. 1922. — may require that any coke sold as aforesaid or any vehicle used for the carriage of such coke be weighed or re-weighed by any instrument stamped by an inspector of weights and measures :

Provided that—

- (a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation; and
- (b) Where any such coke or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section and found to be of the weight stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(5) If any person obstructs any weighing or re-weighing authorised by this section he shall be liable to a penalty not exceeding five pounds.

Regulating
sale of coke
under two
hundred-
weight.

63.—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in a quantity exceeding fourteen pounds but not exceeding two hundred-weight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundred-weight and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold offered or exposed for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures :

Provided that—

- (a) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such

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distance not exceeding half a mile as may be prescribed in that behalf by the Corporation; and

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(b) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundred-weight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale at any wharf yard or other place coke in any quantity not exceeding two hundred-weight and not contained in sacks as required by subsection (1) of this section shall not deliver to the purchaser a less quantity of coke than is agreed to be sold.

(5) If the seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

64. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this Part of this Act.

Proceedings
by inspector
of weights
and
measures.

65.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published

Public
notice of
this Part
of Act.

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(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART VIII.

FINANCE AND RATING.

Power to borrow.

66.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay money so borrowed within the respective periods mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For and in connection with the purchase of lands and easements for and the construction of the works authorised by Part III. (Water) of this Act and for other purposes of the water undertaking of the Corporation.	£ 498,632	Sixty years from the date or dates of borrowing.
(b) For the provision of trolley vehicles.	36,000	Ten years from the date or dates of borrowing.
(c) For the provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	3,100	Twenty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for the purposes of Part IV. (Trolley vehicles tramways and omnibuses) of this Act and may

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with the consent of the Minister of Health borrow such further money as may be necessary for any purpose of this Act other than the purposes of that Part. A.D. 1922.

Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent it is borrowed.

(3) The Corporation may also borrow such money as may be necessary for the purposes of working capital for—

- (a) their water gas or markets undertakings with the consent of the Minister of Health;
- (b) their electricity undertaking with the consent of the Electricity Commissioners; and
- (c) their tramway undertaking with the consent of the Minister of Transport.

Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the department with whose consent it is borrowed.

(4) The Corporation may also with the consent of the Minister of Health borrow such sums as they may from time to time require in order to provide a working balance for the payment of current expenses that may be incurred by them in the exercise or performance of the powers and duties the cost of which is charged on the borough fund.

Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(5) The yearly sums required to be provided in respect of the principal moneys borrowed under the provisions of this Act shall—

As regards money borrowed for the purpose (a) mentioned in subsection (1) of this section and for the purposes of the water undertaking of the Corporation be defrayed out of the revenue of that undertaking;

As regards money borrowed for the purposes (b) and (c) mentioned in that subsection or for the purposes of the tramway undertaking of the Corporation be defrayed out of the revenue of that undertaking;

As regards moneys borrowed for the purpose (d) mentioned in that subsection be defrayed out of the revenue of the water undertaking of the

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Corporation the revenue of their tramway undertaking and the borough fund in such proportions as the Corporation may by resolution determine;

As regards money borrowed under subsection (2) of this section be defrayed out of such fund revenue or rate as may be prescribed by the Minister with whose consent it is borrowed;

As regards money borrowed under subsection (3) of this section be defrayed out of the revenue of the undertaking for the purposes of which it is borrowed;

As regards money borrowed under subsection (4) of this section be defrayed out of the borough fund.

Expenses of execution of Acts.

67. Any expenses of the execution by the Corporation of the Act of 1914 or this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the revenue arising from their tramway undertaking or their water undertaking or out of the borough fund.

Application of revenues of undertakings.

68.—(1) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings hereinafter mentioned in the construction extension and improvement of the works and conveniences for the purposes of such undertaking and in the provision of funds for working capital:

Provided that money shall be so applied only after the working and establishment expenses of the undertaking and the interest and sinking fund payments in respect thereof have been provided for.

(2) The undertakings hereinbefore referred to are the water gas electricity markets and tramway undertakings of the Corporation.

Saving for gas and water annuitants.

69. Nothing in this Act shall take away or prejudicially affect any of the rights remedies or priorities of the holders of gas annuities granted by the Corporation under the Birmingham (Corporation) Gas Act 1875 and water annuities granted by the Corporation under the Birmingham (Corporation) Water Act 1875.

Appointment of officers to assist overseers.

70.—(1) The Corporation may appoint and remove such officers as they may deem necessary to assist the overseers of the parishes comprised in the city in the

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discharge of their duties and the salaries and expenses of such officers shall be determined by the Corporation and paid out of the poor rate and other local rates and funds in such proportions as the Corporation shall determine. A.D. 1922.

(2) All officers so appointed shall give security for the due performance of their duties as may be required by the Corporation and such security shall be deposited with the Corporation.

71.—(1) The overseers of any parish comprised in the city may by notice require the owner or occupier or reputed owner or occupier of any hereditament in such parish to send to them a return in writing in the form set forth in the second schedule to this Act and containing the particulars therein mentioned or referred to : Overseers
may require
returns.

Provided that (except for purposes connected with the preparation of and preliminary to a general revaluation for rating) the powers conferred by this section shall only be exercised—

(a) upon any change in the occupation or ownership of any hereditament; or

(b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament; or

(c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this Act within fourteen days after the service of the notice shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and any person who wilfully makes or causes to be made a false return shall be liable to a penalty not exceeding ten pounds.

(3) The overseers of any such parish shall whenever required by the assessment committee of the poor law union in which such parish is included produce from time to time to such committee the returns or any of them obtained by the overseers under the provisions of this section.

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—
Amendment
of poor rate.

72. In addition and without prejudice to their existing powers the overseers of any parish comprised in the city may amend the poor rate of that parish by inserting therein the name of any person who ought to have been rated:

Provided that—

- (1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment:
- (2) An amended rate shall not be payable by any person whose name is thereby newly inserted until seven days after such notice has been given to him.

PART IX.

MISCELLANEOUS.

Alteration
of market
tolls.

73.—(1) Part VII. (Markets and Slaughterhouses) of the Act of 1883 including the incorporated provisions of the Markets and Fairs Clauses Act 1847 and Part XI. (Markets) of the Act of 1903 shall have effect as if the tolls rents stallages and charges mentioned in the third schedule to this Act had been specified in the second schedule to the Act of 1883.

(2) Section 108 (Market tolls) of the Act of 1903 is hereby repealed.

Increase of
fares and
charges to
be taken by
porters
carriers and
drovers.

74. Section 112 (Fares and charges to be taken by porters carriers and drovers) of the Act of 1883 shall have effect as if the amounts of the fares and charges specified in the third schedule to that Act were double the amounts therein stated.

Revival of
provisions for
preventing
spread of
infectious
disease and
for removal
of persons
suffering from

75. The provisions of section 24 (For preventing spread of infectious disease) and of section 30 (Removal of persons suffering from pulmonary tuberculosis to hospital) of the Act of 1914 are hereby revived and shall continue to be in force for a period of five years from the passing of this Act when they shall cease to be in force

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unless they shall have been continued by Act of Parliament or by an order of the Minister of Health which order the Minister of Health is hereby empowered to make Any such order may relate to either or both of the said sections.

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pulmonary tuberculosis to hospitals.

76.—(1) The Corporation may from time to time make byelaws requiring the covering over of meat or other articles intended for the food of man while being conveyed through or along any street and for securing the cleanliness of any cart vehicle or receptacle in which such articles are so conveyed.

Byelaws as to conveyance of meat &c. through streets.

(2) At least one month before applying to the Minister of Health for confirmation of any byelaws applicable to the collection and delivery by the London and North Western Midland or Great Western Railway Companies or any of them of traffic in meat or other articles of food at from or to any railway station depôt or dock of such company the Corporation shall give not less than one month's notice to the said company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws.

77. Notwithstanding anything contained in the Baths and Washhouses Acts 1846 to 1899 the Corporation may make such reasonable charges for the use of their swimming baths and private baths as they shall think fit.

Charges for swimming baths.

78. The Corporation may during the months from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purpose free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same.

Use of swimming baths during winter.

79. The provisions of section 91 (Definition of nuisances) of the Public Health Act 1875 and of section 30 (Furnaces &c. to be constructed so as to consume their own smoke) of the Act of 1883 shall extend to and be applicable in respect of the emission from any chimney of any grit or gritty particles as if such grit or gritty particles were smoke arising from furnaces :

Preventing nuisance caused by emission of grit from chimneys.

Provided that this section shall not apply to any locomotive engine used on the railway of any railway

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A.D. 1922. — company incorporated by Act of Parliament nor to any mechanically propelled road vehicle.

Application
of Police
Pensions
Act 1921
to fire
brigade.

80.—(1) The Council may at any time after the passing of this Act by resolution determine that as from the first day of April following the passing of such resolution (in this section referred to as “the appointed day”) the provisions relating to the retirement of and the payment of pensions to members of the permanent fire brigade of the city (in this section called “the fire brigade”) shall so far as practicable be brought into harmony with the provisions relating to the retirement of and the payment of pensions to members of the police force and in the event of such resolution being passed Part VII. (Fire Brigade Pension Fund) of the Act of 1914 and the first schedule to that Act as amended by the Birmingham Corporation Act 1919 shall be repealed on the appointed day (except in regard to a member of the fire brigade who is serving on the appointed day and who does not give notice under section 29 of the Police Pensions Act 1921 of his desire that the provisions of that Act shall apply to him) and the provisions of this section shall thereupon come into operation.

(2) The following provisions of the Police Pensions Act 1921 (in this section called “the Act of 1921”) shall so far as applicable apply to the fire brigade with the necessary modifications and with the alterations hereinafter mentioned:—

Section 1;

Section 2 with the substitution in subsection (4) of the words “by the Corporation” for the words “under this or any other Act”;

Section 3 with the omission of the words “having joined the force after the first day of September nineteen hundred and eighteen”;

Sections 4 5 6 and 7;

Section 9 except subsection (2);

Section 11;

Section 12 with the substitution in subsection (8) paragraphs (a) and (c) of the words “rules made by the Corporation” for the words “rules made by the Secretary of State”;

Sections 13 14 15 16 17 18 19 20 21 and 23;

Section 29 except—

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(a) the words "other than a police woman" and the words "became a member of a police force before the first day of July nineteen hundred and nineteen and" in paragraph (a) of subsection (1);

(b) subdivision (ii) of paragraph (b) of subsection (1);

(c) subsection (2);

Provided that subsection (3) shall apply only to the extent to which the sections mentioned therein are applied to the fire brigade by this section;

Section 31;

Section 33 except subsection (2);

The First Schedule except paragraph (c) of rule 20 of Part III.

(3) In their application to the fire brigade the provisions of the Act of 1921 shall be altered as follows:—

(a) "The fire brigade" shall be substituted for "a police force";

(b) "Member of the fire brigade" shall be substituted for "member of a police force";

(c) "The Corporation" shall be substituted for "police authority" and for "the watch committee";

(d) "The fire brigade pensions fund" shall be substituted for "the police fund";

(e) The approved service of a member of the fire brigade for any period before as well as after the appointed day and his approved service in the police force of the city for any period either before or after the appointed day shall be reckoned as approved service and his service for not less than three years either wholly or partly before or after the appointed day in any police force or in any fire brigade in which such service would reckon for pension in any part of the United Kingdom from which he removed with the sanction of the chief officer or police authority of that force to the fire brigade shall (notwithstanding the sanction was not given in writing) be reckoned as approved service for the said period in the fire brigade;

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(f) The officers mentioned in the second column of the following table shall be substituted for the officers mentioned in the first column thereof:—

1.	2.
Rank in Police Force.	Corresponding rank in Fire Brigade.
Assistant chief constable	Chief officer.
Superintendent - - -	Second officer.
Sub-divisional or chief inspector - - -	Third officer and chief officer's secretary.
Inspector - - -	District officer.
Sergeant or sub-inspector	Station officer.
Constable - - -	Fireman.

Provided that the chief officer of the fire brigade shall perform the functions of the chief officer of police under the provisions of the Act of 1921 referred to in subsection (2) of this section;

(g) "The appointed day" shall be substituted for "the commencement of this Act."

(4) Any injury suffered by a member of the fire brigade whilst on duty or whilst on a journey necessary to enable him to report for duty or to return home after duty shall be deemed to have been suffered in the execution of his duty.

(5) The fire brigade pension fund established under the Act of 1914 (in this section called "the pension fund") shall be continued in accordance with the provisions of this section and there shall be carried to that fund—

(a) the deductions (including stoppages and fines) made in pursuance of this section or the Act of 1921 from the pay of members of the fire brigade;

(b) the net sums arising from the sale of worn or cast clothing supplied for the use of members of the fire brigade;

(c) all dividends and other annual sums received in respect of investments of the pension fund.

(6) All sums which in pursuance of this Act are to be carried to the pension fund shall be accounted for

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and paid to the treasurer of that fund in such manner as the Corporation may direct and may be dealt with as annual income of the fund. A.D. 1922.

(7) The Corporation may (if they think fit) pay to the credit of the pension fund any sum or sums of money paid to the Corporation by any person for or in respect of the services of the fire brigade.

(8) All payments to members of the fire brigade or their widows children or dependants under this section shall be paid out of the annual income of the pension fund and if at any time the annual income is insufficient to pay the expense of managing the fund and the pensions allowances gratuities and other sums payable thereout the deficiency shall be supplied out of the borough fund.

(9) At the end of each financial year the surplus of the annual income of the pension fund above the expenditure thereout shall as soon as may be be invested in such name as the Corporation direct and in any manner authorised by law for investments by trustees and such investments shall not be applied for paying any sums payable out of the fund.

(10) Notwithstanding anything contained in the Act of 1921 the Corporation may if they think fit fix an age not being less than fifty nor more than fifty-five before which a member of the fire brigade (other than a chief officer) shall not be entitled to retire without a medical certificate and receive an ordinary pension.

(11) The provisions of the Birmingham Order 1897 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 16) Act 1897 shall not apply to any member of the fire brigade.

(12) A member of the fire brigade shall be deemed to be a member of a police force for the purposes of the Workmen's Compensation Act 1906.

(13) Where a person has served both in the police force of the city and as a member of the fire brigade he shall be entitled to reckon his approved period of service in both capacities for the purpose of pension and the pension shall be on the scale and subject to the statutory requirements affecting pensions in the service from which he last retires.

The pension shall be payable out of the borough fund charged to the account of maintaining the police

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A.D. 1922. — and out of the pension fund in such proportions as the Corporation with the approval of the Secretary of State may determine having regard to the period of service and the salary received in each capacity.

(14) Any regulations made under any enactments repealed by virtue of this section shall unless and until revoked or varied continue in force as though they were made under this section or under the provisions of the Act of 1921.

Assistant
to and
expenses of
justices'
clerk.

81.—(1) In addition to the powers conferred on them by section 159 of the Municipal Corporations Act 1882 the justices of the city may from time to time appoint and employ such assistant or assistants to the clerk to the justices as to the justices shall seem expedient.

(2) The remuneration of such assistant or assistants and any expenses incurred by the said clerk in the provision and maintenance of his office or the provision of books stationery or other things necessary for the due performance of the duties of his office shall (subject to the amounts of such remuneration and expenses being approved by the Corporation) be paid by the Corporation.

(3) Section 167 (Assistants to justices' clerk) of the Act of 1903 and section 56 (Expenses of justices' clerk) of the Act of 1914 are hereby repealed.

Extension of
super-
annuation
provisions
to justices'
employees.

82.—(1) The scheme relating to the granting and payment of superannuation or retiring allowances to the officers and servants of the Corporation made in pursuance of the Birmingham Order 1897 as amended by any subsequent Act or Order shall extend and apply to any persons serving the justices of the city who are paid out of the borough fund and to whom the Corporation by resolution determine to apply the same.

(2) Provided that such scheme shall not be applied under this section to any person serving the said justices at the time of the passing of this Act except with his consent.

As to appeal.

83. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part V. (Streets

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buildings sewers and streams) of this Act or by any conviction or order by a court of summary jurisdiction under any provision of that Part may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

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84. The provisions of the following sections of the Public Health Act 1875 (namely):—

Confirma-
tion of
byelaws.

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws made under Part IV. (Trolley vehicles tramways and omnibuses).

85.—(1) The following provisions so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections were re-enacted in this Act (namely):—

Application
of existing
enactments.

Birmingham Corporation (Consolidation) Act 1883—

Section 284 (Provision in case of occupier opposing execution of Act);

Section 289 (Protection of members and officers of Corporation);

Section 294 (Powers of Act cumulative):

Birmingham Corporation Act 1903—

Section 163 (Compensation how to be determined);

Section 165 (Prosecution and recovery of offences and penalties); and

Section 169 (Crown rights):

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Birmingham Corporation Act 1905—

- Section 24 (Temporary stoppage of streets);
Section 27 (Correction of errors in deposited plans and books of reference);
Section 30 (Power to persons under disability to grant easements &c.);
Section 31 (Owners may be required to sell parts only of certain lands and buildings);
Section 41 (Moneys to be raised);
Section 44 (Audit of accounts):

Birmingham Corporation Act 1914—

- Section 61 (Compensation in case of recently acquired interests);
Section 65 (Recovery of demands);
Section 66 (Informations by whom to be laid);
Section 67 (Recovery of penalties &c.);
Section 68 (Damages and charges to be settled by justices);
Section 69 (Judges not disqualified); and
Section 70 (Saving for indictments):

(2) Provided that—

- (a) In the application of section 31 of the Birmingham Corporation Act 1905 the premises numbered on the deposited plans 37 38 and 48 in the city and 1 in the parish of Frankley shall be deemed to be referred to instead of the premises described in the second schedule to that Act;
- (b) In the application of section 61 of the Act of 1914 the nineteenth day of November nineteen hundred and twenty-one shall be deemed to be referred to instead of the eighteenth day of November nineteen hundred and thirteen.

For protection of railway companies.

86. In the exercise by the Corporation of the powers contained in the sections of this Act the marginal notes of which are "Application of Waterworks Clauses Act 1847 to discharge pipes and telephones" "Further powers in relation to water mains" and "As to electrical works"

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the provisions of section 63 (For the protection of railway companies) of the Birmingham Corporation Water Act 1892 shall apply and have effect as if such section were with the necessary modifications re-enacted in this Act with reference thereto. A.D. 1922.

87. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of the water and tramway undertakings of the Corporation or out of the borough fund or out of money to be borrowed for that purpose. Costs of Act.

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The SCHEDULES referred to in the
foregoing Act.

THE FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
46 & 47 Vict. c. lxx. -	The Birmingham Corporation (Consolidation) Act 1883.
55 & 56 Vict. c. clxxiii.	The Birmingham Corporation Water Act 1892.
59 & 60 Vict. c. xxxii. -	The Birmingham Corporation Water Act 1896.
62 & 63 Vict. c. clxix. -	The Birmingham Corporation Act 1899.
63 & 64 Vict. c. lxxiv. -	The Birmingham Corporation (Stock) Act 1900.
2 Edw. 7. c. xviii. -	The Birmingham Corporation Water Act 1902.
3 Edw. 7. c. cxcii. -	The Birmingham Corporation Act 1903.
5 Edw. 7. c. lviii. -	The Birmingham Corporation Act 1905.
7 Edw. 7. c. xviii. -	The Birmingham Corporation Act 1907.
7 Edw. 7. c. xli. -	The Birmingham Corporation Water Act 1907.
2 & 3 Geo. 5. c. lxxxii. -	The Birmingham Corporation Act 1912.
4 & 5 Geo. 5. c. cvi. -	The Birmingham Corporation Act 1914.
9 & 10 Geo. 5. c. lxxv. -	The Birmingham Corporation Act 1919.
9 & 10 Geo. 5. c. l.	The Birmingham Corporation Tramways Act 1919.

PART II.—CONFIRMATION ACTS.

Session and Chapter.	Short Title.	Order thereby confirmed.
39 & 40 Vict. c. ccxxxv.	The Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Act 1876.	The Order relating to the Borough of Birmingham.

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PART II.—CONFIRMATION ACTS—*continued.*

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Session and Chapter.	Short Title.	Order thereby confirmed.
43 & 44 Vict. c. clxxviii.	The Local Government Board's Provisional Orders Confirmation (Bethesda &c.) Act 1880.	The Birmingham Corporation Stock Order 1880.
44 & 45 Vict. c. lxxviii.	The Local Government Board's Provisional Order Confirmation (Birmingham) Act 1881.	The Birmingham Corporation Stock Order 1881.
45 & 46 Vict. c. lxi.	The Local Government Board's Provisional Orders Confirmation (No. 3) Act 1882.	Order dated 3rd day of May 1882 relating to the Borough of Birmingham.
54 & 55 Vict. c. clxi.	The Local Government Board's Provisional Order Confirmation (No. 13) Act 1891.	The City of Birmingham Order 1891.
57 & 58 Vict. c. cxv.	The Electric Lighting Orders Confirmation (No. 4) Act 1894.	The Birmingham Electric Light and Power Order 1894.
58 & 59 Vict. c. xciii.	The Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) Act 1895.	The Birmingham (Housing of Working Classes) Order 1895.
60 & 61 Vict. c. cxliii.	The Local Government Board's Provisional Orders Confirmation (No. 16) Act 1897.	The Birmingham Order 1897.
9 Edw. 7. c. cxxii.	The Local Government Board's Provisional Orders Confirmation (No. 7) Act 1909.	The Birmingham (Extension) Order 1909.
1 & 2 Geo. 5. c. xxxvi.	Local Government Board's Provisional Order (1910) Confirmation (No. 13) Act 1911.	The Birmingham (Extension) Order 1911.
2 & 3 Geo. 5. c. clxii.	Local Government Board's Provisional Orders Confirmation (No. 15) Act 1912.	The Birmingham (Financial Adjustments) Order 1912.
3 & 4 Geo. 5. c. cxxxii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1913.	The Birmingham (Rating) Order 1913.

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PART II.—CONFIRMATION ACTS—*continued.*

Session and Chapter.	Short Title.	Order thereby confirmed.
4 & 5 Geo. 5. c. cxxxiv.	Local Government Board's Provisional Order Confirmation (No. 14) Act 1914.	The Birmingham (Water and Gas) Order 1914.
5 & 6 Geo. 5. c. xci.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1915.	The Birmingham Order 1915.
8 & 9 Geo. 5. c. xlvi.	Local Government Board's Provisional Order Confirmation (No. 7) Act 1918.	The Birmingham Order 1918.

THE SECOND SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER PARTICULARS TO BE RENDERED UNDER THE BIRMINGHAM CORPORATION ACT 1922.

<p>1. Name of the street or road &c. in which the property is situate - Number of the house - - - - (If not numbered state the name by which known.) Whether occupied with or without garage stables or other premises as part of the same property - The quantity of land and how used - - - - -</p>	
<p>2. Full Christian name and surname of occupier - - - - -</p>	
<p>3. Name and address of owner or immediate lessor - - - - - (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	

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<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . Borne by the (b) £ . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

THE THIRD SCHEDULE.

MARKET TOLLS.

I.—TOLLS AND CHARGES TO BE TAKEN IN RESPECT OF ANIMALS OR ARTICLES SOLD OFFERED OR EXPOSED FOR SALE.

<i>(a) In a covered market.</i>	<i>s.</i>	<i>d.</i>
(1) For every horse mare or gelding - - - - -	1	0
(2) For every colt filly or foal - - - - -	0	6
(3) For every mule or ass - - - - -	0	4
(4) For every bull bullock ox cow steer heifer or yearling - - - - -	0	6
(5) For every sucking or fat calf - - - - -	0	3
(6) For every sheep lamb goat or sucking pig - - - - -	0	2
(7) For every pig other than a sucking pig - - - - -	0	4
(8) For every vehicle of whatever description with not more than two wheels - - - - -	1	0
(9) For every vehicle of whatever description with more than two wheels - - - - -	2	0
(10) For every set or part of a set of harness - - - - -	1	0
(11) For every wagon-load of hay straw clover rye-grass vetches or fodder - - - - -	2	0

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	s.	d.	A.D. 1922.
(12) For every cart-load of hay straw clover rye-grass vetches or fodder - - - - -	1	0	—
(13) For every bale truss bolting or other package of hay straw or fodder not exceeding one hundredweight - - - - -	0	1	
From every person not occupying any stall stand or bench or any defined compartment or space :—			
(14) For the carcase of every bull bullock ox cow steer heifer or yearling - - - - -	1	4	
And in like proportion for every quarter of a carcase.			
(15) For the carcase of every calf - - - - -	0	6	
And in like proportion for every half of a carcase.			
(16) For the carcase of every sheep lamb pig or goat - - - - -	0	3	
And in like proportion for every half of a carcase.			
(17) For every joint of meat or other portion of a carcase less than a joint - - - - -	0	1	
(18) For every basket or other package of fruit or vegetables not containing more than one bushel	0	1½	
For every additional bushel or part of a bushel - - - - -	0	1½	
(19) For every horse-drawn wagon containing loose vegetables when loaded in the body only - - -	2	6	
(20) For every horse-drawn wagon containing loose vegetables when loaded on the wings or higher than the body - - - - -	3	6	
(21) For every horse-drawn railway wagon or other wagon with gearing above the body containing loose vegetables - - - - -	4	6	
(22) For every mechanically propelled vehicle containing loose vegetables according to the dimensions thereof not exceeding - - - - -	9	0	
(23) For every hand-cart or truck containing loose vegetables or fruit - - - - -	1	0	
(24) For every cart containing loose vegetables when loaded in the body only - - - - -	1	6	
(25) For every cart containing loose vegetables when loaded on the wings or higher than the body - - -	2	0	
(26) For every cart containing loose vegetables when loaded with gearing above the body - - - - -	2	6	
(27) For every horse-drawn wagon containing privet quick mistletoe holly or other plants trees shrubs or flowers - - - - -	5	0	

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	s.	d.
(28) For every mechanically propelled vehicle containing privet quick mistletoe holly or other plants trees shrubs or flowers according to the dimensions thereof not exceeding - - -	10	0
(29) For every cart containing privet quick mistletoe holly or other plants trees shrubs or flowers -	4	0
(30) For every hand-cart or truck containing privet quick mistletoe holly or other plants trees shrubs or flowers - - - - -	2	0
(31) For every twelve bunches of flowers herbs or planting roots otherwise than in packages -	0	1
For every additional six bunches or part of six bunches - - - - -	0	0½
(32) For every basket or other package containing mistletoe holly flowers herbs watercress or planting roots bulbs or ornamental grasses and not containing more than one bushel - -	0	3
For every additional half-bushel - - -	0	1½
(33) For potatoes carrots parsnips turnips and dry onions otherwise than in packages or bunches every hundredweight - - - - -	0	2
For every additional half-hundredweight -	0	1
(34) For every hundredweight of cheese - - -	0	3
(35) For every twelve plants shrubs or trees - -	0	3
(36) For every twelve reeves of onions - - -	0	2
(37) For every bunch of bananas - - - - -	0	1½
(38) For every five bundles of celery (each containing not more than twelve sticks) - - - -	0	2
(39) For every basket or other package containing not more than twelve pounds of butter - -	0	2
For every additional six pounds or any part of six pounds - - - - -	0	1
(40) For every basket or other package containing not more than three dozen eggs - - - -	0	1
For every additional dozen or part of a dozen eggs - - - - -	0	0½
(41) For every live or dead duck fowl or chicken -	0	0½
(42) For every live or dead goose or turkey - -	0	1
(43) For the carcass of every sucking pig - -	0	1
(44) For every hare leveret rabbit pheasant partridge grouse or other game - - - - -	0	0½
(45) For pigeons live or dead not exceeding twelve in number - - - - -	0	2
For every additional six pigeons or part of six pigeons - - - - -	0	1

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	s.	d.	A.D. 1922.
(46) For any quantity of birds not above enumerated dead or alive and not exceeding twelve in number - - - - -	0	2	
For every additional six or part of six birds not above enumerated dead or alive - - -	0	1	
(47) For every barrel box or other package of fish not containing more than one hundredweight -	0	3	
For every additional fifty-six pounds or part of fifty-six pounds - - - - -	0	1	
(48) For every pad or other package of mackerel or other wet fish not containing more than fifty in number - - - - -	0	1	
For every additional twenty-five or part of twenty-five - - - - -	0	0½	
(49) For every pad or other package of bloaters or dried fish not containing more than one hundred in number - - - - -	0	1	
For every additional fifty or part of fifty -	0	0½	
(50) For every package of crabs or lobsters contain- ing not more than one hundredweight - - -	0	3	
For every additional fifty-six pounds or part of fifty-six pounds - - - - -	0	1½	
(51) For every bag or other package of oysters, mussels whelks periwinkles or cockles or other shell fish containing not more than one hundred- weight - - - - -	0	2	
For every additional fifty-six pounds or part of fifty-six pounds - - - - -	0	1	
(52) For every basket hamper or parcel containing not more than one bushel of any articles matters or things other than above specified - - -	0	1½	
For every additional half-bushel - - -	0	0¾	

(b) *In an uncovered market.*

(1) For every horse mare or gelding - - -	1	0
(2) For every colt filly or foal - - -	0	6
(3) For every mule or ass - - -	0	4
(4) For every bull bullock ox cow steer heifer or yearling - - - - -	0	6
(5) For every sucking or fat calf - - -	0	3
(6) For every sheep lamb goat or sucking pig -	0	2
(7) For every pig other than a sucking pig - -	0	4
(8) For every vehicle of whatever description with not more than two wheels - - - - -	0	6
(9) For every vehicle of whatever description with more than two wheels - - - - -	1	0
(10) For every set or part of a set of harness -	0	6

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	s.	d.
From every person not occupying any stall stand or bench or any defined compartment or space :—		
(11) For every wagon containing fruit or vegetables when loaded in the body only - - - - -	1	0
(12) For every wagon containing fruit or vegetables when loaded on the wings or higher than the body - - - - -	1	6
(13) For every railway wagon or other wagon with gearing above the body - - - - -	2	0
(14) For every cart containing fruit or vegetables when loaded in the body only - - - - -	0	6
(15) For every cart containing fruit or vegetables when loaded on the wings or higher than the body - - - - -	0	9
(16) For every cart containing fruit or vegetables when loaded with gearing above the body -	1	0
(17) For every cart wagon or other vehicle loaded with fruit or vegetables in pots bags hampers or other packages each containing not more than one bushel for each such pot bag hamper or other package - - - - -	0	0½
For every additional bushel or part of a bushel -	0	0½
(18) For every truck or hand-cart containing fruit or vegetables - - - - -	0	6
(19) For every wagon containing privet quick mistletoe holly or other plants trees or shrubs -	2	6
(20) For every cart containing privet quick mistletoe holly or other plants trees or shrubs - - - - -	1	6
(21) For every truck or hand-cart containing privet quick mistletoe holly flowers or other plants trees or shrubs - - - - -	1	0
(22) For every basket or other package containing flowers herbs watercress or planting roots and not containing more than one bushel - - - - -	0	2
For every additional half-bushel or part of a half-bushel - - - - -	0	1
(23) For every basket hamper bag or other package of fruit or vegetables containing not more than one bushel - - - - -	0	0½
For every additional bushel or part of a bushel	0	0½
(24) For any number of sieves or other packages of fruit or vegetables not exceeding five in number and containing not more than fifteen pounds in each - - - - -	0	1
(25) For any number of sieves or other packages of fruit or vegetables not exceeding five in number containing more than fifteen pounds but not exceeding thirty pounds weight in each - - - - -	0	2

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	<i>s.</i>	<i>d.</i>	A.D. 1922.
(26) For every basket hamper or other package containing live or dead ducks fowls or chickens per couple - - - - -	0	0	½
(27) For every basket hamper or other package containing live or dead geese or turkeys for each goose or turkey - - - - -	0	0	½
(28) For every drove of geese or turkeys not exceeding twenty in number - - - - -	0	6	
For every additional ten geese or turkeys or part of ten geese or turkeys - - - - -	0	3	
(29) For every drove of ducks not exceeding twenty in number - - - - -	0	4	
For every additional ten ducks or part of ten ducks - - - - -	0	2	
(30) For every live or dead goose or turkey (except as herein provided) - - - - -	0	1	
(31) For every live or dead duck fowl or chicken (except as herein provided) - - - - -	0	0	½
(32) For every basket hamper or other package containing hares leverets rabbits pheasants partridges or other game per couple - - - - -	0	0	½
(33) For every hare leveret rabbit or pheasant (except as herein provided) - - - - -	0	0	½
(34) For every brace of partridges grouse or other game (except as herein provided) - - - - -	0	0	½

II.—RENTS STALLAGES AND CHARGES FOR SHOPS
STALLS STANDS &C.

(a) From the occupier of every butcher's shop stall gale or stand in a covered market according to the size and dimensions of the same viz. for each superficial square foot thereof :—

(1) If taken by the year not exceeding - - - - -	6	8
(2) By the half-year not exceeding - - - - -	3	4
(3) By the quarter-year not exceeding - - - - -	1	8
(4) If otherwise taken or occupied for each market day or other day in the week not exceeding - - - - -	0	1 ¾

(b) From the occupier of every shop stall stand or bench in a covered market for fruit or vegetables according to the size and dimensions of the same viz. for each superficial square foot thereof :—

(1) If taken by the year not exceeding - - - - -	6	8
(2) By the half-year not exceeding - - - - -	3	4
(3) By the quarter-year not exceeding - - - - -	1	8
(4) If otherwise taken or occupied for each market day or other day in the week not exceeding - - - - -	0	1 ¾

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(c) From the occupier of every other shop stall stand or bench of whatever nature or kind in a covered market according to the size and dimensions of the same viz. for each superficial square foot thereof :—

	s.	d.
(1) If taken by the year not exceeding - - -	6	8
(2) By the half-year not exceeding - - -	3	4
(3) By the quarter-year not exceeding - - -	1	8
(4) If otherwise taken or occupied for each market day or other day in the week not exceeding -	0	1 $\frac{3}{4}$

(d) From the occupier of every compartment or space on the surface of the ground in a covered market according to the size and dimensions of the same viz. for each superficial square foot thereof :—

(1) If taken by the year not exceeding - - -	4	0
(2) By the half-year not exceeding - - -	2	0
(3) By the quarter-year not exceeding - - -	1	0
(4) If otherwise taken or occupied for each market day or other day in the week not exceeding -	0	1

(e) For every stand or space occupied in an uncovered market for any article matter or thing for each superficial square foot thereof for each market day or other day in the week not exceeding - - - - -

0 0 $\frac{1}{2}$

III.—CHARGES FOR PENS AND LAIRAGE.

(a) Pens in a covered market :—

(1) For bulls bullocks oxen cows steers heifers or yearlings - - - each pen	2	0
(2) For calves sheep lambs pigs or goats - - - - - each pen	1	0

(b) Pens in an uncovered market :—

For calves sheep lambs pigs or goats - each pen	0	6
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(c) Lairage for every day of 24 hours or part thereof :—

(1) For the lairage of every horse mare or gelding	1	0
(2) For the lairage of every colt filly foal mule or ass - - - - -	0	6
(3) For the lairage of every bull bullock ox cow steer heifer or yearling - - -	0	6
(4) For the lairage of every calf - - - - -	0	2
(5) For the lairage of every sheep lamb pig or goat - - - - -	0	1

IV.—FOR THE USE OF SLAUGHTERHOUSES.

(1) For every bull bullock ox cow steer heifer or yearling - - - - -	2	6
(2) For every sucking or fat calf - - - - -	1	0
(3) For every sheep lamb or goat - - - - -	0	6

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	<i>s. d.</i>	A.D. 1922.
(4) For every hog or pig (except sucking pig not exceeding 20 lbs. weight) - - - - -	1 0	-----
(5) For every sucking pig not exceeding 20 lbs. weight	0 4	
(6) For every other animal - - - - -	2 6	

V.—FOR WEIGHING AND MEASURING.

(1) For every cart wagon or other vehicle weighing with its load not more than one ton - - - - -	0 3
(2) For every cart wagon or other vehicle weighing with its load more than one ton for each additional ton or part of a ton - - - - -	0 2
(3) For every article matter or thing of whatever description weighing not more than twenty pounds	0 0½
(4) For every article matter or thing of whatever description weighing more than twenty pounds but not exceeding two hundred and forty pounds -	0 1
(5) For every article matter or thing of whatever description weighing more than two hundred and forty pounds - - - - -	0 2
(6) For measuring any quantity of goods articles matters or things sold by measure not exceeding one bushel - - - - -	0 0½
(7) For measuring every quantity more than one bushel and not exceeding two bushels - - -	0 1
And for every bushel beyond two bushels -	0 0½

VI.—SALES BY AUCTION.

For every sale by auction of whatever kind or nature such sum or sums as the Corporation or the Markets and Fairs Committee may fix in addition to the sums otherwise payable as tolls or rents under this Act.

VII.—AT THE GENERAL FAIRS.

	<i>s. d.</i>
(1) For every superficial square foot of ground used for an exhibition of wild beasts or for any public show exhibition or performance any sum not exceeding the daily sum of - - - - -	0 1
(2) For every stall stand bench or any space of ground used by any person for the sale of any article matter or thing whatsoever according to the size and dimensions of such stall stand bench or space of ground viz. for each superficial square foot thereof the daily sum of - - -	0 1

NOTES.—(1) In any case not hereinbefore provided for the Corporation may charge and take such tolls and sums as may be agreed on.

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(2) The above-mentioned tolls stallages rents and charges in the said markets and fairs shall be paid and payable in respect of the occupation of any shop stall bench stand compartment or space of ground or for any pen or lair as well by the original taker or occupier thereof for a part or portion of the day or space of time as by any subsequent taker or occupier of the same for any part or portion of the day or space of time.

(3) The tolls rents stallages and charges to be taken in the several markets and fairs and specified in this schedule shall unless otherwise stated be for each market day or portion of a day for which the market for the sale of such animals articles or things is held.

(4) The charges for pens specified in this schedule shall be in addition to the tolls due in respect of animals brought to the market.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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