

**CHAPTER lxxv.**

An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Birmingham in regard to the construction of tramways a new street and street improvements and other matters and for other purposes. A.D. 1924.

[1st August 1924.]

**W**HEREAS it is expedient to extend the time for the exercise by the lord mayor aldermen and citizens of the city of Birmingham (in this Act called "the Corporation") of their powers for the compulsory purchase of lands and for the construction of tramways under the Birmingham Corporation Act 1914 and to empower them to construct the new street street improvements and tramways referred to in this Act :

And whereas by the Act of 1914 the Corporation were empowered to provide omnibuses and run the same within the city and for the removal of doubt it is expedient to enact the provision contained in this Act in regard thereto :

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

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

[Price 1s. 6d. Net.]

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

For the construction of the new street and street improvements authorised by this Act - - - - -	£ 25,590
For the construction of the tramways authorised by this Act - - - - -	95,500
For the electrical equipment of those tramways - - - - -	9,900
For tramway rolling stock - - - - -	36,000

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 county of Warwick 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.

Short title.

1. This Act may be cited as the Birmingham Corporation Act 1924.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not incon-

sistent with the provisions of this Act) are hereby A.D. 1924.  
incorporated with this Act (namely) :—

(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) Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 :

Provided that the said section 19 shall be read and have effect as if the words “ but nothing in this “ Act contained shall authorise any local authority to “ place or run carriages upon such tramway and to “ demand and take tolls and charges in respect of the “ use of such carriages ” were omitted from that section.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly 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 And in this Act unless the subject or context otherwise requires—

Interpreta-  
tion.

“ The Corporation ” means the lord mayor aldermen and citizens of the city of Birmingham;

“ The city ” means the city of Birmingham;

“ The Act of 1883 ” “ the Act of 1903 ” “ the Act of 1912 ” “ the Act of 1914 ” and “ the Act of 1919 ” mean respectively the Birmingham Corporation (Consolidation) Act 1883 the Birmingham Corporation Act 1903 the Birmingham Corporation Act 1912 the Birmingham Corporation Act 1914 and the Birmingham Corporation (Tramways) Act 1919;

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“ The borough fund ” and “ statutory security ” have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1903.

Incorporation of sections 8 and 9 of Act of 1883 as to committees.

4. 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.

## PART II.

## LANDS AND STREET IMPROVEMENTS.

Extension of time for compulsory purchase of lands.

5. The powers of the Corporation for the compulsory purchase of lands under the Act of 1914 for the purposes of Work No. 19 authorised by section 13 of that Act are hereby revived and the period limited by section 60 of the Act of 1914 as extended by section 5 of the Act of 1919 for the exercise of those powers is hereby further extended until the thirty-first day of December nineteen hundred and twenty-seven.

Power to take lands.

6. Subject to the provisions of this Act the Corporation may enter on take appropriate and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works authorised by this Act and for the provision of space for the erection of buildings adjoining or near to those works.

Period for compulsory purchase of lands.

7. 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-four.

Power to execute street improvements.

8.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter referred to together with all necessary or proper works and conveniences connected therewith or incident thereto.

(2) The works hereinbefore referred to and authorised by this Part of this Act will be wholly situate in the city and are— A.D. 1924.

Work No. 1 A widening of Alum Rock Road on the north-west side commencing at a point 0·75 chain north-west and terminating at a point 0·59 chain north-east of the centre line of the London Midland and Scottish Railway under the bridge over which Alum Rock Road passes;

Work No. 2 A widening of Alum Rock Road on the south-east side commencing at a point 0·7 chain south-west and terminating at a point 0·6 chain south-east of the centre line of the London Midland and Scottish Railway under the bridge over which Alum Rock Road passes;

Work No. 3 A widening of Stechford Lane on the south side commencing at a point 5·9 chains south-west of the centre of the bridge over the River Cole and terminating at the western corner of the parapet wall on the south side of the bridge;

Work No. 4 A widening of Slade Road on the east side commencing at a point 2·25 chains south of the centre of Stockland Road and terminating at Reservoir Road;

Work No. 5 A new street commencing at Marsh Lane opposite to Slade Road and terminating at Short Heath Road.

9. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section called "the company") shall apply and have effect with reference to the street works Nos. 1 and 2 authorised by this Act and any works in connection therewith (in this section referred to as "the said street works") except so far as may be otherwise agreed in writing between the Corporation and the company:— For protection of London Midland and Scottish Railway Company.

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not without the previous consent in writing of the company under their common seal purchase or acquire by compulsion any lands or property belonging to the company in or near to Alum Rock Road in the city but the Corporation may purchase and take and

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the company shall sell and grant accordingly an easement or right of using so much of their lands as may be necessary for the construction, maintenance and user of the said street works :

The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and this Act :

- (2) The Corporation shall before they commence the construction of so much of the said street works as shall or may pass over or in any way affect the railway property or works of the company submit to the principal engineer of the company (in this section called "the principal engineer") plans sections and specifications of the said street works proposed to be carried out by the Corporation for the reasonable approval of the principal engineer and such plans shall show the stages by which it is intended to carry out the said street works :

Provided that if within one month from the submission of such plans sections and specifications the principal engineer does not signify to the Corporation his disapproval thereof and his requirements in regard thereto he shall be deemed to have approved thereof. Any difference between the Corporation and the principal engineer relative to the said plans sections and specifications shall be referred to arbitration under this section. So much of the said street works as aforesaid shall be constructed only according to such plans sections and specifications as shall be approved by the principal engineer or determined by arbitration and under the superintendence if given and to the reasonable satisfaction of the principal engineer :

- (3) The Corporation shall carry out the said street works over the company's railway by means of additions to the existing bridge and such additions shall have a span and headway not less than the span and headway of the existing bridge :



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- (4) Before the Corporation commence the construction of the said street works any temporary works which may in the opinion of the principal engineer be reasonably necessary to ensure the safety of the said railway works and property may and shall be carried out by the company for the Corporation and any expenses reasonably incurred in connection therewith (including compensation payable to any workmen or the legal representatives or dependants of workmen who may be injured or killed whilst employed by the company exclusively in and about such works) shall be repaid by the Corporation to the company :
- (5) On completion of the new structures carrying the said street works over the railway of the company they shall be maintained by the company and the reasonable cost thereof shall be paid by the Corporation and the footways over the said bridge and any widening of the road effected by the Corporation shall be maintained by and at the expense of the Corporation :
- (6) If during and in consequence of the execution of the said street works the said railway or any of the works connected therewith or any property of the company shall be injured or damaged such injury or damage shall forthwith be made good by the company who may recover the amount reasonably expended in so doing from the Corporation :
- (7) The Corporation shall not in executing the said street works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway and property of the company or any traffic thereon and if at any time or times hereafter the free and uninterrupted and safe user of the railway of the company or any traffic thereon shall be obstructed hindered or interfered with by the Corporation contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which the company may be put as well as

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reasonable compensation for the loss sustained by them by reason of any such interruption or interference :

- (8) Notwithstanding anything contained in this Act the Corporation shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to their railway works or property or to any person or persons using the same by reason of the construction alteration or maintenance of the said street works or of the failure of any part thereof repairable by the Corporation or of any act or omission of the Corporation or of any of the persons in their employ or of their contractors and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such construction alteration maintenance failure or omission :
- (9) During the construction of the said street works and of any of the further works mentioned in this section the Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them of such inspectors and watchmen to be appointed by them as may be reasonably necessary for inspecting the said railway and further works as aforesaid and for watching their railway and the works and conveniences connected therewith in consequence of the construction of the said street works and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person or persons in their employ and the Corporation shall at all times give ample facilities to the principal engineer and his assistants or inspectors for full and free access to the said street works during or after construction and shall also furnish him or them with every information he or they may reasonably require with regard to such street works or the method of construction thereof :



- (10) If by reason of the construction of the said street works it shall become necessary in the opinion of the principal engineer to add to or alter any signal or signal apparatus on the railway of the company the same shall be so added to or altered by the company and the reasonable expense thereof shall be repaid by the Corporation to the company: A.D. 1924.
- (11) If the company shall at any time after the construction of the said street works desire to widen alter or extend their railway or any of the works or conveniences connected therewith the Corporation shall give to the company every reasonable facility for the execution of such widening alteration or extension and any additional expense to which the company may be put in carrying out any such widening alteration or extension by reason of the construction of the said street works shall be repaid to them by the Corporation:
- (12) Any difference which shall arise between the Corporation and the company or their respective engineers under this section other than subsection (1) thereof shall be referred to and be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

## PART III.

## TRAMWAYS AND OMNIBUSES.

10. The period limited by section 9 of the Act of 1919 for the completion of such of the tramways authorised by the Act of 1914 as have not been constructed and as are not rendered unnecessary by the tramways authorised by the Act of 1919 (except Tramways Nos. 1 2 and 3 authorised by the Act of 1914) is hereby extended until the thirty-first day of December nineteen hundred and twenty-nine. Extension of time for construction of tramways.

11.—(1) Subject to the provisions of this Act the Corporation may make form lay down use and maintain Power to make tramways.

A.D. 1924. the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turnouts crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith.

(2) The tramways hereinbefore referred to and authorised by this Act will be situate in the city and are—

Tramway No. 1 (double line 7 furlongs 2·49 chains in length) situate in Alum Rock Road commencing by a junction with the existing tramway at a point 1·51 chains west of College Road and terminating at a point 1·5 chains north-east of the intersection of Pelham Road and Belchers Lane;

Tramway No. 2 (double line 6 furlongs 5·75 chains in length) commencing by a junction with Tramway No. 1 at its termination passing along Alum Rock Road and Burney Lane into and terminating in Stechford Lane at the northern side of Stechford Bridge over the River Cole;

Tramway No. 3 (double line 6 furlongs 8·98 chains in length) commencing in Bordesley Green by a junction with the existing tramway at a point 2·9 chains west of Churchill Road passing along Bordesley Green and the proposed road referred to as Street No. 6 in the East Birmingham Town Planning Scheme Amendment Scheme 1917 and terminating in that road at a distance of 3 furlongs east of the intersection of Bordesley Green and Belchers Lane;

Tramway No. 4 (double line 4 furlongs 3·35 chains in length) commencing in Slade Road by a junction with the existing tramway at a point 3·4 chains south of the centre line of Stockland Road and passing along Slade Road across Marsh Lane and along the line of the new street (Work No. 5) authorised by this Act and terminating at Short Heath Road.

For further protection of London Midland and Scottish Railway Company.

12. In constructing and maintaining Tramway No. 2 by this Act authorised and any works for the purpose of working the same where it crosses the bridge carrying Alum Rock Road over the railway works and property of the London Midland and Scottish Railway Company the

provisions of section 8 (For protection of London and North Western Railway Company) of the Act of 1914 shall so far as applicable extend and apply as if they were re-enacted in this Act. A.D. 1924.  
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**13.**—(1) The tramways and works authorised by this Act shall form part of the tramway undertaking of the Corporation and the provisions of Part III. (Tramways) of the Act of 1903 (except sections 40 41 42 43 and 44 thereof) and of the enactments incorporated with that Act and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramways and works as if they were authorised by the Act of 1903. Works to form part of tramway undertaking of Corporation.

(2) Provided that no post or other apparatus shall be erected on any carriageway in connection with the tramways authorised by this Act without the consent of the Minister of Transport.

(3) Provided also that the powers of subsection (1) of section 16 (Power to make additional cross-overs and to double tramway lines) of the Act of 1903 except the powers thereof relating to cross-overs and the powers of section 17 (Junction with tramways outside city) of that Act shall not be exercised with reference to the tramways authorised by this Act without the consent of the Minister of Transport.

(4) The provisions of section 11 (Use of tramway posts by Postmaster-General) of the Act of 1912 shall extend to the tramways authorised by this Act.

**14.** Tramway No. 1 authorised by this Act shall be completed within three years and the remaining tramways shall be completed within seven years from the thirty-first day of December nineteen hundred and twenty-four and on the expiration of those respective periods the powers granted by this Act to the Corporation for executing the said tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of tramways.

**15.**—(1) Where any part of the tramways authorised by this Act is shown on the deposited plans as intended to be constructed on a track separate from the carriageway such separate track shall not for any purpose (other Separate track not to form part of highway.

A.D. 1924. than for the prevention of offences and prosecution of offenders) form part of the highway and the provisions of the Tramways Act 1870 relating to roads and the following provisions of the Act of 1903 shall not apply thereto or to the construction of tramways thereon namely:—

Section 12 (Tramway to be kept on level of surface of road);

Section 15 (Penalty for not maintaining rails and roads).

(2) The Corporation shall at all times provide adequate ways across such separate track to the satisfaction of the Minister of Transport and with his approval may vary the position of such ways as they may deem expedient.

(3) Nothing in this section contained shall prejudice alter or affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1922 and under section 11 (Use of tramway posts by Postmaster-General) of the Act of 1912 and such separate track shall be deemed to be a "street" or "public road" for the purposes of the said Acts and section respectively.

(4) The exception contained in subsection (1) of this section whereby a separate track shall be deemed a highway for the prevention of offences and prosecution of offenders shall extend and apply to any separate track constructed or to be constructed under section 13 (Separate track not to form part of highway) of the Act of 1919 and subsection (2) of this section shall be substituted for subsection (2) of the said section 13.

Separate tramway track in Bristol Road.

16.—(1) If the Corporation widen so much of Bristol Road as lies between a point 1 furlong 4·34 chains north-east of the intersection of Pebble Mill Road and Bristol Road and a point 2·86 chains south-west of the intersection of Edgbaston Park Road and Bristol Road or any part of so much of that road as aforesaid to a width (including footpaths and the separate track hereinafter mentioned) of not less than one hundred feet they may when with the consent of the Minister of Transport they reconstruct the tramway thereon under the powers of the Act of 1903 reconstruct the same on a

track separate from the carriageway not being more than thirty-five feet in width. A.D. 1924.

(2) If the Corporation exercise the powers of subsection (1) of this section the separate track shall not for any purpose (other than for the prevention of offences and prosecution of offenders) form part of the highway and the provisions of the Tramways Act 1870 relating to roads and the following provisions of the Act of 1903 shall not apply thereto or to the construction of tramways thereon namely:—

Section 12 (Tramway to be kept on level of surface of road);

Section 15 (Penalty for not maintaining rails and roads).

(3) The Corporation shall at all times provide adequate ways across such separate track to the satisfaction of the Minister of Transport and with his approval may vary the position of such ways as they may deem expedient.

(4) Nothing in this section contained shall prejudice alter or affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1922 and under section 11 (Use of tramway posts by Postmaster-General) of the Act of 1912 and such separate track shall be deemed to be a "street" or "public road" for the purposes of the said Acts and section respectively.

**17.** Where the boundary of the city passes along any street or road the whole of such street or road shall be deemed to be within the city for the purposes of the powers of the Corporation relating to omnibuses. As to omnibuses.

#### PART IV.

#### FINANCE.

**18.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with 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 Power to borrow.

A.D. 1924. — respective periods mentioned in the third column of the said table (namely) :—

(1) Purpose.	(2) Amount.	(3) Period for Repayment.
(a) The purchase of lands for the purposes of this Act.	£ The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The construction of the new street and street improvements authorised by this Act.	25,590	Thirty years from the date or dates of borrowing.
(c) The construction of the tramways authorised by this Act.	95,500	Twenty-five years from the date or dates of borrowing.
(d) The electrical equipment of the said tramways.	9,900	Twenty years from the date or dates of borrowing.
(e) Tramway rolling stock	36,000	Fifteen years from the date or dates of borrowing.
(f) 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 any of the purposes of Part III. of this Act or of the tramway undertaking of the Corporation and may with the consent of the Minister of Health borrow such further money as may be necessary for any purposes of this Act other than the purposes of that undertaking.

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 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 purposes (c) (d) and (e) hereinbefore mentioned and for the purposes of the tramway undertaking of the Corporation be detracted out of the revenue arising from that undertaking;

As regards money borrowed for the purposes (a) (b) and (f) hereinbefore mentioned be detracted out of the revenue arising from the tramway undertaking and the borough fund in such proportions as the Corporation may by resolution determine;



As regards money borrowed with the consent of the Minister of Health be defrayed out of such fund or rate as may be prescribed by the Minister. A.D. 1924. —

**19.** Any expenses of the execution by the Corporation of 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 out of the borough fund. Expenses of execution of Act.

**20.**—(1) If at any time any dividend on any stock issued by the Corporation is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime. Unclaimed dividends.

(2) When any dividend remains unclaimed for five years from the time for payment thereof the Corporation or (where the dividend is payable upon stock which is the subject of an arrangement with the Bank of England under the provisions of the Birmingham Stock Order 1881) the Bank of England shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3) At the end of every successive period of ten years after any dividend may become payable the Corporation unless it has been otherwise agreed between them and the Bank of England may with respect to stock which is the subject of an arrangement with the said bank as aforesaid require the said bank to repay to them any part of such dividend unclaimed during that period and then in their hands and the Corporation shall pay the same into the Birmingham Corporation Loans Fund (in this Act called "the loans fund") without prejudice nevertheless to the rights of any person to such dividend.

**21.**—(1) If at the end of the period within which the stock issued by the Corporation becomes redeemable the Corporation by reason of the holder of any such stock not being forthcoming or by reason of any doubt as to the ownership of any such stock shall not be able to redeem and cancel such stock the Corporation may invest in statutory securities a sum equal to the nominal Unclaimed stock.

A.D. 1924. value of all such stock as cannot be redeemed by reason as aforesaid such sum to be dealt with as hereinafter prescribed and thereupon such stock shall be deemed to have been redeemed and no further dividends shall be payable in respect thereof.

(2) Any sums invested by the Corporation as aforesaid shall unless sold for the purpose of satisfying any claims in respect of the stock represented by the same be kept invested in statutory securities for a period of ten years after which time the Corporation may appropriate the said sums and any accumulations thereon for such purposes as the Minister of Health may approve without prejudice nevertheless to the rights of any person to the said sums or any part thereof.

Transfer of stock.

**22.** Section 4 of the Birmingham Corporation (Stock) Act 1900 is hereby amended by substituting the following provision for paragraph (b) of subsection (5) thereof namely—

“(b) Transfer Corporation stock at par value or at such other value as the Corporation may determine equal to the sum withdrawn from the loans fund from the last named account to the account in respect of which the statutory borrowing power is exercised.”

Loans to Birmingham Tame and Rea District Drainage Board and Birmingham guardians.

**23.**—(1) The Corporation may (if they think fit) by resolution determine that any sum which the Birmingham Tame and Rea District Drainage Board or the guardians of the poor of the Birmingham Union (each of whom is in this section referred to as “the borrowing authority”) may be by law authorised to borrow or re-borrow upon the security of any property rates or funds and which the borrowing authority may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly.

(2) The Corporation may independently of any other borrowing power borrow at interest any sum which they shall resolve to lend to the borrowing authority under this section and the prescribed period for the repayment by the Corporation of any sum so borrowed shall be a period expiring not more than one year after the period for which the same is lent by the Corporation to the borrowing authority.

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(3) The following provisions shall apply to moneys lent by the Corporation to the borrowing authority and not raised by the issue of stock—

(a) The sum shall be lent by the Corporation to the borrowing authority for a period not exceeding that for which the borrowing authority are authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined;

(b) If any sum payable to the Corporation for principal in respect of any sum lent to the borrowing authority shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into the loans fund or sinking fund formed under the Act of 1903 (in this Act called "the sinking fund") the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund;

(c) All sums received from the borrowing authority for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the loans interest fund formed under the Act of 1903;

(d) All sums received from the borrowing authority for principal (except sums which are to be carried to the credit of the borough fund under the provisions of paragraph (b) of this subsection) and all sums set apart out of the borough fund under that paragraph shall be paid into the sinking fund.

(4) If any doubt shall arise as to how much of any sum received by the Corporation from the borrowing authority is to be regarded as principal or interest the question shall be determined by the Minister of Health.

(5) The return to be made in pursuance of section 142 (Information and return to Board) of the Act of 1903 shall in the case of money borrowed for the purposes

A.D. 1924. — of this section show for the year next preceding the making of the return the amounts which have been received by the Corporation from the borrowing authority for principal.

Elective  
auditors.

24. The term of office of each elective auditor within the city elected after the passing of this Act shall be three years and section 25 of the Municipal Corporations Act 1882 shall be read accordingly.

## PART V.

### MISCELLANEOUS PROVISIONS.

Further  
provisions  
as to  
hackney  
carriages.

25.—(1) For the purposes of sections 51 to 61 (both inclusive) 63 and 65 to 67 (both inclusive) of the Town Police Clauses Act 1847 the whole of the city and any area outside the city but within five miles from the general post office of the city shall be within the prescribed distance for hackney carriages duly licensed by the Corporation and hired within the city.

(2) The power of the Corporation to make byelaws under section 68 of the Town Police Clauses Act 1847 or under that section as extended by section 120 of the Act of 1883 shall be extended so as to enable them also to make byelaws thereunder with respect to hackney carriages duly licensed by the Corporation and hired within the city when outside the city but within five miles of the general post office of the city.

(3) (a) Any offence committed or claim arising outside the city but within five miles of the general post office of the city against or under the Town Police Clauses Act 1847 or any byelaws made by the Corporation thereunder or under that Act as extended by the said section 120 and relating to a hackney carriage duly licensed by the Corporation and hired within the city may be brought before and determined by any person who would have had jurisdiction to hear and determine the offence or claim had it occurred or arisen at the place within the city where the hiring was effected.

(b) In addition to any persons authorised by section 253 of the Public Health Act 1875 the Corporation may take proceedings for the recovery of any penalty for any offence specified in the preceding paragraph (a).

(4) Notwithstanding section 121 of the Act of 1883 nothing in this section shall be deemed to apply to any

omnibus waggonette brake stage-coach or other carriage plying for hire by or used to carry passengers at separate fares. A.D. 1924. —

**26.** The provisions contained in any general or local Act for the time being in force in the city relating to parks recreation grounds and pleasure grounds shall extend and apply to any parks recreation grounds and pleasure grounds belonging to the Corporation although situate outside the city and proceedings for the recovery of any penalty under any of those provisions or byelaws made thereunder may be taken by the Corporation or by any officer of the Corporation duly authorised in that behalf. Application of enactments to recreation grounds outside city.

**27.** The Corporation may acquire hold and exercise such patent and other rights and licences (not being exclusive) as they deem necessary or expedient for any of the purposes of this Act or of their several undertakings. Power to hold patent rights.

**28.**—(1) In sections 46 to 62 (relating to private street works) of the Act of 1883 the words “paved” “metalled” and “flagged” shall be construed as including macadamised asphalted gravelled or made good by any other method and the words “pave” “metal” and “flag” shall have a corresponding meaning. Private street works.

(2) The words “macadamised” and “macadamise” in section 46 of the Act of 1883 and subsection (2) of that section are hereby repealed.

**29.** For the purposes of section 51 (Music and dancing licences) of the Public Health Acts Amendment Act 1890 in its application within the city:— Extension of provisions as to music and dancing licences.

(1) The expression “licensing justices” shall mean the justices acting for the city:

(2) The justices acting for the city may delegate all or any of their powers and duties under the said section as amended by this Act to a committee or committees appointed by them out of their own number at any special session:

(3) Any licences granted or transferred under the said section as amended by this Act in lieu of being under the hands of a majority of the justices may be sealed or stamped with an official seal or stamp in such form as the



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justices may direct such seal or stamp being verified in each case by the signature of their clerk. Any licence purporting to be sealed or stamped and verified as aforesaid shall be received in evidence without further proof.

Execution  
of works in  
default of  
person  
liable.

**30.** Section 282 (Power to execute works in default of person liable) of the Act of 1883 is hereby extended to any work act or thing which is required to be done by any owner occupier or any other person by or in pursuance of the following provisions of the Acts in force in the city or any byelaw made thereunder or the doing of which is prohibited by any such provision or byelaw.

The Act of 1903—

Section 63 (Power to prohibit cellars in parts of city liable to flood);

Section 78 (Definition of ashpit).

The Act of 1914—

Section 28 (Regulation dustbins).

Birmingham Corporation Act 1919—

Section 18 (Prohibition of cellars in low-lying parts of added areas).

Birmingham Corporation Act 1922—

Section 18 (Corporation not bound to supply several houses by one pipe);

Section 49 (Building upon banks of streams);

Section 50 (Discharge of surface water into street);

Section 52 (Restriction of erection of temporary drains &c.);

Section 54 (Further provision as to dustbins).

Application  
of existing  
enactments.

**31.**—(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 provisions were re-enacted in this Act (namely):—

The Act of 1883—

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

Section 294 (Powers of Act cumulative).



The Act of 1903—

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

Section 169 (Crown rights).

Birmingham Corporation Act 1905—

Section 23 (Subsidiary works);

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).

The Act of 1914—

Section 14 (Power to alter steps areas pipes &c.);

Section 15 (Limits of deviation);

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 3 14 21 22 23 24 25 26 27 29 30 31 32 33 34 35 36 38 60 61 62 63 64 65 and 71 respectively on the deposited plans 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

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nineteen hundred and twenty-three shall be deemed to be referred to instead of the eighteenth day of November nineteen hundred and thirteen.

Costs of  
Act.

**32.** 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 tramway undertaking of the Corporation or out of the borough fund or out of money to be borrowed for that purpose.

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