



CHAPTER cxxxiv.

An Act to confirm a Provisional Order of the Local Government Board relating to Birmingham. A.D. 1914.

[31st July 1914.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the schedule hereto under the provisions of the Public Health Act 1875:

38 & 39 Vict.
c. 55.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore 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:—

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 14) Act 1914. Short title.

A.D. 1914.

SCHEDULE.

CITY OF BIRMINGHAM.

*Birmingham
(Water and
Gas) Order.*

*Provisional Order for partially repealing and altering the
Birmingham Corporation (Consolidation) Act 1883
and the Birmingham Corporation Water
Acts 1892 1896 and 1902.*

To the Lord Mayor Aldermen and Citizens of the City of Birmingham; —

And to all others whom it may concern.

WHEREAS the City of Birmingham (herein-after referred to as "the City") is an Urban Sanitary District of which the Lord Mayor Aldermen and Citizens acting by the Council (herein-after referred to as "the Corporation") are the Urban Sanitary Authority;

46 & 47 Vict.
c. lxx.
55 & 56 Vict.
c. clxxiii.
59 & 60 Vict.
c. xxxii.
2 Edw. 7.
c. xviii.

And whereas there are in force in the City the unrepealed provisions of the Birmingham Corporation (Consolidation) Act 1883 and the Birmingham Corporation Water Acts 1892 1896 and 1902 (each of which Acts is herein-after referred to as the Act of the year in which it was passed and which Acts are herein-after together referred to as "the Local Acts") as altered by certain other Local Acts and by certain Provisional Orders duly confirmed by Parliament which do not affect the subject-matter of this Order;

3 & 4 Geo. 5.
c. xvii.

And whereas the limits within which the Corporation are authorised to supply water (herein-after referred to as "the water limits of the Corporation") are those referred to in Section 177 of the Act of 1883 as extended by Section 19 of the South Staffordshire Waterworks Act 1913;

And whereas by Section 182 of the Act of 1883 the Corporation at the request of the owner or occupier of any house or part of a house in any street in which any pipe of the Corporation is or shall be laid or on the application of any person who under the provisions of that Act is entitled to demand a supply of water for domestic purposes are required to furnish to such owner or occupier or other person a sufficient supply of water for domestic use at rates not exceeding the yearly rates specified in the said section;

And whereas by the Act of 1883 the Corporation are authorised to manufacture and supply gas and by virtue of Section 156 of that Act Sections 28 and 32 and Schedule A of the Gasworks Clauses Act 1871 are applicable to their gas undertaking and by subdivision (7) of that section the burner to be used for testing the gas is prescribed;

And whereas by Section 66 of the Act of 1892 the Corporation were empowered from time to time to borrow for the purchase of land

[4 & 5 GEO. 5.] *Local Government Board's* [Ch. cxxxiv.]
Provisional Order Confirmation (No. 14) Act, 1914.

and the execution of works under that Act and the extension of mains and other waterworks purposes any sums not exceeding in the aggregate six millions six hundred thousand pounds and by Section 25 of the Act of 1896 and Section 24 of the Act of 1902 were authorised to apply any moneys so borrowed to the execution of works or the purchase of lands under the powers of those Acts respectively;

A.D. 1914.

*Birmingham
(Water and
Gas) Order.*

And whereas by the Birmingham Corporation Act 1903 (herein-after referred to as "the Act of 1903") provision is made as to the repayment of principal moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power and not raised by the issue of Corporation Stock and by Section 128 of the Act of 1903 it is provided that the principal moneys shall be repaid within the periods sanctioned for the repayment thereof the said periods being in that Act referred to as the prescribed periods;

3 Edw. 7.
c. cxcii.

And whereas the Corporation have made application to the Local Government Board for the issue of a Provisional Order to partially repeal alter or amend the Local Acts in the manner herein-after set forth:

Now therefore We the Local Government Board in pursuance of the powers given to Us by Section 303 of the Public Health Act 1875 and by any other Statutes in that behalf do hereby order that from and after the date of the Act of Parliament confirming this Order the Local Acts shall be partially repealed and altered so that the following provisions shall take effect that is to say:—

38 & 39 Vict.
c. 55.

Art. I.—(1) The Local Government Board on the application of the Corporation may from time to time fix by Order the rates and charges for a supply of water for domestic purposes within the water limits of the Corporation:

Power of
Local Go-
vernment
Board to fix
rates &c. for
a supply of
water for
domestic use.

(2) The Corporation shall as soon as practicable after an Order is made in pursuance of subdivision (1) of this Article cause the Order to be published in two successive weeks in one or more local newspapers circulating in the water limits of the Corporation and the Order shall come into operation on and after the quarter day next following the date of the last of the said publications.

Art. II. On and after the date on which any Order made in pursuance of subdivision (1) of Article I. of this Order comes into operation Section 182 of the Act of 1883 shall have effect as if—

Alteration of
Act of 1883
on operation
of new water
rates and
charges.

(a) for the yearly rates specified in that section there were substituted the rates and charges fixed by the Order made as aforesaid; and

(b) such other modifications were made in the said section as are necessary to render the section applicable to any premises rates or charges specified in the said Order.

[Ch. cxxxiv.] *Local Government Board's* [4 & 5 GEO. 5.]
Provisional Order Confirmation (No. 14) Act, 1914.

A.D. 1914.
Birmingham
(Water and
Gas) Order.
Authorising
Corporation
to supply
water in bulk.

Art. III.—(1) The Corporation may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the water limits of the Corporation to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits of the Corporation. Provided also that nothing in this Article shall authorise the Corporation to lay any mains beyond the water limits of the Corporation.

(2) The expression "local authority" shall have the same meaning as in the Public Health Act 1875.

Burner and
testing.

Art. IV. Subdivision (7) of Section 156 of the Act of 1883 shall be repealed and notwithstanding anything in the Gasworks Clauses Act 1871 the following provisions shall have effect that is to say:—

(1) For testing the illuminating power of the gas supplied by the Corporation the burner to be used shall be that known as the Metropolitan Argand Burner No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt's ten-candle Pentane lamp and in making the test the burner shall in the case of a bar photometer be so used as to obtain from the gas when burned at the rate of five cubic feet per hour the greatest amount of light. Provided that the Board of Trade may on the application of the Corporation or any twenty consumers of the gas supplied by the Corporation approve the use of any other burner photometer or standard light that may appear to that Board to be equally or more suitable for the testing:

(2) The Corporation shall provide and maintain at the testing-place provided by the Corporation in pursuance of subdivision (6) of Section 156 of the Act of 1883 the photometer and other necessary appliances for testing the quality of the gas and shall at all times keep the same in proper order and repair.

Additional
borrowing
powers for
waterworks
purposes.

Art. V.—(1) In addition to the sums already authorised to be borrowed as aforesaid for the purposes of the waterworks authorised by the Birmingham Corporation Water Acts 1892 1896 and 1902 the Corporation may with the sanction of the Local Government Board

[4 & 5 GEO. 5.] *Local Government Board's* [Ch. cxxxiv.]
Provisional Order Confirmation (No. 14) Act, 1914.

and subject to the provisions of this Order from time to time borrow such sums as may be required for those purposes.

A.D. 1914.

*Birmingham
(Water and
Gas) Order.*

(2) For the repayment of all moneys borrowed in pursuance of this Order and for the payment of interest thereon the revenue of the water undertaking of the Corporation and the borough fund and borough rate of the City are hereby primarily made chargeable and the provisions of the Act of 1903 shall apply and have effect accordingly.

(3) The moneys borrowed in pursuance of this Order shall be repaid within such period not exceeding sixty years from the date of borrowing as the Corporation with the sanction of the Local Government Board in each case determine and the period so determined and sanctioned shall with reference to the repayment of those moneys be the prescribed period for the purposes of the Act of 1903.

Art. VI. Where the Local Government Board cause any local inquiry to be held with reference to any of the purposes of the Local Acts or of this Order the costs incurred by the Board in relation to that inquiry (including such reasonable sum not exceeding three guineas a day as the Board may determine for the services of any inspector or officer of the Board engaged in the inquiry) shall be paid by the Corporation and the Board may certify the amount of the costs so incurred and any sum so certified and directed by the Board to be paid by the Corporation shall be a debt due to the Crown from the Corporation.

*Inquiries and
expenses.*

Art. VII. This Order may be cited as the Birmingham (Water and Gas) Order 1914. Short title.

Given under the Seal of Office of the Local Government Board
this Thirteenth day of May One thousand nine hundred and
fourteen.

(L.S.)

HERBERT SAMUEL President.
H. C. MONRO Secretary.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America, the Continent of Europe and Abroad of
T. FISHER UNWIN, LONDON, W.C.

