



# National Exhibition Centre and Birmingham Municipal Bank Act 1976

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**ELIZABETH II**



**1976 CHAPTER xix**

An Act to confer powers on the Solihull Borough Council in relation to public safety at the National Exhibition Centre in the borough of Solihull; to continue and extend the powers of the Birmingham City Council in respect of the centre; to authorise the transfer of property held in connection with the Birmingham Municipal Bank; and for other purposes.

[22nd July 1976]

**WHEREAS—**

(1) A National Exhibition Centre (hereinafter referred to as “the centre”) has been provided in the parish of Bickenhill in the borough of Solihull and it is expedient that powers should be conferred on the Solihull Borough Council for the purpose of securing public safety at the centre:

(2) The centre is vested in and maintained by the Birmingham City Council in pursuance of section 3 (Power to provide and use exhibition hall) of the Birmingham Corporation Act 1959 1959 c. xxii. as extended by section 15 (Extension of power to provide and use exhibition hall) of the Birmingham Corporation Act 1970 1970 c. xxii. and it is expedient that the powers of that Council in respect of the centre should be continued and extended:

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1969 c. 50.

(3) It is expedient to authorise the transfer of property held by the Birmingham City Council in connection with the Birmingham Municipal Bank to a trustee savings bank to be established under the Trustee Savings Banks Act 1969:

(4) It is expedient that the other provisions contained in this Act should be enacted:

(5) The objects of this Act cannot be attained without the authority of Parliament:

1972 c. 70.

(6) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

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

## PART I

### PRELIMINARY

Short title.

1. This Act may be cited as the National Exhibition Centre and Birmingham Municipal Bank Act 1976.

Interpretation.

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

“the borough” means the borough of Solihull;

“the Borough Council” means the council of the borough;

“the centre” means the National Exhibition Centre in the parish of Bickenhill in the borough;

“the City Council” means the Birmingham City Council;

“exhibition” includes any demonstration or display in the nature of an exhibition or any demonstration or display of any sport, game or contest or any entertainment or performance of a similar nature;

“law enforcement officer” means an officer appointed by the City Council under section 10 (Appointment of law enforcement officers) of this Act.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended, replaced or varied by, or by virtue of, any subsequent enactment.

PART II

PUBLIC SAFETY

3. In this Part of this Act, unless the subject or context otherwise requires— Interpretation for Part II.

“ authorised officer ” means any officer of the Borough Council authorised in writing by the town clerk for the purposes of this Act;

“ owner ” has the same meaning as in section 343 of the Public Health Act 1936;

1936 c. 49.

“ responsible person ” in relation to any exhibition means the person who is responsible for the organisation or management of the exhibition;

“ the town clerk ” means the town clerk and chief executive officer of the borough or some other officer of the Borough Council authorised to act in his behalf for the purposes of this Part of this Act.

4.—(1) Subject to the provisions of section 5 (Consultation) of this Act, the Borough Council may make regulations prescribing the conditions and restrictions to be complied with for the safety of the public attending any part of the centre being used for any exhibition. Regulations for securing public safety.

(2) Without prejudice to the generality of subsection (1) above, regulations may be made under this section with respect to all or any of the following matters:—

(a) the number, size, situation and equipment of and the maintenance of, entrances to, and exits from, the centre or any part of it (including means of escape in case of fire or other emergency), passageways and stairways within the centre and the means of access to any such entrances and exits;

(b) the number, strength and situation of any crush barriers;

(c) the use and maintenance of apparatus, machinery, materials and substances for the prevention of fire or the avoidance of injury to persons;

(d) the materials to be used in the construction and decoration of platforms and stands provided for exhibition purposes within the centre and the manner of construction, maintenance and use of such platforms and stands;

(e) the provision and maintenance of fire-fighting equipment;

(f) the provision and maintenance of notices relating to fire precautions and means of escape;

(g) the provision of suitable accommodation and facilities for the seating of persons within the centre;

PART II  
—cont.

(h) emissions of noise, vibrations, any ionising or other radiations, gas, smoke, dust or other substance.

(3) Regulations made under this section may include such supplementary and incidental provisions as may appear to the Borough Council to be expedient and, without prejudice to that generality, may include provision requiring—

- (a) the giving of notice specifying the dates during which it is intended that any part of the centre should be used for any exhibitions and the nature of the exhibitions;
- (b) the submission to the Borough Council of plans, sections, specifications and written particulars of any exhibition;
- (c) the provision of facilities for inspection of any work by any authorised officer and the provision of samples of materials used in the execution of any such work, including the construction or decoration of stands provided for exhibition purposes.

(4) (a) The Borough Council shall cause to be published in a local newspaper circulating in the borough notice of the making of any regulations under this section and the regulations so made shall come into operation at the expiration of one month from the date of publication of the said notice.

(b) Either—

- (i) a copy of any such newspaper containing any such notice;  
or
- (ii) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page, or part of a page, of the newspaper bearing the date of its publication and containing the notice;

shall be evidence of the publication of the notice and of the date of publication.

(5) No proof shall be required of the handwriting or official position or authority of any person giving a certificate under subsection (4) (b) above.

Consultation.

5.—(1) Before making regulations under section 4 (Regulations for securing public safety) of this Act the Borough Council shall consult with each of the following persons:—

- (a) the Secretary of State for the Home Department;
- (b) the Secretary of State for the Environment;
- (c) the Health and Safety Executive;
- (d) the Chief Fire Officer of the West Midlands County Council;

- (e) the Chief Officer of Police of the West Midlands;
- (f) the City Council; and
- (g) any person, other than the City Council, who is for the time being the owner of any part of the centre used for exhibitions.

PART II  
—cont.

(2) Without prejudice to the generality of subsection (1) above, not less than two months before making or amending any regulations under section 4 (Regulations for securing public safety) of this Act the Borough Council shall submit to each of the persons specified in that subsection a draft of the proposed regulations or amendments and, subject to the provisions of this Part of this Act, the Borough Council shall, upon making or amending the regulations, give effect to—

- (a) any requirement for the alteration of the proposed regulations or amendments which may be notified to them before the expiration of that period by the Secretary of State or the Health and Safety Executive but in the absence of any notification, the proposed regulations or amendments shall not be made until the Secretary of State and the said Executive have intimated that they have no requirements;
- (b) any reasonable requirements for the alteration of the proposed regulations or amendments which may be so notified to them by each of the persons mentioned in paragraphs (d) to (f) of subsection (1) above so far as their requirements may be consistent with any requirements so notified to the Borough Council under paragraph (a) above.

(3) In this section “alteration” includes deletion and omission.

6.—(1) If the Borough Council, on an application made by a responsible person not less than three months before the date on which any part of the centre is opened to the public for any exhibition, consider that the operation of any requirement of any regulations made under section 4 (Regulations for securing public safety) of this Act would be unreasonable in relation to that exhibition, they may, after consultation with the persons mentioned in paragraphs (c) to (f) of subsection (1) of section 5 (Consultation) of this Act, give a direction dispensing with or relaxing that requirement. Relaxation of regulations.

(2) If in the case of an application under subsection (1) above the Borough Council do not notify the applicant of their decision within two months of the receipt by them of the application, they shall be deemed to have refused it.

PART II  
—cont.

(3) If the Borough Council refuse an application under this section, the applicant may appeal to the magistrates' court for the petty sessions area in which the centre is situated.

1936 c. 49.

(4) For the purposes of any appeal under subsection (3) above, sections 300 to 302 of the Public Health Act 1936 (Appeals) shall have effect as if this Part of this Act were part of that Act.

Offences.

7.—(1) If the centre or any part thereof is used for the purpose of an exhibition in contravention of any requirement in the regulations made under section 4 (Regulations for securing public safety) of this Act, the responsible person shall be guilty of an offence.

(2) In any proceedings for an offence under subsection (1) above it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3) Any person who intentionally obstructs an authorised officer acting in pursuance of this Part of this Act, or of regulations so made or without reasonable excuse refuses, neglects or otherwise fails to answer any question asked by any such person in the exercise of such powers, shall be guilty of an offence.

(4) A person guilty of an offence under this section shall be liable—

(a) in the case of an offence under subsection (1) above—

(i) on summary conviction to a fine not exceeding £400; or

(ii) on conviction on indictment, to imprisonment for not more than two years or to a fine or to both; and

(b) in the case of an offence under subsection (3) above, on summary conviction to a fine not exceeding £400.

(5) In this section "contravention" includes failure to comply.

Saving for  
Health and  
Safety at  
Work etc.  
Act 1974.  
1974 c. 37.

8. Subsection (5) of section 62 and subsection (1) of section 80 of the Health and Safety at Work etc. Act 1974 (which enable regulations to repeal or modify certain provisions) shall in each case apply to any enactment contained in this Part of this Act and to any provision of a regulation made under it as those subsections apply to any enactment or provision (as the case may be) mentioned therein.

## PART III

## CITY COUNCIL POWERS RELATING TO THE CENTRE

Continuance  
and extension  
of existing  
powers.

9. The City Council may exercise with reference to the centre the powers contained in Schedule 1 to this Act, being powers corresponding to those contained in the enactments relating to the centre repealed by this Act with modifications and extensions.



10.—(1) The City Council may appoint persons to be law enforcement officers in accordance with this section.

PART III  
—cont.

(2) It shall be the duty of every law enforcement officer to secure the observance and enforcement of the provisions of this Part of this Act and of all regulations and byelaws made under or having effect by virtue of this Part of this Act and having effect within the centre.

Appointment  
of law  
enforcement  
officers.

(3) Every law enforcement officer shall obey such lawful commands as may from time to time be given to him by the City Council.

(4) The City Council may suspend or terminate the appointment of a law enforcement officer.

(5) A law enforcement officer shall not act as such unless he is in uniform.

11.—(1) The following enactments, that is to say:—

Application of  
enactments to  
roads in the  
centre.

(a) the Act of 1972;

(b) sections 20, 54, 55, 58, 71, 72, 73, 74, 75, 78A, 79, 84A, 84B, 84C and 84D of the Act of 1967;

(c) Part III of the Civic Amenities Act 1967; and

1967 c. 69.

(d) regulations made under sections 20 and 52 to 55 of the Act of 1967 and sections 20 to 22 of the Civic Amenities Act 1967;

shall have effect in the centre as if—

- (i) references to roads, highways and public highways included references to roads to which the public does not have access;
- (ii) references to a local authority or, except in section 200 of the Act of 1972, to a highway authority were references to the City Council;
- (iii) the centre were part of the area of the City Council as local authority; and
- (iv) references to a constable, except where this section otherwise provides, included references to a law enforcement officer.

(2) In section 58 of the Act of 1967 and in the following provisions of the Act of 1972 references to a constable do not include references to a law enforcement officer, that is to say, sections 5 (5), 7 (1), 8, 9, 10 (6), 11, 19 (3), 25 (2), 53 (2) (3), 91 (2), 100, 137, 144 (2) (b), 160, 161, 164 (2), 166 (1), 173 and 181.

PART III  
—cont.

(3) Except so far as section 162 (1) (a) of the Act of 1972 provides that a person driving on a road a motor vehicle (other than an invalid carriage) shall, on being so required by a constable, give his name and address and the name and address of the owner of the vehicle and if he fails to do so shall be guilty of an offence, references in that section to a constable do not include references to a law enforcement officer.

(4) (a) In the following provisions of the Act of 1972, which make it an offence to do certain things on a road or other public place, the extension by virtue of this section of those provisions to a road to which the public does not have access shall not affect the meaning of the words “ other public place ”.

(b) The provisions referred to are those in subsections (1) and (2) of sections 5, 6, 8 and 19.

(5) In section 154 (1) of the Act of 1972, which deals with casualties arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, the extension by virtue of this section of that section to a road to which the public does not have access shall not affect the meaning of the words “ place to which the public have a right of access ”.

(6) In this section—

1967 c. 76. “ the Act of 1967 ” means the Road Traffic Regulation Act 1967;

1972 c. 20. “ the Act of 1972 ” means the Road Traffic Act 1972.

Power for  
City Council  
to make  
byelaws.

12.—(1) The City Council may make byelaws for all or any of the following purposes:—

(a) the good and orderly conduct of persons resorting to the centre;

(b) regulating the movement and parking of vehicles at the centre;

(c) prohibiting or regulating the use of vehicles by the public at the centre.

(2) Byelaws made under paragraph (a) of subsection (1) above may provide for the removal from the centre of any person infringing any such byelaw by a law enforcement officer.

Repeal.

13. The enactments mentioned in the first and second columns of Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

PART IV

BIRMINGHAM MUNICIPAL BANK

14.—(1) The City Council may enter into and carry into effect agreements for the transfer to and vesting in a trustee savings bank established under the Trustee Savings Banks Act 1969 of all real and personal property held by the City Council in connection with the municipal bank free of charge and without the consent of the Secretary of State but subject to all debts, liabilities and obligations of the City Council in respect thereof which shall be subsisting immediately before the transfer. Power to transfer property.  
1969 c. 50.

(2) Regulation B4 of the Local Government Superannuation Regulations 1974 shall have effect as if—

(a) the following were added to paragraph (4):—

“ (j) the Birmingham Municipal Trustee Savings Bank ”;

(b) the following paragraph were added after paragraph (4):—

“ (4A) In the case of employees of the Birmingham Municipal Trustee Savings Bank paragraph (1) shall only apply to those who on 31st March 1976 were employed by the Birmingham City Council in connection with the Birmingham Municipal Bank.”

(3) In this section “ the municipal bank ” means the savings bank established and maintained under section 11 (Power to establish savings bank) of the Birmingham Corporation Act 1919 and any branch savings bank established and maintained under section 57 (Establishment of branch banks) of the Birmingham Corporation (General Powers) Act 1929. 1919 c. lxxv.  
1929 c. xxxviii.

PART V

GENERAL

15. Where the commission by any person of an offence under this Act is due to the act or default of some other person that other person shall be guilty of the offence and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against any other person. Contravention due to default of other person.

16.—(1) Where an offence under this Act or against any byelaw made pursuant to this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly. Offences by bodies corporate.

PART V  
*cont.—*

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Application of  
provisions of  
Public Health  
Act 1936.  
1936 c. 49.

17.—(1) The sections of the Public Health Act 1936 mentioned in Part I of Schedule 3 to this Act shall have effect as if references therein to that Act included references to this Act.

(2) (a) The section of the said Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part II (Public safety) of this Act.

(b) For the purposes of subsection (1) (a) of section 287 of the said Act of 1936 as applied by this subsection the provisions of the said Part II shall be provisions which it shall be the duty of the Borough Council to enforce.

(3) The section of the said Act of 1936 mentioned in Part III of the said Schedule shall have effect as if references therein to that Act included a reference to Part III (City Council powers relating to the centre) of this Act.

## SCHEDULES

### SCHEDULE 1

Section 9.

#### EXISTING POWERS OF CITY COUNCIL IN RELATION TO THE CENTRE CONTINUED AND EXTENDED

1. The City Council may—

- (a) continue, erect, maintain and conduct the centre and in conjunction therewith provide, erect, maintain and conduct such buildings and facilities as the City Council consider necessary or desirable;
- (b) acquire by agreement land to be added to the centre.

2.—(1) The City Council may enter into agreements with any person with respect to the erection, maintenance and conduct of the centre and the provision, erection, maintenance and conduct of buildings and facilities in conjunction therewith.

(2) Any agreement entered into by virtue of subsection (2) of section 15 (Extension of power to provide and use exhibition hall) of the Birmingham Corporation Act 1970 shall be deemed to have been entered into by virtue of this paragraph. 1970 c. xxii.

3. Without prejudice to the generality of the provisions of paragraph 1 above, the City Council may exercise the following powers with respect to the centre:—

- (a) they may use the centre for the purpose of exhibitions, public or private meetings, sports, games, contests and other purposes;
- (b) they may let or licence the use of the whole or any part or parts of the centre subject to such terms and conditions as they think fit;
- (c) they may make or allow to be made such charges (if any) as they may think fit for or in connection with the use of the whole or any part or parts of the centre or for admission thereto;
- (d) subject to the provisions of all enactments relating thereto, they may enter into any agreement or arrangement with any person for the sale and supply or let any rights (exclusive or otherwise) of selling and supplying refreshments to the public resorting to and using the centre or at any private function at the centre not open to the public;
- (e) they may, by themselves or any person appointed by them in that behalf, apply for and hold licences for the sale of intoxicating liquors.

4. The centre shall be deemed to be a public market for the purposes of section 74 of the Licensing Act 1964 and for those purposes any premises at the centre shall be deemed to be situated in the immediate neighbourhood of a public market: 1964 c. 26.

Provided that no application shall be made for an order under the said section 74 in respect of an hotel within the meaning of the Hotel Proprietors Act 1956 situated at the centre.

1956 c. 62.

5. Nothing in this schedule shall—

- (1) affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play

SCH. 1  
—cont.

or the public exhibition of cinematograph films or for boxing or wrestling entertainments or for public music or dancing;  
 (2) empower the City Council—  
 (a) to carry on the business of a merchant or shopkeeper (whether wholesale or retail) in any shop provided under the powers of this schedule;  
 (b) to sell or supply motor vehicles or fuel, lubricants, accessories, spare parts or equipment for motor vehicles; or  
 (c) to carry on the business of maintaining or repairing motor vehicles.

Section 13.

SCHEDULE 2  
REPEAL OF ENACTMENTS

| Chapter                  | Short title                     | Extent of repeal  |
|--------------------------|---------------------------------|---|
| 7 & 8 Eliz. 2<br>c. xxii | Birmingham Corporation Act 1959 | The whole Act.  |
| 1970 c. xxii             | Birmingham Corporation Act 1970 | Section 15 (Extension of power to provide and use exhibition hall). |

Section 17.  
1936 c. 49.

SCHEDULE 3  
SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED  
PART I  
SECTIONS APPLIED GENERALLY

| Section | Marginal note   |
|---------|---|
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| 299     | Inclusion of several sums in one complaint, &c.                   |
| 304     | Judges and justices not to be disqualified by liability to rates. |
| 328     | Powers of Act to be cumulative.                                   |

PART II  
SECTION APPLIED TO PART II OF THIS ACT

| Section | Marginal note            |
|---------|--------------------------|
| 287     | Power to enter premises. |

PART III  
SECTION APPLIED TO PART III OF THIS ACT

| Section | Marginal note                             |
|---------|---|
| 288     | Penalty for obstructing execution of Act. |