



## CHAPTER xcii.

An Act to confer further powers upon the corporation of Smethwick with regard to watercourses and for the prevention of floods to make better provision for the health local government and finance of the borough and for other purposes.

A.D. 1929.

[10th May 1929.]

**W**HEREAS the borough of Smethwick (in this Act referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation") are the urban sanitary authority for the borough:

And whereas there exist within and upon the boundaries of the borough watercourses which in times of flood have proved inadequate to carry away the volume of water draining into the same and in consequence thereof serious flooding of important areas in the borough has taken place:

And whereas it is expedient to confer further powers upon the Corporation for the purpose of securing the free flow of water in such watercourses and preventing floods within the borough:

And whereas it is expedient that further and better provision should be made with reference to streets buildings infectious disease police and sanitary matters and otherwise for the local government health improvement and finance of the borough and that the powers

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A.D. 1929. — of the Corporation in relation thereto should be enlarged and extended :

And whereas it is expedient that the other powers contained in this Act should be conferred :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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 :

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 *Smethwick Corporation Act 1929*.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Flood prevention.

Part III.—Lands.

Part IV.—Streets and buildings.

Part V.—Sewers and drains.

Part VI.—Infectious disease and sanitary provisions.

Part VII.—Human food.

Part VIII.—Hackney carriages.

Part IX.—Police provisions.

Part X.—Finance.

Part XI.—Miscellaneous.

Interpretation. 3. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have

in relation to the relative subject matter the same A.D. 1929.  
respective meanings And in this Act—

“The borough” means the borough of Smethwick;

“The council” means the council of the borough;

“The Corporation” means the mayor aldermen and  
burgesses of the borough;

“The town clerk” “the surveyor” “the sanitary  
inspector” “the medical officer” and “the  
treasurer” mean respectively the town clerk  
the surveyor any sanitary inspector the medical  
officer of health and the treasurer of the  
borough and respectively include any person  
duly appointed by the Corporation to discharge  
temporarily the duties of any such officer;

“The general rate fund” and “the general rate”  
mean respectively the general rate fund and  
the general rate of the borough;

“The Minister” means the Minister of Health;

“The Act of 1901” means the Smethwick Corpora-  
tion Act 1901;

“The Act of 1927” means the Smethwick Corpora-  
tion Act 1927;

“The Lands Clauses Acts” means those Acts  
and the Acquisition of Land (Assessment of  
Compensation) Act 1919;

“Telegraphic line” has the same meaning as in the  
Telegraph Act 1878;

“Infectious disease” means (except where otherwise  
stated) any infectious disease to which the  
Infectious Disease (Notification) Act 1889 is for  
the time being applicable within the borough;

“Sunday school” means any school in which  
children are assembled for instruction on a  
Sunday or specially for religious instruction  
whether on a Sunday or not;

“Daily penalty” means a penalty for every  
day on which any offence is continued after  
conviction;

“Statutory borrowing power” means any power  
whether or not coupled with a duty of borrowing  
or continuing on loan or re-borrowing money

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or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

“Bonds” means Corporation bonds referred to in the section of this Act of which the marginal note is “Power to borrow by issue of Corporation bonds”; and

“Principal moneys” means any moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) and not raised by the issue of stock (whether redeemable or irredeemable) issued or to be issued by the Corporation under any statutory authority.

## PART II.

### FLOOD PREVENTION.

For pre-  
vention of  
floods.

4.—(1) For the purpose of preventing floods in the borough and of securing and maintaining the free flow of water in watercourses therein the Corporation may—

(a) by agreement purchase and hold lands forming the bed or banks or situate in the neighbourhood of the banks of any such watercourse;

(b) form invert pitch widen deepen straighten strengthen cover in fence and otherwise improve the waterway bed and banks of any such watercourse;

- (c) cleanse scour excavate and dredge the waterway and bed of any such watercourse and reduce or remove any silt or other accumulations therein;
- (d) abate or remove all or any impediments obstructions and nuisances whatsoever in any such watercourse;
- (e) construct and reconstruct walls embankments culverts fences and other works upon or in the neighbourhood of the banks of any such watercourse.

(2) (a) Before executing any work under the provisions of this section the Corporation shall cause to be prepared and deposited at the office of the town clerk for inspection by or on behalf of any owner affected by such work a plan section and specification thereof together with an estimate of the probable cost of such work (including the expense of purchasing any lands for the purposes thereof) and a provisional apportionment of such estimated cost and shall give notice in writing of such deposit to every riparian owner on the portion of watercourse forming the site of such work and to every owner proposed to be charged in accordance with the provisions of this section with any part of such cost.

(b) If any such owner shall within twenty-eight days of the receipt of any such notice deliver to the town clerk a statement in writing signed by him—

- (i) that he objects to the proposed work such work shall not be executed unless such notice of objection is withdrawn or unless and until the Minister after a local inquiry (at which such owner shall be entitled to be heard) has given his approval of the work and such approval may require such modification of the work as the Minister may deem necessary;
- (ii) that he objects to the provisional apportionment of the cost of the proposed work such objection shall be determined by a court of summary jurisdiction on the application of either party and such court may quash in whole or in part or may amend such provisional apportionment.

(3) (a) Any expenses incurred by the Corporation under the provisions of this section (including the expense

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A.D. 1929. — of purchasing any lands for the purposes thereof) may be apportioned amongst and recovered by the Corporation from the owners of property within the borough benefited by the execution of any work by the Corporation thereunder. Provided that in the event of any such apportionment being so made and of any property of the Corporation being so benefited a due proportion of such expenses shall be apportioned to them and shall be borne and paid by them out of the general rate fund or out of moneys to be borrowed by them in pursuance of this Act.

(b) Any expense incurred by the Corporation and authorised to be so apportioned and recovered may be apportioned and recovered by the Corporation from the owners chargeable therewith in the same manner as nearly as may be as expenses incurred by an urban authority under the provisions of the Private Street Works Act 1892 are apportioned and recovered by such authority and as if the property benefited as aforesaid were premises fronting adjoining or abutting on the street or part of a street in respect of which expenses are incurred under those provisions and any question as to the manner in which such expenses should be apportioned and recovered and as to whether the Corporation have complied with the requirements of this subsection may be determined on the application of the Corporation or any such owner by a court of summary jurisdiction which court may issue such directions or make such order as they may in the circumstances consider proper.

(4) The Corporation may if they think fit at any time resolve to contribute the whole or a portion of any expenses incurred by them under the provisions of this section and in the event of their so resolving may pay the same out of the general rate fund or out of moneys to be borrowed by them in pursuance of this Act.

(5) For the purposes of this section the Corporation their officers servants contractors and workmen with or without carts or other vehicles may from time to time enter upon the bed and banks of any such watercourse and any lands or premises adjoining the same and any person who shall obstruct the Corporation their officers servants contractors or workmen in the exercise of the powers of this section shall be liable to a penalty not



exceeding five pounds and to a daily penalty not exceeding forty shillings.

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(6) In this section the expression "owner" has the same meaning as in the Public Health Act 1875 and section 308 of that Act shall apply to cases where damage is sustained by the exercise of the powers of this section.

(7) The powers conferred upon the Corporation by this section are in addition to and not in derogation of the powers conferred or duties imposed upon them by or under the provisions of any other Act.

5.—(1) For the purposes of the section of this Act of which the marginal note is "For prevention of floods" the company of proprietors of the Birmingham Canal Navigations (in this section referred to as "the company") shall have the like rights as a riparian owner on the portion of watercourse forming the site of any work proposed to be carried out under the powers of the said section so as in any way to affect any canal feeder culvert watercourse weir valve or other work belonging to the company or which the company are entitled to use for the purpose of their undertaking and any such work shall be carried out in accordance with and subject to such provisions for the protection of the company's undertaking and works as shall be agreed between the Corporation and the company or failing agreement as shall be directed by the Minister.

For protection of Birmingham Canal Company.

(2) All works executed under the powers of the said section shall be so executed as not to cause any injury to any such work of the company and if any injury shall arise to any such work of the company in consequence of any such works of the Corporation the Corporation shall make compensation to the company in respect of such injury.

6. For the protection of the London Midland and Scottish Railway Company and the Great Western Railway Company (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in regard to the exercise by the Corporation of the powers of the section of this Act of which the marginal note is "For prevention of floods" (in this section referred to as "the said section") in addition to and not in derogation

For protection of railway companies.

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A.D. 1929. of any other protection afforded to the company by  
— this Act (that is to say):—

- (1) Before commencing under the powers of the said section to carry out any portion of any work which is situate under or by the side of any work of the company the Corporation shall give twenty-eight days' notice in writing to the principal engineer of the company (in this section referred to as "the principal engineer") accompanied by detailed specifications and drawings showing the manner in which it is proposed that such portion of work shall be carried out;
- (2) All such works of the Corporation where situate under or by the side of any work of the company shall be carried out in accordance with such detailed specifications and drawings as may be approved by the principal engineer or failing agreement as may be determined by arbitration as hereinafter provided and shall be executed under the superintendence (if given) and to the reasonable satisfaction of the principal engineer Provided that if the principal engineer fail to disapprove such detailed specifications and drawings within twenty-eight days after the submission thereof to him he shall be deemed to have approved the same;
- (3) All works executed under the powers of the said section shall be so executed as not to cause any injury to any such work of the company and if any injury shall arise to any such work of the company in consequence of any such works of the Corporation the Corporation shall make compensation to the company in respect of such injury;
- (4) The Corporation shall not carry out any works under the powers of the said section until all temporary works which may be reasonably necessary to support and to ensure the safety of the works of the company shall have been completed Provided that such temporary works may (if the company so determine and give notice thereof to the Corporation within twenty-one days after the submission to them of the said detailed specifications and drawings) be



carried out by the company with all reasonable dispatch and any expense reasonably incurred by the company in so doing shall be repaid to them by the Corporation :

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- (5) The Corporation shall bear and on demand pay to the company the reasonable expense of the employment by them during the construction of any works executed under the powers of the said section where situate under or by the side of the railway of the company of such inspectors signalmen or watchmen to be appointed by the company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person employed by them respectively :
- (6) Any difference which may arise between the company and the Corporation under this section shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of the company or the Corporation and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

7. Notwithstanding anything contained in this Act the following provisions for the protection of the South Staffordshire Waterworks Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :—

For protection of South Staffordshire Waterworks Company.

- (1) In this section "apparatus" means and includes all or any mains pipes syphons tubes fittings or other apparatus belonging to the company and "work" means any work executed in pursuance of the section of this Act of which the marginal note is "For prevention of floods" :
- (2) Before commencing to execute any portion of any work which will affect or be within three

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feet of any apparatus the Corporation shall give to the company not less than fourteen days' notice in writing of their intention to execute such work and shall at the same time deliver to the company for their reasonable approval detailed specifications and drawings showing the manner in which it is proposed that such portion of work shall be carried out and such portion of work shall not be executed except in accordance with such detailed specifications and drawings as so approved or as settled by arbitration under this section. Provided that in the event of such detailed specifications and drawings not being objected to within fourteen days from the receipt thereof they shall be deemed to have been approved by the Company :

- (3) Whenever by reason of the exercise by the Corporation of the powers of the said section any apparatus shall be rendered derelict useless or unnecessary the Corporation shall pay to the company the reasonable cost of and incidental to the cutting off of any such derelict useless or unnecessary apparatus from any other apparatus of the company and of and incidental to any other works or things rendered necessary in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Corporation of the powers of the said section :
- (4) The Corporation in executing any work under the said section shall make good all damage done by them to any apparatus and shall make full compensation to the company for any loss (other than loss of revenue) damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service pipes of any person supplied by the company with water :
- (5) If the company shall desire to execute the works connected with any alteration of position removal displacement or renewal of or necessary addition to any apparatus under this section and shall give not less than seven days' notice

in writing thereof to the Corporation before they commence the work the company may themselves carry out the work and all reasonable expenses properly incurred by them in connection with the works or provision of apparatus shall be repaid to them by the Corporation :

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- (6) Any difference which shall arise between the Corporation and the company or their respective engineers under this section shall be referred to and settled by an arbitrator to be appointed on the application of either party (after notice in writing thereof to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such settlement by arbitration.

8. Every person who (except in the exercise of statutory powers) throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any watercourse within the borough so as to interfere with the proper flow of such watercourse shall be liable to a penalty not exceeding five pounds.

Penalty for throwing solid matter into water-courses.

### PART III.

#### LANDS.

9.—(1) The Corporation may with the consent of the Minister lay out and develop any lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

Power to develop lands.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials

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(3) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any of the lands to which this section applies at a price or rent or for a consideration of a value less than the current market value of such lands but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(5) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the Corporation.

Powers with reference to leases of lands.

10.—(1) The Corporation may accept a surrender of any lease or letting of lands granted by them and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

(3) The Corporation shall not without the consent of the Minister lease or let any lands in pursuance of this section at a rent or for a consideration of a value less than the current market value of such lands but a lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(4) Nothing in this section shall be taken to dispense with the consent of any Government department to any lease or letting of any lands in any case in which such consent would have been required if this Act had not been passed.

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11. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired by them or which may be in the neighbourhood of any street improvements carried out by the Corporation with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to  
reinstale  
owners of  
property.

12.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands from time to time belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

Dwelling-  
houses for  
persons in  
Corpora-  
tion's  
employ-  
ment.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

#### PART IV.

#### STREETS AND BUILDINGS.

13.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street within the meaning of the byelaws with respect to new streets or any provision in a local Act with respect to the width of new streets the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the

Develop-  
ment  
scheme may  
be required  
in connec-  
tion with  
new streets.

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purposes of any enactments or provisions in force from time to time with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans and particulars as approved and if any such owner shall offend 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.

(3) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(4) (a) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction 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 court of summary jurisdiction may direct.

(5) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision.

Adjust-  
ment of  
boundaries  
of streets.

14.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such



owner land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) No such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this subsection.

(3) Any four inhabitant householders may appeal to a court of summary jurisdiction against any proposal of the Corporation as to an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) On any such appeal the 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.

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

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

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Saving for  
Board of  
Education.

**15.** Nothing in Part III (Lands) of this Act or in the section of this Act of which the marginal note is "Adjustment of boundaries of streets" shall be taken to dispense with the consent of the Board of Education to any sale lease appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Adjust-  
ment of  
boundaries  
of estates.

**16.**—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street within the meaning of the byelaws of the Corporation with respect to new streets or any provisions in a local Act with respect to the width of new streets are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless

and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

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(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

**17.** In any case where the adjustment of the boundary of any street or of any estate under the powers of this Act would cause any mains pipes or apparatus (in this section referred to as "apparatus") of the South Staffordshire Waterworks Company or the Shropshire Worcestershire and Staffordshire Electric Power Company (each of whom are in this section referred to as "the company") which are under the footway of any street to be under the carriageway thereof or cause any such apparatus which is under the footway or carriageway of any street to cease to be under such footway or carriageway or would otherwise affect any such apparatus the Corporation shall before any such adjustment is effected give notice in writing to the company of the proposed adjustment and thereupon notwithstanding any agreement made by the Corporation otherwise than with the company with reference to any such matters the company shall continue to have the same powers and rights in respect of any such apparatus as they had immediately before such adjustment:

For protection of South Staffordshire Waterworks Company and Shropshire Worcestershire and Staffordshire Electric Power Company.

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Provided that—

- (a) the Corporation may by such notice require the company to alter and the company when so required shall alter the position of any such apparatus; or
- (b) the company may if they notify the Corporation within the period of one month after the receipt by them of such notice of their intention so to do alter the position of any such apparatus;

and any expense reasonably incurred by the company in effecting any such alteration as aforesaid shall be repaid to them by the Corporation.

As to  
hoardings  
and similar  
structures.

**18.**—(1) (a) No fence hoarding or other similar structure (in this section referred to as “structure”) of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street—

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened

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the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

**19.—**(1) Before placing or erecting any hoarding or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding or fence proposed to be so placed or erected.

As to  
erection of  
hoardings  
&c. at  
street  
corners.

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit If within



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A.D. 1929. — one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) Any person deeming himself aggrieved by any requirement or prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement, prohibition or refusal of approval appeal to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs.

Byelaws  
as to inter-  
secting  
streets.

**20.** The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

Temporary  
stoppage  
of streets.

**21.—**(1) The Corporation during and for the purpose of the execution by them of any work which they may lawfully execute in any street may temporarily stop up divert and interfere with any street and may for any reasonable time by the erection of barriers or posts or otherwise prevent all persons other than those bona fide going to or from any house or building in the street from passing along and using the same and the Corporation shall provide reasonable access for foot passengers bona fide going to or from any such house or building. Provided that the Corporation shall at all times during the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic to or from any railway station or depot and to or from any canal or canal wharf.



(2) Any person who shall take down alter or remove any such barrier or post or extinguish or remove any light used in connection therewith shall be liable to a penalty not exceeding five pounds. A.D. 1929.

(3) Notwithstanding the stopping up temporarily of any street under the powers of this section it shall be lawful for the Shropshire Worcestershire and Staffordshire Electric Power Company to exercise the same rights of access as they now enjoy to all or any mains pipes wires or other works of such company situate in or under any such street.

**22.**—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street. Provisions as to forecourts.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation provided he give twenty-four hours' 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 upon every such notice served by the Corporation.

**23.**—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large uses or permits to be used any kerbed footway or paved footway in such streets as Crossings for horses or vehicles over footways.

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A.D. 1929. — a crossing for any horse or vehicle in passing to and from such premises the Corporation may either—

(a) require the construction across such footway of a carriage crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier in a summary manner.

(3) If the Corporation allow the use of the footway as a crossing for any horse or vehicle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of the said condition shall be liable to a penalty not exceeding five pounds.

(4) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

As to  
pavement  
lights.

**24.**—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreement entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof is hereby confirmed. A.D, 1929.

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

(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 give 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.

(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.

**26.**—(1) If the Corporation shall by resolution determine that any banner streamer sign or lettering suspended across or hung over any street for the purposes of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which such banner streamer sign or lettering is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such banner streamer sign or lettering to remove the same within such period not being less than seven days as may be specified in the notice. Banners and signs over streets.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the

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removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) of this section which was in use on the first day of November one thousand nine hundred and twenty-eight.

(4) Any person aggrieved by any requirement of any notice of the Corporation under this section or the withholding of permission by the Corporation or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' 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 of the Corporation under this section.

As to  
urgent  
repairs of  
private  
streets.

**27.** Where in the opinion of the Corporation repairs the cost of which will not exceed five pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect the operation in regard to such street at any subsequent date of the Private Street Works Act 1892 or of section 19 of the Public Health Acts Amendment Act 1907.

Erection of  
retaining  
walls.

**28.**—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be

erected except in accordance with such plans sections and specifications as approved by the Corporation. A.D. 1929.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

**29.**—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher. Erection of building to greater height than adjoining buildings.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**30.**—(1) Section 157 of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (namely):— Extension of section 157 of Public Health Act 1875.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and



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furnaces wholly or partially built after the passing of this Act;

- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (vi) the testing of drains of new buildings;
- (vii) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost; and
- (viii) for requiring notice to be given of the erection or formation of bathrooms or the fixing of geysers or other hot water apparatus in connection with any premises and for securing that proper ventilation shall be provided and maintained for such apparatus and for any such apparatus fixed before the passing of this Act or the making thereunder of any byelaw relating to such matters.

(2) Before any byelaws are made under paragraphs (vii) and (viii) of this section the Corporation shall furnish a copy thereof to the South Staffordshire Waterworks Company who shall be entitled to object to the confirmation thereof.

Means of  
escape from  
buildings in  
case of fire.

**31.**—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and



the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

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(2) From and after the first day of January one thousand nine hundred and thirty the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping therein may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' 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.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under either of the said subsections.

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

(6) If the owner allege that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable in all the circumstances of the case.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to any premises to which section 14 and section 15 of the Factory and Workshop Act 1901 apply.

(9) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(10) Where an existing building is newly converted after the passing of this Act into flats it shall be deemed to be a new building within the meaning of this section.

Application  
of byelaws  
as to roofs.

**32.** If the Council shall have made byelaws under section 157 of the Public Health Act 1875 with respect to the construction of the roofs of new buildings they may—

- (i) by byelaws made under subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 apply such first-mentioned byelaws to the alteration of buildings whether or not erected in accordance with byelaws; and
- (ii) by notice require a building to be so altered as to comply with such byelaws and if they think fit contribute towards the cost of any alterations which may be necessary to comply with the provisions of such notice.

**33.**—(1) The provisions of section 36 of the Public Health Acts Amendment Act 1890 shall extend and apply to shops and departmental stores where more than twenty-five persons are employed and to any club registered under the provisions of section 91 of the Licensing (Consolidation) Act 1910 whether existing before or after the passing of this Act. Provided that in the application of the provisions of the said section 36 to any club the said section shall be read and have effect as if the words “for the use of the public” were omitted from subsection (1) thereof.

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Means of ingress to and egress from large shops and clubs.

(2) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application to shops departmental stores or clubs in pursuance of the powers of this section may within fourteen days after the date on which the Corporation give notice of their requirement to such person appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem fit and may award costs. Provided that such person shall give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

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

(4) For the purposes of this section section 7 of the Public Health Acts Amendment Act 1890 shall not apply.

**34.**—(1) If the medical officer be of opinion that any building proposed to be erected would if erected—

Prevention of obstructive buildings.

(a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed buildings should be erected.

(2) A representation made to the Corporation in pursuance of this section shall be deemed to be a

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Dilapidated and neglected buildings.

**35.**—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale be insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repair.

**36.**—(1) In the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

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—  
As to  
dangerous  
buildings.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

**37.**—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any building used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement.

Height of  
chimneys.

(2) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

**38.**—(1) The Corporation may with the consent of the owner of any building wall or bridge attach to that structure such brackets pipes wires lamps and apparatus as may be required for lighting any street :

Attachment  
of lighting  
brackets &c.  
to buildings.



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Provided that—

- (a) where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid;
- (b) any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section;
- (c) the owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

(2) For the purposes of this section any occupier of a structure whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Restriction  
on erection  
of temporary  
stands &c.

**39.**—(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.

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(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.

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

40.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated pantry or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food  
storage  
accommo-  
dation.

(2) (a) Every dwelling-house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated pantry or other food storage accommodation and every existing dwelling-house shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' 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.

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

(d) If the owner of the dwelling-house allege that any occupier should bear or contribute to the expenses of

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A.D. 1929. — complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

Area of habitable rooms.

41. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Provisions as to tents vans &c.

42. Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Powers on inspection.

43. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Saving for railway companies.

44. Nothing in this Part of this Act except the sections whereof the marginal notes are—

- "As to hoardings and similar structures";
- "As to erection of hoardings &c. at street corners";
- "Temporary stoppage of streets";
- "As to pavement lights";
- "Banners and signs over streets";
- "Dilapidated and neglected buildings";
- "As to dangerous buildings"; and
- "Restriction on erection of temporary stands &c."

shall extend or apply to any building (not being 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 land held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

A.D. 1929.

## PART V.

### SEWERS AND DRAINS.

**45.**—(1) Where under the provisions of any local or general Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively Provided that the cost of providing in pursuance of this section separate surface water sewers in a street already sewered shall be borne by the Corporation.

Separate  
sewers for  
sewage and  
surface  
water.

(2) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface-water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewers.

(3) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient effectually to drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

A.D. 1929.

Regulating  
discharge  
of solid  
matter  
and refuse  
into sewers.

**46.**—(1) On and after the first day of January one thousand nine hundred and thirty every person who—

- (a) places or throws or causes to be placed or thrown or to fall; or
- (b) knowingly permits to be placed or to fall or to be carried; or
- (c) wilfully causes or permits to be placed in such a position as to be liable to fall or to be carried

in or into any sewer belonging to the Corporation or in or into any sewer or drain or inlet communicating therewith with or over any grate communicating with any such sewer or drain any solid matter mud or refuse except such as is contained in ordinary house sewage shall be deemed to have committed an offence against this Act and shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(2) The Corporation by any of their officers either generally or specially authorised in that behalf in writing may at any reasonable time enter any premises other than domestic premises for the purpose of examining whether the provisions of this section are being contravened and any person who shall refuse to permit any such officer after production of his authority to enter into any premises or shall obstruct any such officer in carrying out his duties under this section shall be liable to a penalty not exceeding twenty pounds.

(3) A penalty under this section shall be recoverable only by the Corporation who shall not be bound to proceed to recover any such penalty in any case where in their opinion such matter can be received into the sewers without risk of causing injury thereto or obstruction therein or risk of injury to the health of persons entering the sewers.

Regulating  
discharge  
of offensive  
liquids  
into sewers.

**47.**—(1) On and after the first day of January one thousand nine hundred and thirty every person who causes to fall flow or enter or permits to fall flow or enter or to be carried into any sewer belonging to the Corporation or any sewer or drain communicating therewith any matter such as is in this section defined shall be deemed to have committed an offence against this Act and shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

The matters hereinbefore referred to are—

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- (a) any chemical or manufacturing or trade or other liquid refuse; or
- (b) any waste steam condensing water heated water or other liquid such water or other liquid being of a higher temperature than one hundred and ten degrees Fahrenheit

which either alone or in combination with other matter or liquid in a sewer may cause a nuisance or involve danger or risk of injury to the health of persons entering the sewers or be injurious to the structure or materials of the sewers or works of the Corporation or interfere with the purification of the sewage dealt with thereby or tend to produce an effluent injurious to agriculture if used for agricultural purposes or

- (c) any crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum which when tested in manner set forth in the Second Schedule to the Petroleum (Consolidation) Act 1928 gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

(2) The Corporation by any of their officers either generally or specially authorised in that behalf in writing may at any reasonable time enter any premises other than domestic premises for the purpose of examining whether the provisions of this section are being contravened and any person who shall refuse to permit any such officer after production of his authority to enter into any premises or shall obstruct any such officer in carrying out his duties under this section shall be liable to a penalty not exceeding twenty pounds.

(3) A penalty under this section shall be recoverable only by the Corporation and no proceeding under this section to recover any penalty under subsection (1) of this section shall be commenced except in pursuance of a recommendation from a committee of the Corporation after a report from the medical officer or the surveyor describing the matter alleged to be causing a nuisance or to be dangerous or injurious and the nature of the nuisance danger or injury alleged to be caused thereby.



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Power to  
construct  
inspection  
chambers  
in manu-  
facturing  
premises.

**48.**—(1) The Corporation shall in their discretion have the power of constructing within any manufacturing premises (but outside any building forming part thereof) at the cost of the Corporation and without any liability on their part for compensation in respect thereof an inspection chamber or chambers accessible to the officers of the Corporation at all times for the purpose of ascertaining the nature of the discharge from such premises into the sewers of the Corporation :

Provided that nothing in this section shall apply to any premises belonging to a railway or canal company and used by such company as a part of or in connection with their undertaking under any Act of Parliament.

(2) Any such inspection chamber shall be in such position as may be agreed between the Corporation and the owner of the said premises or failing agreement as may be determined by an engineer 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 determination.

As to  
defective  
drains &c.

**49.**—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon any proceedings under this section the court may enquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

**50.** If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

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As to repair  
of drains.

**51.**—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

Houses  
connected  
with single  
private  
drain.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

**52.** Nothing in the sections of this Act of which the marginal notes are "As to defective drains &c." and "As to repair of drains" shall apply to any drain belonging to a railway company which is used in connection with any land or building not being a dwelling-house.

For further  
protection  
of railway  
companies.

## PART VI.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

**53.**—(1) Any person being a parent or having the care or charge of a child attending at a school who is aware of or has reason to suspect the occurrence of any

Parents  
to notify  
infectious  
disease.

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infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section the expression "school" shall include a Sunday school.

Power to close Sunday schools and exclude children from entertainments.

**54.**—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

**55.**—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly

without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

**56.**—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Information to be furnished in case of infectious disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

**57.** If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

**58.**—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or

Names of laundrymen to be furnished.

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other things may from time to time during the continuance of the infectious disease be sent from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Entry into premises in case of dangerous infectious disease.

**59.**—(1) If the medical officer have reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from two justices which such justices are hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

Provided that the medical officer shall not under the powers of this section—

(a) enter any premises except between the hours of seven in the morning and ten in the evening ; or

(b) examine a person who is already under the treatment of a registered medical practitioner except with the consent of the latter.

(2) For the purposes of this section the expression “ dangerous infectious disease ” has the same meaning as in section 60 of the Public Health Act 1925.

(3) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

Corporation may supply antidotes against infectious disease.

**60.** The Corporation may provide (with or without making any charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

Removal of infirm and diseased persons in certain cases.

**61.**—(1) If the medical officer certify in writing that any person—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary or under insanitary conditions ; or

(b) is suffering from any grave chronic disease ;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care



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and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary poor law or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section :

Provided that not less than three clear days before making any application under this subsection for the removal of any person the medical officer shall give notice in writing of his intention so to do to the board of guardians of the poor law union (in this section referred to as "the guardians") in which the said person is residing.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) (a) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation unless on the application of the Corporation the court shall order that such cost or such part thereof as it may determine shall be borne by the person so removed in which case such cost or part thereof shall be recoverable from such person summarily as a civil debt.

(b) During any period for which a person is so detained the Corporation may and if so required by the

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A.D. 1929. — court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be.

(c) The guardians shall be entitled to appear and be heard upon any application under this subsection and any matters relating thereto and may in the exercise of their powers under the Poor Law Act 1927 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed upon between the guardians and the Corporation.

(4) An order under this section may be addressed to such officer of the Corporation or to such constable as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any poor law institution except with the consent in writing of the guardians or shall affect or interfere with the exercise or discharge by the board of guardians of any poor law union of any of their powers or duties.

(7) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised.

**62.**—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

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—  
Disinfection  
in case of  
tuber-  
culosis.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building have not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fail to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other

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articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purposes of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owner free of charge.

(3) If any person sustain any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

(4) The provisions of this section shall apply in relation to the cleansing and disinfecting of any boat or vessel within the borough used for human habitation in the same manner as they apply to the cleansing and disinfecting of buildings so used.

Cleansing of dwelling-houses in certain cases.

**63.** When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Byelaws as to lodging-houses.

**64.** Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make bye-laws with respect to the following matters relating to

houses which are let in lodgings or occupied by members of more than one family (that is to say):— A.D. 1929

- (1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof; and
- (2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

**65.**—(1) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land without the previous approval of the Corporation. Prohibition  
of tents  
vans &c.

(2) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(3) Any person aggrieved by the withholding by the Corporation of their approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem meet. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(4) This section shall not apply to (a) a tent van shed or similar structure which is not used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

(5) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

**66.** The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or Byelaws as  
to stables.



A.D. 1929. — arising out of any existing stable (whether the same is used as such at the passing of this Act or not) or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

As to  
infected  
stables or  
other places.

**67.**—(1) Where the veterinary surgeon of the Corporation has certified that any infectious or parasitic disease has appeared in any stable cowshed or other place where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order be not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

Power to  
close  
slaughter-  
houses if  
injurious to  
public  
health.

**68.**—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or

occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

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(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided for by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person act in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

**69.**—(1) At any time after the passing of this Act the Corporation may—

Provision of public slaughter-houses and prohibition of private slaughter-houses thereafter.

(a) acquire by agreement any premises within the borough used for the purpose of slaughtering cattle sheep goats or swine (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

(b) agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

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(2) At any time after the expiration of three years from the passing of this Act and after the Corporation have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Minister) and after the expiration of six months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle sheep goats or swine within the borough except in a slaughter-house provided by the Corporation but this restriction shall not apply to the slaughtering on premises by the owner lessee or occupier thereof of any cattle sheep goats or swine belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person act in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds.

(3) The Corporation shall pay or tender compensation to the owner and occupier of any slaughter-house registered prior to the passing of the Public Health Act 1875 and of any slaughter-house the licence in respect of which is not required to be renewed periodically or is not revocable by the Corporation and (in either case) closed under the provisions of this section and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly Provided that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

(4) The fees and charges to be demanded and received by the Corporation in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Minister and the Corporation may make byelaws accordingly Provided that the Corporation shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Corporation and the renters.

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Acts 1894

to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder. A.D. 1929.

**70.**—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade: Discontin-  
tuance of  
offensive  
trade.

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "Appeal" and that the provisions of the said section of this Act shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions 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.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

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—  
Power to  
order  
alteration of  
chimneys.

**71.** It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney of a washhouse or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted as may seem fitting to such court and as shall not exceed an expenditure of ten pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Cleansing or  
destruction  
of filthy  
&c. articles.

**72.**—(1) Where it appears to the Corporation on a report from the medical officer that any articles in any house or part thereof are in such a filthy dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing disinfection or destruction of any such articles is requisite to prevent risk of or to check infectious disease the Corporation may at their own expense cause such articles to be cleansed disinfected or destroyed and (if they think fit) removed for any such purpose.

(2) If the owner of any such articles suffer unnecessary damage by reason of the exercise of the powers of this section the Corporation shall compensate him for the same and the Corporation shall also reasonably compensate him for any articles destroyed Any compensation payable under this subsection shall be recoverable summarily as a civil debt.

(3) Section 122 of the Public Health Act 1875 shall extend and apply to the provision by the Corporation of means for cleansing disinfecting destroying and removing articles under the provisions of this section.

Conversion  
of existing  
accommoda-  
tion into  
water-  
closets.

**73.**—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Corporation may require any existing closet accommodation (including any closet which drains into a cesspit



and a slop-closet and trough-closet but not including a watercloset of any other description) provided at or in connection with any building to be altered so as to be converted into a fresh-water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building.

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(2) If the owner of any such building fail in any respect to comply with a notice from the Corporation under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing :

Provided that the Corporation shall bear and pay such part of the expenses incurred by them (not being less than one-third thereof) as they may consider just and proper according to the circumstances and the remainder of the expenses shall be borne by the owner.

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under this section shall state the effect of the provisions of this section.

**74.** If any person cause any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful  
damage  
to drains  
water-  
closets &c.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

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Sanitary  
conveni-  
ences for  
workmen  
engaged on  
buildings.

**75.**—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Regulation  
dustbins.

**76.**—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided any such dustbin whether pursuant to this section or otherwise shall maintain the same in good order and condition.

(3) The foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are portable and of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) The owner or occupier of all premises in connection with which a dustbin has been provided shall if so required by the Corporation pay to the Corporation on each first day of April after such provision such sum not exceeding three shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such dustbin. Such payments shall be in satisfaction of the obligation of such owner or occupier in regard to the maintenance of such dustbin and shall be recoverable summarily as a civil debt.

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

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**77.** Section 44 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

Byelaws as to tipping refuse.

#### PART VII.

#### HUMAN FOOD.

**78.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any article of food intended for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly :

Further powers in relation to unsound food.

Provided that the extended powers conferred by this section on the medical officer or sanitary inspector may be exercised by any veterinary surgeon appointed by the Corporation :

Provided also that nothing in this section shall authorise the inspection examination and search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or parcel in the possession of such company as carriers thereof.

**79.** Section 72 of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food

Extension of powers of section 72 of Public Health Act 1925.

A.D. 1929. — contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

Registra-  
tion of  
premises  
used for  
manufacture  
&c. of potted  
meats and  
ice-cream.

**80.**—(1) Any premises used or proposed to be used for—

(a) the preparation or manufacture of potted or preserved meat fish or other food intended for the purposes of sale; or

(b) the manufacture or sale of ice-cream;

shall be registered by the owner or occupier thereof with the Corporation from time to time and no premises shall be used for the purposes aforesaid or any of them unless the same are registered as aforesaid.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

For regu-  
lating  
manufacture  
and sale of  
ice-cream  
&c.

**81.**—(1) The unrepealed provisions of section 91 (For regulating manufacture and sale of ice-cream &c.) of the Act of 1901 are hereby repealed and any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may

seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

**82.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

Byelaws  
as to food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company to or from any station or depôt of such railway company of any article intended for the food of man the Corporation shall give notice to the railway company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such railway company shall be entitled to make representation to the Minister with regard thereto.

**83.** Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle

As to street  
vendors &c.  
of food.



A.D. 1929. — or from any market stall shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings.

Medical practitioners to notify cases of food poisoning.

**84.**—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occur in his private practice and of one shilling if the case occur in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

#### PART VIII.

#### HACKNEY CARRIAGES.

Provisions as to motor and other vehicles let for hire.

**85.** The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only. Provided that this section shall not apply to any such vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or for journeys under special contract or to an omnibus as defined in the Town Police Clauses Act 1889 or to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the driver or conductor of such vehicle.

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**86.**—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

—  
Inspection  
and certi-  
fication of  
taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

**87.** No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage or omnibus unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable tests as they may think fit.

Power to  
impose tests  
on motor  
drivers.

## PART IX.

### POLICE PROVISIONS.

**88.**—

(1) Every person wandering abroad and lodging in any canal boat or in the cabin of any canal boat upon any canal not having any visible means of subsistence and not giving a good account of himself; and

Extension  
of section 4  
of Vagrancy  
Act 1824  
to canals  
&c.

(2) Every person playing or betting by way of wagering or gaming on any canal or on the towing path of any canal or in any unfenced vacant land adjoining any canal or any such towing path or in the bed or on the banks of any river or stream or in any unfenced vacant land adjoining any river or stream in the borough

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—

shall be deemed a rogue and a vagabond within the meaning of the Vagrancy Act 1824 as amended by the Vagrant Act Amendment Act 1873 and on subsequent conviction shall be deemed an incorrigible rogue within the meaning of the said Acts and may be dealt with accordingly.

Power to regulate traffic on special occasions.

**89.**—(1) The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

(2) It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected across any street and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

Un-  
authorised  
riding upon  
vehicles.

**90.** Every person who shall ride upon or cause himself to be carried or drawn by any vehicle without the consent of the owner or driver or conductor or inspector in charge thereof shall be liable to a penalty not exceeding forty shillings.

As to  
holding of  
pleasure  
fairs.

**91.**—(1) No pleasure fair shall be held on private land except with the consent of the Corporation and except upon such lands and under such conditions as the Corporation may approve in the interests of public health and of decency and of the safety of persons resorting to such fair and the Corporation may refuse to grant their consent to the holding of any such fair in any case in which the conditions or circumstances of the holding thereof are open to objection on the grounds of public health or of decency or of the safety of persons attending the same or may in granting their consent grant the same subject to such conditions as they may consider necessary or desirable in the interests before mentioned.

(2) Any person desiring to hold a pleasure fair upon any land shall at least one month before the date upon which he desires to hold such fair make application in

writing to the Corporation for their consent thereto  
Upon receipt of any such application the Corporation  
shall take the same into consideration and shall within  
seven days from such receipt notify the applicant that his  
application is granted or refused (as the case may be)  
In the event of the Corporation failing so to notify such  
applicant they shall be deemed to have granted their  
consent to such application.

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(3) Any person deeming himself aggrieved by the  
withholding of any consent applied for by him in pursu-  
ance of the provisions of subsection (2) of this section  
or by any conditions imposed by the Corporation with  
reference to the holding of any such fair may appeal to a  
court of summary jurisdiction within fourteen days from  
the date upon which such consent is refused by the Cor-  
poration or such condition is imposed and the said court  
may and is hereby empowered to make such order in the  
premises as to the court may seem just and the costs of  
such appeal shall be paid in such manner and by such  
parties to the appeal as the court may direct.

(4) Any person holding a pleasure fair in contraven-  
tion of the provisions of this section or neglecting or  
failing to comply with any conditions subject to which the  
consent of the Corporation shall have been given shall be  
liable to a penalty not exceeding fifty pounds and to a  
daily penalty not exceeding twenty pounds.

(5) In this section the expression "pleasure fair"  
means any pleasure fair which is run for profit and held  
wholly or mainly in the open air or in tents or other  
temporary erections but does not include any fair held  
by statute charter royal licence letters patent or ancient  
custom.

(6) The provisions of this section shall be published  
by advertisement by the Corporation in two successive  
weeks in two newspapers published or circulating within  
the borough and shall not come into operation until after  
such publication has been completed.

**92.** From and after the passing of this Act every  
police constable shall have the same power of enforcing  
byelaws made by the Corporation under the Public Health  
Act 1875 relating to any park or place of public resort or  
recreation ground under the control of the Corporation  
as is given to the servants of the Corporation by the

Power of  
constables  
to enforce  
byelaws  
as to  
parks &c.

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A.D. 1929. — byelaws from time to time in force under the provisions of the said Act.

As to  
licensing  
of premises  
used for  
boxing.

**93.** The provisions of Part IV of the Public Health Acts Amendment Act 1890 shall apply in addition to the places mentioned in section 51 of that Act to places ordinarily used for boxing displays to which the public are admitted on payment or otherwise.

Compensa-  
tion for  
injuring  
lamps &c.

**94.** Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post street danger signal or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin being the property of the Corporation shall make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding five pounds shall be recoverable summarily as a civil debt.

Fire plugs.

**95.** Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

PART X.

FINANCE.

Power to  
borrow and  
repayment  
of borrowed  
moneys.

**96.**—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest the sum requisite for paying the costs charges and expenses of this Act as hereinafter defined and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within five years from the passing of this Act.

(2) The Corporation may also with the sanction of the Minister borrow such further moneys as may be necessary for any of the purposes of this Act and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister and all moneys so



borrowed shall be chargeable on the revenues of the Corporation. A.D. 1929.

**97.** The following provisions of the Act of 1901 shall so far as applicable extend and apply to and in respect of moneys borrowed by the Corporation under this Act as if they were re-enacted herein (that is to say) :—

Incorporation of certain financial provisions.

Section 140 (Mode of raising money);

Section 142 (Mode of paying off of money borrowed);

Section 143 (Sinking fund);

Section 146 (Corporation not to regard trusts);

Section 147 (Appointment of receiver); and

Section 154 (Application of money borrowed):

Provided that the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall be deemed to be "the prescribed periods" for the purposes of the application of the said section 143 and the said section shall be read and have effect as if the Minister were referred to therein in lieu of the Local Government Board.

**98.**—(1) In addition to any other form of borrowing the Corporation may borrow any sums which they have power to borrow under this Act or any other Act or Order by the issue of bonds to be called "Corporation bonds" in accordance with the provisions of this Act.

Power to borrow by issue of Corporation bonds.

(2) All bonds issued under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Corporation.

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(4) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of

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A.D. 1929. — bonds as if those bonds were stock or funded debt within the meaning of that section.

(5) The provisions set out in the schedule to this Act shall have effect with regard to bonds.

Closing of registers.

**99.** The Corporation may close any transfer books or the register of transfers of any securities of the Corporation as the case may be on any day in the month next before that in which an instalment of interest on such mortgages or other securities is payable but so that the books be not at any time kept closed for more than one month.

Expenses of execution of Act.

**100.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and general rate.

PART XI.

MISCELLANEOUS.

Provision for securing supply of gas to certain houses.

**101.**—(1) If the occupier of an existing house situate within the limits for the supply of gas by the Corporation and in which the pipes wires and apparatus necessary for affording either a supply of gas or a supply of electricity are not laid or fixed, shall request the Corporation to afford a supply of gas to such house the Corporation may at their own expense lay down fix and maintain all such pipes apparatus and fittings as may be necessary for affording such supply causing no unnecessary damage and forthwith repairing all damage caused Provided that the Corporation shall not commence to lay down or fix such pipes apparatus and fittings unless the owner of the house shall have been requested in writing by such occupier or the Corporation to lay down and fix the pipes wires apparatus and fittings necessary for affording either a supply of gas or a supply of electricity to such house and shall have refused or for the space of one month after the date of such request shall have failed so to do.

(2) The Corporation and their officers servants contractors and workmen shall be entitled at all reasonable times to enter upon such house and the curtilage thereof for the purposes aforesaid and the owner and any other person having any interest in the house shall

afford all such facilities as may be necessary for the purpose and any person who shall fail to afford such facilities or shall obstruct the Corporation in the exercise of the powers of this section shall be liable to a penalty not exceeding five pounds for a first offence and not exceeding ten pounds for a second or subsequent offence.

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(3) The pipes apparatus and fittings so laid down and fixed by the Corporation shall remain the property of the Corporation and shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or proceedings in bankruptcy but the owner of the house shall be entitled at any time to purchase the said pipes apparatus and fittings (other than so much thereof as is situate between the main of the Corporation and the meter) upon paying to the Corporation the total cost incurred by them in providing laying and fixing the pipes apparatus and fittings necessary for affording the said supply or on such other terms as may be agreed between the Corporation and such owner.

(4) Until the pipes apparatus and fittings so laid down and fixed in any house are purchased as aforesaid the Corporation shall be entitled to charge the consumer of gas in such house a sum not exceeding five per centum per annum calculated on such total cost incurred as aforesaid and the said sum shall be recoverable with and in the like manner as charges for gas recoverable by the Corporation.

(5) In this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "owner" has the same meaning as in the Public Health Act 1875.

102. The Corporation may close to the public and may reserve the exclusive use of any swimming bath or open bathing place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or for any similar entertainment or exhibition or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit.

Use of  
baths for  
exhibitions  
and enter-  
tainments.

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Byelaws as  
to use of  
baths &c.

**103.** The power of the Corporation to make byelaws under the Baths and Washhouses Act 1846 shall include power to make byelaws for the regulation management and use of any swimming bath or bathing place when used for any purposes authorised by the section of this Act of which the marginal note is "Use of baths for exhibitions and entertainments" and the Corporation may appoint such officers and servants as are necessary for the management and superintendence of the bath or bathing place when used for any of the said purposes and may pay reasonable salaries wages and allowances to those officers and servants.

Ejection  
of steam  
and waste  
gas to  
annoyance  
of public.

**104.**—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of this section shall not apply to any locomotive used upon any railway.

Power to  
expend  
money on  
lectures.

**105.** In addition to any other powers exercisable by them whether as the local education authority or otherwise the Corporation may expend on the provision of lectures on educational or other subjects such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds and may charge for admission to such lectures.

Acceptance  
and admini-  
stration of  
gifts for  
public  
purposes.

**106.**—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the

local rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject-matter of the trust.

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(2) This section shall not extend to property relating to affairs of the Church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the treasurer and shall be made up and audited as part of the general accounts of the Corporation.

**107.** The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Expenses may be declared private improvement expenses.

**108.** Where under any local Act from time to time in force the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under such local Act are recoverable by the Corporation from the owners shall unless otherwise expressly provided be paid by the owners of such buildings in such proportions as shall be determined by the Corporation or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

**109.** Whenever the Corporation or the surveyor under any enactment or byelaw from time to time in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing

In executing works for owner Corporation liable for negligence only.



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and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Compensation how to be determined.

**110.** When any compensation costs damages or expenses is or are by any local enactment from time to time in force within the borough directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

Power to enter premises.

**111.** The provisions of section 102 and section 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part IV (Streets and buildings) Part V (Sewers and drains) Part VI (Infectious disease and sanitary provisions) and Part VII (Human food) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

**112.** If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part IV (Streets and buildings) Part V (Sewers and drains) or Part VI (Infectious disease and sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

**113.** Except where otherwise provided by this Act all byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority except that as regards confirmation of byelaws under the section of this Act of which the marginal note is "Byelaws as to stables" and inquiries in relation thereto the Minister of Agriculture and Fisheries shall be included in addition to the Minister.

A.D. 1929.

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General  
provisions  
as to  
byelaws.

**114.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part IV (Streets and buildings) Part V (Sewers and drains) Part VI (Infectious disease and sanitary provisions) Part VII (Human food) and Part IX (Police provisions) of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under any provision of this Act may if no other mode of appeal be provided by this Act or by any other 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 or a petty sessional court the Corporation may in like manner appeal.

Appeal

**115.** Any committee appointed by the council for the execution of the purposes of any local Act or Order confirmed by or having the force of an Act of Parliament shall if the council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875.

Committees  
of council.

**116.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act from time to time in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or

Evidence  
of appoint-  
ments  
authority  
&c.

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report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Inquiries by  
Minister.

**117.**—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consent or approval under this Act and the said inspectors shall for the purposes of any such inquiry have all such powers as inspectors of the Minister have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister any expenses incurred by him in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum (not exceeding five guineas a day) to be fixed by the Minister for the services of such inspector.

Breach of  
conditions  
of consent  
of Corpora-  
tion.

**118.** Where under this Act or under any general or local Act from time to time in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consents  
of Corpora-  
tion to be  
in writing.

**119.** All consents given by the Corporation under the provisions of this Act or of any local Act order byelaw or regulation from time to time in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Informa-  
tions by  
whom to be  
laid.

**120.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of any local enactment from time to time in force within the borough under which the Corporation or

any of their officers are empowered to take proceedings may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

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**121.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery  
of penalties  
&c.

**122.** Proceedings for the recovery of any demand made under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery  
of demands.

**123.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for  
indictments  
&c.

**124.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of  
Act cumu-  
lative.

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Repeal.

**125.** The following sections of the Act of 1901 are hereby repealed (namely) :—

Section 122 (Damages and charges in case of dispute to be settled by justices);

Section 123 (Compensation how to be determined);

Section 127 (Penalties to be paid over to treasurer &c.); and

Section 136 (Power to close baths and charge for exclusive use thereof).

Crown  
rights

**126.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of  
Act

**127.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.



The SCHEDULE referred to in the  
foregoing Act.

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1. Bonds shall be secured on the revenues of the Corporation and any moneys borrowed by means of bonds shall be principal moneys.

2. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

3.—(a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the council house Smethwick on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

5.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds which register shall contain the following particulars:—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(2) The register shall be *primâ facie* evidence of any matter entered therein in accordance with the provisions of this schedule and of the title of the persons entered therein as holders of bonds.

6.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

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(2) If a certificate be worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate be lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

COUNTY BOROUGH OF SMETHWICK.

SMETHWICK CORPORATION BONDS.

—per centum Smethwick Corporation bond repayable  
at par 19 at the  
council house Smethwick.

This is to certify that of  
is the registered holder of a Corporation bond for  
pounds (£ ) issued by the mayor aldermen and  
burgesses of the county borough of Smethwick under the  
Smethwick Corporation Act 1929 at

Signed

Borough Treasurer.

7. The certificate shall be primâ facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

8.—(1) The transfer of a Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

SMETHWICK CORPORATION BONDS.

I

in consideration of the sum of  
paid by  
(hereinafter called the "transferee"), do hereby assign and  
transfer to the said transferee :—

To hold unto the transferee his executors adminis-  
trators and assigns subject to the several conditions on

which I held the same immediately before the execution hereof and I the said transferee do hereby agree to accept and take the said subject to the conditions aforesaid.

A.D. 1929.

As witness our hands and seals this                      day of  
one thousand nine hundred and                      .

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Smethwick Corporation bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register or by means of coupons payable to bearer attached to the certificate of the bond.

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(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

11. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been lodged with the Corporation for registration.

12. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

13. Where more persons than one are registered as joint holders of a bond any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation by any other of them.

14.—(1) If at any time any interest due on any bonds remain unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it think fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes of this Act.

15.—(1) The Corporation may receive applications for bonds accompanied by a deposit of not less than ten per centum of the nominal value thereof.

(2) The payment of the balance of the price of a bond may be made in not more than three instalments of such amounts and at such dates as the Corporation may determine the final instalment being payable not later than four months after the date of the application for such bond.

(3) On payment of the final instalment of the purchase price of a bond at a date not later than the date prescribed for such payment the applicant shall become the holder of the bond at the price and rate of interest ruling at the time the application therefor was made.

(4) A receipt issued by the treasurer for the payment of any such instalment shall be primâ facie evidence of the title of the

person therein named his executors and administrators to the amount therein stated to have been received from him. A.D. 1929.

16.—(1) The treasurer shall keep a register of the persons to whom receipts for such instalments are issued which register shall as regards each such person contain the following particulars :—

- (a) his name address and description a statement of the amount of the instalments received the numbers of the receipts issued therefor and the dates of such receipts;
- (b) the numbers and dates of the bonds issued to him on payment of the final instalments of the purchase price thereof.

(2) The register shall be primâ facie evidence of any matter entered therein in accordance with the provisions of this schedule and of the title of any person entered therein his executors and administrators to the amount therein stated to have been received from him.

17. Interest at the nominal rate payable on the bond shall be payable by the Corporation on each instalment from the date of the payment thereof but shall not be paid until the first half-yearly payment of interest on such bond is made.

18. If for any reason the final instalment of the purchase price of a bond is not paid on the date prescribed for such payment the Corporation shall repay the amount of any instalments paid towards the purchase of such bond but in the event of such repayment no interest shall be payable on the amount repaid.

19. No notice of any trust shall be entered in any register or in any other book kept by the Corporation or be receivable by the Corporation.

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