



## CHAPTER CXX.

An Act to extend the boundary of the borough of West Bromwich to empower the mayor aldermen and burgesses of the borough to purchase tramways outside the borough to acquire lands to make further provision with regard to their tramway and omnibus undertakings and the health local government and improvement of the borough and for other purposes. A.D. 1930.

[10th July 1930.]

**W**HEREAS the borough of West Bromwich in the county of Stafford (hereinafter referred to as "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas the borough of Wednesbury is situate in the county of Stafford and immediately adjoins the borough:

And whereas it is expedient that the boundary between the borough and the borough of Wednesbury be altered and improved by transferring a certain area of land from the borough to the borough of Wednesbury and a certain area of land from the borough of Wednesbury to the borough as agreed between the Corporation and the mayor aldermen and burgesses of the borough of Wednesbury (hereinafter referred to as "the Wednesbury Corporation"):

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—

And whereas the Wednesbury Corporation are promoting a Bill in the present session of Parliament to transfer the said portion of the borough to the borough of Wednesbury :

And whereas the parish of Great Barr is situate in the rural district of Walsall in the county of Stafford and adjoins the borough and it is expedient that the borough should be extended so as to include part of the said parish :

And whereas the Corporation supply the borough with gas and electricity and it is expedient that the area within which the Corporation are authorised to supply gas and electricity should be extended so as to include the part of the said parish of Great Barr which is by this Act added to the borough and that the said part of the parish of Great Barr should as regards the supply of electricity and gas be excluded from the limits of supply of the mayor aldermen and burgesses of the borough of Walsall :

And whereas the Corporation own the tramways within the borough and it is expedient (subject to any provisions which may be contained in the Walsall Corporation Act 1930) to authorise them to purchase the freehold and leasehold interests in certain tramways or portions of tramways outside the borough and the freehold interest in another tramway outside the borough as provided by this Act to surrender the leases of tramways in the borough of Wednesbury to purchase or accept a new lease from the Wednesbury Corporation of and to work or discontinue and remove the said tramways when acquired by them and to provide and work omnibuses in lieu thereof along the routes described in this Act and to confer upon the Corporation all necessary and convenient powers in regard thereto :

And whereas it is expedient to empower the Corporation to acquire lands for and to make the street improvement mentioned in this Act :

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

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament : A.D. 1930.

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

	£
For the purchase of tramways - - -	15,000
For the execution of the work by this Act authorised - - - -	1,050

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

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

And whereas plans and sections showing the lines and levels of the work authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Stafford and are in this Act respectively referred to as the deposited plans sections and book of reference :

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

## PART I.

### PRELIMINARY.

1. This Act may be cited as the *West Bromwich Corporation Act 1930.* Short title.

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

Part I.—Preliminary.

Part II.—Extension of borough boundary.

Part III.—Tramways and omnibuses.

Part IV.—Lands and work.

Division of  
Act into  
Parts.

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Part V. —Streets and buildings.

Part VI.—Sewers and drains.

Part VII.—Infectious disease and sanitary provisions.

Part VIII.—Human food.

Part IX.—Police provisions.

Part X.—Financial.

Part XI.—Miscellaneous.

Incorporation of Acts.

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

(a) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section ;

(b) The Tramways Act 1870.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

“ The appointed day ” means the first day of April nineteen hundred and thirty-one ;

“ The existing borough ” means the borough as existing immediately before the appointed day ;

“ The borough ” until the appointed day means the existing borough and as from that date means the existing borough as extended by this Act and altered by the Walsall Corporation Act 1930 and the Wednesbury Corporation Act 1930 ;

“ The council ” means the council of the borough ;

“ The Corporation ” means the mayor aldermen and burgesses of the borough of West Bromwich acting by the council ;

“ The mayor ” “ the town clerk ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the mayor the town clerk the medical officer the surveyor and the sanitary inspector of the borough and

respectively include any person duly authorised to discharge temporarily the duties of those officers respectively;

“ Local authority ” means a local authority as defined in section 3 of the Local Government and other Officers’ Superannuation Act 1922 and includes the standing joint committee of a county;

“ Officer ” includes a servant and any person whose salary or wages is paid by a local authority;

“ The borough map ” means the map marked “ Map of the borough of West Bromwich as extended by the West Bromwich Corporation Act 1930 and altered by the Walsall Corporation Act 1930 and the Wednesbury Corporation Act 1930 ” and signed in triplicate by the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred of which copies are to be deposited as mentioned in subsection (1) of the section of this Act of which the marginal note is “ Deposit of borough map ”;

“ The added areas ” means so much of the borough of Wednesbury in the county of Stafford as is coloured green on the borough map and so much of the parish of Great Barr in the rural district of Walsall in the said county as is coloured yellow on the borough map;

“ The added part of Wednesbury ” means so much of the borough of Wednesbury as is included in the added areas;

“ The added part of Great Barr ” means so much of the parish of Great Barr as is included in the added areas;

“ The county ” and “ the county council ” mean respectively the administrative county of Stafford and the county council of that county;

“ The Wednesbury Corporation ” means the mayor aldermen and burgesses of the borough of Wednesbury acting by the council of the said borough;

“ The Walsall Corporation ” means the mayor aldermen and burgesses of the borough of Walsall acting by the council of the said borough;

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“The parish council” means the parish council of Great Barr;

“The rural district council” means the rural district council of Walsall;

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

The expression “road authority” means with reference to any road or part of a road over which any proposed omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

“The Act of 1900” means the West Bromwich Corporation Act 1900;

“The Act of 1913” means the West Bromwich Corporation Act 1913;

“The Act of 1927” means the West Bromwich Corporation Act 1927;

“The Act of 1888” and “the Act of 1894” mean respectively the Local Government Act 1888 and the Local Government Act 1894;

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same;

“Statutory borrowing power” and “statutory security” have respectively the respective meanings given to those expressions by the Act of 1927;

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

## PART II.

### EXTENSION OF BOROUGH BOUNDARY.

Commence-  
ment of this  
Part of this  
Act.

5. Save as otherwise expressly provided this Part of this Act shall come into operation on the appointed day: Provided that for the purposes of—

- (1) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts;



(2) all proceedings preliminary or relating to any election to be held in the year nineteen hundred and thirty-one for any part of the added areas; and

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(3) the preparation of any precept or contribution order to be issued or made on or after the appointed day;

this Act shall operate from the date of its passing.

6.—(1) The boundary of the existing borough as altered by the Walsall Corporation Act 1930 and the Wednesbury Corporation Act 1930 shall be extended so as to include in addition to the area of the existing borough the added areas.

Extension  
of borough  
boundary.

(2) The added part of Wednesbury shall for all purposes other than the supply of gas and electricity be detached from the borough of Wednesbury and the added part of Great Barr shall for all purposes be detached from the rural district of Walsall and the added part of Wednesbury and the added part of Great Barr shall for all purposes be detached from the county and from the jurisdiction and power of the county council and officers of the county and the boundary of the borough shall be that shown by the red line on the borough map and the whole of the areas within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and for the purposes of the Act of 1888 shall be the county borough of West Bromwich.

7.—(1) The borough map shall within two weeks after the passing of this Act be deposited as to one copy in the office of the Clerk of the Parliaments of the House of Lords as to another copy in the Committee and Private Bill Office of the House of Commons and as to the third copy with the town clerk at his office.

Deposit of  
borough  
map.

(2) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent by him within one month after the passing of this Act to the Minister of Agriculture and Fisheries to the Minister of Health to the Inland Revenue Department to the Commissioners of Customs and Excise to the Postmaster-General to the Board of Trade to the Ministry of Transport

A.D. 1930. — to the Electricity Commissioners to the Registrar-General to the county council to the town clerks of Wednesbury and Walsall and to the clerks to the rural district council and the parish council respectively.

Copies of deposited borough map to be evidence.

**8.** Copies of the borough map deposited with the town clerk or any extract therefrom certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of such map and such map shall at all reasonable times be open to the inspection of persons liable to rates imposed by the Corporation and all persons so liable shall be entitled to a copy of or extract from the said map certified by the town clerk on payment of a reasonable fee for every such copy or extract. All fees so received shall be carried to the general rate fund.

Alteration of parishes.

**9.** So much of the existing parishes of Wednesbury and Great Barr respectively as is included in the added areas shall be added to the parish of West Bromwich.

Parish council.

**10.** The parish council of the existing parish of Great Barr shall be deemed to have been elected as and shall be the parish council of that parish as altered by this Act.

County councillors and electoral divisions.

**11.** Subject to the provisions of section 54 of the Act of 1888 as amended by the Representation of the People Act 1922 and of the Local Government Act 1929—

- (1) The electoral division of Wednesbury No. 2 division of the county as diminished by the inclusion in the borough of the added part of Wednesbury shall continue to be an electoral division of the county :
- (2) The electoral division of Aldridge of the county as diminished by the inclusion in the borough of the added part of Great Barr shall continue to be an electoral division of the county :
- (3) No county or borough alderman or rural district councillor in office immediately before the appointed day shall during his present term of office be deemed to lose his qualification by reason of the inclusion of the added areas or any part thereof in the borough by this Act.



12. Subject to the provisions of this Act the unrepealed provisions of—

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Local Acts  
and Orders.

- (a) the local Acts specified in the First Schedule to this Act;
- (b) the confirmation Acts specified in that schedule so far as those Acts respectively relate to the Provisional Orders specified in that schedule;
- (c) the Special Order specified in that schedule; and
- (d) any other local Act or Provisional Order duly confirmed and affecting the existing borough or the Corporation;

as the same respectively are in force within the existing borough at the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation except that the West Bromwich Improvement (Gas) Act 1876 the West Bromwich Gas Order 1926 and the West Bromwich (Corporation) Electric Lighting Order 1898 confirmed by the Electric Lighting Orders Confirmation (No. 10) Act 1898 shall not apply to the added part of Wednesbury.

The provisions of any protective enactment for the benefit of the county council the Wednesbury Corporation the rural district council or the parish council (or the predecessors of any of them) contained in any local Act confirmation Act or Provisional or Special Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added areas enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to such council or corporation (or their predecessors) as the case may be.

13. Except as by this Act otherwise expressly provided all the jurisdiction powers rights privileges authorities immunities and duties of the Corporation as a municipal body and of the council and any committee thereof acting in the execution of such enactments as are at the appointed day in force within the existing borough and of the Corporation as the

Authority of  
Corporation  
&c.  
extended.

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urban sanitary authority for the district or any committee thereof and of the Corporation as the cemetery authority of the Corporation as the education authority and of the council as the poor law authority shall extend to and throughout the borough and all charters and enactments at the appointed day in force within and applicable to the existing borough or to the burgesses or inhabitants thereof shall subject to the provisions of this Act extend and apply to the borough and the inhabitants and burgesses thereof.

Parish  
books and  
documents.

14. Any ratepayer of the added part of Great Barr shall at all times have the same right of inspection and of making extracts from the books minutes deeds papers or writings belonging to that parish which he would have had if this Act had not been passed.

Byelaws  
regulations  
and scales  
of charges.

15.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added areas immediately before the appointed day shall—

- (a) if made before the first day of January nineteen hundred and nineteen continue to apply to the existing borough or to the added areas as the case may be for one year after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of one year cease to be in force within the borough;
- (b) if made on or after the first day of January nineteen hundred and nineteen continue to apply to the existing borough or to the added areas as the case may be until repealed or altered by the Corporation.

(2) Notwithstanding the foregoing provisions of this section any such byelaws in force in the existing borough may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be continued and be extended with or without modification to the added areas.

(3) All other byelaws made by the Corporation or by the watch committee of the existing borough and in force immediately before the appointed day

shall apply to the borough until repealed or altered and any such byelaws made by the county council or the standing joint committee of the county or the Wednesbury Corporation shall on that day cease to apply within the added areas.

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(4) In their application to the added areas any byelaws continued in force by this section shall have effect as if they had been made by the Corporation or by the watch committee of the existing borough and as if the added areas were referred to therein instead of the area to which they now apply.

(5) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation.

(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister of Health whether made before or after the passing of that Act.

**16.** The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough but shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed.

Existing  
mayor  
aldermen  
and  
councillors.

**17.** Any alderman or councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification by reason of the alterations of areas made by this Act.

Saving for  
qualification  
of aldermen  
&c.

**18.—(1)** The jurisdiction powers authorities rights privileges and duties of the mayor the quarter sessions the recorder the clerk of the peace the local courts and the justices of the peace appointed for the existing borough and parish of West Bromwich and the clerk to the justices and all constables officers and servants of the existing borough and parish of West Bromwich

Jurisdiction  
&c. of  
mayor  
recorder  
justices &c.

A.D. 1930. shall extend to and throughout the borough and parish  
— of West Bromwich as extended by this Act :

Provided that—

(a) Every person committing an offence in any part of the added areas prior to the appointed day shall be tried and dealt with as if this Act had not been passed;

(b) Every proceeding which prior to the appointed day has been begun by or before any justice or justices in relation to any matter arising in or concerning any part of the added areas may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added areas shall cease to form part of any petty sessional division of the county.

Officers of  
Corporation  
continued.

**19.** The town clerk and all other officers and servants of the Corporation of the existing borough who hold office on the appointed day shall continue to be the town clerk and officers of the corporation of the borough and shall hold their offices by the same tenure as on the appointed day.

Amendment  
of South  
Stafford-  
shire  
Stipendiary  
Justice  
Act 1899.

**20.** The South Staffordshire Stipendiary Justice Act 1899 (in this section referred to as "the Stipendiary Act") shall be altered so that the following provisions shall take effect (that is to say):—

(1) The area within which the powers and jurisdiction of the commissioners and the magistrate may be exercised as defined in section 6 (Limits of Act) of the Stipendiary Act and modified by an Order in Council dated the thirtieth day of May nineteen hundred and twenty-four or any Act or Acts amending such section shall be extended so as to include so much of the borough as is not already included therein and that section shall have effect as if the municipal borough of West Bromwich as extended by this Act were mentioned in paragraph (a) thereof :

(2) Notwithstanding the provisions of section 15 (Appointment qualification and salary of magistrate) of the Stipendiary Act or of any Act

or Acts amending such section the limit of the salary payable with the consent of the Secretary of State to the magistrate under the said section shall be one thousand six hundred pounds : A.D. 1930.

- (3) Notwithstanding the provisions of section 17 (Appointment qualification and salary of clerk to magistrate) of the Stipendiary Act or of any Act or Acts amending such section the limit of the salary payable with the approval of the commissioners for the purposes of the Stipendiary Act to the clerk to the magistrate under the said section shall be six hundred and seventy-five pounds.

**21.**—(1) Subject as hereinafter mentioned the powers and duties of the coroner of the existing borough shall extend to and apply throughout the borough : Jurisdiction  
of coroner.

Provided that every proceeding which prior to the appointed day has been begun by or before any coroner in relation to any matter arising in or concerning the added part of Wednesbury may be carried on continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) Until the death resignation or removal from office of Frank Cooper the present coroner for the south-east district of the county (in this section called "the county coroner") nothing in this Act shall restrict or affect the powers duties jurisdiction or emoluments of the county coroner in respect of the added part of Great Barr which shall continue to be within that district as if the same had remained part of the county.

(3) The salary of the county coroner in respect of the whole area within his jurisdiction shall continue to be payable by the county council.

(4) After the appointed day the Corporation shall pay to the county council such contribution towards the salary and superannuation (if any) of the county coroner in respect of his services in the added part of Great Barr as may from time to time be determined



A.D. 1930. — by agreement between the county council and the Corporation or failing such agreement by the Secretary of State.

(5) All fees allowances and disbursements lawfully paid or made by the county coroner in respect of matters arising in the added part of Great Barr shall be repaid to him by the Corporation.

Exemption from liability to county and other rates.

**22.** Subject to the provisions of this Act and of the Act of 1888 and of the Act of 1894 no lands or other property in the borough shall be liable to contribute to any county or other rates or contribution made after the appointed day by or in accordance with the precept of any board authority or person other than the Corporation but orders or precepts respecting such rates and matters connected therewith made before the appointed day shall be as valid in law and all arrears of any such rates existing at the appointed day may be enforced collected and recovered as if this Act had not been passed.

As to property of Wednesbury Corporation rural district council and parish council.

**23.**—(1) All property and liabilities which immediately before the appointed day are vested in or attach to the Wednesbury Corporation in relation exclusively to the added part of Wednesbury or any part thereof and to the rural district council or to the parish council in relation exclusively to the added part of Great Barr or any part thereof shall by virtue of this Act be transferred to and vest in and attach to the Corporation as urban sanitary authority or municipal authority as the case may require and any property and liabilities vested in or attaching to the Wednesbury Corporation the rural district council and the parish council in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added areas or any part thereof shall be collected and recovered by the Corporation as the rating authority for the borough. Any rates so collected and recovered by the Corporation shall be a matter for adjustment under section 62 of the Act of 1888.

Differential rating.

**24.**—(1) The Minister of Health may on the application of the local authority for any part of the added



areas or of any railway or canal or water company owning property therein (such application to be made in writing before the expiration of a period of two months from the passing of this Act) order that the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in such part of the added areas shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within the existing borough by such sum or sums and for such period as may seem equitable to the said Minister after considering any representations that may be made to him by the Corporation.

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(2) For the purpose of this section the expression "local authority" includes the parish council.

**25.** No alteration effected by this Part of this Act shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which at the appointed day is pending or existing by or against the Wednesbury Corporation the rural district council or the parish council or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by the county council the Wednesbury Corporation the rural district council or the parish council or their predecessors respectively :

Saving for  
actions  
contracts  
&c.

Provided that—

- (a) any action cause of action or proceeding which at the appointed day is pending or existing by or against the Wednesbury Corporation the rural district council or the parish council in relation exclusively to the added areas or any part thereof respectively may be continued prosecuted and enforced by or against the Corporation; and
- (b) all contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by the county council the Wednesbury Corporation the rural district council or the parish council or their predecessors in relation exclusively to the added areas or any part thereof may be continued and enforced as fully and effectually as if instead of the county council the

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Wednesbury Corporation the rural district council or the parish council or their predecessors the Corporation had been a party thereto.

Adoptive  
Acts.

**26.**—(1) The provisions of the Infectious Disease (Prevention) Act 1890 the Public Health Acts Amendment Act 1890 the Public Libraries Acts 1892 to 1919 the Baths and Washhouses Acts 1846 to 1925 and the Public Health Act 1925 which are in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted for the borough.

(2) The provisions of any adoptive Act other than the Acts mentioned in subsection (1) of this section shall cease to be in force in any part of the added areas.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the appointed day throughout the existing borough shall extend and apply to the added areas and any such order in force at the appointed day in the added areas shall save as hereinbefore provided cease to be in force in those areas.

Powers  
under  
Public  
Health Acts  
Amendment  
Act 1907  
and Public  
Health Act  
1925.

**27.** Subject to any order which the Minister of Health or the Secretary of State may make after the appointed day—

(1) The provisions of any order made before the appointed day whereby any parts or sections of the Public Health Acts Amendment Act 1907 and the Public Health Act 1925 are in force in the existing borough shall have effect as if any reference in that order to the borough as it existed at the date of such order extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force in the borough :

(2) Any other order under the said Acts which is in force at the appointed day throughout the existing borough shall extend and apply to the added areas :

(3) The provisions of any order made before the appointed day and declaring to be in force in any part of the added areas any parts or sections

of the said Acts shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

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**28.** Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders under Shop Hours Act 1894 or Shops Acts 1912 to 1928.

**29.** Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added areas and any order under those Acts which is then in force in the county shall cease to apply to the added areas.

Orders under Wild Birds Protection Acts.

**30.** From and after the appointed day all officers of the county council the Wednesbury Corporation the rural district council and the parish council respectively not exclusively employed in the added areas shall cease to hold their respective offices and employment so far as relates to the added areas.

Officers to cease to hold office &c.

**31.**—(1) Every officer in office at the passing of this Act who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary or emoluments (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

Compensation to existing officers.

(2) Any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years from the appointed day because his services are not required or his duties are diminished in consequence of this Act and not on the ground of misconduct shall be deemed to have suffered a direct pecuniary loss in consequence of this Act.

**32.**—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Act regard shall be had to the

Determination of compensation.

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conditions and circumstances mentioned in the Eighth Schedule to the Local Government Act 1929 and the compensation shall not exceed the limit therein mentioned.

(2) Any compensation payable under this Act to any officer shall be paid out of the general rate fund and the provisions of the said schedule except paragraph eleven shall apply subject to the following and any necessary modifications :—

(a) Any reference in that schedule to the council shall be construed as a reference to the Corporation;

(b) Any reference in that schedule to the appointed day shall be construed as a reference to the appointed day as defined in this Act.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors' book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purposes of compensation.

(4) The foregoing provisions of this section and of the section of this Act whereof the marginal note is "Compensation to existing officers" shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority. Provided that in the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day.

Compensation and superannuation.

**33.** No officer shall be entitled to receive compensation under this Act for any direct pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

Adjustment of property and liabilities.

**34.**—(1) Agreements may be made by any councils or other authorities affected by the alteration of any areas or authorities made by this Part of this Act for

the adjustment of any property income debts liabilities and expenses so far as they are affected by the alteration and section 62 of the Act of 1888 shall apply to any such adjustment with the following modifications :—

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(2) For the purposes of the application of the said section 62 to any adjustment which may become necessary in consequence of this Part of this Act that section shall have effect—

- (a) as if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Part of this Act or by anything done in pursuance thereof and as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister of Health may sanction;
- (b) as if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section; and
- (c) as if the following subsection were added to the section :—

"(8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part only of a parish the agreement or award may authorise such sum to be levied in that part as an additional item of the general rate."

(3) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or in the sections of this Act of which the marginal notes are "Adjustment for purposes of Licensing (Consolidation) Act 1910" and "Adjustment of financial relations between borough and county."



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As to  
adjustments  
between  
Corporation  
and other  
authorities.

**35.** In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Act regard shall be had to the interest or share (if any) of the added areas in any property—

(a) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or

(b) which was prior to the appointed day subject to beneficial user by the inhabitants of the added areas; or

(c) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

Adjustment  
for purposes  
of Licensing  
(Consolida-  
tion) Act  
1910.

**36.**—(1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added areas in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

As to  
charities for  
benefit of  
added areas.

**37.** All the real and personal property at the appointed day vested in the county council the Wednesday Corporation the rural district council or the parish council or in any trustees committee or society for charitable purposes for the benefit of any part of the added areas shall continue to be held by the parties in whom such property was so vested and (subject and



according to the trusts applicable thereto) to be administered and applied for the benefit of the present respective beneficial areas (including the portion thereof comprised in the added areas) and of the inhabitants thereof as if this Act had not been passed. A.D. 1930.

**38.** Subject to the provisions of this Part of this Act all the real and personal property at the appointed day vested in the Corporation for the benefit of the existing borough is hereby as from the appointed day vested in the Corporation for the benefit of the borough and all rights privileges benefits and advantages (except the parliamentary franchise) possessed or enjoyed by the burgesses and inhabitants of the existing borough shall be and the same are hereby extended to the burgesses and inhabitants of the borough but subject to all debts liabilities interests and obligations affecting the same or any part thereof or the Corporation in respect thereof. Corporation property &c. vested for benefit of borough.

**39.**—(1) So much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate of the existing borough or the revenues of the existing borough shall be charged upon the corresponding fund or rate of the borough or the revenues of the borough. Mortgage debts of Corporation.

(2) All borrowed moneys to which this section applies with the interest thereon shall be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

**40.** Nothing contained in this Act shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment. Saving for charities.

**41.**—(1) The Minister of Health may by order at any time after the appointed day make such provisions as appear to him to be necessary for transferring to the insurance committee for the borough such property rights and liabilities of the insurance committee for the county as relate to persons resident in the added areas. Insurance committee.

(2) An order made under this section may authorise the insurance committee for the county to continue to act as insurance committee for the added areas until such date not being later than the thirty-first day of December

A.D. 1930.

— nineteen hundred and thirty-one as may be specified in the order and may for that purpose postpone the operation of this Part of this Act so far as relates to the rights and duties of the respective insurance committees for the county and the borough until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister of Health necessary or expedient.

(3) An order under this section may be revoked revised or amended by an order made in like manner as the original order.

(4) Subject to any order under this section the persons who immediately before the appointed day are members of the respective insurance committees for the county and the existing borough shall be deemed to have been appointed or elected as members of the respective insurance committees for the county and the borough.

Nursing  
homes.

42.—(1) The clerk of the county council shall before the appointed day send to the town clerk a copy of every entry in the register of the county council under the Nursing Homes Registration Act 1927 which relates to any nursing home situate within the added areas and the town clerk shall include in the register of the Corporation under that Act the particulars furnished by the clerk of the county council.

(2) Any exemption in force immediately before the appointed day from the operation of the Nursing Homes Registration Act 1927 which may have been granted by the county council in respect of premises within the added areas shall continue in force until the exemption shall expire.

As to burial  
rights.

43. Nothing in this Act shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the appointed day or prejudicially affect any right privilege or authority which immediately prior thereto is exerciseable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

Valuation  
lists.

44.—(1) Until a new valuation list is made for the rating area of West Bromwich the portion of the valuation lists for the rating areas of Wednesbury and the rural

district of Walsall respectively which immediately before the appointed day related to hereditaments situate within the added areas shall be deemed to form part of the valuation list in force at the appointed day for the rating area of West Bromwich and shall continue to relate to the said hereditaments. A.D. 1930.

(2) Until a new valuation list is made for the rating areas of Wednesbury and the rural district of Walsall respectively that portion of the list which now relates to the hereditaments situate within the part of those rating areas not comprised in the added areas shall be the valuation list for those rating areas respectively.

45. For the purpose of summoning jurors and of jury service the parishes of Wednesbury and Great Barr shall be deemed to continue unaltered until new jurors' books relating to the parishes as altered come into force. As to jury service.

46. For the purposes of the County and Borough Councils (Qualification) Act 1914 the added areas shall be deemed to have always formed part of the borough. As to application of County and Borough Councils (Qualification) Act 1914.

47.—(1) In any case in which the extension of the existing borough by this Part of this Act affects the distribution of any moneys between the borough and the county or between the borough or the county and any other county borough or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions and with regard to the adjustment of which provision is not made in any other Act equitable adjustments may be made between the areas interested. Adjustment of financial relations between borough and county.

(2) Any adjustment authorised by subsection (1) of this section may be made by agreement between the Corporation and the county council or by an arbitrator appointed by the parties interested and if such adjustment shall not have been made or an arbitrator has not been appointed before the thirty-first day of December nineteen hundred and thirty-one or such later date as may be allowed by the Minister of Health then on the application of the Corporation or the county council the Minister of Health may if he thinks fit make or appoint an arbitrator to make the adjustment.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made or so far as

A.D. 1930. — any such agreement shall not extend the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister of Health or an arbitrator appointed by him (as the case may be) shall be substituted in those provisions for the commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the said Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly :

Provided that—

- (a) in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of that Act shall apply to any inquiries which may be directed by the Minister of Health under this section and to the costs of those inquiries; and
- (b) subsection (6) of section 32 of the Act of 1888 shall apply to any agreement or award made under this section.

As to wards. **48.** Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards—

- (1) the added part of Wednesbury shall be added to and form part of the Lyndon ward of the borough;
- (2) the added part of Great Barr shall be added to and form part of the Barr ward of the borough.

Duplicate entries in electors' lists.

**49.**—(1) The registration officer of the parliamentary county of Stafford and the parliamentary borough of Wednesbury respectively shall supply the registration officer of the parliamentary borough of West Bromwich on publication with a sufficient number of copies of the electors' lists the lists of objections to the electors' lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added areas which is included in the said parliamentary

county or the said parliamentary borough and shall forthwith notify the registration officer of the parliamentary borough of West Bromwich of his decisions on any objections or claims in respect of such registration unit.

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(2) It shall be the duty of the registration officer of the said parliamentary borough of West Bromwich to issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections.

(3) Where the registration officer of the said parliamentary borough of West Bromwich considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the added areas which is within the parliamentary county of Stafford or the parliamentary borough of Wednesbury he shall forthwith notify the registration officer of that parliamentary county or the parliamentary borough of Wednesbury as the case may be and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register in nineteen hundred and thirty and of later registers.

**50.**—(1) For the purposes of the register of electors prepared in nineteen hundred and thirty so far as relates to the local government electors of the borough and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have formed part of the borough as from the twenty-eighth day of February nineteen hundred and thirty.

Provisions  
as to  
register  
of electors.

(2) In the preparation of the register of electors prepared in nineteen hundred and thirty so far as it relates to any areas affected by this Part of this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit from and after the appointed day instead of in separate parts for each area constituting a registration unit before the appointed day.



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(3) If the register of local government electors for any electoral area affected by this Part of this Act is not so framed as to show the persons entitled to vote at an election to be held for a parish or ward or other voting area—

(a) the town clerk in the case of an election for any voting area within the borough; and

(b) the registration officer of the parliamentary county of Stafford and of the parliamentary borough of Wednesbury as the case may be in the case of an election for any voting area outside the borough;

shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election.

(4) The additional expenses (if any) solely occasioned by any alteration or re-arrangement of the register authorised by subsection (3) of this section shall be borne by the Corporation.

(5) It shall be the duty of the rating authority to render such assistance as may be required by the town clerk or by the registration officer aforesaid for the purpose of such alteration or re-arrangement.

(6) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary to give effect to the provisions of this section and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

Settlement  
and removal  
of poor.

**51.**—(1) Every person resident in any part of the added areas at the appointed day who has acquired or is in the course of acquiring—

(a) a settlement in the county by reason of residence birth or other qualifications therein; or

(b) a status of irremovability from the county by reason of residence therein;

shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or status of irremovability from the borough as extended by this Act.

(2) For the purposes of this section consecutive periods of residence between the thirty-first day of



March nineteen hundred and thirty and the appointed day in two or more places within the county shall be aggregated and reckoned as continuous residence in that part of the county in which the person was residing at the appointed day. A.D. 1930.

**52.** Nothing contained in this Act shall affect the limits of the parliamentary borough of West Bromwich or of the parliamentary county of Stafford or of any division thereof or the parliamentary borough of Wednesbury or the powers of the county council or the Wednesbury Corporation under section 31 (Division of constituency into polling districts and appointment of polling places) of the Representation of the People Act 1918 or any order or scheme made by the county council or the Wednesbury Corporation for the division of the parliamentary county of Stafford or the parliamentary borough of Wednesbury into polling districts and the appointment of polling places for parliamentary elections. Saving provisions.

**53.—(1)** As from the passing of this Act the added areas shall for all purposes connected with the making and approval of the valuation list under the Rating and Valuation Act 1925 be deemed to form part of the rating area of the borough and of the West Bromwich and Staffordshire assessment area constituted by the County of Stafford (Assessment Areas and Assessment Committees) Scheme 1926 as approved by the Minister of Health on the fourth day of October nineteen hundred and twenty-six and shall for such purposes be deemed to be within the jurisdiction of the court of quarter sessions of the existing borough. Application of Rating and Valuation Act 1925.

(2) As from the appointed day any scheme made under the said Act of 1925 for the constitution of an assessment area which includes the added part of Great Barr shall be varied by excluding such part from such assessment area and any person who immediately before that day is the representative of any part of the added part of Great Barr on any assessment committee shall cease to represent the same and the added part of Great Barr so excluded shall be added to and form part of the assessment area of the borough.

(3) Except as expressly provided by this Act nothing in this Act shall affect the provisions of the Rating and Valuation Acts 1925 to 1929.

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Deduction  
in ascer-  
taining  
rateable  
value of  
tithes  
railways  
canals &c.

**54.** For the purposes of all valuation lists for the borough under the Rating and Valuation Act 1925 the amount of the deduction to be made from net annual value in the ascertainment of the rateable value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II. of the Second Schedule to the said Act shall be thirty-four per centum and such alteration of the rateable value of rateable hereditaments within the added areas shall be made by the Corporation in the valuation lists as may be necessary to give effect to this provision.

Urban  
powers &c.  
in excluded  
part of  
Great Barr.

**55.** All the powers duties and liabilities of an urban authority and all the powers in relation to the chargeability of expenses with which the rural district council are invested in pursuance of any order made by the Local Government Board or the Minister of Health under the Public Health Acts 1875 to 1925 in respect of the existing parish of Great Barr shall be deemed to vest in and attach to the rural district council in respect of that parish as altered by this Act.

Rural  
district  
councillors.

**56.** Any person who immediately before the appointed day represents the existing parish of Great Barr as a rural district councillor shall continue to represent that parish as altered by this Act.

Saving for  
Minister of  
Health.

**57.** Nothing in this Part of this Act contained shall be deemed to limit or affect the powers of the Minister of Health under the Acts relating to the relief of the poor or the powers of the Secretary of State or the said Minister or of the council of any county or county borough under the Local Government Acts.

Saving  
for water  
undertakers.

**58.** Nothing in this Part of this Act shall prejudice or affect the limits for the supply of water by the South Staffordshire Waterworks Company or the powers duties or privileges of that company.

Saving  
for land tax  
and income  
tax.

**59.**—(1) Nothing in this Part of this Act shall affect land tax.

(2) For the purposes of income tax the provisions of the sections of this Act of which the marginal notes are respectively, "Extension of borough boundary" and "Alteration of parishes" shall not come into

operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year. A.D. 1930.  
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**60.** Nothing in this Act shall affect the ecclesiastical divisions of any parish. Saving for ecclesiastical divisions.

**61.**—(1) As from the appointed day the added part of Great Barr shall be added to and form part of the area of supply of the Corporation under the West Bromwich (Corporation) Electric Lighting Order 1898 and shall cease to be within the area of supply of the Walsall Corporation. Extension of area for supply of electricity by Corporation.

(2) The Corporation shall have and may exercise within the added part of Great Barr all and the like powers privileges and authorities for and in relation to the supply of electricity and shall be subject to all and the like duties liabilities and obligations in respect thereof as they may exercise and are subject to within their area for the supply of electricity as existing immediately before the appointed day.

**62.** Section 20 of the schedule to the Electric Lighting (Clauses) Act 1899 in its application to the Corporation shall have effect as if after the words “electric signalling communication” wherever they occur in that section there were inserted the words “or electrical control of railways.” For protection of railway companies.

**63.**—(1) As from the appointed day the limits of the Corporation for the supply of gas shall include the added part of Great Barr and that area shall cease to be within the limits for the supply of gas of the Walsall Corporation. Extension of limits for supply of gas.

(2) The Corporation shall have and may exercise within their limits for the supply of gas as extended by this Act all the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they may exercise and are subject to within their limits for the supply of gas as existing immediately before the appointed day.

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Purchase of  
electricity  
and gas  
mains &c.

**64.** The Corporation shall purchase from the Walsall Corporation and that corporation shall sell to the Corporation all electricity and gas mains pipes and other works belonging to them and situate within the added part of Great Barr at such price as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889.

Land  
Charges  
Act 1925.

**65.**—(1) The clerk of the county council the town clerk of Wednesbury and the clerk of the rural district council as the local registrars for the county the borough of Wednesbury and the rural district of Walsall respectively under the Land Charges Act 1925 and the rules made thereunder shall within twenty-eight days after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges register of the county the borough of Wednesbury and the rural district of Walsall respectively relating to any premises situate within the added areas and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the borough shall within fourteen days after the receipt of an office copy under subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of six weeks from the appointed day whichever be the earlier day the following provisions shall have effect in respect of all land within the added areas:—

(a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the register of the borough of Wednesbury or the rural district of Walsall and in the register of the county:

(b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward the application received by him together with

the fees paid in respect thereof to the town clerk of Wednesbury or the clerk of the rural district council as the case may be and shall also forward to the clerk of the county council a copy of the application : A.D. 1930.

- (c) The clerk of the county council the town clerk of Wednesbury or the clerk of the rural district council as the case may be shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if the added part of Wednesbury had remained part of the borough of Wednesbury and the added part of Great Barr had remained part of the parish of Great Barr :
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the clerk of the county council in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation :
- (e) Where a local land charge duly registered in the local land charges register of the county the borough of Wednesbury or of the rural district of Walsall is in pursuance of this Act transferred from the register of the county the borough of Wednesbury or of the rural district of Walsall to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

66. Any resolution passed or other proceeding taken by any of the local authorities of the added areas under the Town Planning Act 1925 or any enactment thereby repealed (including agreements orders and consents entered into made or given under that Act or any repealed enactment) shall in so far as they relate to land within the added areas have effect as if they had been passed or taken by the Corporation in respect of the added areas or any part thereof. Town planning schemes.



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Saving for  
Birmingham  
Corporation.

**67.** Nothing in this Act shall prejudice or affect the existing rights powers duties and privileges of the lord mayor aldermen and citizens of the city of Birmingham with regard to the supply of gas in the added part of Wednesbury or authorise the Corporation to supply gas therein.

## PART III.

## TRAMWAYS AND OMNIBUSES.

Agreement  
for purchase  
of tramway  
in Darlaston  
and Wednes-  
bury.

**68.** The Corporation may by agreement purchase and acquire and the South Staffordshire Tramways Company and the South Staffordshire Tramways (Lessee) Company Limited may respectively sell and transfer to the Corporation the portion of tramway hereinafter described upon such terms as may be agreed between the Corporation and the said companies Provided that no such sale and transfer shall take place without the respective consents of the Wednesbury Corporation and the urban district council of Darlaston which consents may be given on such terms and conditions as the said Corporation and council may think fit The said portion of tramway is as follows:—

Such part of Tramway No. 1 authorised by the Staffordshire Tramways (Extension) Order 1882 as lies between its commencement at the eastern end of Penfold Street in the borough of Wednesbury and the point at which the boundary of the parish of Walsall crosses the road known as Walsall Road in the urban district of Darlaston.

Agreement  
for purchase  
of tramways  
in Wednes-  
bury and  
confirma-  
tion of  
agreement  
as to tram-  
ways and  
undertaking  
in Wednes-  
bury and  
Darlaston.

**69.**—(1) The Corporation may by agreement purchase and acquire and the South Staffordshire Tramways (Lessee) Company Limited may sell and assign or transfer to the Corporation upon such terms as may be agreed between the Corporation and the said company the leasehold interest in the tramways hereinafter described demised by the Wednesbury Corporation to the said company by an indenture of lease dated the third day of May nineteen hundred and six and made between the corporation of Wednesbury of the first part the British Electric Traction Company Limited of the second part and the said company of the third part Provided that no such sale assignment or transfer shall take place



without the consent of the Wednesbury Corporation which shall not be unreasonably withheld The said tramways are as follows :—

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- (a) The tramway commencing at the boundary of the borough of Walsall adjacent to the borough of Wednesbury at Wood Green continuing along Wood Green Road Okeswell End Walsall Street Market Place Lower High Street to the junction opposite the "White Horse" inn;
- (b) The tramway commencing at the boundary of the parish of Darlaston adjacent to the borough of Wednesbury at the Bull Stake Darlaston continuing along Darlaston Road Trowse Lane and High Bullen Dudley Street turning by "Dartmouth Arms" inn into Holyhead Road thence to the junction opposite the "White Horse" inn;
- (c) The tramway commencing in Holyhead Road between "Dartmouth Arms" and the "White Horse" inn continuing along Victoria Street and Great Western Street to the junction of the tramways next hereinafter mentioned;
- (d) The tramway commencing at the "Dartmouth Arms" inn at the corner of Dudley Street and Holyhead Road continuing along Lower Dudley Street and thence to the boundary of the parish of Tipton on Lea Brook Road adjacent to the borough of Wednesbury;
- (e) The tramway commencing at the junction opposite the "White Horse" inn aforesaid continuing along Bridge Street to the boundary of the borough of West Bromwich adjacent to Wednesbury at Bridge Street.

(2) The Corporation shall surrender the lease referred to in subsection (1) of this section to the Wednesbury Corporation and thereupon the Wednesbury Corporation may sell or may grant a lease of and the Corporation may purchase or take a lease of such tramways or any of them for such term at such rent and upon such terms and conditions as may be agreed between the said corporations.

(3) The agreement dated the fifteenth day of November nineteen hundred and twenty-nine between

A.D. 1930. — the South Staffordshire Tramways Company of the first part the South Staffordshire Tramways (Lessee) Company Limited of the second part the British Electric Traction Company Limited of the third part the Birmingham District Power and Traction Company Limited of the fourth part the Birmingham and Midland Motor Omnibus Company Limited of the fifth part and the Corporation of the sixth part relating to the sale of a portion of the tramways and undertaking of the said companies situated in the borough of Wednesbury and the urban district of Darlaston a copy of which is set forth in the Third Schedule to this Act is hereby confirmed and made binding upon the said companies and the Corporation.

Transfer  
and vesting  
of rights  
powers and  
duties.

**70.** Notwithstanding anything contained in this Act when any such sale and purchase of the freehold or leasehold interests as the case may be as is authorised by the sections of this Act whereof the marginal notes are "Agreement for purchase of tramway in Darlaston and Wednesbury" and "Agreement for purchase of tramways in Wednesbury and confirmation of agreement as to tramways and undertaking in Wednesbury and Darlaston" respectively has been made all the respective duties obligations rights powers and authorities of the companies in the said sections referred to in respect of any tramway or portion of tramway so sold and purchased shall (whether succeeded or not by the surrender and lease referred to in subsection (2) of the last-named section) be transferred to and vested in and the duties obligations rights powers and authorities shall be performed and discharged and may be exercised by the Corporation in like manner as if such duties obligations rights powers and authorities had been originally imposed and conferred upon them.

Power to  
Corporation  
to work  
tramways.

**71.** So soon as the Corporation shall have acquired the tramways or portion of tramway referred to in the sections of this Act whereof the marginal notes are "Agreement for purchase of tramway in Darlaston and Wednesbury" and "Agreement for purchase of tramways in Wednesbury and confirmation of agreement as to tramways and undertaking in Wednesbury and Darlaston" respectively and shall have obtained the necessary consents notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run

carriages on and may work and may demand and take tolls and charges in respect of the said tramways or portion of tramway and in respect of the use of such carriages and may exercise all or any of the powers conferred upon them in connection with their tramway undertaking but nothing in this section shall empower the Corporation to create or permit a nuisance or to manufacture any plant appliances or conveniences required for the working or user of such tramways or portion of tramway :

A.D. 1930.

Provided that section 14 (For protection of Postmaster-General) of the Act of 1913 as amended by the Act of 1927 shall apply to the working of the said tramways and portion of tramway by electricity.

**72.** Notwithstanding anything contained in this Act or in any Order made thereunder the Corporation shall not (except with the consent of the companies hereinafter mentioned) operate tramways or run omnibuses along the route of tramway (*d*) described in the section of this Act whereof the marginal note is "Agreement for purchase of tramways in Wednesbury and confirmation of agreement as to tramways and undertaking in Wednesbury and Darlaston" so long as the South Staffordshire Tramways (Lessee) Company Limited operate a service of tramway cars or the Birmingham and Midland Motor Omnibus Company Limited run a service of omnibuses along such route :

For protection of tramway and omnibus companies.

Provided that so long as the service of tramways or omnibuses referred to in this section is operated by the South Staffordshire Tramways (Lessee) Company Limited or the Birmingham and Midland Motor Omnibus Company Limited respectively the Corporation shall indemnify the Wednesbury Corporation against any breach or non-observance of any of the terms or conditions of any lease or agreement made between the said corporations in reference thereto.

**73.**—(1) Subject to the provisions of this Act the Corporation may subject to the consent of the Wednesbury Corporation as regards any tramways or light railways in the borough of Wednesbury enter into and carry into effect contracts and arrangements with any local authority company or person owning or leasing any of the tramways or light railways with which the tramways of

Power to make agreements for working &c. of tramways and for running powers.

A.D. 1930. — or leased to or worked by the Corporation may now or hereafter be connected with respect to the running over working user management and maintenance by the contracting parties of their respective tramways or light railways and works connected therewith or any part or parts thereof respectively the supply by the working party under any agreement for the purpose of all or any of the respective tramways or light railways of the contracting parties being worked or used by the other of them as aforesaid of rolling stock plant and machinery and the conditions to be performed in respect of such working user management and maintenance the interchange accommodation conveyance transmission and delivery of traffic upon or coming from or destined for the respective undertakings of the contracting parties and the division and apportionment of the revenue arising from such traffic and the payment of any moneys by way of fixed or contingent rent or lump sum or otherwise.

(2) The Corporation and every local authority company or person working or using any tramway or light railway under the powers of this section shall be subject to all the regulations and restrictions so far as the same are applicable to which the working and user of such tramway or light railway by or in the hands of the owners of the same is subjected by the Act or Order authorising the construction thereof or by any byelaw or regulation made under such Act or Order.

(3) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways or light railways of the other the tramways and light railways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways and light railways of the one party and partly over those of the other be considered as one tramway or light railway as the case may be and the maximum charge for each portion of the entire distance over which conveyance takes place shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

Power to  
abandon  
tramways in  
Tipton and run  
omnibuses in  
lieu thereof.

74. The Corporation may abandon and discontinue the tramways referred to in section 70 (1) (a) of the Act of 1927 and may provide or maintain (but shall not

manufacture) and may run omnibuses along the routes of the said tramways.

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**75.** Notwithstanding anything in this or any other Act contained the Corporation shall not abandon or discontinue the tramways referred to in section 70 (1) (a) of the Act of 1927 or run trolley vehicles or omnibuses along any road in the urban district of Tipton except upon the terms and subject to the provisions contained in an agreement dated the thirty-first day of October one thousand nine hundred and twenty-nine made between the Tipton Urban District Council of the one part and the Corporation of the other part.

For protection of Tipton Urban District Council.

**76.—**(1) The Corporation on giving six months' notice of their intention so to do shall abandon and discontinue the portion of tramway referred to in the section of this Act of which the marginal note is "Agreement for purchase of tramway in Darlaston and Wednesbury" and so much of the tramways referred to in the section of this Act of which the marginal note is "Agreement for purchase of tramways in Wednesbury and confirmation of agreement as to tramways and undertaking in Wednesbury and Darlaston" as may be sold or leased to them by the Wednesbury Corporation at any time after they have acquired or taken a lease of the same under those sections respectively. Provided that such abandonment and discontinuance shall take place simultaneously in respect of all the said tramways before the thirty-first day of December nineteen hundred and thirty-eight and when such portion of tramway and tramways shall be abandoned and discontinued the Corporation shall forthwith by agreement with the urban district council of Darlaston and the Wednesbury Corporation provide or maintain (but shall not manufacture) and shall run omnibuses along the routes of the said portion of tramway and tramways respectively.

Power to abandon tramways in Darlaston and Wednesbury and run omnibuses in lieu thereof.

(2) The Corporation shall on the abandonment and discontinuance referred to in subsection (1) of this section remove the said portion of tramway and the tramways and the overhead equipment in connection therewith and shall make good the roads so as to be uniform in construction throughout the whole width of the road to the reasonable satisfaction of the Wednesbury Corporation and of the urban district council of Darlaston and so



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far as relates to roads over canal bridges belonging to the company of proprietors of the Birmingham Canal Navigations to the reasonable satisfaction of that company.

(3) All works carried out by the Corporation under the powers of this section which affect the property of any railway company shall be carried out in accordance with plans and particulars to be previously submitted to and reasonably approved by the engineer of the railway company and under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the said engineer. Any question arising between the Corporation and the engineer under the provisions of this subsection or as to anything to be done or not to be done thereunder shall be referred to and determined by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such reference and determination.

For protection of South Staffordshire Waterworks Company.

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

If any injury shall be caused to any mains pipes or apparatus of the company during and by reason of the removal under the powers of this Part of this Act of any tramways and the rails and paving setts thereof and the equipment in connection therewith and the restoration of the roads the Corporation shall bear and on demand repay to the company the amount of the expense reasonably incurred by the company in making good such injury and shall indemnify the company against all claims demands costs charges and expenses arising out of such injury.

Power to suspend running of tramway cars

**78.** The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or



demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of any tramway cars trolley vehicles or omnibuses for the time being belonging to or worked by the Corporation shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damage in respect thereof.

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—  
omnibuses  
or trolley  
vehicles.

**79.** The Corporation may if they think fit convey on their omnibuses dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger.

As to  
charges for  
dogs on  
omnibuses.

**80.**—(1) Subject to the provisions of this Act the Corporation may provide or maintain (but shall not manufacture) and may run omnibuses with the consent of the Minister of Transport and the local and road authority of the district along any of the routes outside the borough specified in the Second Schedule to this Act or any part or parts of such routes.

Power to run  
omnibuses.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and if any objection shall be made by any such person the Minister of Transport may direct an inquiry to be held.

(3) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

(4) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

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(5) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

(6) The Corporation shall keep the accounts in respect of their omnibus undertaking separate from their other accounts distinguishing therein capital from revenue :

Provided that subsections (4) and (5) of this section shall cease to have effect on the passing during this or next session of Parliament of any general Act relating to road traffic and containing provisions conferring upon the Minister of Transport power to make regulations as to the conduct of passengers in vehicles so far as the omnibuses of the Corporation are vehicles to which such provisions apply.

Approval of  
vehicles by  
Minister of  
Transport.

**81.**—(1) The omnibuses used under the authority of this Act shall be of such form construction weight and dimensions as the Minister of Transport may approve and no omnibuses shall be used by the Corporation which do not comply with the requirements of the Minister of Transport.

(2) Before applying to the Minister of Transport for his approval of the weight of any omnibuses to be used upon any road which crosses a bridge belonging to and repairable by a canal company the Corporation shall give to such canal company notice of the weight of the omnibuses proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the canal company to him on the ground that the strength of such bridge is insufficient to carry omnibuses of such weight. Provided that a copy of the objections shall be forwarded by such canal company to the Corporation at the same time as the same are submitted to the Minister of Transport.

(3) Nothing in this Act shall impose or enlarge any obligation on any canal company to strengthen adapt alter or reconstruct any bridge maintainable by them :

Provided that subsections (1) and (2) of this section shall cease to have effect on the coming into force of any regulations as to the form construction weight and dimensions of omnibuses used under the authority of

this Act made by the Minister of Transport under the powers of any general Act passed during this or next session of Parliament relating to road traffic and containing provisions conferring on the Minister of Transport power to make such regulations.

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**82.** The following provisions of the Act of 1900 relating to tramways shall extend and apply to the provision maintenance and running of omnibuses under the powers of this Act and in construing those provisions in their application to omnibuses the expression "the tramways" or "the Corporation tramways" shall be deemed to mean omnibuses :—

Application of certain provisions of Act of 1900 to omnibuses.

- Section 9 (Rates for passengers);
- Section 10 (Passengers' luggage);
- Section 11 (Rates for goods);
- Section 12 (Corporation not bound to carry animals and goods);
- Section 13 (Cheap fares for labouring classes);
- Section 14 (As to fares on Sundays or holidays);
- Section 24 (Power to acquire patent rights):

Provided that the words "Minister of Transport" shall be substituted for the words "Board of Trade" wherever they occur in any of the said provisions.

Nothing in this section shall be deemed in any way to restrict the powers (if any) conferred on any person or body of persons having the power to issue licences under the provisions of any general Act passed in this or next session of Parliament relating to road traffic to impose conditions on the granting of such licences in respect of the omnibuses of the Corporation.

**83.** The following provisions of the Act of 1927 shall extend and apply to the provision maintenance and running of omnibuses under the powers of this Act :—

Application of certain provisions of Act of 1927 to omnibuses authorised by this Act.

- Section 88 (Adaptation of roads);
- Section 89 (As to cesser of powers);
- Section 90 (Provision in event of certain powers not being exercised within prescribed limits);
- Section 91 (Purchase of lands by agreement);
- Section 93 (Periodical revision of fares and charges);

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- Section 94 (Attachment of signs indicating stopping places to lamp-posts &c.);  
Section 95 (Shelters or waiting rooms);  
Section 96 (Cloak-rooms &c.);  
Section 97 (Power to reserve cars for special purposes);  
Section 98 (Stopping and starting places);  
Section 99 (Through trolley vehicles and omnibuses);  
Section 100 (Lost property);  
Section 101 (As to byelaws under this Part of this Act);  
Section 102 (For protection of South Staffordshire Waterworks Company);  
Section 103 (As to bridges and roads of railway companies);  
Section 104 (For further protection of railway companies);  
Section 105 (For protection of Postmaster-General);  
Section 106 (Inquiries by Minister of Transport);  
Section 108 (Consents of road authorities):

Provided that the Corporation shall not under the powers of section 94 of the Act of 1927 as extended and applied by this section attach any sign or direction to any pole post or standard belonging to the Wednesbury Corporation except with the consent in writing of that Corporation :

Provided also that section 108 of the Act of 1927 shall not apply to the consent of any local authority required by the section of this Act whereof the marginal note is " Power to run omnibuses " :

Provided further that section 98 (Stopping and starting places) and section 99 (Through trolley vehicles and omnibuses) shall cease to have effect on the passing during this or next session of Parliament of any general Act relating to road traffic and conferring upon local authorities power to make orders fixing stands and stopping places for vehicles so far as the omnibuses of the Corporation are vehicles to which such provisions apply and that nothing in section 93 (Periodical revision

of fares and charges) shall be deemed in any way to restrict the powers (if any) conferred on any person or body of persons having the power to issue licences under the provisions of any general Act passed in this or next session of Parliament relating to road traffic to impose conditions on the granting of such licences as to the fares to be charged in respect of the omnibuses of the Corporation.

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**84.** Where the boundary of the borough passes along any street or road the portion of such street or road along which such boundary passes shall be deemed to be within the borough for the purposes of the powers of the Corporation relating to omnibuses.

As to streets or roads on borough boundary.

**85.** If any person wilfully and unlawfully does or causes to be done with respect to any apparatus used for or in connection with the working of the tramways operated by the Corporation anything which is calculated to obstruct or interfere with the working of such tramways or to cause injury to any person he shall be liable to a penalty not exceeding twenty pounds.

Penalty for obstructing tramways.

**86.** Nothing in this Act or in any enactment incorporated therewith or applied thereby shall empower the Corporation to demand and take for passengers travelling upon the tramways referred to in the section of this Act of which the marginal note is "Power to Corporation to work tramways" or upon the omnibuses of the Corporation within the borough of Wednesbury as for the time being constituted any fares rates or charges in excess of those prescribed or fixed by any lease or agreement between the Corporation and the Wednesbury Corporation for the time being in force.

For protection of Wednesbury Corporation.

**87.** For the protection of the lord mayor aldermen and citizens of the city of Birmingham (in this section referred to as "the Birmingham Corporation") the following provisions shall unless otherwise agreed in writing between the Corporation and the Birmingham Corporation apply and have effect (that is to say):—

For further protection of Birmingham Corporation.

- (1) The provisions of sections 30 and 55 of the Tramways Act 1870 with respect to mains or pipes for the supply of gas shall apply and extend to any works carried out by the Corporation in connection with the taking up or removal



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of tramways and all rails paving setts posts wires standards brackets cables works apparatus and equipment or the filling in and making good of the surface of the ground or the restoration of carriageways or footpaths disturbed by such taking up or removal under the powers of this Act or otherwise in the exercise of such powers and to the mains or pipes of the Birmingham Corporation as if such provisions as so extended were herein repeated (*mutatis mutandis*) and as if the Corporation were the promoters referred to in the said sections :

- (2) Any plans and sections which the Corporation are required by section 30 of the Tramways Act 1870 as incorporated with this Act to submit to the Birmingham Corporation shall be submitted to the Birmingham Corporation at least fourteen days before the commencement of any works to which the said plans and sections relate and shall be accompanied by a description of the proposed works and notice of the date on which the Corporation propose to commence the same and if the Birmingham Corporation give any notice under the said section in relation to such proposed works the same shall not be commenced except in case of emergency until the requirements of the Birmingham Corporation have been agreed or settled by arbitration as by such section is provided. The power of the Birmingham Corporation under the said section 30 to require the lowering or other alterations of their mains pipes and apparatus (in this section referred to as "apparatus") shall be deemed to extend so as to authorise the Birmingham Corporation to require the shoring up or supporting and restoring and protecting any such apparatus which it may be reasonably necessary to shore up support restore or protect by reason of the execution of any works of the Corporation or for preventing any interruption to the supply of gas by the Birmingham Corporation. All such works as aforesaid shall be done under the superintendence and to the reasonable satisfaction of the Birmingham Corporation or their engineer and the reasonable



costs charges and expenses of such superintendence shall be paid to the Birmingham Corporation by the Corporation and if the Birmingham Corporation before the Corporation are entitled to commence any such work elect by notice in writing to the Corporation so to do the Birmingham Corporation may themselves execute any work relating to any apparatus of the Birmingham Corporation to which any such notice or requirement relates under the superintendence and to the reasonable satisfaction of the surveyor of the Corporation and the amount reasonably expended by the Birmingham Corporation in so doing shall be repaid to them by the Corporation but if for seven days after giving any such notice the Birmingham Corporation do not proceed with due diligence to execute any such work as aforesaid the Corporation may forthwith execute the same :

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- (3) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the Birmingham Corporation.

#### PART IV.

##### LANDS AND WORK.

**88.** Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference and such lands shall when acquired by the Corporation by virtue of this Act be free from all ecclesiastical and statutory restrictions whatsoever.

Power to  
take lands.

**89.** Subject to the provisions of this Act the Corporation may make and maintain in the lines and situation and upon the lands shown on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the work hereinafter described together with all necessary and proper works and conveniences connected therewith

Power to  
make street  
improvement.

A.D. 1930.

or incident thereto The said work will be situate in the borough and is as follows :—

A widening and improvement of Newton Road on the south side thereof and of Hollyhedge Road on the west side thereof at the junction of the said roads between a point in Hollyhedge Road thirty yards south of Newton Road and a point in Newton Road twenty-five yards east of Hollyhedge Road.

Period for compulsory purchase of lands.

**90.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Removal of human remains.

**91.**—(1) If and when the Corporation shall acquire for the purposes of the work described in the section of this Act whereof the marginal note is "Power to make street improvement" the portion of the burial ground of All Saints Church in the borough numbered 1 on the deposited plans they shall before applying or using any part thereof remove or cause to be removed the remains of all deceased persons interred in the said burial ground.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice for three successive days in two local newspapers circulating in the borough to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said burial ground may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of Lichfield to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application

of either party in a summary manner by the registrar of the consistory court of the diocese of Lichfield who shall have power to make an order specifying who shall remove the remains.

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(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Corporation such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and shall cause them to be re-interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the borough as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument or tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

**92.** For the protection of the vicar and churchwardens of the parish of All Saints West Bromwich the following provisions shall unless otherwise agreed between

For protection of  
All Saints  
Burial  
Ground.

A.D. 1930. — the Corporation and the said vicar and churchwardens apply and have effect (that is to say) :—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not enter upon take or use any greater part of the burial ground of All Saints Church in the borough than is delineated and coloured pink on the plan signed in duplicate by the Right Honourable the Marquess of Bristol the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred and whereof one copy has been deposited in the Parliament Office of the House of Lords and one copy in the Committee and Private Bill Office of the House of Commons :
- (2) The Corporation shall enclose the portion of the said burial ground which shall adjoin any portion thereof taken by them under the powers of this Act with a dwarf wall with suitable iron railings thereon.

#### PART V.

##### STREETS AND BUILDINGS.

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

**93.**—(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 of the Corporation 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 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. A.D. 1930.

(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 of the Corporation or statutory provision.

**94.**—(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. Adjustment  
of boun-  
daries of  
streets.

(2) No such agreement shall be entered into until the expiration of one month from the date on which



A.D. 1930. — 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.

(7) Notwithstanding any agreement entered into under this section the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other works belonging to or used by them which remain 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.

(8) In any case where the adjustment of the boundary of any street under the powers of this section would

affect any mains pipes or apparatus of the South Staffordshire Waterworks Company (in this section referred to as "the company") the Corporation shall in addition to the notice required by subsection (2) of this section give notice in writing of their proposals to the company and notwithstanding any agreement entered into under this section the company shall continue to have the same powers and rights in respect of any such mains pipes or apparatus belonging to or used by them which remain in under or upon the land so conveyed by the Corporation as if the same had continued to be part of the street :

Provided that—

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

the position of any such mains pipes or apparatus so that the same shall be situate in the street as altered under the provisions of this section and any expense reasonably incurred by the company in effecting any such alterations as aforesaid shall be repaid to them by the Corporation.

**95.**—(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 arbitration under the Arbitration

Adjustment  
of bound-  
aries of  
estates.

A.D. 1930. Act 1889 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.

(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 of Health 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.

For protec-  
tion of  
Birmingham  
Corporation.

96. In any case where the adjustment of the boundary of any street or the adjustment or alteration of the boundary of any estate under the powers of either of the sections of this Act of which the marginal notes are

A.D. 1930.

“ Adjustment of boundaries of streets ” and “ Adjustment of boundaries of estates ” would cause any mains pipes or apparatus (in this section referred to as “ apparatus ”) of the lord mayor aldermen and citizens of the city of Birmingham (in this section referred to as “ the Birmingham Corporation ”) 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 carriageway or footway or would otherwise affect any such apparatus the Corporation shall before any such adjustment or alteration is effected give notice in writing to the Birmingham Corporation of the proposed adjustment or alteration and thereupon the Birmingham Corporation shall continue to have the same powers and rights in respect of any such apparatus belonging to or used by them as they had before such adjustment or alteration notwithstanding that the lands wherein such apparatus may be have ceased to be part of a street :

Provided that—

- (a) the Corporation may by such notice require the Birmingham Corporation to alter and that Corporation when so required shall alter; or
- (b) the Birmingham Corporation 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 so that the same shall be situate in the footway of the street as altered under the provisions of either of the said sections of this Act and any expenses reasonably incurred by the Birmingham Corporation in effecting any such adjustment or alteration as aforesaid shall be repaid to them by the Corporation.

**97.**—(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

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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 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.

Temporary  
stoppage of  
streets.

**98.**—(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. 1930.

**99.**—(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 a crossing for any horse or vehicle in passing to and from such premises the Corporation may either—

Crossings  
for horses or  
vehicles  
over  
footways.

(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 as a civil debt.

(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.

**100.**—(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

Direction  
signs.

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signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character.

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

Banners and  
signs over  
streets.

**101.**—(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.

(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 removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar

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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 nineteen hundred and twenty-nine.

(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.

**102.**—(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.

Erection of retaining walls.

(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.

**103.**—(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

Erection of building to greater height than

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adjoining  
buildings.

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 if it is required by the Corporation and is reasonably practicable 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.

(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.

Extension  
of section  
157 of  
Public  
Health Act  
1875.

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

- (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 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
- (v) 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 paragraph (iv) of subsection (1) 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.

**105.**—(1) Every 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 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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Means of  
escape from  
buildings in  
case of fire.

(2) From and after the first day of January nineteen hundred and thirty-one 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



A.D. 1930. 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' 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.

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

(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 premises to which sections 14 and 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.

**106.** Section 80 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for the maintenance in good condition and free from obstruction of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaw applicable thereto and of a placard setting forth the cubical contents and the accommodation thereof.

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Byelaws as to common lodging-houses.

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

Application of byelaws as to roofs.

- (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.

**108.**—(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.

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

A.D. 1930. 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.

Prevention of obstructive buildings:

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

(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 representation made under the provisions of subsection (1) of section 19 of the Housing Act 1925 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

As to dangerous buildings:

**110.**—(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.

(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.

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**111.**—(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 approve 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.

**112.**—(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.

Restriction on erection of temporary stands &c.

(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.

**113.** Any tent van shed or similar structure standing upon land abutting upon a street shall for the

Provisions as to tents vans &c.

A.D. 1930.

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.

**114.** 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.

For protection of railway and canal companies.

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

- “As to erection of hoardings &c. at street corners”;
- “Crossings for horses or vehicles over footways”;
- “Banners and signs over streets”;
- “Means of escape from buildings in case of fire”;
- “Prevention of obstructive buildings”;
- “Powers on inspection”;

shall extend or apply to any building (not being a dwelling-house) railway canal or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway or canal company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway canal work or land is used or held by such company primarily for railway or canal purposes.

## PART VI.

## SEWERS AND DRAINS.

Regulating discharge of offensive liquids into sewers.

**116.**—(1) On and after the first day of January nineteen hundred and thirty-one 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—

- (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 or 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 Schedule II. 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.D. 1930. — 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.

Power to construct inspection chambers in manufacturing premises.

117.—(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.

## PART VII.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Corporation may supply antidotes against infectious disease.

118. 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.

119.—(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 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.

(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 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.

(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

A.D. 1930. — 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) 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.

Byelaws as  
to lodging  
houses.

**120.** Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws 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):—

- (1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical contents 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.

Byelaws as  
to stables.

**121.** 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 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.

**122.**—(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.

A.D. 1930.  
—  
As to  
infected  
stables or  
other places.

(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.

**123.**—(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-  
uance 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 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



A.D. 1930. 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.

Power to  
order alter-  
ation of  
chimneys.

**124.** 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 wash-house 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.

**125.—(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.

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(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.

**126.**—(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.

Sanitary conveniences for workmen engaged on buildings.

(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.

(3) This section shall not apply to any railway company or in respect of any building construction or reconstruction erected by any railway company.

**127.** 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 in the borough so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

Byelaws as to tipping refuse.

## PART VIII.

### HUMAN FOOD.

**128.** 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

Further powers in relation to unsound food.

A.D. 1930. for sale or in the course of delivery after sale for the food of man and the provisions of such sections shall apply accordingly :

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.

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

**129.** 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 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.

The provisions of this section shall not apply in respect of any yard belonging to a railway company.

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

**130.**—(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 or similar commodity;

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 sub-section (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.

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

**131.**—(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 of Health for confirmation of any byelaws made under this section applicable to the transport by a railway company to or from any station or depot 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 of Health with regard thereto.

**132.** Every dealer in any article intended for the food of man vending his wares as a street vendor 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 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.

As to street vendors &c. of food.

**133.**—(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.

Medical practitioners to notify cases of food poisoning.

(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

A.D. 1930. 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.~~

Notice of slaughter of animal unfit for human food.

**134.**—(1) Where any person being the owner of any bull or ox cow heifer sheep lamb or pig which is emaciated or diseased and unfit for human food is about to slaughter the same or about to cause the same to be slaughtered he shall give previous notice to the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcase or any part thereof.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

## PART IX.

### POLICE PROVISIONS.

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

**135.**—(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

(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 on any unfenced vacant land adjoining any river or stream in the borough;

shall be deemed a rogue and a vagabond within the meaning of section 4 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. A.D. 1930.

**136.**—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair. Silencers for internal combustion engines.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid :

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company or canal company and used by them for the purposes of their undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

**137.** A person other than an officer of the Corporation or a person or the servant of a person employed by the Corporation in or about any work in connection with the Corporation's burial grounds or cemeteries shall not except for the purpose of properly tending any grave pluck cut or otherwise interfere with any flower plant shrub wreath ornament or other thing on any grave in a burial ground or cemetery belonging to the Corporation and any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings. As to offences in burial grounds or cemeteries.

**138.**—(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. Power to regulate traffic on special occasions.

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(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.

Unautho-  
rised riding  
upon  
vehicles.

**139.** 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.

**140.**—(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.

(3) Any person deeming himself aggrieved by the withholding of any consent applied for by him in pursuance 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

Corporation 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. A.D. 1930.  
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(4) Any person holding a pleasure fair in contravention 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.

**141.** 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 byelaws from time to time in force under the provisions of the said Act. Power of constables to enforce byelaws as to parks &c.

**142.** 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. Fire plugs.

PART X.  
FINANCIAL.

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

A.D. 1930. in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Part of this Act referred to as "the prescribed period") mentioned in the third column of the said table (namely) :—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(a) For the purpose of making any payment to the county council or any local authority under Part II. of this Act except under the provisions of this Act whereof the marginal note is "Purchase of electricity and gas mains &c."	The sum requisite	Thirty years from the date or dates of borrowing.
(b) For the payment of any compensation by this Act authorised or directed to be paid by the Corporation.	The sum requisite	Twenty years from the date or dates of borrowing.
(c) For the purchase of tramways	£15,000	Such period as may be prescribed by the Minister of Transport.
(d) For the purchase of electricity works.	The sum requisite	Such period as may be prescribed by the Electricity Commissioners.
(e) For the construction of the work by this Act authorised.	£1,050	Twenty years from the date or dates of borrowing.
(f) For the payment of the costs charges and expenses of this Act as herein-after defined.	The sum requisite	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Electricity Commissioners borrow such further money as it may be necessary to borrow for any of the purposes of the electricity undertaking of the Corporation and with the consent of the Minister of Transport borrow such further money as may be necessary for the purposes of Part III. (Tramways and omnibuses) of this Act and with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of that Part.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Electricity Commissioners or the Minister with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister with whose consent it is borrowed.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 161 (Power to use one form of mortgage for all purposes) of the Act of 1900.

(4) In order to secure the repayment of any money borrowed under subsection (2) (a) of this section for the purposes of the electricity undertaking and the payment of interest thereon the Corporation may mortgage or charge the general rate fund and the general rate and the revenue of the electricity undertaking.

**144.** The following provisions of the Act of 1900 shall extend and apply to and for the purposes of this Act as if those provisions were with the necessary modifications re-enacted in this Act (namely):—

Application  
of certain  
provisions  
of existing  
Act.

- Section 142 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 143 (Mode of raising money);
- Section 144 (Provisions of Public Health Act as to mortgages to apply);
- Section 146 (Mode of payment off of money borrowed);
- Section 148 (Sinking fund);
- Section 150 (Protection of lender from inquiry);
- Section 151 (Corporation not to regard trusts);
- Section 152 (Appointment of receiver);
- Section 153 (Power to re-borrow);
- Section 158 (Application of money borrowed);
- Section 159 (Expenses of execution of Act);
- Section 162 (Inquiries by Local Government Board):



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Provided that for the purposes of this Act subsection (2) of that section shall have effect as if the words "five guineas" were substituted for the words "three guineas" therein.

Lands fund.

**145.** The Corporation may if they think fit establish a fund to be called "the lands fund" which shall form part of the general rate fund to provide for purchasing or acquiring or taking on lease and holding any lands and buildings which in their opinion it is desirable at any time to acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough (other than the purposes of the tramway undertaking the gas undertaking the electricity undertaking the omnibus undertaking and the trolley vehicle undertaking) and such fund shall be formed by annually appropriating thereto out of the general rate such an amount as the Corporation may from time to time determine not exceeding the amount which would be produced by a rate of two pence in the pound calculated in manner provided by rules from time to time made by the Minister of Health under the Rating and Valuation Act, 1925 Provided that when the fund aforesaid shall amount to the sum of twenty-five thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of twenty-five thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of twenty-five thousand pounds.

Application  
of revenue  
and pay-  
ment of  
expenses  
of under-  
takings.

**146.** All moneys received by the Corporation on account of the revenue of the following undertakings of the Corporation (namely) :—

- (1) The gas undertaking;
- (2) The tramway undertaking;
- (3) The omnibus undertaking;
- (4) The trolley vehicle undertaking;
- (5) The electricity undertaking;

may be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

**147.** The charges to be made by the Corporation for gas supplied by them shall after the thirty-first day of March nineteen hundred and thirty-four be not more than sufficient so far as can be estimated to enable the gas undertaking of the Corporation to be carried on without loss after providing for the several matters set out in the six numbered paragraphs of section 36 of the West Bromwich Improvement (Gas) Act 1876 as amended by the West Bromwich Order (No. 1) (confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1886) and by this Act.

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Gas charges.

**148.** Nothing contained in this Act shall be deemed to authorise the Corporation to apply or dispose of the surplus revenue of their electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

As to surplus  
revenue of  
electricity  
under-  
taking.

**149.**—(1) As from the first day of April nineteen hundred and thirty-one the Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings referred to in the section of this Act of which the marginal note is "Application of revenue and payment of expenses of undertakings" (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking including the income from any reserve fund authorised in connection with such undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

Accounts.

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

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- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other purposes (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so appropriated or carried.

## PART XI.

## MISCELLANEOUS.

Application  
of miscel-  
laneous  
provisions  
of Act of  
1913.

**150.** The following provisions of the Act of 1913 shall extend and apply to this Part of this Act as if those provisions were re-enacted in this Act (namely):—

- Section 127 (Application of section 265 of Public Health Act 1875);
- Section 129 (Compensation &c. how to be determined);
- Section 131 (Informations by whom to be laid);
- Section 132 (Evidence of appointments authority &c.);
- Section 135 (Judges not disqualified);
- Section 136 (Saving for indictment &c.);
- Section 137 (Recovery of penalties &c.);
- Section 138 (Powers of Act cumulative);
- Section 140 (Authentication and service of notices &c.).

**151.** The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act.

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General provisions as to byelaws.

**152.** 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 V. (Streets and buildings) Part VI. (Sewers and drains) Part VII. (Infectious disease and sanitary provisions) Part VIII. (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.

**153.** 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 "authorised work" means any work authorised by this Act:

(2) Before commencing to execute any authorised work in any street or road in which any apparatus is laid which authorised work will be within three feet of such 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 a plan and section

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of such authorised work and such work shall not be executed except in accordance with such plan and section as so approved or as determined by arbitration under this section. Provided that in the event of such plan and section not being objected to within fourteen days from the receipt thereof they shall be deemed to have been approved by the company. The Corporation shall also if required to do so by the company give them any such further information in relation to such authorised work as they may reasonably require:

- (3) If it should appear to the company that the execution of such authorised work as proposed would interfere with or endanger any such apparatus or interfere with the access thereto or impede the supply of water the company may within fourteen days from the receipt by them of the notice by the Corporation give notice to the Corporation to alter the position of such apparatus in such manner as may be reasonably necessary and any difference as to the necessity of any such alteration or the manner of carrying out the alteration shall be settled by arbitration under this section and all such alterations shall save as hereinafter provided be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the company as the circumstances will admit and to the reasonable satisfaction of the engineer of the company and under his superintendence if he thinks fit to attend after receiving not less than three days' notice for that purpose which notice the Corporation are hereby required to give:
- (4) The Corporation in executing any authorised work shall not remove or displace any apparatus without the consent of the company or in any other manner than the company shall approve until good and sufficient substituted apparatus and other works necessary or proper for continuing the supply of water as sufficiently as the same was supplied by the apparatus



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proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the company :

- (5) Whenever by reason of the exercise by the Corporation of the powers of this Act any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Corporation under the provisions of this section) shall be rendered derelict useless or unnecessary the Corporation shall forthwith pay to the company such a sum as may be agreed between the Corporation and the company or as failing such agreement may be determined by arbitration as hereinafter provided to be the then value of such apparatus as apparatus and such apparatus shall thereupon become the property of the Corporation and in addition to such payment 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 this Act :
- (6) The Corporation in executing any authorised work 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 :
- (7) If the company shall desire to execute the works connected with any alteration of position removal displacement or renewal of or necessary additions to any apparatus under this section and shall give not less than seven days' notice in writing thereof to the Corporation before they

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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:

- (8) If any difference shall arise with respect to any matter under this section between the Corporation and the Company or their respective engineers the matter in difference 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.

Saving  
rights of  
Crown.

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

Costs of Act.

**155.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act. A.D. 1930.

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THE FIRST SCHEDULE.

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PART I.—LOCAL ACTS RELATING TO THE EXISTING  
BOROUGH.

Session and Chapter.	Short Title.
17 & 18 Vict. c. clxiii. -	West Bromwich Improvement Act 1854.
18 & 19 Vict. c. cxxxviii. -	West Bromwich Improvement (Amendment) Act 1855.
28 & 29 Vict. c. clx. -	West Bromwich Improvement (Amendment) Act 1865.
39 & 40 Vict. c. cxlix. -	West Bromwich Improvement (Gas) Act 1876.
52 & 53 Vict. c. xevi. -	West Bromwich Corporation (Consolidation of Loans) Act 1889.
63 & 64 Vict. c. ccxlv. -	West Bromwich Corporation Act 1900.
3 Edw. 7 c. cciii. -	West Bromwich Corporation Act 1903.
3 & 4 Geo. V. c. lxix. -	West Bromwich Corporation Act 1913.
8 & 9 Geo. V. c. xvi. -	West Bromwich Corporation Act 1918.
13 & 14 Geo. V. c. lxxxii. -	West Bromwich Corporation Act 1923.
17 & 18 Geo. V. c. lxxxvi. -	West Bromwich Corporation Act 1927.

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PART II.—CONFIRMATION ACTS RELATING TO THE  
EXISTING BOROUGH.

Session and Chapter.	Short Title.	Order thereby confirmed.
45 & 46 Vict. c. lxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1882.	Order relating to West Bromwich dated 11th May 1882.
49 & 50 Vict. c. lxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1886.	Orders (two) relating to West Bromwich dated 21st May 1886.
60 & 61 Vict. c. lxxii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1897.	Order relating to West Bromwich dated 6th May 1897.
61 & 62 Vict. c. xciii.	Electric Lighting Orders Confirmation (No. 10) Act 1898.	West Bromwich (Corporation) Electric Lighting Order 1898.
62 & 63 Vict. c. cxiii.	Local Government Board's Provisional Orders Confirmation (No. 11) Act 1899.	Orders relating to West Bromwich dated 15th May 1899 and 16th May 1899.
2 Edw. VII. c. lxxxi.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1902.	Order relating to West Bromwich dated 26th April 1902.

PART III.—SPECIAL ORDER RELATING TO THE  
EXISTING BOROUGH.

West Bromwich Gas Order 1926.

THE SECOND SCHEDULE.

A.D. 1930.

ADDITIONAL OMNIBUS ROUTES OUTSIDE THE BOROUGH.

1. Commencing at the boundary of the urban district of Tipton in Burnt Tree Road and passing along Birmingham Road to the Station Hotel in the borough of Dudley.

2. Commencing at the boundary of the borough in Birmingham Road and passing along Holyhead Road Soho Hill Hockley Hill Great Hampton Street and Livery Street to Colmore Row in the city of Birmingham.

3. Commencing in Colmore Row in the city of Birmingham and passing along Snow Hill and Constitution Hill to Great Hampton Street in the said city.

THE THIRD SCHEDULE.

AN AGREEMENT made the fifteenth day of November one thousand nine hundred and twenty-nine between THE SOUTH STAFFORDSHIRE TRAMWAYS COMPANY whose principal office is situate at 88 Kingsway in the county of London (hereinafter called "the South Staffordshire Company") of the first part THE SOUTH STAFFORDSHIRE TRAMWAYS (LESSEE) COMPANY LIMITED whose registered office is situate at 88 Kingsway aforesaid (hereinafter called "the Lessee Company") of the second part THE BRITISH ELECTRIC TRACTION COMPANY LIMITED whose registered office is situate at 88 Kingsway aforesaid (hereinafter called "the B.E.T. Company") of the third part THE BIRMINGHAM DISTRICT POWER AND TRACTION COMPANY LIMITED whose registered office is situate at 88 Kingsway in the county of London (hereinafter called "the Birmingham District Company") of the fourth part THE BIRMINGHAM AND MIDLAND MOTOR OMNIBUS COMPANY LIMITED whose registered office is situate at 88 Kingsway aforesaid



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(hereinafter called "the Omnibus Company") of the fifth part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF WEST BROMWICH (hereinafter called "the Corporation") of the sixth part.

WHEREAS the South Staffordshire Company were incorporated by the South Staffordshire Tramways Act 1889 and were thereby empowered to exercise all the powers and perform the duties conferred or imposed by (amongst other Orders) the Order referred to in the schedule hereto upon the promoters thereof so far as such powers and duties were then subsisting and (amongst other property) the tramway referred to in the schedule hereto were vested in the South Staffordshire Company as in the said Act provided :

And whereas by an indenture of lease dated the 25th day of April 1900 (hereinafter called "the lease of 1900") and made between the South Staffordshire Company of the first part the Lessee Company of the second part and the B.E.T. Company of the third part and confirmed by the South Staffordshire Tramways Act 1900 the said tramway referred to in the schedule hereto or the parts thereof more particularly therein described were with other tramways and property demised unto the Lessee Company in perpetuity but subject nevertheless as therein mentioned and subject to the rents thereby reserved and upon and subject to the covenants on the part of the Lessee Company and the agreements and conditions therein contained and in particular the Lessee Company covenanted not to assign the lease of 1900 or the premises thereby demised without the permission of the South Staffordshire Company such permission not to be unreasonably withheld :

And whereas by an indenture of lease dated the 3rd day of May 1906 (hereinafter called "the lease of 1906") and made between the mayor aldermen and burgesses of the borough of Wednesbury (hereinafter referred to as "the Wednesbury Corporation") of the first part the B.E.T. Company of the second part and the Lessee Company of the third part certain tramways (which are hereinafter referred to as "the Wednesbury tramways" and are for the purpose of identification only shown on the plan hereto annexed and thereon coloured pink) shown on the plan to the lease of 1906 and described in the first part of the schedule thereto were demised unto the Lessee Company subject to the exceptions and reservations therein mentioned from the 3rd day of May 1906 for the term of 30 years at the rents thereby reserved and upon and subject to the covenants on the part of the Lessee Company and the said B.E.T. Company and the conditions agreements and provisions therein contained and in particular the Lessee Company covenanted not to assign or underlet the tramways thereby demised or any part thereof without the consent in

writing of the Wednesbury Corporation under the hand of their clerk for the time being but it was provided that such consent should not be unreasonably withheld :

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And whereas the B.E.T. Company in the lease of 1906 covenanted to guarantee the due payment of the rents and any other moneys thereby reserved and the performance of the covenants and obligations of the Lessee Company thereunder and in case of default on the part of the Lessee Company at any time to pay the said rent to make good and pay so much of said rents and any other moneys as should be due and owing by the Lessee Company or their assigns as therein provided and to keep the Wednesbury Corporation indemnified against the obligations and liabilities of the South Staffordshire Company therein more particularly mentioned and the B.E.T. Company was also made a party to the agreement dated the 3rd day of April 1902 hereinafter referred to as guarantor and did thereby guarantee the due and proper performance of such agreements by the Birmingham District Company and the Lessee Company respectively as therein provided :

And whereas by section 7 of the Black Country Tramways and Light Railways Act 1922 the term of the lease of 1906 was extended so as to terminate on the 31st day of December 1938 and it was provided that the rents or sums to be yielded and paid under clauses 1 and 2 thereof in respect of the period between the 3rd day of May 1936 and the termination of the lease of 1906 should be at the rate of £1,091 14s. 0d. per annum :

And whereas the Omnibus Company are operating services of motor omnibuses in the areas served by the said tramway referred to in the schedule hereto and the Wednesbury tramways or some of them and the Omnibus Company the Birmingham District Company and the B.E.T. Company have at the request of the other companies party hereto and of the Corporation agreed to enter into such covenant with the Corporation as is hereinafter contained.

Now these presents witness and declare as follows :—

1. Subject to the conditions hereinafter contained—

- (a) The Lessee Company agrees to sell and the Corporation agrees to purchase the Wednesbury tramways together with such part of the overhead electrical equipment demised by the lease of 1906 and described in the second part of the schedule thereto as forms part of or is used exclusively in connection with the Wednesbury tramways subject to the exceptions and reservations contained in the lease of 1906 for all the residue of the term thereby created as extended by the said Black Country Tramways and Light Railways Act 1922 subject to the payment of the yearly rent

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and other sums by the lease of 1906 or the said Act reserved or made payable and to the covenants on the part of the Lessee Company and the conditions agreements and provisions contained in the lease of 1906; and

- (b) The Lessee Company with the consent of the South Staffordshire Company agrees to sell and the Corporation agrees to purchase such part of the said tramway referred to in the schedule hereto as is more particularly therein described and hereinafter referred to as "the Darlaston tramway" together with all rails poles wires bonding tubes mechanical and other appliances demised to the Lessee Company by the lease of 1900 and now forming part of or used exclusively in connection with the Darlaston tramway and the benefit of the said Order referred to in the schedule hereto so far as the same relates to the Darlaston tramway and was demised by the lease of 1900 and is now vested and may be assigned as aforesaid by the Lessee Company for all the estate and interest to which the Lessee Company may be entitled under the lease of 1900 subject to the rights of the local authorities therein referred to and upon and subject to the rents thereby reserved and the covenants agreements and conditions therein contained; and
- (c) The South Staffordshire Company shall sell and transfer to the Corporation and the Corporation shall take a transfer of all the estate and interest of the South Staffordshire Company in the Darlaston tramway and all rights powers and authorities of the South Staffordshire Company under the said Order referred to in the schedule hereto or otherwise in relation to the Darlaston tramway subject to all duties obligations and liabilities of the South Staffordshire Company statutory or otherwise relating thereto and subject also to but with the benefit of the lease of 1900 so far as it relates to the Darlaston tramway; and
- (d) The South Staffordshire Company and the Lessee Company shall further assign or transfer to the Corporation for all their respective estates or interests (if any) therein the posts standards brackets feeders and cables used exclusively in connection with such parts of the Wednesbury tramways as lie between the points marked A B C and D respectively on the plan hereto annexed.

2. The total consideration for the sale and transfer of the tramways and other premises hereby agreed to be sold or transferred or assigned to the Corporation (which tramways

and premises are hereinafter together referred to as the "said tramways") shall be the sum of £15,000. The Corporation having on the execution of these presents paid to South Staffordshire Company and the Lessee Company (hereinafter referred to as "the vendor companies") or their solicitors the sum of £1,500 as a deposit and in part payment of the said purchase money of £15,000 the balance of the purchase money shall be paid to the vendor companies in such proportion as they shall require upon the date hereinafter fixed for completion together with interest thereon at the rate of £6 per cent. per annum from the date of these presents to the date of actual payment of the said balance. A.D. 1930.

3. The sale of the said tramways shall be completed at the office of Sydney Morse & Company the vendor companies' solicitors at Alder House Aldersgate Street in the city of London as soon as practicable after the date (hereinafter referred to as "the said date") on which this agreement shall become absolute in accordance with clause 11 hereof. If from any cause whatsoever other than the wilful act or default of the vendor companies or either of them the completion of the purchase of the said tramways shall be delayed beyond the expiration of three months from the said date then the South Staffordshire Company and the Lessee Company or either of them shall be at liberty at any time thereafter by notice in writing to the Corporation to rescind this agreement which shall thereupon become void and the said deposit money shall be forfeited to the South Staffordshire Company and the Lessee Company.

4. Pending the completion of the purchase of the said tramways the Lessee Company shall be entitled to retain possession of and to continue to operate use and enjoy the said tramways in the same manner as heretofore and shall keep and maintain the same in as good a state of repair as the same are now in (fair wear and tear excepted) but shall not be bound at any time to expend any money upon renewals in respect of any of the said tramways or any part or parts thereof except where necessary to maintain the tracks in safe running condition. As from the date of these presents the Lessee Company shall be deemed to be operating the said tramways on behalf of the Corporation and all profits and outgoings in respect of the said tramways shall as the case may be belong to or be discharged by the Corporation as from the date of these presents and on the completion of the purchase the Lessee Company shall account to and be fully indemnified by the Corporation accordingly provided that in the event of this agreement being rescinded or becoming void under any of the provisions herein contained the Lessee Company shall be entitled to retain all receipts and profits in respect of the said tramways for its own benefit.

5. As from the said date the Corporation shall perform and discharge all duties obligations engagements and liabilities

A.D. 1930. — whatsoever statutory or otherwise (including the rents and other sums payable under and the covenants agreements and conditions contained in the lease of 1906) of the South Staffordshire Company and the Lessee Company or either of them in relation to the said tramways and premises or any part thereof and shall as from the said date keep the South Staffordshire Company and the Lessee Company and each of them effectually indemnified from and against all proceedings costs claims liabilities and expenses whatsoever in respect of the said tramways or any part thereof or the non-performance or non-observance of any of such duties obligations engagements and liabilities as aforesaid.

6. The Lessee Company shall forthwith apply to the Wednesbury Corporation and thereafter use their best endeavours to obtain pursuant to clause 10 of the lease of 1906 the consent of the Wednesbury Corporation to the assignment of the Wednesbury tramways to the Corporation in accordance with these presents and the Corporation shall forthwith apply for and thereafter use their best endeavours to obtain at their own expense as soon as possible after the execution of these presents all such statutory powers as may be necessary to enable the Corporation to purchase and take a transfer or assignment of the said tramways in accordance with these presents and the South Staffordshire Company and the Lessee Company to sell and transfer or assign the same to the Corporation and the vendor companies and the B. E. T. Company shall at the cost of the Corporation render such assistance to the Corporation as the Corporation may reasonably require and the vendor companies and the B.E.T. Company may lawfully and properly render to enable the Corporation to obtain such powers as aforesaid.

7. The lease of 1900 and the lease of 1906 or copies thereof having been already produced to the Corporation the Corporation shall be deemed to purchase with full notice of the contents and effect thereof and shall accept the title of the vendor companies and each of them to the said tramways and shall not investigate or raise any requisition or objection to the title to the said tramways or any of them or as to the powers of the vendor companies or either of them.

8. On payment of the purchase money the Corporation shall be entitled to a proper assurance or assurances of the said tramways. Such assurance or assurances shall be prepared by and at the expense of the Corporation and the draft or drafts thereof shall be left not less than fourteen days and the engrossment or engrossments not less than seven days before the said date at the office aforesaid for perusal and execution respectively by the vendor companies.

9. The said tramways are sold free from any charge created to secure any debentures or debenture stock issued by the vendor



companies or any of them or any claims or demands in respect of the same. A.D. 1930.

10. The said tramways are believed and shall be taken as correctly described and any incorrect statement error or omission found in these presents shall not annul the sale or entitle the Corporation to be discharged from the purchase nor shall the Corporation claim or be allowed any compensation in respect thereof.

11. Each of them the vendor companies the B.E.T. Company the Birmingham District Company and the Omnibus Company hereby so far as the covenant hereinafter contained ought to be performed or observed by them respectively and their respective assigns but not further or otherwise covenant with the Corporation that as from the completion of the purchase of the said tramways and if and so long thereafter as the Corporation shall be operating a service or services of trams trolley vehicles or omnibuses along the streets hereinafter mentioned they the vendor companies the B.E.T. Company and the Omnibus Company respectively and their respective assigns will not without the consent in writing of the Corporation themselves or by means of any other company or companies person or persons ply for hire along Bridge Street Hollyhead Road High Bullen Trowse Lane Darlaston Road Kings Hill Lower High Street the Market Place Walsall Street and Wood Green Road in the borough of Wednesbury and Walsall Road which is situate partly in the borough of Wednesbury and partly in the urban district of Darlaston or along any route adjacent to any of such streets in competition with the service or services of trams trolley vehicles or omnibuses for the time being operated by the Corporation along such streets Provided that the Omnibus Company or their assigns may continue each and all of their existing services in or through the borough of Wednesbury and the urban district of Darlaston (except the service or services between High Bullen and James Bridge via Trowse Lane Hall End Manor House Road and Park Road in Wednesbury) And provided further and it is hereby declared that the vendor companies or the B.E.T. Company and the Omnibus Company or any of them may run any further service or services of omnibuses along the streets or in or through the districts hereinbefore mentioned or any of them if such service or services do not compete with the said services of the Corporation.

12. This agreement is conditional upon all necessary statutory powers and the consent of the Wednesbury Corporation and of any other authority or body whose consent to the sale or transfer of the said tramways or any part thereof in accordance with these presents may be necessary or requisite being obtained under or in accordance with clause 6 hereof and if the same shall not be

A.D. 1930. — obtained within eighteen months from the date hereof this agreement and everything herein contained shall forthwith on the expiration of such period of eighteen months become void and thereupon the said deposit of £1,500 shall forthwith be repaid to the Corporation but without interest.

In witness whereof the parties hereto have hereunto caused their respective common seals to be affixed the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO:

All such part of Tramway No. 1 authorised by the Staffordshire Tramways (Extension) Order 1882 as lies between its commencement at the eastern end of Pinfold Street (in the said Order referred to as "Pinfold Street") Wednesbury and the point at which the boundary of the parish of Walsall crosses the Walsall Road which part of the said tramway is for the purpose of identification only shown and coloured green on the plan hereto annexed.

The common seal of the South Staffordshire  
Tramways Company was hereunto affixed in  
the presence of



L.S.

W. G. BOND  
P. M. ROSSDALE } Directors.  
C. W. FRANCIS  
Secretary.

The common seal of the South Staffordshire  
Tramways (Lessee) Company Limited was  
hereunto affixed in the presence of



L.S.

W. G. BOND  
P. M. ROSSDALE } Directors.  
L. EARDLEY  
Acting Secretary.

The common seal of the British Electric Traction  
Company Limited was hereunto affixed in the  
presence of

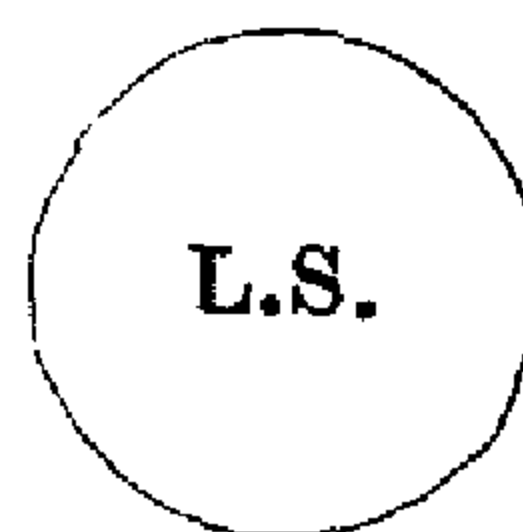


L.S.

P. M. ROSSDALE  
RICHARD J. HOWLEY } Directors.  
THOMAS BOWER  
Secretary.

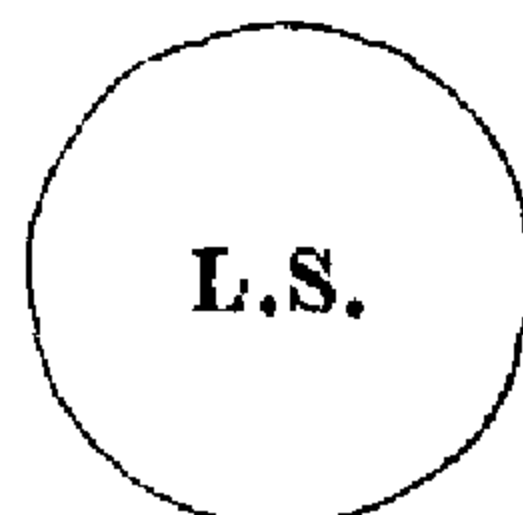
A.D. 1930.

The common seal of the Birmingham District  
Power and Traction Company Limited was  
hereunto affixed in the presence of



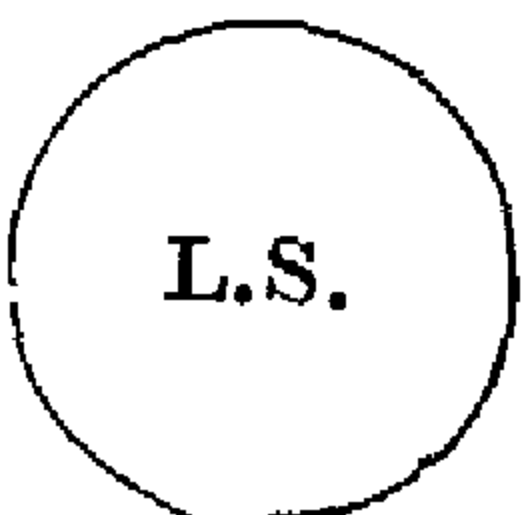
P. M. ROSSDALE  
W. G. BOND } Directors.  
W. J. ALLEN  
Secretary.

The common seal of the Birmingham and Midland  
Motor Omnibus Company Limited was here-  
unto affixed in the presence of



P. M. ROSSDALE  
W. G. BOND } Directors.  
C. W. FRANCIS  
Secretary.

The common seal of the mayor aldermen and  
burgesses of the borough of West Bromwich  
was hereunto affixed in the presence of



A. WICKHAM  
Town Clerk.

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