



## CHAPTER xlv.

An Act to extend the boundaries of the borough of Tamworth to make further and better provision for the improvement health local government and finance of the borough and for other purposes. A.D. 1931.  
[8th July 1931.]

**W**HEREAS the existing borough of Tamworth in the county of Stafford (in the preamble of this Act referred to as "the existing borough") is a municipal borough under the management and control of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation") :

And whereas the unrepealed provisions of the Order specified in the schedule to this Act are in force in the existing borough :

And whereas the rural district of Tamworth is situate partly in the administrative county of Stafford and partly in the administrative county of Warwick the parishes of Fazeley and Wigginton in the said rural district being situate in the administrative county of Stafford and the parish of Amington and Stoneydelph the parish of Bolehall and Glascote and the parish of Wilnecote and Castle Liberty in the said rural district being situate in the administrative county of Warwick and all of such parishes adjoin or are in the neighbourhood of the existing borough :

And whereas it is expedient to alter and extend the boundaries of the existing borough so as to include therein

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And whereas it is expedient that further and better provision should be made with reference to streets buildings infectious disease and sanitary matters and otherwise for the local government health improvement and finance of the borough as extended by this Act and that the powers of the Corporation in relation thereto should be enlarged and extended :

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

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

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

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

## PART I.

### PRELIMINARY.

Short title.

1. This Act may be cited as the Tamworth Corporation Act 1931.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Extension of boundaries.

Part III.—Streets buildings sewers and drains.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Hackney carriage and traffic provisions.

Part VI.—Lands.

Part VII.—Baths &c.

Part VIII.—Financial provisions.

Part IX.—Miscellaneous.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (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.

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Incorporation of  
Lands  
Clauses  
Acts.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-  
tion.

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

“The borough” until the appointed day means the existing borough of Tamworth and as from that date means the existing borough as extended by this Act;

“The existing borough” means the borough of Tamworth as it exists immediately before the appointed day;

“The parish” means the existing parish of Tamworth as extended by this Act;

“The Corporation” means as the context requires the mayor aldermen and burgesses of the existing borough or of the borough acting by the council;

“The council” means the council of the borough;

“The mayor” means as the context requires the mayor of the existing borough or of the borough;

“The town clerk” “the treasurer” “the medical officer” “the surveyor” and “the sanitary inspector” mean respectively as the context requires the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Corporation of the existing borough or of the borough and respectively include any person duly authorised to discharge temporarily the duties of those officers;

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- “The general rate fund” and “the general rate” mean respectively the general rate fund and general rate of the borough;
- “The county” and “the county council” mean respectively the administrative county of Stafford and the county council of that county;
- “The county of Warwick” and “the county council of Warwick” mean respectively the administrative county of Warwick and the county council of that county;
- “The rural district” and “the rural council” mean respectively the rural district of Tamworth and the rural district council of that district;
- “The added areas” means the areas which are added to the existing borough by this Act and coloured yellow on the borough map;
- “The transferred areas” means those parts of the added areas which are transferred by this Act from the county of Warwick to the county of Stafford;
- “The parishes” means the parishes of Amington and Stoneydelph Bolehall and Glascote Wilnecote and Castle Liberty Fazeley and Wigginton;
- “The borough map” means the map marked “Tamworth extension borough map” and signed in triplicate by John Henry Palin Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;
- “The ward map” means the map marked “Map of the wards of the borough of Tamworth as extended by the Tamworth Corporation Act 1931” and signed in triplicate by John Henry Palin the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

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- “ The appointed day ” means the first day of April on thousand nine hundred and thirty-two;
- “ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day;
- “ Officer ” includes a servant a justices’ clerk a coroner and any person whose remuneration is paid by a local authority;
- “ 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;
- “ The Act of 1888 ” “ the Act of 1894 ” and “ the Act of 1929 ” mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929;
- “ The Local Government Acts ” means the Act of 1888 the Act of 1894 and the Act of 1929;
- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;
- “ The Municipal Corporations Acts ” means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925;
- “ The Rating Act ” means the Rating and Valuation Act 1925;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ The Minister ” means the Minister of Health;
- “ Public service vehicle ” has the meaning given to that expression by section 121 of the Road Traffic Act 1930;
- “ Omnibus ” has the same meaning as in the Town Police Clauses Act 1889 but does not include a public service vehicle;
- “ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 and does not include a public service vehicle or an omnibus;

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“ Food ” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;

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

“ Child ” means a person under the age of sixteen years;

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

“ Daily penalty ” means a penalty for each day on which an offence is continued by a person after conviction;

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;



“Telegraphic line” has the same meaning as in the Telegraph Act 1878; A.D. 1931.

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

## PART II.

### EXTENSION OF BOUNDARIES.

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

- (a) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts ;
- (b) the qualification of candidates for election to the office of councillor of the borough ;
- (c) all proceedings preliminary or relating to any election to be held in the year one thousand nine hundred and thirty-two for any area affected by this Act ; and
- (d) the preparation of any precept to be issued or made on or after the appointed day ;

this Part of this Act shall operate from the date of its passing.

6.—(1) The boundary of the existing borough the area whereof is coloured pink on the borough map shall be altered so as to include in addition to that area so much of the parishes as is coloured yellow on the borough map. Extension  
of borough.

(2) The boundary of the borough shall be that shown by the inner edge of the dark red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough.

7.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent as soon as may be after the passing of this Act to the clerks of the county councils of Stafford and Warwick to the Borough  
and ward  
maps.

A.D. 1931. clerk to the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister to the Minister of Transport and to the Minister of Agriculture and Fisheries and copies of the ward map so deposited and certified in like manner shall be sent by the town clerk within the said period to the Minister to the Registrar-General the Secretary of State and to the Minister of Agriculture and Fisheries.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of any area altered by this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Alteration  
of county  
boundary.

8.—(1) The boundary between the county and the county of Warwick shall be altered so that the borough shall be wholly situate in the county and the borough of Tamworth shall for the purposes of the Local Government Acts and for all other purposes including the purposes of any commission of assize oyer and terminer or gaol delivery the service and qualification of jurors the making up of the jurors' book sheriff lieutenant and territorial army be within the county and subject to the provisions of this Act the county council of Warwick and the standing joint committee of that county shall cease to exercise any powers or discharge any duties within any part of the transferred areas.

(2) The powers and duties of the quarter sessions justices sheriff and clerk of the peace of the county and of the police constables and other peace officers of the county shall extend to the transferred areas.

(3) Lists of prisoners writs process and particulars and all records and documents relating to or to be executed



in connection with any action or proceeding pending or existing at the appointed day and appertaining to the transferred areas shall be delivered turned over or transferred and signed in like manner in all respects so nearly as circumstances admit as is required to be done upon a new sheriff coming into office and as if the sheriff of the county were as respects the transferred areas the new sheriff in succession to the sheriff of the county of Warwick.

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9. The added areas shall be added to and form part of the existing parish of Tamworth.

Alterations  
of parishes.

10. The number of councillors of the borough shall be increased from twelve to eighteen and the number of aldermen shall be increased from four to six.

Number of  
councillors  
and alder-  
men.

11. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of wards the following provisions shall have effect :—

Division  
into wards.

- (1) For the purposes of the election of councillors the borough shall be divided into three wards which shall be named respectively the Bolehall Ward the Castle Ward and the Leys Ward:
- (2) Each of the said wards shall comprise that portion of the borough which is indicated by a separate colour and distinguished by the name of the ward on the ward maps:
- (3) Six councillors shall be assigned to each of the said wards.

12.—(1) Notwithstanding any enactment to the contrary the following provisions shall have effect with regard to the persons who at the passing of this Act are the mayor aldermen and councillors of the existing borough :—

Continu-  
ance in  
office of  
councillors  
&c.

- (a) The mayor and such of those persons as are aldermen shall continue in office as mayor and aldermen until the fifth day of April one thousand nine hundred and thirty-two but shall then go out of office;
- (b) Such of those persons as are councillors shall continue in office as councillors until the

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twenty-second day of March one thousand nine hundred and thirty-two but shall then go out of office;

- (c) Every such person unless disqualified shall be eligible for election as a councillor of the borough on the twenty-second day of March one thousand nine hundred and thirty-two.

(2) If after the date of the passing of this Act any casual vacancy should occur among the councillors of the existing borough the vacancy shall not be filled.

Election of  
aldermen  
and coun-  
cillors in  
1932.

**13.** The first election of councillors for the borough shall be held in March one thousand nine hundred and thirty-two and the first election of aldermen in April of the same year and the following provisions shall apply to the elections :—

- (1) The mayor and the town clerk of the existing borough or such other persons as the Secretary of State may appoint shall perform the duties devolving upon a mayor and town clerk respectively under the Municipal Corporations Acts and the mayor shall be the returning officer at every election for the said wards until the first day of November one thousand nine hundred and thirty-two but may appoint some other person to act as returning officer at the election for any of the wards :
- (2) Eighteen councillors of the borough shall be elected on the twenty-second day of March and six aldermen shall be elected on the fifth day of April.

Election of  
mayor in  
1932.

**14.**—(1) A mayor shall be elected on the fifth day of April one thousand nine hundred and thirty-two who shall hold office until a successor elected on the ninth day of November one thousand nine hundred and thirty-two has accepted office and made and subscribed the declaration required by section 35 of the Municipal Corporations Act 1882.

(2) The first business to be transacted at the first meeting of the council of the borough shall be the election of a mayor.

**15.**—(1) The councillors elected for the borough in the year one thousand nine hundred and thirty-two in pursuance of this Act shall retire as follows :—

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Retirement  
of coun-  
cillors and  
aldermen  
elected in  
1932.

(a) The two councillors for each ward who are elected by the smallest number of votes on the first day of November one thousand nine hundred and thirty-three;

(b) The two councillors for each ward who are elected by the largest number of votes on the first day of November one thousand nine hundred and thirty-five; and

(c) The other councillors for each ward on the first day of November one thousand nine hundred and thirty-four.

(2) The aldermen elected for the borough in the year one thousand nine hundred and thirty-two in pursuance of this Act shall retire as follows :—

(a) The three aldermen elected by the smallest number of votes on the ninth day of November one thousand nine hundred and thirty-five; and

(b) The other three aldermen on the ninth day of November one thousand nine hundred and thirty-eight.

(3) If for any reason it is doubtful which of the councillors or aldermen as the case may be ought to retire on the days above specified the council of the borough shall at their first meeting or at the next following quarterly meeting and not later by a majority of votes or in case of an equality of votes by the casting vote of the chairman determine the question.

**16.** The first meeting of the council of the borough shall be held on the fifth day of April one thousand nine hundred and thirty-two or on such other day as the Minister may appoint and such meeting shall not be in substitution for one of the quarterly meetings of the council.

First  
meeting of  
borough  
council.

**17.** Subject to the provisions of section 54 of the Act of 1888 section 50 of the Act of 1929 and section 2 of the Representation of the People Act 1922—

County  
electoral  
divisions.

(1) The transferred areas shall be separated from the existing Bolehall and Glascote and Kingsbury electoral divisions of the county of Warwick

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and shall be added to and form part of the Tamworth electoral division of the county :

- (2) The persons who immediately before the appointed day are the county councillors representing the Bolehall and Glascote and Kingsbury electoral divisions of the county of Warwick and the Tamworth division of the county shall continue in office and be deemed to have been elected to represent those divisions respectively as altered by this Act and shall retire on the day on which they would respectively have retired if this Act had not been passed.

Qualifica-  
tion of  
aldermen  
and coun-  
cillors.

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

Jurisdiction  
of borough  
justices &c.  
extended.

19.—(1) The powers and duties of the justices of the peace for the existing borough of the coroner for the East Staffordshire coroner's district of the county and of the clerk to those justices shall extend to and apply throughout the borough :

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 any coroner in relation to any matter arising in or concerning any part of the added areas may be 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 other than the transferred areas shall cease to form part of the Tamworth petty sessional division of the county and the transferred areas shall cease to form part of any petty sessional division or coroner's district of the county of Warwick.

Officers of  
Corporation  
continued.

20.—(1) The town clerk and all other officers of the Corporation of the existing borough who hold office at 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. A.D. 1931.

(2) The auditors of the existing borough who are in office at the appointed day shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the expiration of one calendar month from the date of the first meeting of the council held after the appointed day.

**21.** Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough (not being property held on any charitable trust) shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the appointed day attach to the Corporation in respect of the existing borough shall from and after that day attach to them in respect of the borough. Corporation property &c.

**22.** Subject to the provisions of this Act and to any necessary adjustment so much of any sums borrowed by the Corporation as will at the appointed day be owing and charged upon a fund or rate levied within the existing borough shall be charged upon the corresponding fund or rate to be levied within the borough and shall together with the interest to accrue due thereon 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. Mortgage debts of Corporation.

**23.** For the purposes and subject to the provisions of the Education Act 1921— Transfer of public elementary schools.

(1) All public elementary schools provided by the county council of Warwick as local education authority and situate within the transferred areas and the furniture fittings books and apparatus belonging to that county council of any public elementary school within such area shall by virtue of this Act be transferred to and vest in the county council as the local education authority for all the estate and interest

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therein of the county council of Warwick as the local education authority :

- (2) All contracts debts and liabilities which at the appointed day are existing or are owing by or attach to the county council of Warwick in respect exclusively of any public elementary school in the transferred areas or of the furniture fittings books or apparatus or with respect to the officers and teachers of any public elementary school in the transferred areas shall by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the county council as the local education authority :
- (3) Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section :
- (4) Subject to any adjustment which may hereafter be made the liability for repayment of so much of any loan raised exclusively in respect of any public elementary school or of the furniture fittings or apparatus transferred to and vested in the county council by virtue of this Act as will be owing at the commencement of this Act and the liability for the payment of interest on that part of the said loan after the appointed day shall by virtue of this Act be transferred and attach to the county council as the local education authority and so much of any such loan as will be owing on the said date shall be charged on the fund or rate out of which the expenses of the county council under the Education Act 1921 are payable and shall be repaid by the county council within the period for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :
- (5) In this section " public elementary school " includes the site and schoolhouse and also any land acquired and held by the county council of Warwick as the local education authority for purposes of elementary education but does not include the site schoolhouse and land comprising the girls' department of the Bolehall and Glascote Council public elementary school.



**24.**—(1) Any byelaws in force in the existing borough immediately before the appointed day under the Education Act 1921 or any enactment repealed by that Act shall extend and apply to the borough until revoked or altered by byelaws of the county council. A.D. 1931.  
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Education  
byelaws and  
managers.

(2) Every manager of any public elementary school in the transferred areas who was appointed by the county council of Warwick or a parish council shall vacate office at the appointed day.

**25.**—(1) Subject to the provisions of this Act the unrepealed provisions of the confirmation Act specified in the schedule to this Act so far as such Act relates to the Provisional Order specified in that schedule and of any other local Act (including any local Act passed or to be passed during the present session of Parliament) or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough on the appointed day shall extend 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 thereof. Confirma-  
tion Act  
and Order.

(2) The provisions of any protective section for the benefit of the county council of Warwick or of the rural council (or the predecessors of such council) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) in force on the appointed day shall in respect of all matters relating to or affecting any part of the added areas enure to the benefit of the county council or the Corporation as the case may be and shall be construed as if a reference to the Corporation were substituted for any reference to the county council of Warwick or the rural council (or their predecessors) as the case may be.

(3) Nothing in this Act contained shall enlarge diminish or affect the areas of supply of the Tamworth District Electric Supply Company Limited or the rights powers privileges duties and liabilities of such company.

**26.**—(1) The provisions of—  
 (a) the Baths and Washhouses Acts 1846 to 1925;  
 (b) the Infectious Disease (Prevention) Act 1890;

Adoptive  
Acts and  
Acts applied  
by order.

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- (c) any order putting in force Parts II III IV V VI and X of the Public Health Acts Amendment Act 1907;
- (d) the Public Health Acts Amendment Act 1890;
- (e) the Private Street Works Act 1892;
- (f) the Public Libraries Acts 1892 to 1919;
- (g) the Public Health Act 1925 Parts II (excepting sections 21 and 22) III (excepting section 44) and IV;

shall be in force within and apply to the borough.

(2) The adoption of any adoptive Acts adopted by the rural council or their predecessors and the provisions of any order under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 declaring any parts or sections of either of those Acts to be in force within the rural district or any part thereof shall cease to be of effect within or to apply to any part of the added areas.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any other Act mentioned in subsection (1) of this section which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas and any order under the Infectious Disease (Notification) Act 1889 or under any other Act mentioned in subsection (1) of this section in force immediately before that day within the added areas shall cease to be in force within those areas.

Orders  
under Shops  
Acts 1912  
to 1928.

**27.** 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 Wild  
Birds Pro-  
tection Acts.

**28.** 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 of Warwick shall cease to extend to the transferred areas.

**29.**—(1) The order under section 33 of the Act of 1894 made by the Local Government Board on the twenty-fourth day of November one thousand eight hundred and ninety-six shall have effect as if any reference therein to the existing borough extended and applied to the borough.

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Orders  
under sec-  
tion 33 of  
Act of 1894.

(2) Nothing in this section shall be deemed to substitute a reference to the parish for a reference in the said order dated the twenty-fourth day of November one thousand eight hundred and ninety-six (relating to charities) to the parish as it existed at the date of that order.

(3) An order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Act as if this Act had not been passed.

**30.**—(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—

Byelaws  
regulations  
and scales  
of charges.

(a) if made before the first day of January one thousand nine hundred and twenty-one 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 one thousand nine hundred and twenty-one 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) 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) In their application to the added areas any byelaws made by the rural council and continued in force

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(4) All other byelaws made by the Corporation or by the county council or the standing joint committee of the county and in force in the existing borough immediately before the appointed day shall apply to the borough until repealed or altered and all byelaws made by the county council of Warwick or the standing joint committee of that county shall on that day cease to apply within the transferred areas.

(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 the county council or the standing joint committee of the county as the case may require as if such byelaw had remained in force and as if the Corporation the county council or the standing joint committee of the county had been substituted therein for the rural council the county council of Warwick or the standing joint committee of that county.

(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 whether made before or after the passing of that Act.

Insurance  
committees.

**31.**—(1) The Minister may by order at any time after the passing of this Act make such provisions as appear to him to be necessary for transferring to the insurance committee for the county such of the property rights and liabilities of the insurance committee for the county of Warwick as relate to persons resident in the transferred areas.

(2) An order made under this section may authorise the insurance committee for the county of Warwick to continue to act as insurance committee for the transferred areas until such date not being later than the thirty-first day of December one thousand nine hundred and thirty-two as may be specified in the order and may for that

purpose postpone the operation of this Act so far as it relates to the rights and duties of the respective insurance committees for the county of Warwick and the county 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 necessary or expedient. A.D. 1931.

(3) An order under this section may be revoked revised and 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 county of Warwick shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for those counties as altered by this Act.

**32.**—(1) The transferred areas shall be separated from the Sutton Coldfield assessment area as constituted by the County of Warwick (Assessment Areas and Assessment Committees) Scheme 1926 and shall be included in and form part of the Lichfield and Tamworth assessment area as constituted by the County of Stafford (Assessment Areas and Assessment Committees) Scheme 1926. Assessment areas and assessment committees.

(2) The County of Stafford (Assessment Areas and Assessment Committees) Scheme 1930 as approved by the Minister on the eighteenth day of March one thousand nine hundred and thirty-one shall subject to any amended or new scheme substituted therefor with the like approval be read and have effect as if—

- (i) for references therein to the borough and the town council there were substituted references to the borough as extended by this Act and the town council thereof;
- (ii) the number of members of the assessment committee to be appointed by the Corporation were four;
- (iii) the number of members of the assessment committee to be appointed by the rural council were two.

A.D. 1931.

Land  
Charges Act  
1925.**33.**—(1) Within one calendar month after the appointed day—

(a) the local registrar for the county of Warwick shall—

(i) supply to the local registrar for the county an office copy of every entry in the local land charges register relating to any premises situate within the transferred areas and to charges which after the appointed day remain county charges;

(ii) supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the transferred areas and to charges which on the appointed day became borough charges;

(b) the local registrar for the county shall supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within so much of the added areas as is not comprised in the transferred areas and to charges which on the appointed day became borough charges;

(c) the local registrar for the rural district shall supply to the local registrar for the borough an office copy of every entry in the local land charges register relating to any premises situate within the added areas.

The local registrar supplying such office copy shall be entitled to be paid by the county council or the Corporation (as the case may be) such fees as are prescribed by the rules made under the Land Charges Act 1925.

(2) Within one calendar month after receipt of any such office copy as is mentioned in subsection (1) of this section—

(a) the local registrar for the county shall enter in the appropriate part of the local land charges register of the county the particulars contained in such office copy with any necessary modifications;



- (b) the local registrar for the borough shall enter in the appropriate part of the local land charges register of the borough the particulars contained in such office copy with any necessary modifications. A.D. 1931.

(3) Until the entries are made as aforesaid or until the expiration of two calendar months from the appointed day whichever shall be the earlier—

- (a) the local registrar for the county shall give notice to any person desiring to make a personal search in respect to any land situate within the transferred areas that an additional search should be made in the local land charges register for the county of Warwick;

- (b) the local registrar for the borough shall give notice to any person desiring to make a personal search in respect of any land situate within the added areas that an additional search should be made in the local land charges register for the rural district and in the local land charges register for the county or if the land is situate in the transferred areas in the local land charges register for the county of Warwick;

- (c) when application is made for an official search in the local land charges register of the county and the application relates to land situate within the transferred areas the local registrar for the county shall issue free of charge a certificate of official search in the register of the county and shall forward to the local registrar for the county of Warwick the application received by him together with the fees paid in respect thereof;

- (d) when application is made for an official search in the local land charges register of the borough and the application relates to land situate within the added areas 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 to the local registrar of the rural district the application received by him together with the fees paid in respect thereof;

A.D. 1931.  
—

(e) the local registrars for the county of Warwick the county and the rural district respectively shall permit and make such searches and furnish such office copies and certificates as they 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 this Act had not been passed;

(f) the fees in respect of the additional searches permitted under paragraphs (a) and (b) of this subsection shall be paid by the Corporation.

(4) Where entry of a local land charge which has been duly made in the local land charges register of the county of Warwick is in pursuance of this section transferred from that register to the register of the county or where an entry of a local land charge which has been duly made in the local land charges register of the county of Warwick or of the county or of the rural district is so transferred 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 local land charges register of the county or the borough as the case may be.

Register of  
nursing  
homes.

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

(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 of Warwick in respect of premises within the transferred areas shall continue in force until the exemption shall expire.

Valuation  
lists.

**35.**—(1) The valuation list for the existing borough and the portion of the valuation list of the rural district which relate to hereditaments within the added areas

modified so as to give effect to the provisions of subsection (3) of this section shall together form the valuation list of the borough as from the appointed day. A.D. 1931.  
—

(2) The remaining portion of the valuation list of the said district shall be the valuation list of that district as from the appointed day.

(3) For the purposes of all valuation lists of the borough under the Rating Act the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the 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 that Act shall be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing borough and such adjustment of the value of those hereditaments in the added areas shall be made by the Corporation as may be necessary to give effect to the provisions of this subsection.

**36.** For the purpose of summoning jurors and jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book comes into force. As to jury service.

**37.**—(1) The registration officer of the parliamentary county of Warwick shall supply the registration officer of the parliamentary county of Stafford 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 transferred areas and shall forthwith notify the registration officer of the parliamentary county of Stafford of his decisions on any objections or claims in separate parts for each area constituting a registration unit before the appointed day. Duplicate entries in electors' lists.

(2) It shall be the duty of the registration officer of the parliamentary county of Stafford 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

A.D. 1931. of borough council elections or in the same electoral division of the county of Stafford for the purpose of county council elections.

(3) Where the registration officer of the parliamentary county of Stafford considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for any of the purposes mentioned in subsection (2) of this section should be made in the electors' list of any registration unit comprising any part of the transferred areas he shall forthwith notify the registration officer of the parliamentary county of Warwick and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register of electors in the year one thousand nine hundred and thirty-two and of later registers of electors.

Provisions  
as to regis-  
ter of  
electors.

**38.**—(1) For the purposes of the registers of local government electors of the borough prepared in the year one thousand nine hundred and thirty-two and of later registers 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 and of the county as from the twenty-eighth day of February one thousand nine hundred and thirty-two.

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

(a) the registration officer of the parliamentary county of Stafford in the case of an election for any voting area within the borough; and

(b) the registration officer of the parliamentary county of Warwick in the case of an election or parish meeting 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 or parish meeting.

(3) It shall be the duty of the town clerk of the borough and of any officer designated under Article 3 of the Overseers Order 1927 by the Corporation or by the rural council for the performance of the duties of overseers

in relation to the preparation of the register of electors to render such assistance as may be required by the registration officer of either parliamentary county for the purpose of any alteration or re-arrangement authorised by paragraph (2) of this section.

A.D. 1931.

(4) 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 or desirable 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.

**39.** Any scheme made by the county council or the Registrar-General under the provisions of section 24 of the Act of 1929 shall make provision for dealing with the added areas but until the date on which a scheme affecting the added areas comes into operation nothing in this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in the Births and Deaths Registration Acts 1836 to 1929 as to the alteration thereof.

As to registration districts.

**40.**—(1) Every person resident in any part of the transferred areas at the appointed day who has acquired or is in the course of acquiring a settlement in or a status of irremovability from the county of Warwick by reason of residence birth or other qualification 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 a status of irremovability from the county.

Settlement and irremovability of poor.

(2) For the purposes of this section consecutive periods of residence between the thirty-first day of March one thousand nine hundred and thirty and the appointed day in any portions of the county of Warwick shall be aggregated and reckoned as continuous residence in that part of the county of Warwick in which the person was residing at the appointed day.

**41.**—(1) On the appointed day such members (if any) of the police force of the county of Warwick as before that day shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the standing joint committee of the county of Warwick or

County police.



A.D. 1931. in default of agreement by the Secretary of State shall  
— be transferred to and become part of the police force of  
the county :

Provided that no member of the police force of the county of Warwick shall be so transferred without his consent.

(2) Every member of the county of Warwick police force so transferred shall hold office in the police force of the county upon the same tenure and subject to the same terms and conditions as the other serving members of the county police force of the same rank as that member and any period of service which the transferred member was entitled to reckon before the transfer for purposes of pay promotion or pension in the police force of the county of Warwick shall be reckoned for the same purposes in the police force of the county :

Provided that where the scale of ordinary pensions applicable to a member of the police force of the county of Warwick who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

(3) The provisions of subsection (2) of section 8 of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of a police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county of Warwick and notwithstanding that at the date of the transfer that member may not have completed one year's approved service in the police force of the county of Warwick.

County  
police sta-  
tions &c.

**42.** Any county police station situate in any part of the transferred areas with any residence for a constable or cell so situate and the fittings and furniture of any such police station residence or cell shall by virtue of this Part of this Act be transferred to and vest in the county council as from the appointed day for all the estate and interest therein of the county council of Warwick and section 62 of the Act of 1888 as modified by this Act shall apply with respect to any adjustment for the purposes of this section.



**43.**—(1) The number of rural district councillors to be elected for the parish of Wigginton and for the parish of Bolehall and Glascote shall be reduced by one and by two respectively and accordingly on the appointed day such members of the rural council elected for the said parishes respectively as that council may determine shall cease to hold the office of rural district councillors.

A.D. 1931.

—  
Rural  
district  
councillors.

(2) Subject to subsection (1) of this section the rural council shall continue and shall be deemed to have been elected for and shall be the district council for the rural district as diminished by this Act.

**44.** Subject to the provisions of this Act—

Powers pro-  
perty &c.  
of rural  
council.

(1) the rural council shall cease to exercise any powers or discharge any duties within any part of the added areas;

(2) subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation exclusively to any part of the added areas shall by virtue of this Act be transferred to and vest in the Corporation as the urban authority;

(3) any property or liabilities which immediately before the appointed day are vested in or attach to the rural council in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

**45.**—(1) The parish councils of the parishes of Amington and Stoneydelph Wilnecote and Castle Liberty Fazeley and Wigginton shall continue and be deemed to have been elected for and shall be the parish councils for the parishes as diminished by this Act.

Powers &c.  
of parish  
councils.

(2) The parish council of the existing parish of Bolehall and Glascote shall go out of office on the appointed day and a parish council for that parish as altered by this Act shall be elected on such date prior to the appointed day as may be directed by the county council of Warwick.

(3) Subject to the provisions of this Act—

(a) any powers and duties transferred by or under the Act of 1894 to the parish councils of the

A.D. 1931.  
—

parishes so far as regards the added areas shall be vested in and imposed on the Corporation;

(b) subject to any necessary adjustment any property or liabilities held or incurred by the said parish councils in relation exclusively to the added areas or any portion thereof shall by virtue of this Act be transferred to and vest in or attach to the Corporation;

(c) any property or liabilities held or incurred by the said parish councils in relation to the added areas or any portion thereof conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

Burial Acts.

**46.**—(1) The Burial Acts 1852 to 1906 shall be in force within and apply to the borough.

(2) The Corporation shall be the burial board for the borough and shall have within the borough to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts :

Provided that no approval sanction or authorisation of the vestry of the parish of Tamworth shall be required in respect of any act of the Corporation as the burial board.

(3) 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 in relation to any existing burial ground in the added areas or the parishes.

(4) Nothing in this Act shall prejudicially affect any right privilege authority or duty which immediately before the appointed day is exerciseable by or attaches to any incumbent or sexton under the Burial Acts.

Stafford-  
shire Mental  
Hospitals  
Board.

**47.** The transferred areas shall form part of the constituent area of the Staffordshire Mental Hospitals Board constituted by the Staffordshire Asylums Act 1922.

Joint com-  
mittee for  
tuberculosis.

**48.**—(1) The Staffordshire Wolverhampton and Dudley Joint Committee for Tuberculosis Order 1913 as amended by the Staffordshire Wolverhampton and

Dudley Joint Committee for Tuberculosis Order 1924 A.D. 1931.  
shall be altered so that the transferred areas shall be a  
constituent area within the meaning of the first named  
order and shall cease to be within the area of the  
Warwickshire and Coventry Joint Committee for  
Tuberculosis.

(2) Until the populations of the transferred areas  
are shown in the returns of the last census for the time  
being the number of inhabitants of the transferred areas  
according to the returns of the last census prior to the  
issue of precepts of the Staffordshire Wolverhampton and  
Dudley Joint Committee for Tuberculosis for contribu-  
tions to their common fund shall be estimated by the  
clerk to the joint committee from the returns of such  
last census.

49.—(1) The agreement made the twenty-ninth day of November one thousand nine hundred and twenty-six between the Corporation and the rural council and the supplemental agreement made the twentieth day of February one thousand nine hundred and twenty-eight between the Corporation the rural council and the parish council of Polesworth shall be read and have effect as if provision were therein made for—

Joint fire  
brigade  
committee.

(a) the committee thereby provided for consisting after the appointed day of thirteen members five to be appointed by the Corporation six by the rural council and two by the parish council;

(b) the necessary expenditure incurred by the said committee after the appointed day being provided by the Corporation the rural council and the parish council in the proportions of two three and one respectively.

(2) On the appointed day such one of the existing members of the committee appointed by the rural council as that council may determine shall cease to be a member of that committee and his place shall be filled by a member appointed by the Corporation.

50.—(1) The agreement made the thirty-first day of January eighteen hundred and eighty between the rural sanitary authority of the Tamworth union as predecessors of the rural council and the Corporation shall be read and have effect as if provisions were therein made for the joint committee thereby constituted

Waterworks  
joint com-  
mittee.

A.D. 1931. — consisting of nine members to be appointed by the Corporation and nine members to be appointed by the rural council.

(2) On the appointed day such three of the existing members of the joint committee appointed by the rural council as that council may determine shall cease to be members of that committee and their places shall be filled by three members appointed by the Corporation.

(3) (a) As from the appointed day the agreement referred to in subsection (1) of this section shall be varied as follows (that is to say):—

(i) Contributions towards future capital expenditure shall be borne by (and any surplus or deficiency on revenue account shall be paid over to or received from) the rural council and the Corporation in the proportions which the rateable value for special expenses of the several contributory places in the rural district and the rateable value of the borough for general expenses bear to each other but in fixing for this purpose the rateable value of the borough the net annual value of the third class of hereditaments specified in Part II of the Second Schedule to the Rating Act shall be subject to such deduction as the occupiers of that class of hereditaments may be entitled to under any scheme approved by the Minister in pursuance of that schedule;

(ii) The contributory places referred to in paragraph (i) hereof are the several contributory places referred to in clause 13 of the said agreement as the same are altered by this Act but with the addition of the parish of Shuttington and the hamlet of Dosthill (being that part of the parish of Kingsbury which is supplied by the said joint committee at the date of this Act).

(b) The foregoing provisions of this subsection may at any time be amended by agreement in writing between the rural council and the Corporation or failing such agreement by an arbitrator appointed by the Minister on the application of either of those authorities after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference to any such arbitrator.

**51.**—(1) The County of Stafford Administrative Scheme 1929 as approved by the Minister on the twenty-sixth day of July one thousand nine hundred and twenty-nine shall be read and have effect as if it provided for four members of the Lichfield Guardians Committee being nominated by the Corporation and for two members of that committee being nominated by the rural council.

A.D. 1931.

—  
Guardians'  
committee.

(2) On the appointed day such one of the existing members of the Lichfield Guardians Committee nominated by the rural council as that council may determine shall go out of office and his place shall be filled by a member to be nominated by the Corporation.

**52.**—(1) Subject to the provisions of this section where in consequence of any alteration of areas or authorities made by this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 62 of the Act of 1888 and that section shall apply to any such adjustment subject to the following modifications:—

Provision  
for adjust-  
ments.

(a) as if in subsections (5) (6) and (7) of that section the expression "council" included any authority affected by this Act or by anything done in pursuance of this Act;

(b) 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 subsection (6) of the section 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 may sanction;

(c) as if the fund or rate specified in any agreement or award of adjustment were substituted for any fund mentioned in the section; and

A.D. 1931.  
—

(d) 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 rating area the agreement or award may authorise such rate to be levied in that part as an additional item of the general rate.”

(2) Section 62 of the Act of 1888 as modified by subsection (1) of this section shall extend to any question which may arise in consequence of the alteration made by this Act of the boundary between the county and the county of Warwick—

(a) as to any financial relations (including the distribution of any moneys) between the county council and the county council of Warwick; or

(b) as to any financial relations (including the distribution of any moneys) between the county council on the one hand and the council of any county borough within the county on the other hand or between the county council of Warwick on the one hand and the council of any county borough within the county of Warwick on the other hand.

(3) Subsection (6) of section 32 of the Act of 1888 (which relates to the revision of financial adjustments) shall extend to any financial adjustment made under subsection (2) of this section.

(4) 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 whereof the marginal notes are “Transfer of public elementary schools” “County police stations &c.” and “Adjustment for purposes of Licensing (Consolidation) Act 1910.”

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

**53.**—(1) An equitable adjustment shall be made between the county of Warwick and the county respecting the interest of the transferred 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 authorities (as defined by the



Licensing (Consolidation) Act 1910) for the said counties within twelve months after 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. A.D. 1931.  
—

(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.

**54.**—(1) The rural council shall be entitled to use (without payment to the Corporation in respect of such user) the sewers which are situate in the added areas and which are at present used for or in connection with the disposal of sewage from the remainder of the rural district. Provided that if and when it becomes necessary to enlarge renew or repair any of such sewers the expense necessary for effecting such enlargement renewal or repair shall be met by the Corporation and the rural council in the proportion which the total number of houses in the borough and in the rural district respectively the sewage from which houses passes through such sewer bear to each other. For protec-  
tion of  
rural dis-  
trict council.

(2) Any question arising under this section between the Corporation and the rural council shall be determined by the arbitration of a single arbitrator to be appointed failing agreement by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**55.** In any adjustment between the Corporation and any council or other authority or between the county council and any council or other authority which may be made in consequence of this Part of this Act regard shall be had to the interest or share (if any) of the added areas in any property which is retained by or transferred to such council or other authority if— As to ad-  
justments  
between  
Corporation  
and other  
authorities.

(a) such council or other authority will thereby be relieved from providing accommodation; or

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

(c) such property or some part thereof is realisable;

and due credit shall be given in such adjustment to the

A.D. 1931. — Corporation or the county council or other authority 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.

Arrears of  
rates made  
by rating  
authorities.

**56.** Subject to any adjustment all rates not collected at the appointed day and levied by the rating authority upon any hereditaments situate in any parish affected by this Act shall be collected and recovered by the rating authority under the Rating Act in respect of the rating area in which the hereditaments will be situate by virtue of this Act or by other officers of such rating area last mentioned competent in that behalf.

Compensa-  
tion to  
existing  
officers.

**57.—(1)** Every officer in office on the date of 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 by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation for that loss 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.

(2) Any officer whose services are dispensed with or whose fees salary or emoluments are reduced within five years after 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 unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Act.

Determina-  
tion of com-  
pensation.

**58.—(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 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 11

shall apply subject to the following and any necessary modifications :— A.D. 1931.

(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 provisions of the section of this Act of which the marginal note is " Compensation to existing officers " and the foregoing provisions of this section 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.

**59.** 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. Compensation and superannuation.

**60.—**(1) The Minister may (if he think fit) on the application of the local authority of any part of the added areas or any railway company owning property therein (such application to be made in writing not more than six months and not less than three months prior to the appointed day) and after considering any representation made by the Corporation order that the Minister may order differential rating.

A.D. 1931. — 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 that part of the borough which comprises the existing parish of Tamworth by such sum or sums and for such period as may seem equitable to the Minister after considering any representations that may be made to him by such local authority or railway company as the case may be.

(2) For the purpose of this section the expression “local authority” includes a parish council in addition to any other local authority as defined by the section of this Act of which the marginal note is “Interpretation.”

As to un-  
classified  
roads.

**61.**—(1) As from the appointed day all unclassified roads in the added areas shall vest in the Corporation and for the purpose of the maintenance repair and improvement of and other dealing with any such road the Corporation shall have the same powers and duties as respects that road as they have as respects unclassified roads vested in them prior to the appointed day.

(2) In this section the expression “unclassified roads” means highways repairable by the inhabitants at large which are not classified roads as defined in the Act of 1929.

Savings for  
legal pro-  
ceedings  
contracts  
&c.

**62.**—(1) No alteration effected by this Act shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the rural council or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by such council or their predecessors :

Provided that—

(a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the rural council in relation exclusively to the added areas or any portion thereof may be continued prosecuted and enforced by or against the Corporation; and

- (b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by the rural council (or their predecessors) in relation exclusively to the added areas or any portion thereof may be continued and enforced as fully and effectually as if instead of that council (or their predecessors) the Corporation had been a party thereto. A.D. 1931.  
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(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

**63.** Notwithstanding the alteration of the areas effected by this Act all precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed. Precepts.

**64.** Nothing in this Act shall—

- (a) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the county council of Warwick the county council or the Corporation under the Local Government Acts;
- (b) affect the limits of the parliamentary counties of Stafford or Warwick or any division thereof or the powers of the county council of Warwick or the county council for the division of a parliamentary county into polling districts for parliamentary elections or for the division of their county into polling districts for the election of county councillors or any existing order or scheme for either of those purposes or for naming the polling places at any election;
- (c) affect the ecclesiastical divisions of any parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment;
- (d) (save as in this Act expressly provided) affect the provision of the Rating and Valuation Acts 1925 to 1929;
- (e) affect land tax.

Saving provisions.



A.D. 1931.  
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## PART III.

## STREETS BUILDINGS SEWERS AND DRAINS.

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

**65.**—(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 in the borough 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 for the time being 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) In this section the expression “lay out a new street” includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) 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 any 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.

(4) 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.

(5) (a) Any person 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 make such order in the premises and on such terms and conditions as to the court shall seem just. A.D. 1931.

(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.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

**66.**—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the borough 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 boundaries of streets.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough 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 proviso.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for 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.

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(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) In any case where the adjustment of the boundary of any street under the powers of this section would affect any mains pipes cables or apparatus of the Tamworth Gaslight and Coke Company or the Tamworth District Electric Supply Company Limited (hereinafter in this section respectively referred to as "the protected 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 protected company and notwithstanding any agreement entered into under this section the protected company shall continue to have the same powers and rights in respect of any such mains pipes cables 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 or the owner of the land so conveyed by the Corporation may within a period of one month from the date of the conveyance by notice in writing require the protected company to alter and the protected company when so required shall alter; or

(b) the protected 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 cables 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 protected company in effecting any such alteration as aforesaid shall be repaid to them by the Corporation.

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**67.**—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either end of such new street in order to secure means of communication between such new street or any other street or intended street or for the purpose of securing an adequate opening at either end of the new street :

As to termination of new streets.

Provided that the Corporation shall not prohibit the erection or retention of any such wall or fence until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

Byelaws as to intersecting streets.

**69.** 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 within the borough 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.

**70.**—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation

Restrictions on rights of breaking up streets in borough.

A.D. 1931. — shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street and when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Provided that as respect any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party 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 reference and settlement.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any streets in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service

line or from laying mains or pipes for the supply of property not previously supplied with gas or water as the case may be. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899. A.D. 1931.

**71.**—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up. Streets broken up to be re-instated.

(2) Any person offending against the provisions of this section shall be liable to a penalty of five pounds and to a daily penalty of forty shillings.

**72.**—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street. Fencing of forecourts.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

**73.**—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or within twelve feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine. Restrictions on advertisement hoardings.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such



A.D. 1931. — consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal 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.

Repair of  
hoardings.

**74.** The Corporation may by notice in writing require the owner of or other person using any hoarding wall or similar structure in the borough for advertising purposes to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from the owner any expense incurred by them in so doing.

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

**75.**—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street in the borough the person proposing to place or erect such hoarding wall 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 wall or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets of the borough upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within six weeks 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 six weeks 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. A.D. 1931.  
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(3) Any person who places or erects any hoarding wall 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 wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) (a) Any person 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 such court 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 may direct.

(5) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

**76.**—(1) Before any person shall erect on any land within the borough 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 may be approved by the Corporation. As to 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 two pounds and to a daily penalty not exceeding twenty shillings.

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Erection of  
buildings to  
greater  
height than  
adjoining  
buildings.

**77.**—(1) In case any building within the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Corporation and if it 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.

As to  
dangerous  
buildings.

**78.**—(1) In the case of any building within the borough 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.

Extension of  
section 157  
of Public  
Health Act  
1875.

**79.** Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875. in its application to the borough shall be extended so as

to empower the Corporation to make byelaws with respect to— A.D. 1931.

- (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.

**80.** Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words “space about buildings” had been inserted therein before the words “drainage of buildings” in subsection (2) of that section. Provided that no byelaw with respect to the space about buildings shall be made as to affect buildings erected before the times mentioned in section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of such byelaw. As to restriction of air space.

**81.**—(1) Every building erected within the borough after the passing of this Act exceeding 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 boarding-house common lodging-house or boarding-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 with such portable fire fighting and portable first-aid appliances as the Corporation may require and shall also be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto. Means of escape from buildings in case of fire.

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(2) (a) From and after the first day of July nineteen hundred and thirty-two the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or boarding-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 if in the opinion of the Corporation such building is not provided with proper and sufficient fire fighting and first-aid appliances and proper and sufficient means of escape in case of fire from each upper storey the upper surface of the floor whereof is above twenty feet from the street level for the persons dwelling sleeping or employed in each such upper storey 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 portable appliances and 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.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

(3) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court of Staffordshire holden in Tamworth and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(4) 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. A.D. 1931.

(5) The appliances and 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 (in the case of such means of escape) free from obstruction.

(6) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

(7) 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.

**82.** 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 involve an expenditure exceeding 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.

Power to  
order alter-  
ation of  
chimneys.

**83.**—(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 within such time as may be specified in that behalf in a notice in writing given by the Corporation to the owner of such chimney be raised by such owner to such height measured from the level of

Height of  
chimneys.



A.D. 1931. — the centre of the street nearest thereto as the Corporation shall by such notice reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement.

(2) Any person who shall fail to comply with any requirement of the Corporation under this section within the time specified in that behalf in the notice of such requirement shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Food  
storage  
accommoda-  
tion.

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

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

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.



(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection. A.D. 1931.  
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(d) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this subsection he may apply to the county court of Staffordshire holden at Tamworth and thereupon the said county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable under all the circumstances of the case.

**85.** Section 23 (Extension of 38 & 39 Vict. c. 55 s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section. Area of  
habitable  
rooms.

**86.**—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house within the borough of any cellar or room the floor level of which shall be lower than the highest known level of the sub-soil water on under or adjacent to the land on which such dwelling-house shall be erected. Cellars not  
to be con-  
structed  
below sub-  
soil water  
level.

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

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

Provided that—

(a) where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise

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as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid;

(b) any consent of any owner and an order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be required to be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court of summary jurisdiction shall have the same powers as under the first proviso to this section;

(c) the owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the structure.

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

Removal of  
dilapidated  
and ne-  
glected  
buildings.

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

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

(3) Where the Corporation in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Corporation may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit. A.D. 1931.  
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(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

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

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

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

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

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

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

As to houses  
without  
water  
supply.

**91.**—(1) The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

Provided that the owner of any dwelling-house or tenement erected before the passing of this Act shall not be liable to the penalties provided by this section unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house or tenement with a proper and sufficient water supply within such dwelling-house or tenement.

(2) Section 62 (Local Authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

**92.**—(1) If it appears to the Corporation that two or more houses within the borough may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

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Combined  
drains.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof. On any such appeal the court may make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

**93.**—(1) Where two or more houses or premises within the borough are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the

Houses  
connected  
with single  
private  
drain.



A.D. 1931. Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

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

As to defective drains  
&c.

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

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



**95.** Section 39 (Notice of intention to reconstruct or alter drains) of the Public Health Act 1925 in its application to the borough shall extend and apply to the repair of any such drain as is referred to in that section in like manner as it applies to the reconstruction or the alteration of the course of such drains.

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—  
Extension  
of section  
39 of Public  
Health Act  
1925.

**96.—**(1) Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

Regulation  
of petro-  
leum filling  
stations.

(2) After the commencement of this Act no petroleum filling station shall without the consent of the Corporation be erected on any land in the borough so as to be adjacent to any street or so that any carriageway forming part of the station communicates directly with any street but the Corporation shall not refuse to give such consent as aforesaid except for the purpose of preventing obstruction to traffic.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under subsection (2) of this section may within fourteen days after the refusal has been communicated to him appeal to a petty sessional court and the provisions of section 8 of the Public Health Act 1925 shall apply with respect to any such appeal as they apply with respect to appeals under that Act.

(4) If any person erects or permits to be erected any petroleum filling station in contravention of the provisions of subsection (2) of this section he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum filling station erected in contravention of this section and if he fails to do so he shall be deemed to commit a continuing offence and shall be liable on summary conviction thereof to a daily penalty not exceeding forty shillings.

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(5) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

Saving for  
railway  
companies.

**97.** Nothing in the sections of this Act of which the marginal notes are—

"Restrictions on advertisement hoardings";

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

"As to erection of retaining walls";

"Erection of buildings to greater height than adjoining buildings";

"As to dangerous buildings";

"Height of chimneys";

"Attachment of lighting brackets and wires to buildings";

"Removal of dilapidated and neglected buildings";

"Combined drains";

"Houses connected with single private drain";

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any 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 work or land is used or held by the said railway company primarily for railway purposes.

#### PART IV.

##### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Definition  
for purposes  
of this Part  
of Act.

**98.** For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to close Sunday schools and exclude children from entertainments" and "Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails" respectively the expression "infectious disease" includes measles german measles whooping cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

**99.**—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

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Parents to  
notify  
infectious  
disease.

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

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

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

Power to  
close Sun-  
day schools  
and exclude  
children  
from enter-  
tainments.

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

**101.**—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof within the borough which for the time being is closed by order of the Corporation or of the local education authority with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been

Restriction  
on attend-  
ance of  
children at  
Sunday  
schools and  
places of  
assembly  
when infec-  
tious disease  
prevails.

A.D. 1931. — prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Prohibition  
on infected  
person  
carrying on  
business.

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

Registra-  
tion of ice-  
cream  
manufac-  
turers and  
premises.

**103.—(1)—**

(a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough; and

(b) Any premises within the borough used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the borough carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises within the borough shall be used for the purpose aforesaid unless they be so registered.

(3) 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.

(4) The provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act. A.D. 1931.

(5) The provisions of this section shall not apply to theatres music halls or cinemas or to premises used as a club hotel restaurant or as railway refreshment rooms.

**104.**—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the borough omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings. For regulating manufacture and sale of ice-cream &c.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the said premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person



A.D. 1931. refusing inspection of the materials or commodities or articles of food in any such premises cart barrow or other vehicle stand pail container or receptacle or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(4) The provisions of this section shall not apply to theatres music halls or cinemas.

Byelaws as  
to transport  
of food.

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

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

Registration  
of premises  
used for pre-  
paration of  
potted and  
preserved  
foods.

**106.**—(1) Any premises within the borough used or proposed to be used for the preparation or manufacture of potted pressed pickled or preserved meat fish or other food intended for the purposes of sale 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 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) Provided that the provisions of this section shall have no application to any premises occupied as a factory or workshop of which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given or shall in any way affect the operation of that Act.

(4) In the case of meat or fish the word "preserved" in subsection (1) of this section includes preparation by any process of cooking but this section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.



**107.**—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116 to 119) of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

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Penalty on  
original  
vendor of  
unsound  
food.

(2) Where any animal or article of food has been condemned by a justice under the said section 117 as amended by the said section 28 the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

**108.** 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

Further  
powers in  
relation to  
unsound  
food.

A.D. 1931. — medical officer or the 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 animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly. Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section the medical officer or sanitary inspector shall conform to such reasonable requirements of the railway company owning or using such station or premises as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to any such company the powers conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by any such company.

Regulation  
dustbins.

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

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

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

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

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the

requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings. A.D. 1931.

(6) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Corporation do not remove the refuse.

**110.**—(1) Every medical practitioner attending on a person in the borough 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 occurs in his private practice and of one shilling if the case occurs 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.

**111.**—(1) If the medical officer certifies in writing that any person in the borough— Removal of infirm and diseased persons in certain cases.

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof 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 interest of the health of

A.D. 1931. 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 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) 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 and 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 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. A.D. 1931.

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.

112.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage. Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.



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(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

Public  
notice to be  
given of  
foregoing  
provisions  
of this Part  
of this Act.

**113.**—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in a newspaper published or circulating in the borough.

(2) A copy of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Conversion  
of existing  
accommo-  
dation into  
water-  
closets.

**114.**—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Corporation may require any existing closet accommodation (including any closet which drains into a cesspit and a slop-closet and trough-closet but not including a water-closet of any other description) provided at or in connection with any building to be altered so as to be converted into a fresh-water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer and they may also require a separate receptacle for ashes and house refuse to be provided at or in connection with such building.

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

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

(3) The Corporation may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case

in which they may not be required to bear any part of such expenses. A.D. 1931.

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

**115.**—(1) It shall not be lawful for any person (other than a person appointed by the Corporation for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of removal of such contents by the Corporation. Prohibiting sorting contents of dustbins and refuse tips.

(2) It shall not be lawful for any person (other than a person employed by the Corporation in connection with any refuse tip used by the Corporation for the disposal of refuse) to sort over or disturb the refuse at any such refuse tip.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

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

Provided that no byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway company for the purpose of constructing widening or maintaining any railway works.

**117.**—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health Power to close slaughter-houses if injurious to public health.

A.D. 1931. — than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

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

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

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds. A.D. 1931.

**118.**—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses. Power to purchase slaughter-houses.

(2) The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act.

**119.** Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name and address legibly painted inscribed or displayed 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 of food.

Provided that no person shall be liable to a penalty under the provisions of this section if he has been convicted for the same offence under the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907.

**120.** No house or part of a house in the borough shall be exempt from the provision with respect to common lodging-houses of the Public Health Acts or of this Part of this Act or any byelaws made thereunder on the ground that accommodation in such house or part Periods of letting as affecting common lodging-houses.

A.D. 1931. — of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

Power to  
refuse regis-  
tration.

**121.**—(1) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

- (a) that the premises are suitably equipped for use and occupation as a common lodging-house; or
- (b) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the district in which the premises are situate.

(2) If the Corporation refuse to grant or renew registration under this section they shall if required by the applicant deliver to him a statement in writing of the ground or grounds upon which such registration is refused.

(3) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of such refusal and that not less than twenty-four hours' notice of such appeal be sent to the Corporation.

(4) If the registration or renewal of registration be refused upon the ground that the premises are not suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them upon the condition of such premises and their suitability for the purposes of a common lodging-house.

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

(6) On any such appeal the court may after considering any representations made by the Corporation either by order confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.



PART V.

A.D. 1931.

HACKNEY CARRIAGE AND TRAFFIC PROVISIONS.

**122.** The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations 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 make regulations as to traffic on carnival &c. days.

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

Provisions as to vehicles let for hire.

PART VI.

LANDS.

**124.—(1)** The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation should 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 and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any

Further powers for acquisition of lands.

A.D. 1931. moneys so borrowed shall be repaid within such period as may be prescribed by the Minister.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(b) in such other manner as may be approved by the Minister.

Power to  
develop  
lands &c.

**125.**—(1) The Corporation may with respect to any lands for the time being belonging to them and not required for the purpose for which they were acquired exercise all or any of the following powers (viz.):—

(a) They may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;

(b) They may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof.

(2) The Corporation may also sell lease exchange or otherwise dispose of any houses shops offices warehouses or buildings erected or situate on any such lands and subject to such terms conditions and restrictions as they may think fit including conditions and restrictions as to the buildings to be erected and the use to which such buildings may be put. — A.D. 1931.

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

(4) Notwithstanding the foregoing provisions of this section the Corporation shall not under the powers of this section—

(a) lay out or develop any lands or erect on any lands any houses shops offices warehouses or other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands; or

(b) except with the consent of the Minister sell lease or dispose of any such houses or other buildings except at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a purchaser or lessee from the Corporation to inquire whether the consent of the Minister is necessary or has been obtained.

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

## PART VII.

### BATHS &C.

**126.** Subject to the provisions of this Act—

(1) The Corporation may construct on lands belonging to them and may maintain alter extend enlarge improve repair furnish and equip open or covered swimming baths and bathing pools with all necessary conveniences and appliances :

As to baths  
and bathing  
pools.

A.D. 1931.  
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- (2) The Corporation may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Corporation may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make.

Use of  
swimming  
baths for  
exhibitions.

**127.** The Corporation may use or may let on such conditions as they may think fit any swimming bath or bathing pool belonging to them for swimming contests practice aquatic exercises water polo matches life-saving classes exhibitions and the Corporation may grant the use of any such swimming bath or bathing pool for entertainments or for meetings and may also make such charges as they think fit for admission to and for letting any swimming bath or bathing pool as aforesaid on any such occasion or for any of such purposes.

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

**128.** From and after the passing of this Act every police constable appointed to act in the borough shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts relating to any park or place of public resort or recreation ground in the borough under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Acts.

## PART VIII.

### FINANCIAL PROVISIONS.

Power to  
borrow.

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

respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be “the prescribed period”) mentioned in the third column of the same table (namely) :—

A.D. 1931.

Purpose.	Amount.	Period for repayment.
(a) The purpose of making any payment to any authority under this Act or under any enactment the provisions of which are applied thereby (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in or applicable to the provisions of this Act which annuity the Corporation are hereby empowered to purchase).	The sum requisite.	Forty - five years from date or dates of borrowing.
(b) The purpose of making any payment under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."	The sum requisite.	Twenty years from date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for any of the purposes of this Act.

(b) 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 the revenues of the Corporation.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister.

**130.** The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity

Mode of raising money.



A.D. 1931. certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others.

Provisions of Public Health Act 1875 as to mortgages to apply.

**131.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

**132.** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined and the payment of the first instalment shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Power to re-borrow;

**133.**—(1) The Corporation shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid— A.D. 1931.  
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- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

**134.**—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of the London Association of Accountants Limited or of the Corporation of Accountants Limited to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts. Any auditor or auditors appointed by the Corporation under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.” Appointed auditors.

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(3) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(4) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditor and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(5) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or

A.D. 1931. — expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Corporation  
not to re-  
gard trusts.

**135.** The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register.

Appoint-  
ment of  
receiver.

**136.**—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Protection  
of lender  
from in-  
quiry.

**137.** A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of any Act relating to the Corporation or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Application  
of moneys  
borrowed.

**138.** All moneys borrowed under the provisions of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Expenses of  
execution of  
Act.

**139.** Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the general rate fund.

**140.** 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 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 under the Rating and Valuation Act 1925 Provided that when the fund aforesaid shall amount to the sum of five thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of five thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of five thousand pounds.

A.D. 1931.  
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 Lands fund.

**141.—(1)** Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

As to mortgage of revenues of Corporation.

**(2)** In order to secure the repayment of any money hereafter borrowed by the Corporation under any statutory borrowing power and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

**142.** The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

Subscriptions to local government associations and other expenses.

**(a)** reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of

A.D. 1931.  
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the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

- (b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

## PART IX.

## MISCELLANEOUS.

Power to  
grant allow-  
ances or  
gratuities  
in certain  
cases.

**143.**—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1925 and not entitled to benefits under a scheme established under the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

Power to  
erect town  
hall.

**144.**—(1) The Corporation may on land belonging to them or acquired by them for the purpose erect and construct and hold furnish equip maintain insure and carry on a town hall and municipal buildings with a room for public meetings and all necessary and suitable offices and conveniences and may for such purposes alter adapt extend or otherwise deal with existing buildings for the time belonging to them.



(2) The Corporation may in connection with or as part of the town hall and municipal buildings provide erect and maintain shops offices and other accommodation and conveniences and may let the same on lease or otherwise or any part or parts of the same for such purposes on such conditions and for such periods as they think fit.

A.D. 1931.  
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**145.** Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post street danger signal fire-alarm or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin being the property of the Corporation shall make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

Compensation for  
injuring  
lamps &c.

**146.** Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Service of  
summons on  
members of  
council.

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

Expenses  
may be  
declared  
private im-  
provement  
expenses.

**148.** Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages

In execut-  
ing works  
for owner  
Corporation  
liable for  
negligence  
only.

A.D. 1931. — penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Power to  
enter pre-  
mises.

**149.** The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part III (Streets buildings sewers and drains) and Part IV (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on  
occupier  
refusing  
execution of  
Act.

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

General pro-  
visions as to  
byelaws.

**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.

Breach of  
conditions  
of consent  
of Corpora-  
tion.

**152.** Where under this or under any general Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the

doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

A.D. 1931.

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**153.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Evidence of  
appoint-  
ments  
authority  
&c.

**154.—(1)** Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

Authentica-  
tion and  
service of  
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

**155.** All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within

Consents of  
Corporation  
to be in  
writing.

A.D. 1931. — the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Apportionment of expenses in case of joint owners.

**156.** Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Damages and charges to be settled by court.

**157.** Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of demands.

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

As to appeals.

**159.** Any person aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part III (Streets buildings sewers and drains) Part IV (Infectious disease and sanitary provisions) and Part V (Hackney carriage and traffic provisions) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this 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 the Corporation may in like manner appeal.

**160.** Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

A.D. 1931.

—  
Several  
sums in one  
summons.

**161.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Informa-  
tions by  
whom to be  
laid.

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

Recovery of  
penalties  
&c.

**163.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Compensa-  
tion how to  
be deter-  
mined.

**164.** In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act or any existing Act or Order of the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Inquiries by  
Minister of  
Transport.

**165.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on

Saving for  
indict-  
ments &c.



A.D. 1931. — summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Application  
of Arbitra-  
tion Act  
1889.

**166.** Where under this Act any question or dispute other than questions to which the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 apply is to be referred to an arbitrator or to arbitration the provisions of the Arbitration Act 1889 shall apply thereto.

Judges not  
disqualified.

**167.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Powers of  
Act cumu-  
lative.

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

Application  
of sec-  
tion 265 of  
Public  
Health Act  
1875.

**169.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Inquiries by  
Minister.

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

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

A.D. 1931.  
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171. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown  
rights.

172. 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 general rate or out of moneys to be borrowed under this Act for that purpose.

Costs of  
Act.

The SCHEDULE referred to in the foregoing Act.

CONFIRMATION ACT.

Session and chapter.	Short title.	Order relating to Tamworth thereby confirmed.
53 & 54 Vict. c. ccxxxvii.	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1890.	The Borough of Tamworth Order 1890.

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