



## CHAPTER lxxv.

An Act to enlarge the powers of the lord mayor A.D. 1919.  
aldermen and citizens of the city of Birmingham in  
relation to the provision of housing accommodation  
and the acquisition of lands to authorise them to  
establish a savings and housing bank and for other  
purposes. [15th August 1919.]

**W**HEREAS owing largely to the cessation of building for  
a number of years further housing accommodation is  
urgently required in the city of Birmingham and it is expedient  
to confer further powers upon the lord mayor aldermen and  
citizens of that city for providing and for encouraging and  
assisting in the provision of such accommodation:

And whereas it is expedient to enlarge the powers of the  
Corporation relative to the acquisition and disposal of lands:

And whereas it is expedient to empower the Corporation  
subject to the provisions contained in this Act to establish and  
maintain a savings bank together with a housing department  
of such bank:

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

And whereas the purposes of this Act cannot be effected  
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 and the approval of the Local  
Government Board has been obtained:

A.D. 1919.

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Birmingham Corporation Act 1919.

Interpretation.

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

“The Corporation” means the lord mayor aldermen and citizens of the city of Birmingham;

“The city” means the city of Birmingham;

“The medical officer” means the medical officer of health of the city and includes any person duly authorised to discharge temporarily the duties of that office;

“The borough fund and borough rate” means the borough fund and the borough rate of the city;

“Housing society” means a society or company the objects of which are or include the erection improvement or management of dwelling-houses and which is so constituted that the payment of interest or dividend on any capital of the society exceeding the rate of six per centum per annum is prohibited;

“Bank” means the savings bank by this Act authorised to be established.

Incorporation of sections 8 and 9 of Act of 1883 as to committees.

3. Section 8 (Power to appoint committees) and section 9 (Proceedings of committees) of the Birmingham Corporation (Consolidation) Act 1883 are incorporated with this Act and shall extend and apply to the powers and duties conferred upon the Corporation by this Act.

PART II.

LANDS AND HOUSING.

Further powers for

4.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or



[9 & 10 GEO. 5.] *Birmingham Corporation Act, 1919.* [Ch. lxxv.]

acquire or take on lease and hold any land which in their opinion it is desirable 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 city and with the consent of the Local Government Board may borrow money for the purchase or acquisition of such land or for the payment of any capital sum payable under a lease thereof.

A.D. 1919.  
acquisition  
of land.

(2) The Corporation may enter into contracts for the purposes of this section and may pay any sum payable under the contract and for that purpose may borrow money temporarily from their bankers:

Provided that no moneys (other than those so temporarily borrowed as aforesaid) shall be borrowed by the Corporation for the purposes of this section except with the consent of the Local Government Board.

(3) 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 borough fund and borough rate.

5.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the city (including the Housing of the Working Classes Acts 1890 to 1909) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to  
retain sell  
&c. lands.

(2) Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of the

A.D. 1919. Local Government Board or the Board of Education as the case may be to any alienation sale lease or other disposition of any lands acquired under any general Act for which such approval would be required but for the provisions of this section.

Proceeds of  
sale of sur-  
plus lands.

6.—(1) The Corporation may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be 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 Local Government Board.

(2) Any capital moneys received by the Corporation on the resale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Local Government Board.

Assistance  
in providing  
housing  
accommoda-  
tion.

7. With a view of encouraging and facilitating the erection of buildings the Corporation—

(1) May promote the formation or extension of housing societies and of any societies or bodies whose objects are or include the erection improvement or management of dwelling-houses:

(2) With the consent of and subject to regulations made by the Local Government Board may for the purpose of assisting a housing society subscribe to the capital of the society and hold shares therein or make advances to the society or guarantee advances made to the society upon such terms and conditions as to the rate of interest and repayment or otherwise and on such security as the Corporation may think fit:

(3) May make advances upon the security of freehold copyhold or leasehold estate by way of mortgage to any person society or body undertaking to build purchase or acquire a dwelling-house or dwelling-houses within the city or any interest therein and for this purpose



shall have power to hold land with the right of foreclosure subject however to the following conditions:— A.D. 1919.

(a) The Corporation shall be satisfied that the value of the premises is sufficient and that the title thereto is one which an ordinary mortgagee would be willing to accept;

(b) The repayment of the advance with interest within such period not exceeding thirty years as shall be agreed shall be secured by an instrument vesting the ownership in the Corporation subject to the right of redemption by the mortgagor;

(c) The provisions of section 42 of the Building Societies Act 1874 with the necessary modifications shall extend to and apply for the purposes of this section:

(4) May buy building materials and sell them to any person society or body undertaking to erect buildings under the provisions of this Act.

8. In the event of the Corporation becoming the owners in possession of any land owing to the failure of a person society or body to whom the Corporation shall have made advances under the provisions of this Act to pay any sums due to the Corporation for principal or interest or to comply with any condition subject to which such advance is made the Corporation themselves may develop such lands for building purposes including the provision of streets and open spaces and the erection of buildings. Develop-  
ment of  
land in case  
of failure of  
society &c.

9. In addition to their powers under the Housing of the Working Classes Acts 1890 to 1909 and notwithstanding anything contained in those Acts the Corporation may sell or let on lease any houses provided by them thereunder or any interest in such houses. Sale and  
lease of  
houses.

10.—(1) If the medical officer is of opinion than any building proposed to be erected in the city would if erected— Prevention  
of obstruc-  
tive build-  
ings.

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

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

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

(2) A representation made to the Corporation in pursuance of this section shall be deemed to be a representation made under the provisions of subsection (1) of section 38 (relating to obstructive buildings) of the Housing of the Working Classes Act 1890 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

### PART III.

#### SAVINGS AND HOUSING BANK.

Power to establish savings bank.

11. The Corporation may establish and maintain a savings bank and may receive at that bank deposits and may guarantee the payment of interest on and the repayment of such deposits subject however to the following conditions:—

- (1) The accounts of the bank shall be kept separate from all other accounts of the Corporation:
- (2) The bank shall be carried on in accordance with such regulations as the Treasury or the Corporation with the approval of the Treasury may prescribe.

The regulations to be prescribed under this section may apply with or without modification any of the provisions (including penal provisions and any provisions granting exemption from stamp duty in respect of instruments and documents) contained in the enactments relating to savings banks but save as applied by the regulations those enactments shall not apply to the bank.

Power to make advances for housing.

12.—(1) The Corporation may establish a housing department of the bank and may make advances upon the security of freehold copyhold or leasehold estate by way of mortgage to any depositor in the bank desiring to purchase or acquire a dwelling-house or dwelling-houses within the city or any interest therein and for this purpose shall have power to hold



land with the right of foreclosure subject however to the conditions prescribed in subsection (3) of the section of this Act whereof the marginal note is "Assistance in providing housing accommodation." A.D. 1919.

(2) The Corporation for the purposes of this section may utilise and invest the funds of the bank.

#### PART IV.

##### FINANCIAL PROVISIONS.

13.—(1) The Corporation may borrow at interest for the purpose of paying the costs charges and expenses of this Act such sum as may be requisite and they shall repay the money so borrowed within five years from the passing of this Act. Power to borrow.

(2) The Corporation may borrow at interest for the purpose of making advances under the authority of this Act the sum of one million pounds.

(3) The Corporation may also with the consent of the Local Government Board, borrow such money as may be necessary for any of the purposes of this Act.

(4) Any money borrowed under this Act with the consent of the Local Government Board shall be repaid within such period not exceeding eighty years as may be prescribed by that Board:

Provided that any money borrowed by the Corporation for making advances under the authority of this Act shall be repaid by the Corporation not later than one year after the amount has been repaid to or recovered by the Corporation and it shall not be obligatory upon the Corporation to make provision by sinking fund or otherwise for the repayment of the money so borrowed.

(5) The yearly sums required to be provided in respect of the principal moneys borrowed under the provisions of this Act shall be defrayed out of the borough fund and rate.

14.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto. Scheme for fixing equated periods.

A.D. 1919.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Local Government Board may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Local Government Board separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

(6) In this section "statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity (not being an annuity issued in pursuance of the Birmingham (Corporation) Gas Act 1875 or the Birmingham (Corporation) Water Act 1875) 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.

Issue of bills payable to bearer.

**15.** Subsection (8) of section 143 (Provisions as to raising money by bills) of the Birmingham Corporation Act 1903 is hereby repealed and the Corporation may issue bills payable to



bearer under the provisions of that section as amended by the Birmingham Order 1915. A.D. 1919.

**16.** 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 borough fund and borough rate. Expenses of execution of Act.

**17.** The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act. Audit of accounts.

#### PART V.

##### MISCELLANEOUS PROVISIONS.

**18.** The provisions of section 63 (Power to prohibit cellars in parts of city liable to flood) of the Birmingham Corporation Act 1903 shall extend and apply not only to the parts of the city shown on the map referred to in that section but also to those parts which were added to the city by the Birmingham (Extension) Order 1911 and which are coloured pink on the map signed in duplicate by Sir William Middlebrook the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred. Prohibition of cellars in low-lying parts of added areas.

**19.**—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if such officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879. As to filthy premises.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

A.D. 1919.  
Amendment  
of fire bri-  
gade pen-  
sions provi-  
sions.

**20.** The provisions of Part VII. (Fire Brigade Pension Fund) of the Birmingham Corporation Act 1914 shall have effect and shall be deemed always to have had effect as if in paragraph (c) of the First Schedule to that Act the words "three-fiftieths" were substituted for "one-fiftieth."

Inquiries by  
Local Gov-  
ernment  
Board.

**21.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board 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 that Board not exceeding three guineas a day for the services of such inspector.

Recovery of  
demands in  
county  
court.

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

Powers of  
Act cumu-  
lative.

**23.**—(1) 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.

(2) 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.

Judges not  
disqualified.

**24.** 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.



**25.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown. A.D. 1919.

**26.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of money to be borrowed for that purpose. Crown rights. Costs of Act.

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