



CHAPTER clxvii.

An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Wolverhampton. A.D. 1888.
[7th August 1888.]

WHEREAS the Local Government Board have made the Provisional Order set forth in the Schedule hereto, under the provisions of the Public Health Act, 1875 :

38 & 39 Vict.
c. 55.

And whereas it is requisite that the said Order should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Order as altered and set out in the Schedule hereto shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the date therein mentioned, have full validity and force. Order in Schedule confirmed.

2. This Act may be cited as the Local Government Board's Provisional Order Confirmation (No. 13) Act, 1888. Short title.

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S C H E D U L E.

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BOROUGH OF WOLVERHAMPTON.

Provisional Order for partially repealing and altering the
Wolverhampton Improvement Act, 1869.

To the Mayor, Aldermen, and Burgesses of the Borough of Wolverhampton,
in the County of Stafford, being the Urban Sanitary Authority for that
Borough ; —

And to all others whom it may concern.

WHEREAS the Borough of Wolverhampton, in the County of Stafford (herein-
after referred to as “the Borough”), is an Urban Sanitary District, of which the
Mayor, Aldermen, and Burgesses, acting by the Council (herein-after referred to
as “the Corporation”), are the Urban Sanitary Authority, and the Wolver-
hampton Improvement Act, 1869 (herein-after referred to as “the Local Act”),
is in force in the Borough ;

And whereas by Section 4 of the Local Act it was enacted that, from and after
the Thirty-first day of August, One thousand eight hundred and sixty-nine, the
Acts described in the Second Schedule to the Local Act, Part II., should cease
to apply to the Borough ;

And whereas by Section 81 of the Local Act it is enacted that, within fourteen
days after a building has been completed, the owner shall give notice thereof to
the Borough surveyor, and the surveyor shall forthwith proceed to survey it, and
shall report to the Corporation thereon ;

And whereas by Section 187 of the Local Act the Corporation were empowered
to form a reserve fund to meet contingencies, or for repairing or improving from
time to time works connected with their waterworks undertaking ;

And whereas by Section 188 of the Local Act the Corporation were empowered
from time to time to purchase by agreement, or take at a rent or on lease, any
lands within the Borough or in the neighbourhood thereof, to be appropriated
for the purposes of parks or places of public resort or recreation ;

And whereas by Section 189 of the Local Act the Corporation were empowered
from time to time to make byelaws for all or any of the purposes therein set out
relating to any such park or place of public resort or recreation as aforesaid ;

And whereas by Section 244 of the Local Act it is enacted that every person
who in a street or court commits (inter alia) the following offence shall be liable
to a penalty not exceeding forty shillings, or, in the discretion of the justice

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before whom he is convicted, to imprisonment for any term not exceeding fourteen days ; (that is to say,)—

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Every person who causes a carriage, or a sledge, truck, or barrow, with or without horses, or a beast of burden, to stand in a street longer than is necessary for loading or unloading goods or luggage, or for taking up or setting down passengers (except hackney carriages and horses and other beasts of draught or burden standing for hire in a place appointed for that purpose by the Corporation or other lawful authority) ;

And whereas by Part XV. of the Local Act (which comprises Sections 268 to 287) provision is made (inter alia) for the licensing of hackney carriages and the drivers thereof ;

And whereas by Section 323 of the Local Act it is enacted that, in case the improvement fund is at any time insufficient to pay the expenses payable thereout, the Corporation shall, from time to time, annually or oftener, as and when they think fit, estimate, as correctly as may be, the amount, in addition to the borough fund, which will be sufficient to pay those expenses, and shall raise the same by means of a rate called the improvement rate ; and accordingly such a rate the Corporation shall, annually or oftener, as and when they think fit, make, assess, and levy according and subject to the provisions therein set forth ;

And whereas by Section 327 of the Local Act it is enacted that the owner, instead of the occupier, of the property may, from time to time, at the option of the Corporation, be rated in the cases therein specified, and it is by the last paragraph provided that where the owner is so rated instead of the occupier, then (except as therein mentioned) he shall be assessed on two-thirds only of the net annual value ;

And whereas by Section 330 of the Local Act it is (inter alia) enacted that, if at the time of making any improvement rate any premises in respect of which the rate may be made are unoccupied, such premises shall be included in the rate, but the rate shall not be charged on any person in respect of the same whilst they continue to be unoccupied ;

And whereas by Section 356 of the Local Act provision is made with respect to the repayment of money borrowed on mortgages under that Act, and it is by sub-section (4) provided that in order to discharge the principal money borrowed or continued as a charge, or transferred under that Act (other than the sum of thirty thousand pounds therein referred to), the Corporation shall every year appropriate out of the improvement fund a sum equal to one-fiftieth part of the amount originally borrowed on the security of that fund for a sinking fund, to be from time to time invested in the purchase of Exchequer bills or other Government securities, and to be increased by accumulations as therein directed ;

And whereas since the passing of the Wolverhampton Corporation Loans Act, 1882, the Corporation have raised the sum of fifty-three thousand nine hundred and sixty-nine pounds, under the powers of borrowing contained in the Local Act, by the issue of Corporation Stock in accordance with the provisions of the said Act of 1882 ;

And whereas by Section 368 of the Local Act provision is made with respect to byelaws to be made by the Corporation under that Act :

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Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by Section 303 of the Public Health Act, 1875, and by any other Statutes in that behalf, do hereby Order that, from and after the date of the Act of Parliament confirming this Order (herein-after referred to as "the commencement of this Order"), the Local Act shall be altered so as to provide as follows; viz.,—

Art. I. So much of Section 4 of the Local Act as enacts that the Acts described in Part II. of the Second Schedule to the Local Act shall cease to apply to the Borough shall be deemed to have been repealed on the passing of the Public Health Act, 1875, so that the said Act and the Acts amending the same shall be deemed to have been in force in the Borough from the passing thereof.

Art. II. Notwithstanding the following provisions of the Local Act, that is to say,—

(a.) Sections 17 to 23, 58 to 63, 65 to 77 (all inclusive), 83, and 86 of the Local Act ;

(b.) So much of Section 79 of the Local Act as prohibits any pipe or funnel for conveying smoke or steam being newly fixed against any building next to any street or court, or on the inside of any building nearer than nine inches to any timber or other combustible material ; and

(c.) So much of Section 87 of the Local Act as enables the Corporation to make byelaws for closing buildings or parts of buildings unfit for human habitation, and for prohibiting the use thereof for human habitation ;

the Corporation may, under and in accordance with the provisions of the Public Health Act, 1875, make byelaws with respect to the matters mentioned in Section 157 of that Act.

Art. III. On the expiration of two years from the commencement of this Order the sections and parts of sections of the Local Act mentioned in Article II. of this Order shall be repealed, and wherever in the unrepealed provisions of the Local Act reference is made to byelaws relating to any of the matters mentioned in the said sections and parts of sections of the Local Act, the same shall be deemed to refer to the byelaws relating to similar matters made under the Public Health Act, 1875, and the provisions of Sections 82 and 297 to 300 (both inclusive) of the Local Act shall apply to anything required by such byelaws to be done or executed, or anything done or any default made in contravention of such byelaws, as if the same had been required or done or made by or in contravention of the Local Act.

Art. IV.—(1.) The owner or builder of any new building in the Borough intended for human habitation shall not permit the same to be so occupied until the expiration of seven days from service on the Borough surveyor of a notice in writing to inspect the same, and if within seven days from the service of such notice the surveyor shall give the owner or builder notice in writing stating that such new building is not properly drained, or that the water supply is insufficient, or that, in the particulars therein specified, any of the statutory requirements, byelaws, or regulations in force in the Borough applicable thereto have not been complied with, the building shall not be so occupied until the defects specified in such notice shall be remedied.

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(2.) If any building is occupied contrary to the provisions of subdivision (1) of this Article, the owner of such building occupying the same, or allowing the same to be occupied, and every person wilfully occupying the same shall be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day after the conviction during which such building shall be so occupied.

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(3.) If any person deem himself aggrieved by the notice of the Borough surveyor, such person may appeal to the next practicable court of quarter sessions for the Borough under and according to the provisions of Section 269 of the Public Health Act, 1875, as amended by the Summary Jurisdiction Acts.

Art. V. So much of Section 189 of the Local Act as empowers the Corporation to make byelaws for regulating the days on which any park or place of public resort or recreation provided by them under Section 188 of the Local Act is to be opened and closed shall be repealed.

Art. VI. Section 189 of the Local Act shall be altered so as to provide as follows :—

(1.) The Corporation may on such days as they think fit (not exceeding twelve days in any one year, nor four consecutive days on any one occasion) close any park or place of public resort or recreation provided by them against the public, and the Corporation may grant the use of the same, either gratuitously or for payment, to any public charity or institution, or for any agricultural, horticultural, or other show; or any other public purpose, or may use the same for any such show or purpose; and the admission to the said park or place, or such part thereof, on any such days may be either with or without payment, as directed by the Corporation, or, with the consent of the Corporation, by the society or persons to whom the use of the park or place, or such part thereof, may be granted: Provided that no such park or place shall be closed on a Sunday or public holiday, and that there shall be an interval of at least two months between the closings.

(2.) The Corporation may either themselves provide and let for hire, or may license any person to let for hire, any pleasure boats on any lake or piece of water in any such park or place of public resort or recreation, and may make byelaws for regulating the numbering and naming of such boats, the number of persons to be carried therein, the boat-houses and mooring places for the same, and for fixing rates of hire and the qualification of boatmen, and for securing their good and orderly conduct while in charge.

(3.) The Corporation may also make byelaws for regulating the fishing in and skating upon any such lake or piece of water, and for admitting persons to such park or place of public resort or recreation for either of the said purposes at times when the same is not open to the public, and for fixing charges to be paid by persons fishing therein and skating thereon.

Art. VII. Paragraph 12 of Section 244 of the Local Act shall be altered by the insertion therein of the words "cart or" after the words "Every person who causes a."

Art. VIII. For the purposes of Part XV. of the Local Act the expression "hackney carriage" shall include every wheeled carriage of whatever form or construction (other than omnibuses as herein-after defined) standing or

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plying for hire in any street or court within the Borough, or at any railway station, or at any yard adjoining to or connected with such railway station within the Borough:

Provided that nothing in this Order or the Local Act contained shall empower the Corporation in any way to interfere with any carriage used by any railway company for conveying passengers and their luggage to or from any railway station, or with the drivers thereof, unless such carriage plies for hire in the Borough in like manner as an ordinary hackney carriage.

Art. IX. So much of Section 271 of the Local Act as empowers the Corporation to make byelaws for fixing the stands of hackney carriages shall be repealed, and in lieu thereof it shall be provided as follows:—

The Corporation may from time to time, by resolution, fix the standing places of hackney carriages, and the standing places of omnibuses, and the points within the Borough at which any omnibus shall or may take up and set down passengers:

Provided that nothing in this Order contained shall empower the Corporation to fix the site of the stand of any hackney carriage or omnibus in any railway station, or in any yard adjoining thereto or connected therewith, except with the consent of the railway company owning such site.

Art. X.—(1.) The terms “hackney carriages,” “hackney carriage,” “carriages,” or “carriage” whenever used in such of the provisions of the Local Act as are referred to in subdivision (2) of this Article shall be deemed to include every omnibus; and such provisions shall apply to the owners and drivers of every omnibus, and Section 282 of the Local Act shall apply to licensed drivers of omnibuses.

(2.) The following are the provisions of the Local Act to which reference is made in subdivision (1) of this Article, viz., Sections 268 to 270, 272, 273, 276 to 281, and 283 to 285 (all inclusive), and so much of Section 271 as enables the Corporation to make byelaws for all or any of the following purposes; that is to say,—

For regulating the mode of application for and the issuing of licenses for hackney carriages, and the drivers thereof, and the fees to be paid for licenses (not exceeding five shillings for any such license for twelve months, and in the like proportion for any shorter period), and the form and contents of licenses and the registering thereof, and of matters relative thereto, and the duration of licenses, and the conditions on which the same are to be held, or may be revoked or suspended:

For regulating the conduct of the proprietors and drivers of hackney carriages in their several employments, and determining whether such drivers shall wear any and what badge:

For the numbering and identifying of hackney carriages, and for regulating the manner in which the numbers are to be displayed:

For regulating the number of persons to be carried by any hackney carriage, and in what manner such number is to be shown on such carriage, and for requiring the driver to carry that number or any less number; and for regulating what number of animals is to draw any hackney carriage, and the kind and condition of such animals:

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For preventing the carrying in or upon hackney carriages of dead bodies, or of persons having any infectious, contagious, or loathsome disease:

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For securing the safe custody and re-delivery of property accidentally left in any hackney carriage, and fixing the charges to be paid in respect thereof.

Provided that whenever the word driver or drivers occurs in any of the sections of the Local Act mentioned in this Article it shall be deemed to include every conductor of any omnibus.

Provided also that, for the purposes of Sections 273, 276, and 284 of the Local Act, the fare, according to the statement of fares exhibited on any omnibus, shall be deemed to be the fare allowed by byelaw, or the fare to which any proprietor, driver, or conductor of any omnibus is entitled.

Provided further that, notwithstanding anything in Section 271 of the Local Act contained, the Corporation shall be entitled to receive and take for any license, for a period shorter than twelve months, granted under the Local Act as hereby altered, to the driver or conductor of any omnibus such fee as the Corporation think fit, not exceeding five shillings.

(3.) A license granted to a driver or conductor under the Local Act as hereby altered shall only authorise the holder thereof to act as driver or conductor of the class or description of carriage specified in such license.

Art. XI.—(1.) So much of Section 286 of the Local Act as empowers the Corporation from time to time to make byelaws for regulating omnibuses and stage carriages in the streets and the conduct of the drivers and conductors thereof, and for preventing the overcrowding thereof, and touching the number and fitness of the animals to be employed to draw the same shall be repealed.

(2.) The Corporation may make byelaws for all or any of the following purposes; viz.,—

(1.) To provide for the exhibition on some conspicuous part of any omnibus of a statement, in legible letters and figures, of fares to be demanded and received from the persons using, or carried for hire in, such omnibus:

(2.) To prevent within the Borough—

(a.) The owner, driver, or conductor of any omnibus, or any other person on their behalf, by touting, calling out, or otherwise, from importuning any person to use, or to be carried for hire in, such omnibus, to the annoyance of such person or of any other person;

(b.) The blowing of, or playing upon, horns or other musical instruments, or the ringing of bells, by the driver or conductor of any omnibus, or by any person travelling or using any such omnibus.

Art. XII. For the purposes of the Local Act, as altered by this Order, the term “omnibus” shall mean every omnibus, char-à-banc, waggonette, stage-coach, and other carriage, plying or standing for hire by, or used to carry passengers at separate fares to or from any part of the Borough (except tramway cars and carriages licensed by the Corporation under the provisions of the Tramways Act, 1870, or of any Provisional Order made thereunder, and confirmed by Parliament), but nothing in this Order contained shall affect any omnibus bringing into the Borough passengers carried at separate fares, but not plying or standing for hire in the Borough, or the owner, driver, and conductor

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A.D. 1888. of any such last-mentioned omnibus, or any omnibus belonging to or hired or
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hampton to or from any railway station, or the drivers or conductors thereof.
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Art. XIII. Section 187 of the Local Act shall be repealed, and in lieu thereof the following provisions shall take effect ; viz.,—

The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts, distinguishing therein capital from income, and shall apply all money from time to time received by them on account of revenue in the manner and in the order following ; (that is to say),—

- (1.) In payment of the costs, charges, and expenses of and incidental to the collection and recovery of water rents, rates, and charges.
- (2.) In payment of the expenses properly chargeable to revenue of conducting, managing, and maintaining their waterworks undertaking.
- (3.) In payment of the annuities or rents payable to the Wolverhampton New Waterworks Company under the Wolverhampton Waterworks Transfer Act, 1867.
- (4.) In payment of the interest on the moneys borrowed for waterworks purposes under the Local Act prior to the passing of the Wolverhampton Corporation Loans Act, 1882.
- (5.) In providing for the discharge, in accordance with the provisions of the Local Act, of any moneys borrowed for waterworks purposes under that Act.
- (6.) In payment of the interest on the moneys borrowed for waterworks purposes under any Act other than the Local Act.
- (7.) In providing for the discharge, in accordance with the provisions of the Act under which the money is borrowed, of the moneys borrowed for waterworks purposes under any Act other than the Local Act.
- (8.) In setting apart such yearly sum as they from time to time think reasonable for the purpose of forming a reserve fund to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or to defray the cost of the improvement of their waterworks: Provided that such reserve fund shall be accumulated by way of compound interest by investing the same and the annual income thereof in the manner defined by sub-section (4.) of Section 356 of the Local Act as altered by Art. XVIII. of this Order, until such fund amounts, according to the market price of such investments, to the sum of ten thousand pounds, and that the Corporation may from time to time sell such investments and re-invest the produce, and that whenever the reserve fund amounts, according to the market price of such investments, to the sum of ten thousand pounds, the income therefrom shall be applied in the same manner as money received by the Corporation on account of revenue from the water undertaking ; and whenever the fund may have been applied in whole or in part to meet any such claim or demand, or to defray such cost as aforesaid, the Corporation may from time to time replace the same or such part thereof: Provided further, that the Corporation

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may from time to time temporarily apply any moneys standing to the credit of such reserve fund or derived from the sale of the investments thereof (but not exceeding at any one time the sum of eight thousand pounds) in payment of the annuities, interest, contributions, and other liabilities payable in respect of their water undertaking ; but any portion of such reserve fund so applied shall be repaid out of the revenue applicable to such payments immediately upon receipt of such revenue.

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The Corporation shall carry any balance of such revenue remaining in any year and exceeding the sum of five hundred pounds to the improvement fund, or (if so determined by resolution of the Corporation) shall apply such balance, or any part thereof, in reducing the price of water to consumers as and for so long as the Corporation may by resolution determine.

Art. XIV. If in any year the amount standing to the credit of the water revenue account be insufficient for the payment of the charges thereon, the deficiency may be made up out of the improvement rate by carrying an adequate sum therefrom to the credit of the water revenue account, and the Corporation from time to time in preparing the estimates of the amount required in their judgment to be raised by means of an improvement rate for the purposes of the Borough may include such sums respectively (if any) as in the judgment of the Corporation are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water revenue account, and shall collect the same as part of such improvement rate.

Art. XV. Section 323 of the Local Act shall be altered by inserting the word "improvement" in lieu of the word "borough" after the words "in addition to the," and shall be further altered so as to enable the Corporation to levy any improvement rate either in one sum or by any number of instalments not exceeding two in any one year of such amounts, and to be paid at such times as they shall, at the time of making the rate, fix and determine : Provided, that if the rate be made payable by instalments, the demand note shall, in addition to the other requisite particulars, state the time appointed for payment of each instalment ; and all the powers, rights, and remedies of the Corporation and their officers for levying and recovering the improvement rate shall extend and apply to each instalment as if the same were a separate rate.

Art. XVI. Section 327 of the Local Act shall be altered by the omission therefrom of the last paragraph of that section, and by the insertion in lieu thereof of the following words ; viz.,—

And where the owner is rated instead of the occupier, then (except in the case of such a mill, manufactory, machine shop, or works as last aforesaid) he shall be assessed at such reduced estimate as the Corporation deem reasonable of the net annual value, not being less than two-thirds nor more than four-fifths of the net annual value ; and where such reduced estimate is in respect of property, whether occupied or unoccupied, then such assessment may be made at not less than one-half the amount at which such property is liable to be rated if the same were occupied and the rate were levied on the occupiers.

Art. XVII. Section 330 of the Local Act shall be altered by the insertion therein of the words "except in the case of premises in respect of which the " owner has agreed with the Corporation to pay the rates, whether such premises

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“ are occupied or unoccupied ” after the words “ whilst they continue to be
“ unoccupied,” and of the words “ subject to the exception aforesaid ” after the
words “ where the rate was made and ”

Art. XVIII.—(1.) Sub-section (4) of Section 356 of the Local Act shall be altered
by the insertion therein after the words “ Exchequer bills or other Government
“ securities ” of the words “ or in securities in which trustees are by law for the
“ time being authorised to invest, or in mortgages, debentures, debenture stock,
“ or other securities issued by any Local Authority as defined by Section 34 of
“ the Local Loans Act, 1875, other than the Corporation, the Corporation being
“ at liberty from time to time to vary and transpose such investments.”

(2.) So far as regards the said sum of fifty-three thousand nine hundred and
sixty-nine pounds borrowed under the Local Act since the passing of the
Wolverhampton Corporation Loans Act, 1882, the said sub-section shall be
deemed to have prescribed that thirteen thousand five hundred and thirty-four
pounds, part of the said sum, shall be paid off within thirty years, and the
residue within fifty years, from the borrowing thereof.

Art. XIX. All byelaws made by the Corporation under and for the purposes
of the Local Act as hereby altered (except byelaws made in pursuance of
Article II. of this Order under Section 157 of the Public Health Act, 1875,) shall
be made in accordance with the provisions of Section 368 of the Local Act, as
amended by the Public Health Act, 1875, and those provisions shall, subject to
the provisions of this Order, accordingly apply to any such byelaws.

Any byelaw made by the Corporation under the Local Act as hereby altered
may be altered or repealed by a subsequent byelaw.

Given under the Seal of Office of the Local Government Board, this
Seventh day of June, One thousand eight hundred and eighty-
eight.

(L.S.)

CHAS. T. RITCHIE, President.

C. N. DALTON, Assistant Secretary.

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