



CHAPTER CXXV.

An Act to extend the boundaries of the borough of Wednesbury to confer further powers on the Wednesbury Corporation to make further and better provision for the improvement health and local government of the borough and for other purposes. [10th July 1930.]

A.D. 1930.

WHEREAS the borough of Wednesbury (hereinafter referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses of the borough of Wednesbury (in this Act referred to as "the Corporation") who acting by the council are also the urban sanitary authority for the district comprising the borough :

And whereas it has been agreed between the Corporation and the mayor aldermen and burgesses of the county borough of West Bromwich (in this Act referred to as "the West Bromwich Corporation") that subject to the approval of Parliament a portion of the borough should be transferred to the county borough of West Bromwich and that a portion of the said county borough immediately adjoining the borough should be transferred to the borough :

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

—
And whereas it is expedient to alter and extend the boundaries of the borough and of the parish of Wednesbury so as to include therein a portion of the county borough of West Bromwich :

And whereas the Corporation are the owners of certain tramways in the borough which have been leased to a company for a period expiring on the thirty-first day of December one thousand nine hundred and thirty-eight and it is expedient to make provision for the earlier determination of the said lease by agreement with the said company and as to the subsequent sale or leasing working and management of the tramways and their discontinuance subject to any provisions which may be contained in a Bill which is being promoted in the present session of Parliament by the mayor aldermen and burgesses of the borough of Walsall :

And whereas it is expedient to make further provision in regard to streets and buildings in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough be enlarged as by this Act provided :

And whereas the predecessors of the Corporation in the year one thousand eight hundred and sixty-one purchased the rights in respect of markets and fairs in the borough which were originally granted in the seventh year of the reign of Queen Anne in respect of a market on Friday in every week and fairs on the twenty-fifth day of April and the twenty-third day of July in every year and it is expedient that further powers should be conferred upon the Corporation in regard to their markets :

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 consent of the Minister of Health has been obtained :

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 A.D. 1930.
Parliament assembled and by the authority of the same —
as follows:—

PART I.

PRELIMINARY.

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

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

Part I.—Preliminary.

Part II.—Extension of existing borough

Part III.—Tramways.

Part IV.—Streets buildings sewers and drains.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Markets and slaughter-houses.

Part VII.—Parks baths public buildings &c.

Part VIII.—Lands.

Part IX.—Police and hackney carriages.

Part X.—Financial.

Part XI.—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. 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 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

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

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.
—

- “ The existing borough ” means the borough of Wednesbury as existing immediately before the appointed day;
- “ The extended borough ” means the existing borough as extended by this Act;
- “ The borough ” means until the appointed day the existing borough and thereafter the existing borough as altered by this Act and by any other Act which may be passed during the present session;
- “ The Corporation ” means the mayor aldermen and burgesses of the borough of Wednesbury;
- “ The council ” means the council of the borough;
- “ The town clerk ” “ the treasurer ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the council and respectively include any person duly authorised to discharge temporarily the duties of those officers;
- “ The borough map ” means the map marked “ Map of the borough of Wednesbury as extended by the Wednesbury Corporation Act 1930 ” and signed in triplicate by the Marquess of Bristol M.V.O. the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred of which copies are to be deposited as mentioned in the section of this Act of which the marginal note is “ Deposit of maps ”;
- “ The county ” and “ the county council ” mean respectively the administrative county of Stafford and the county council of that county;
- “ The West Bromwich Corporation ” means the mayor aldermen and burgesses of the county borough of West Bromwich;
- “ The parish of Wednesbury ” means the existing parish of Wednesbury as extended by this Act;
- “ The added part of West Bromwich ” means the portion of the existing county borough of West Bromwich which is coloured pink on the borough map;

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

- “ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day; A.D. 1930.
- “ Local authority ” means a local authority as defined in section 3 of the Local Government and other Officers’ Superannuation Act 1922;
- “ Officer ” includes a servant and any person whose remuneration is paid by a local authority;
- “ The Minister ” means the Minister of Health;
- “ The Act of 1888 ” means the Local Government Act 1888;
- “ The Act of 1894 ” means the Local Government Act 1894;
- “ 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 Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ The Act of 1925 ” means the Rating and Valuation Act 1925;
- “ Child ” means a person under the age of sixteen years;
- “ Sunday school ” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- “ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;
- “ Food ” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928;

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

- “ Daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ 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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the council;
- “ 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;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and general rate of the existing borough or of the extended borough as the context may require.

PART II.

A.D. 1930.

EXTENSION OF EXISTING BOROUGH.

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

Commencement 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) all proceedings preliminary or relating to any election to be held in the year one thousand nine hundred and thirty-one for any area affected by this Act; and
- (c) the preparation of any precept or contribution order to be issued or made on or after the appointed day;

this Act shall operate from the date of its passing.

ALTERATION OF BOUNDARY OF BOROUGH AND COUNTY.

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

Extension of existing borough.

(2) The boundary of the extended borough shall be that shown by the inner edge of the 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. So much of the parish of West Bromwich as comprises the added part of West Bromwich shall be added to the existing parish of Wednesbury.

Alteration of parishes.

8. The added part of West Bromwich shall be transferred to the county and shall form part of the area of the Wednesbury Guardians Committee constituted under section 7 of the Local Government Act 1929.

Transfer of added part of West Bromwich to county.

9.—(1) The borough map shall within two weeks after the passing of this Act be deposited as to one copy

Deposit of maps.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.
Act, 1930.

A.D. 1930. in the office of the Clerk of the Parliaments in the House of Lords as to another copy in the Committee and Private Bill Office of the House of Commons and as to the third copy with the town clerk at his office.

(2) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent by him within one month after the passing of this Act to the clerk of the county council the town clerk of West Bromwich the Minister the Board of Inland Revenue the Commissioners of Customs and Excise the Registrar-General the Board of Trade the Minister of Transport the Minister of Agriculture and Fisheries and the Electricity Commissioners.

(3) 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 and the 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 such 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 credit of the general rate fund.

REPRESENTATION.

Existing
mayor
aldermen
and
councillors.

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

Alteration of
municipal
wards.

11. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number or boundaries of wards and the number of councillors—

(i) so much of the added part of West Bromwich as lies to the west of the centre line of Rydding

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

Lane and Allerton Lane shall be included in the Wood Green Ward of the borough; and

A.D. 1930.

- (ii) so much of the added part of West Bromwich as lies to the east and north-east of the said centre line shall be included in the Town Hall Ward of the borough;

for the election of councillors of the borough and the councillors representing the said existing wards shall be deemed from and after the appointed day to represent those wards as altered by this Act and shall remain in office until the day on which they would respectively have retired if this Act had not been passed.

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

County and
Borough
Councils
(Qualifica-
tion) Act
1914.

13. Subject to the provisions of section 54 of the Act of 1888 section 2 of the Representation of the People Act 1922 and section 50 of the Local Government Act 1929—

County
electoral
divisions.

- (1) So much of the added part of West Bromwich as lies to the west of the centre line of Rydding Lane and Allerton Lane shall be included in the Wednesbury No. 1 electoral division of the county and so much of the added part of West Bromwich as lies to the east and north-east of the said centre line shall be included in the Wednesbury No. 2 electoral division of the county :

- (2) The persons who immediately before the appointed day are the county councillors representing the existing Wednesbury No. 1 and Wednesbury No. 2 electoral divisions shall continue in office and be deemed to have been elected for the same respective divisions as altered by this Act and shall retire on the day on which they would have retired if this Act had not been passed.

14.—(1) The registration officer of the parliamentary borough of West Bromwich shall supply the registration officer of the parliamentary borough of Wednesbury on publication with a sufficient number of

Duplicate
entries in
electors'
lists.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — copies of the electors' lists the lists of objections to the electors' lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added part of West Bromwich and shall forthwith notify the registration officer of the parliamentary borough of Wednesbury of his decisions on any objections or claims in respect of any such registration unit.

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

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

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

Provisions
as to
register of
electors.

15.—(1) For the purposes of the register of local government electors of the borough prepared in the year one thousand nine hundred and thirty-one and of all matters connected with incidental to or consequent upon those purposes the added part of West Bromwich shall be deemed to have formed part of the borough as from the twenty-eighth day of February one thousand nine hundred and thirty-one.

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

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

A.D. 1930.
—

(b) the registration officer of the parliamentary borough of West Bromwich in the case of an election for any voting area outside the borough; shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election.

(3) The additional expenses (if any) solely occasioned by any alteration or re-arrangement of the register authorised by subsection (2) of this section shall be borne by the Corporation.

(4) It shall be the duty of the town clerk and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the West Bromwich Corporation 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 any registration officer for the purpose of any alteration or re-arrangement authorised by subsection (2) of this section.

(5) 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 Act and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

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

ADMINISTRATIVE PROVISIONS CONSEQUENT UPON
ALTERATION OF COUNTY BOUNDARY.

17. The powers and duties of—

- (1) the quarter sessions justices and clerk of the peace of the county;
- (2) the chief constable police constables and other peace officers of the county; and
- (3) the coroner for the south-east district of the county;

Powers and duties of quarter sessions justices coroner police &c. extended.

shall extend to the added part of West Bromwich:

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

Provided that—

- (a) every person committing an offence in the added part of West Bromwich 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 is pending before any recorder justice or coroner in relation to any matter arising in or concerning any part of the added part of West Bromwich 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.

Alteration
of petty
sessional
division and
coroners'
districts.

18. The added part of West Bromwich shall form part of the Wednesbury petty sessional division and shall be separated from the district of the coroner for the borough of West Bromwich and added to the south-east coroner's district of the county.

Insurance
committees.

19.—(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 borough of West Bromwich as relate to persons resident in the added part of West Bromwich.

(2) An order made under this section may authorise the insurance committee for the county borough of West Bromwich to continue to act as insurance committee for the added part of West Bromwich until such date not being later than the thirty-first day of December one thousand nine hundred and thirty-one 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 borough of West Bromwich 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.

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

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

A.D. 1930.
—

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

Register of
nursing
homes.

(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 West Bromwich Corporation in respect of premises within the added part of West Bromwich shall continue in force until the exemption shall expire.

21. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the county shall extend to the added part of West Bromwich and any order under those Acts which is then in force in the county borough of West Bromwich shall cease to extend to the added part of West Bromwich.

Orders
under Wild
Birds
Protection
Acts.

ADMINISTRATIVE PROVISIONS CONSEQUENT UPON
ALTERATION OF BOROUGH BOUNDARY.

22.—(1) The powers and duties of the justices of the peace for the existing borough and of the clerk to those justices shall extend to and apply throughout the borough:

Jurisdiction
of borough
justices &c.
extended.

Provided that—

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

(b) every proceeding which prior to the appointed day has been begun by or before any justice in relation to any matter arising in or concerning the added part of West Bromwich 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 part of West Bromwich shall be excluded from the jurisdiction of the local courts and the justices of the peace for the borough and parish of West Bromwich.

Amendment
of South
Stafford-
shire
Stipendiary
Justice
Act 1899.

23. The South Staffordshire Stipendiary Justice Act 1899 shall be altered so that section 6 (Limits of Act) of the said Act as modified by an Order in Council dated the thirtieth day of May one thousand nine hundred and twenty-four by section 19 of the Wolverhampton Corporation Act 1926 and by section 18 of the West Bromwich Corporation Act 1927 shall have effect as if the municipal borough of Wednesbury as extended by this Act were mentioned in paragraph (a) thereof.

Cesser of
powers.

24. The West Bromwich Corporation shall cease to exercise any powers or discharge any duties within any part of the added part of West Bromwich.

South
Stafford-
shire Joint
Smallpox
Hospital
District.

25. The South Staffordshire Joint Smallpox Hospital Orders 1903 to 1929 and the Acts confirming those Orders shall be altered so that the following provisions shall have effect (that is to say):—

(1) The borough shall be a constituent district of the South Staffordshire Joint Smallpox Hospital District:

(2) Until the population of the borough is shown in the returns of the last census for the time being the number of inhabitants of the borough according to the returns of the last census prior to the issue of precepts of the South Staffordshire Joint Smallpox Hospital Board for contributions to their common fund shall be estimated by the clerk to the said board from the return of such last census.

26. The Administrative County of Stafford A.D. 1930.
(Assessment Areas and Committees) Scheme 1926 as
approved by the Minister on the fourth day of October —
one thousand nine hundred and twenty-six shall be read Assessment
and have effect as if for references therein to the borough areas and
of Wednesbury and the town council thereof there were committees.
substituted references to that borough as extended by
this Act and the town council thereof.

27.—(1) The local registrar for the borough of Land
West Bromwich under the Land Charges Act 1925 and charges
the rules made thereunder shall within one month after register.
the appointed day supply to the town clerk as 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 part of West Bromwich and
shall be paid by the Corporation in respect thereof such
fees as are prescribed by the said rules.

(2) The town clerk as the local registrar for the
borough shall within one month after the receipt of the
office copies mentioned in subsection (1) of this section
enter the same with any necessary modifications in the
appropriate parts of the local land charges register of
the borough.

(3) Until the entries are made as aforesaid or until
the expiration of two months from the appointed day
whichever be the earlier the following provisions shall
have effect in respect of all land in the added part of West
Bromwich :—

- (a) The town clerk as the local registrar for the
borough shall give notice to any person desiring
to make a personal search that an additional
search should be made in the register for the
borough of West Bromwich;
- (b) Where application is made for an official search
the town clerk as 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 for the borough
of West Bromwich the application received by
him together with the fees paid in respect
thereof;

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

(c) The local registrar for the borough of West Bromwich shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed.

Saving for entries in local land charges registers.

28. Where a local land charge duly registered in the local land charges register of the borough of West Bromwich is in pursuance of this Act transferred from the register of the borough of West Bromwich to the register of the Corporation as provided for in the immediately preceding section of this Act 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 borough.

Town planning schemes.

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

Burial Acts.

30.—(1) 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 1852 to 1906 :

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

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

ACTS ORDERS BYELAWS &C.

A.D. 1930.

31.—(1) Subject to the provisions of this Act the unrepealed provisions of any local Act or Provisional Order duly confirmed or Special Order and affecting the existing borough or the Corporation as the same respectively are in force within the existing borough at the appointed day shall extend and apply to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation. Local Acts
and Orders.

(2) The provisions of any protective enactment for the benefit of the West Bromwich Corporation contained in any local Act confirmation Act Provisional Order or Special Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added part of West Bromwich enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to the West Bromwich Corporation.

(3) Nothing in this Act shall alter the area for the supply of gas water or electricity by any local authority or company under any local Act or any Provisional Order confirmed by Parliament or under any Special Order or shall prejudice or affect the existing rights and powers of any such local authority or company under any such Act or Order.

32.—(1) The provisions of the Baths and Wash-houses Acts 1846 to 1925 the Public Libraries Acts 1892 to 1919 the Public Health Acts Amendment Act 1890 the Infectious Disease (Prevention) Act 1890 the Museums and Gymnasiums Act 1891 the Private Street Works Act 1892 and the Public Health Act 1925 which are in force in the existing borough shall be in force in and apply to the borough as if the same had been adopted for the borough. Adoptive
Acts.

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

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force at the

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — appointed day throughout the existing borough shall extend and apply to the added part of West Bromwich and any such order in force on the day aforesaid in the added part of West Bromwich shall save as hereinbefore provided cease to be in force therein.

Corporation to be local authority for certain Acts.

33. For the purpose of the Small Dwellings Acquisition Acts 1899 to 1923 the Notification of Births Acts 1907 and 1915 the Maternity and Child Welfare Act 1918 Part I of the Children Act 1908 and (if an order is made by the Minister under section 62 of the Local Government Act 1929) the Midwives Acts 1902 to 1926 the Corporation shall be the local authority for the borough.

Powers under Public Health Acts 1907 and 1925.

34. Subject to any order which the Minister or the Secretary of State may make after the appointed day the following provisions shall have effect as regards orders made under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 :—

- (1) The provisions of any order made before the appointed day whereby any parts or sections of either of the said Acts are in force in the existing borough shall have effect as if any reference in that order to the borough as it existed at the date of such order extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force in the borough :
- (2) Any other order under either of the said Acts which is in force at the appointed day throughout the existing borough shall extend and apply to the added part of West Bromwich :
- (3) The provisions of any order made before the appointed day and declaring to be in force in any part of the added part of West Bromwich any parts or sections of either of the said Acts shall cease to apply to any such part and subject to the provisions of this section the parts or sections declared by any such order to be in force shall cease to be in force in any such part but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

35. 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 Part of this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applied immediately before the appointed day.

A.D. 1930.

—
Orders
under Shop
Hours Act
1904 or
Shops Acts
1912 to
1928.

36.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added part of West Bromwich immediately before the appointed day shall—

Byelaws
and
regulations.

(a) if made before the first day of January one thousand nine hundred and twenty continue to apply to the existing borough or to the added part of West Bromwich as the case may be for three years after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of three years 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 continue to apply to the existing borough or to the added part of West Bromwich 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 extended with or without modification to the added part of West Bromwich.

(3) All other byelaws made by the Corporation or the standing joint committee of the county which immediately before the appointed day are in force throughout the existing borough shall extend and apply to the borough until such byelaws be altered or repealed. All byelaws other than those to which subsection (1) of this section applies made by the West Bromwich Corporation or the watch committee of the West Bromwich Corporation and in force immediately before the appointed day in any part of the added part of West Bromwich shall on that day cease to be in force therein.

(4) In their application to the added part of West Bromwich any byelaws continued in force by this section

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. shall have effect as if they had been made by the Corporation or the standing joint committee of the county as the case may be and as if the added part of West Bromwich were referred to therein instead of the area to which they apply immediately before the appointed day.

(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 part of West Bromwich may be taken by the Corporation.

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

Education
byelaws.

37. Any byelaws made under the Education Act 1921 or any enactment repealed by that Act which may be in force in the existing borough immediately before the appointed day shall apply to the borough until revoked or altered by the Corporation in substitution for any such byelaws which may be in force in the added part of West Bromwich.

PROPERTIES ACCOUNTS DEBTS AND ADJUSTMENTS.

Corporation
property.

38. Subject to the provisions of this Part of this Act all property vested in the Corporation on the appointed day for the benefit of the existing borough (not being property held on any charitable trust) shall by virtue of this Part 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 exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the date aforesaid attached to the Corporation in respect of the existing borough shall from and after that date attach to them in respect of the borough.

Mortgage
debts of
Corporation.

39. Subject to the provisions of this Act—

(a) so much of any sums borrowed by the Corporation as immediately before the appointed day

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

are owing and charged upon a fund or rate of the existing borough shall be charged upon the revenues of the Corporation and the general rate fund and the general rate of the borough;

A.D. 1930.

- (b) all borrowed moneys to which this section applies 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.

40. Subject to the provisions of this Part of this Act—

Powers
property
and
liabilities.

(1) any property or liabilities held or incurred by the West Bromwich Corporation in relation exclusively to the added part of West Bromwich or any portion thereof shall by virtue of this Act be transferred to vest in or attach to the Corporation;

(2) any property or liabilities held or incurred by the West Bromwich Corporation in relation to the added part of West Bromwich or any portion thereof conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

41. Subject to any adjustment under section 62 of the Act of 1888 all rates not collected at the appointed day and levied by any rating authority upon any hereditament situate in the added part of West Bromwich shall be collected and recovered by the Corporation.

Arrears of
rates made
by rating
authorities.

42.—(1) The portion of the valuation list of the existing borough of West Bromwich which relates to hereditaments within the added part of West Bromwich shall be transferred to the Corporation and shall be amalgamated with the valuation list of the existing borough.

Valuation
lists.

(2) The remaining portion of the valuation list of the existing borough of West Bromwich shall be the valuation list of the borough of West Bromwich.

A.D. 1930.

Deduction
in ascertain-
ing rateable
value of
tithes
railways
canals &c.

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

Precepts
of county
council.

44.—(1) Precepts of the county council for the financial year commencing on the appointed day shall be based on the rating areas and parishes as altered by this Act.

(2) The county council may make such adaptations and alterations of the estimates of the produce of a rate of a penny in the pound furnished to them by the Corporation as may be necessary to bring those estimates into conformity with the alterations of rating areas and of parishes made by this Act.

(3) It shall be the duty of the town clerk to supply the county council with such information as may be necessary for the purposes of subsection (2) of this section.

Adaptation
of pro-
visions as to
adjustment.

45.—(1) Agreements may be made by any councils or other authorities affected by the alteration of any areas or authorities made by this Act for the adjustment of any property income debts liabilities and expenses so far as they are affected by the alteration and section 62 of the Act of 1888 shall apply to any such adjustment with the following modifications:—

(a) As if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Part of this Act or by anything done in pursuance of this Part 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 the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to

A.D. 1930.
—

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 moneys 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 or adjustment were substituted for any fund mentioned in that section; and
- (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 any amount shall be charged separately on a part only of any rating area the agreement or award may authorise the levying of that amount on that part of the rating area together with and as an additional item of the general rate in accordance with the provisions of subsection (5) of section 2 of the Act of 1925.”

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act or in the sections of this Act of which the marginal notes are “ Adjustment for purposes of licensing ” and “ Adjustment of financial relations between county and county borough of West Bromwich.”

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

Adjustment as to properties.

- (a) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or
- (b) which was prior to the appointed day subject to beneficial user by the inhabitants of the added part of West Bromwich or any part thereof; or
- (c) which or some part of which is realisable;

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — and due credit shall be given in such adjustment to the Corporation in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

Adjustment
for purposes
of licensing.

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

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

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

Adjustment
of financial
relations
between
county and
county
borough
of West
Bromwich.

48.—(1) In any case in which the extension of the existing borough by this Act affects the distribution of any moneys between the county and the county borough of West Bromwich (in this section referred to as "the county borough") or between the county and the county borough on the one hand and any other county borough on the other hand or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions and with regard to the adjustment of which provision is not made in any other Act equitable adjustments may be made between the areas interested.

(2) Any adjustment authorised by subsection (1) of this section may be made by agreement between the councils of the county borough the county and the county borough affected or by an arbitrator appointed by the parties interested and if such adjustment shall not have been made or an arbitrator has not been appointed before the first day of April one thousand nine hundred and

thirty-two or such later day as may be allowed by the Minister then on the application of any of the councils interested the Minister may if he thinks fit make or appoint an arbitrator to make the adjustment.

A.D. 1930.

(3) In any case in which an agreement for equitable adjustments as aforesaid shall not have been made or so far as any such agreement shall not extend the provisions of the Act of 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications and the Minister or an arbitrator appointed by him as the case may be shall be substituted in those provisions for the commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Act or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

Provided that—

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

OFFICERS.

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

Town clerk and other officers continued.

50.—(1) Every officer in office at the passing of this Act who by virtue of this Part of this Act or of anything

Compensation to existing officers.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

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

Determina-
tion of
compensa-
tion.

51.—(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 eleven shall apply subject to the following and any other necessary modifications:—

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

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

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

Compensa-
tion and
super-
annuation.

52. No officer shall be entitled to receive compensation under this Part of 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.

SUPPLEMENTARY PROVISIONS.

A.D. 1930.

53. Notwithstanding anything in this Act contained the following provisions shall apply and have effect unless otherwise agreed in writing between the Corporation and the West Bromwich Corporation (that is to say):—

As to
sewers in
added part
of West
Bromwich.

(1) In this section the expression "excepted sewers" means—

(a) The low level outfall sewer (three feet three inches in diameter) commencing on the western boundary of the added part of West Bromwich at a point 60 yards measured in a south-easterly direction from the boundary of the borough along the western boundary of enclosure No. 187 thence in a straight line in an easterly direction for a distance of 867 yards or thereabouts through enclosures No. 187 188 and 184 to a manhole in Hydes Road 90 yards or thereabouts to the north of the Hateley Heath aqueduct thence as a five feet by three feet four inches egg-shaped sewer in a straight line in a north-easterly direction for a distance of 437 yards or thereabouts through enclosure No. 155 to a manhole situate in enclosure No. 155b thence in a straight line in a northerly direction through enclosures Nos. 155b 152 361 118 116 and 114 for a distance of 700 yards or thereabouts to a manhole in Crankhall Lane 100 yards to the east of the bridge over the river Tame thence as a four feet by two feet eight inches sewer in a north-easterly direction for a distance of 610 yards or thereabouts through enclosures No. 6 7 and 7c forming part of the Friar Park sewage farm thence as an open conduit three feet nine inches by three feet three inches in a north-easterly and south-easterly direction for a distance of 473 yards through enclosure No. 7 to a point near the eastern boundary of enclosure No. 7 thence as a two feet seven inches by two feet seven and-a-half inches sewer turning in a south-easterly direction for a distance of 607 yards or thereabouts through enclosures Nos. 7 7k 9 and 8

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

forming part of the Friar Park sewage farm to a point on the southern boundary of enclosure No. 8 40 yards or thereabouts west of the eastern boundary to enclosure No. 8;

(b) The high level hydraulic sewer (twenty-four inches in diameter) commencing at a point where the boundary of the added part of West Bromwich crosses Rydding Lane and thence along Rydding Lane and Hydes Road to the low level outfall sewer a distance of 683 yards thence along the line of the low level outfall sewer in a north-easterly and northerly direction for a distance of 800 yards thence in a north-easterly direction through enclosure No. 118 for a distance of 113 yards or thereabouts crossing the boundary of the added area at a point on the western boundary of enclosure No. 117;

(c) The new high level gravity outfall sewer (three feet in diameter) commencing in Rydding Lane at a point 85 yards or thereabouts to the north of Hateley Heath aqueduct thence in two straight lines in a north-easterly and northerly direction running parallel to the high level hydraulic and low level outfall sewers previously described for a distance of 793 yards to a manhole situate in enclosure No. 118 thence turning in an easterly direction and crossing the boundary of the added area for a distance of 160 yards to a manhole situate in enclosure No. 117 thence crossing Crankhall Lane and again crossing the boundary of the added area in a northerly and north-easterly direction to the line of the low level outfall sewer for a distance of 400 yards through enclosures No. 117 and 112 and 6 forming part of the Friar Park sewage farm thence parallel to the last-mentioned sewer for a distance of 103 yards thence in a north-easterly direction for a distance of 192 yards through enclosures No. 6 and 7c thence in an easterly direction through enclosures Nos. 7c 7g 7j 7l and 8 for

a distance of 513 yards and terminating temporarily at a point in enclosure No. 8; A.D. 1930.

(d) A nine-inch sewer commencing at a point in Crookhay Lane where the boundary of the added area crosses the said lane and thence along Crookhay Lane in a north-easterly direction for a distance of 383 yards to enclosure No. 183 thence in an easterly direction along private road enclosure 181 for a distance of 333 yards to its junction with the high level hydraulic sewer in Rydding Lane;

(e) A twelve-inch sewer in Hall Green Road commencing at a point where the boundary of the added part of West Bromwich crosses the said road thence along Hall Green Road in a westerly direction to Rydding Lane a distance of 327 yards thence along Rydding Lane and Hydes Road in a north-westerly direction to its junction with the low level outfall sewer a distance of 287 yards;

(f) A twelve-inch sewer commencing at a point where the boundary of the added part of West Bromwich crosses Crankhall Lane thence in a northerly direction along the said lane to its junction with the low level outfall sewer a distance of 220 yards;

(g) A fifteen-inch storm water drain commencing at a point where the boundary of the added part of West Bromwich crosses Crankhall Lane thence in a northerly direction along the said lane to the river Tame a distance of 317 yards;

(h) A twelve-inch storm water drain commencing at a point in the boundary of the added part of West Bromwich crossing Hall Green Road thence in a westerly direction along the said road crossing Rydding Lane and thence along private road enclosure No. 181 and terminating in Hob Nail Brook a total distance of 407 yards;

The numbers of the enclosures referred to in the foregoing description of the excepted

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

sewers are those marked on the $\frac{1}{2500}$ scale Ordnance map Staffordshire sheets Nos. LXVIII. 2 LXIII. 14 and LXVIII. 6 (revised 1912-13 edition of 1919):

- (2) Notwithstanding anything contained in section 62 of the Act of 1888 or in the section of this Act of which the marginal note is " Powers property and liabilities " the excepted sewers shall remain the property of the West Bromwich Corporation and upon any adjustment under section 62 of the Act of 1888 as amended by the section of this Act of which the marginal note is " Adaptation of provisions as to adjustment " no account shall be taken of the value of or the outstanding loans in connection with the excepted sewers but the liability for the repayment of such outstanding loans shall remain with the West Bromwich Corporation:
- (3) Notwithstanding the provisions of subsection (2) of this section the Corporation and the owner or occupier of any premises within the added part of West Bromwich shall be entitled at all times hereafter to use the excepted sewers for the discharge of sewage from any sewers or drains in the added part of West Bromwich which may on the appointed day be connected directly or indirectly with the excepted sewers without making any payment to the West Bromwich Corporation or any other authority Provided that no new connections to the excepted sewers or any sewer or drain communicating therewith shall be made by the Corporation after the appointed day except under and in pursuance of the provisions of subsection (4) of this section:
- (4) Notwithstanding the provisions of subsection (2) of this section the Corporation shall be entitled at all times hereafter to use the excepted sewers for the discharge of sewage from any house or premises in the added part of West Bromwich which may not on the appointed day be connected directly or indirectly with the excepted sewers upon such terms and conditions as failing agreement shall be determined by an

arbitrator to be agreed upon between the Corporation and the West Bromwich Corporation or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

A.D. 1930.
—

54.—(1) Every person resident in the added part of West Bromwich at the appointed day who has acquired or is in the course of acquiring— Settlement of poor.

(a) a settlement in the county borough of West Bromwich by reason of residence birth or other qualification therein; or

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

shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or a status of irremovability from the county.

(2) For the purposes of this section periods of residence between the thirty-first day of March one thousand nine hundred and thirty and the appointed day in two or more places within the county borough of West Bromwich shall be aggregated and reckoned as continuous residence in the added part of West Bromwich.

55.—(1) No alteration effected by this Part of this Act shall cause to abate prejudicially affect or prevent any action cause of action or proceeding which at the appointed day is pending or existing by or against the county council or the West Bromwich Corporation or any contract deed bond agreement or other instrument (subsisting at the appointed day) entered into or made by any such authority or their predecessors:

Savings for actions contracts &c.

Provided that—

(i) any action cause of action or proceeding which at the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added part of West Bromwich may be continued prosecuted and enforced by or against the Corporation; and

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

(ii) all contracts deeds bonds agreements and other instruments (subsisting at the appointed day) entered into or made by any such authority or their predecessors in relation exclusively to any part of the added part of West Bromwich may be continued and enforced as fully and effectually as if instead of such authority (or their predecessors) the Corporation had been a party thereto.

(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.

Saving for qualification of councillors.

56. An alderman or councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of area made by this Part of this Act.

Saving for contribution orders and precepts.

57. Notwithstanding the alterations in the areas of parishes or districts effected by this Part of this Act all contribution orders issued and precepts made before the appointed day shall be as valid in law as if this Act had not been passed.

Saving provisions.

58. Nothing in this Part of 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 or the Corporation under the Act of 1888 the Act of 1894 or the Local Government Act 1929;
- (b) affect the limits of the parliamentary boroughs of Wednesbury or West Bromwich or the powers of the Corporation or of the West Bromwich Corporation for the division of the parliamentary boroughs into polling districts for parliamentary elections or the powers of the county council for the division of the 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 right interest

or jurisdiction in or over any charitable endowment; A.D. 1930.

- (d) affect the provisions of the Act of 1925 save as in this Part of this Act expressly provided;
- (e) affect land tax and for the purposes of Imperial taxes or duties other than land tax the provisions of the section in this Part of this Act whereof the marginal note is "Alteration of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

59. Any reference in this Act to the provisions of the Education Act 1921 shall as respects any provision of that Act which may not be in operation at the appointed day be construed as a reference to the corresponding provision of the Education Acts 1870 to 1919 unless such corresponding provision is repealed by the Education Act 1921.

References to Education Act 1921.

PART III.

TRAMWAYS.

60. In this Part of this Act the word "tramways" includes light railways and the expression "the Wednesbury tramways" means the following tramways in the borough (that is to say):—

Interpretation for purposes of this Part of Act.

- (a) A tramway commencing at the boundary of the borough of Walsall adjacent to Wednesbury at Wood Green continuing along Wood Green Road Oakswell End Walsall Street Market Place Lower High Street to the junction opposite the "White Horse" inn:
- (b) A tramway commencing at the boundary of the parish of Darlaston adjacent to Wednesbury at the Bull Stake Darlaston continuing along Darlaston Road Trowse Lane and High Bullen Dudley Street turning by "Dartmouth Arms" inn into Holyhead Road thence to the junction opposite the "White Horse" inn:

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.
—

- (c) A tramway commencing in Holyhead Road between "Dartmouth Arms" inn and "White Horse" inn continuing along Victoria Street and Great Western Street to the junction of the tramways next hereinafter mentioned :
- (d) A tramway commencing at the "Dartmouth Arms" inn at the corner of Dudley Street and Holyhead Road continuing along Lower Dudley Street at the junction with the tramways last hereinbefore mentioned and thence to the boundary of the parish of Tipton on Lea Brook Road adjacent to Wednesbury :
- (e) A tramway commencing at the junction of the "White Horse" inn aforesaid continuing along Bridge Street to the boundary of the borough of West Bromwich adjacent to Wednesbury at Bridge Street.

Leasing
and discon-
tinuance of
tramways.

61.—(1) The Corporation may accept the surrender of the lease of the Wednesbury tramways granted on the third day of May one thousand nine hundred and six to the South Staffordshire Tramways (Lessee) Company Limited and upon the expiration or sooner determination of the said lease may sell and assign or transfer or may lease the Wednesbury tramways or any of them to the West Bromwich Corporation upon such terms and conditions and (in the case of a lease) for such period as may be agreed between the Corporation and the West Bromwich Corporation.

(2) In the event of any such sale assignment transfer or lease as is referred to in subsection (1) of this section provision may be made for the discontinuance of the working of the Wednesbury tramways or any of them the taking up and removal of the tramways and all rails paving setts posts wires standards brackets cables works and apparatus and equipment forming part thereof or provided or used in connection therewith and the appropriation use sale or other disposition of such rails paving setts posts wires standards brackets cables works apparatus and equipment Provided that on the taking up of any rails paving setts posts standards cables works apparatus or equipment the Corporation or the West Bromwich Corporation as the case may be shall with all convenient speed fill in the ground and make good the

surface and to the reasonable satisfaction of the road authority restore the portion of the road or footpath in which any part of the said tramways taken up was laid to as good a condition as that in which it was before such part of the said tramways was laid thereon or to such other condition as may be agreed between the Corporation and the West Bromwich Corporation and shall clear away all surplus paving metalling or other material or rubbish occasioned by such work.

A.D. 1930.

62.—(1) Upon the expiration or sooner determination of the existing lease to the South Staffordshire Tramways (Lessee) Company Limited of the Wednesbury tramways the Corporation may enter into and carry into effect agreements with the West Bromwich Corporation and any local authority company body or person owning or working any tramways which may now or hereafter be connected with the Wednesbury tramways with respect to the following purposes or any of them (that is to say):—

Working
and other
agreements.

- (a) The formation of junctions between the tramways of the contracting parties;
- (b) The leasing working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other and the fixing collecting apportionment and distribution of the rates and profits arising therefrom;
- (c) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of rolling stock necessary for the purposes of such agreement and the employment of officers and servants;
- (d) The supply of motive power;
- (e) The payments to be made and the conditions to be performed with respect to the matters aforesaid;
- (f) The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties;
- (g) The discontinuance of the Wednesbury tramways.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

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

Discon-
tinuance of
tramway in
Victoria
Street and
Great
Western
Street.

63. Upon the expiration or sooner determination of the existing lease to the South Staffordshire Tramway (Lessee) Company Limited of the Wednesbury tramways the Corporation may discontinue temporarily or permanently the tramway in Victoria Street and Great Western Street in the borough and may remove the rails of such tramway from the surface of the road. Forthwith after the removal of such rails the Corporation shall restore the portion of the road upon which the rails were laid and all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order relating to the said tramway shall cease and determine.

Power to
Corporation
to work
tramways.

64. Upon the expiration or sooner determination of the lease referred to in the last preceding section of this Act and notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the Wednesbury tramways and in respect of the use of such carriages but nothing in this section shall empower the Corporation to create or permit a nuisance or to manufacture any plant appliances or conveniences required for the working or user of the said tramways.

Tramway
from
Darlaston
to Walsall.

65.—(1) The provisions of the sections of this Act of which the marginal notes are "Leasing and discontinuance of tramways" "Working and other agreements" and "Power to Corporation to work tramways" shall extend and apply to so much of the tramway referred to in subsection (2) of this section as

is situate within the borough as extended by this Act upon the purchase of the same by the Corporation. A.D. 1930.

(2) The tramway referred to in subsection (1) of this section is the Tramway No. 1 authorised by the Staffordshire Tramways (Extension) Order 1882 confirmed by the Tramways Orders Confirmation (No. 2) Act 1882 being a tramway commencing in the parishes of Darlaston and Wednesbury or one of them at the eastern end of Pinfold street by a junction with the Tramways Nos. 2 and 2E authorised by the Staffordshire Tramways Order 1879 confirmed by the Tramways Orders Confirmation Act 1879 and passing thence into and along the high road leading from Darlaston to Walsall and terminating in the parish of Walsall at the junction of the said high road with the Wednesbury road.

66. The Corporation shall be responsible for and make good to the Company of Proprietors of the Birmingham Canal Navigations and the London Midland and Scottish Railway Company all damage which may be done by them to any of the works or property of either of the said companies during and by reason of the removal under the powers of this Part of this Act of any tramways and the rails and paving setts thereof and the equipment in connection therewith and the restoration of the roads. For protection of Birmingham Canal Navigations and London Midland and Scottish Railway Company.

67. For the protection of the lord mayor aldermen and citizens of the city of Birmingham and the South Staffordshire Waterworks Company (in this section respectively referred to as "the protected body") the following provisions shall unless otherwise agreed in writing between the protected body and the Corporation apply and have effect (that is to say):— For protection of Birmingham Corporation and South Staffordshire Waterworks Company.

(1) If any injury shall be caused to any mains pipes or apparatus of the protected body during and by reason of the removal under the powers of this Part of this Act of any tramways and the rails and paving setts thereof and the equipment in connection therewith and the restoration of the roads the Corporation shall bear and on demand repay to the protected body the amount of the expense reasonably incurred by the protected body in making good such injury:

A.D. 1930.

(2) Any difference between the Corporation and the protected body under this section shall be referred to an arbitrator to be agreed upon between the Corporation and the protected body or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

PART IV.

STREETS BUILDINGS SEWERS AND DRAINS.

Power to determine width of carriage-ways and footways.

68. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

As to urgent repairs of private streets.

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

Development scheme may be required in connection with new streets.

70.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street within the meaning of their byelaws with respect to new streets the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new

street to furnish the Corporation with plans sections 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 sections and particulars required as aforesaid shall be so furnished. A.D. 1930.

(2) If after the submission of the plans sections 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 sections 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 sections and particulars as approved and if any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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

(4) (a) Any person deeming himself aggrieved by any requirement of the Corporation under this section or by any modification required in the said plans sections 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 appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

—
Adjustment
of bound-
aries of
estates.

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

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

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the

lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

A.D. 1930.

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

72.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

Adjustment
of bound-
aries 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.

A.D. 1930.

(4) On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

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

For protection of certain statutory undertakers.

73. For the protection of the Central Electricity Board the lord mayor aldermen and citizens of the city of Birmingham and the South Staffordshire Waterworks Company (each of whom are in this section referred to as "the protected body") the following provisions shall unless otherwise agreed in writing between the Corporation and the protected body apply and have effect (that is to say):—

- (1) Whenever the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Power to determine width of carriageways and footways" shall add to the carriageway of a street any portion of the footway in which there are any mains cables pipes works or other apparatus (in this section referred to as "apparatus") of the protected body the protected body may and shall if so required by the Corporation alter the position of the apparatus to such a depth below the surface of the carriageway or to such other position as may be reasonable and the Corporation shall repay to the protected body the reasonable expenses of and in connection with such alteration of depth and position:

A.D. 1930.

(2) Whenever the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" shall give up land forming part of a street in exchange for other land there then being in such first mentioned land any apparatus the Corporation shall give notice in writing to the protected body and the protected body may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Corporation shall repay to the protected body the reasonable expenses of and in connection with such alteration of position :

(3) The protected body shall give to the Corporation not less than twenty-one days' notice of their intention to alter otherwise than by the requirement of the Corporation the position of any apparatus under the provisions of subsections (1) or (2) of this section and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable :

(4) Any difference between the Corporation and the protected body under this section shall be referred to an arbitrator to be agreed upon between the Corporation and the protected body or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

74.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving two years' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the

Further powers as to future line of street.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

No building
allowed until street
defined.

75.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for such person except

with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been so defined. A.D. 1930.

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

76.—(1) The Corporation may prescribe the line of frontage of houses or buildings (in this section called "the building line") to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already laid out upon which buildings have not already been erected. Frontage line in new streets.

(2) It shall not be lawful without the approval of the Corporation to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building beyond or in front of the building line prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been prescribed by the Corporation.

(4) In the event of the Corporation prescribing a building line at a greater distance from the centre of a street already laid out than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — by arbitration in accordance with the provisions of the Lands Clauses Acts.

(7) Any person deeming himself aggrieved by any requirement of the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

As to pave-
ment lights. **77.**—(1) From and after the passing of this Act it shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street in the borough any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation.

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

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

Compensa-
tion for
injuring
lamps &c. **78.** Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post 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 such compensation to an amount not exceeding five pounds shall be recoverable summarily as a civil debt.

Byelaws
as to inter-
secting
streets. **79.** 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. A.D. 1930.

80.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically-propelled vehicle other than a motor cycle in passing to and from such premises the Corporation may either—

Crossings for horses or vehicles over footways.

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

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

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

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

81. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants Provided

Power to provide tubs for trees &c.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

As to
barriers
in streets.

82.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or in emergencies to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

Restrictions
on rights
of breaking
up streets
in borough.

83.—(1) 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 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 respects 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.

A.D. 1930.

(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 works in any streets in cases 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 or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

84.—(1) (a) For the purpose of assisting the Corporation in the exercise of the powers conferred upon them by this section a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council:

Further power to make bye-laws as to new buildings &c.

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(b) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated. The Corporation may pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit.

(2) Section 157 of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct—

- (a) a building within the borough; or
- (b) an addition to an existing building within the borough (including the reconstruction of an existing addition to any such building); or
- (c) a chimney in the borough exceeding forty-five feet from the ground in height;

of drawings of the elevations and particulars as to the materials of such building or addition or chimney (in this section called collectively "elevations").

(3) Where elevations are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the elevations—

- (a) approve the elevations; or
- (b) if they shall consider that having regard to the general character of the buildings in the borough or of the buildings proposed therein to be erected or of the building upon or to which the addition is to be constructed or reconstructed the building or addition or chimney to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or addition or chimney or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable.

A.D. 1930.

(4) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building or addition or chimney is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building or addition or chimney.

(5) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (3) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building or addition or chimney is considered to be objectionable.

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(6) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the council and to the person by whom the elevations were submitted.

(7) In the event of a division of opinion among the members of the advisory committee upon a reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(8) Where the elevations of a building or addition or chimney have been disapproved under this section it shall not be lawful to erect the building or addition or chimney until the elevations thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — exceeding five pounds and to a daily penalty not exceeding forty shillings.

(9) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof are payable by the person submitting the elevations they shall be recoverable by the Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the elevations in the like manner.

(10) The provisions of paragraph (b) of subsection (3) of this section shall not apply to a wooden hoarding which is used solely for the purposes of bill-posting.

Elevation
of buildings
erected on
front lands
to require
approval.

85.—(1) Where by reason of any improvement made by the Corporation within the borough any land shall become land which adjoins or abuts on any street the following provisions shall apply:—

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(ii) If the Corporation within six weeks after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the elevations.

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

(3) The Corporation shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of any wall or fence under the provisions of this section.

86.—(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 it is required by the Corporation and is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

A.D. 1930.
—
Erection of buildings to greater height than adjoining building.

(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.

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

Prevention of obstructive buildings.

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

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

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

(2) A representation made to the Corporation in pursuance of this section shall be deemed to be a representation made under the provisions of subsection (1) of section 19 of the Housing Act 1925 and the provisions of that section with the necessary modifications shall extend and apply accordingly.

88.—(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 lighting any street:

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow the same and to determine by which of the parties the costs of the appeal are to be paid;

- (b) any consent of 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.

As to
forecourts.

89.—(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.

(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.

90.—(1) Before any person shall erect on any land a retaining wall of a greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

A.D. 1930.

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

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

Direction
signs.

(2) In the exercise of the powers conferred by this section the Corporation shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by the Minister with respect to traffic signs and signals in pursuance of any general Act which may be passed during the present or the next succeeding session of Parliament relating to road traffic.

(3) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(4) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

As to fire-plugs &c.

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

Banners and signs over streets.

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

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attached to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

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

(4) (a) Any person deeming himself aggrieved by any requirement of any notice of the Corporation the withholding of any permission of the Corporation under this section or by any condition attached to any such permission may within fourteen days from the service of

such notice or the intimation to him of such withholding or of the attaching of such condition appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just.

A.D. 1930.

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

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

Extension of
section 157
of Public
Health Act
1875.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (vi) the testing of drains of new buildings;
- (vii) requiring the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws; and
- (viii) requiring every person who shall erect houses tenements or flats which are to be situate over

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws.

Byelaws
as to altera-
tions to old
buildings.

95. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

As to
hoardings
and similar
structures.

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

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

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

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

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

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

A.D. 1930.

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

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

97. The Corporation may by notice in writing require the owner of any hoarding to maintain the same in good order and condition and if any paper or other material affixed thereto for advertising purposes becomes detached forthwith to remove and clear away such paper or other material and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out the requirements thereof and recover from the owner any expense incurred by them in so doing.

As to
repair of
hoardings.

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

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

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

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.

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

(4) (a) Any person deeming himself aggrieved by any requirement or prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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

Means of
escape from
buildings
in case of
fire.

99.—(1) Every new building which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house house let in lodgings or school or as a shop

or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation in 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.

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

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

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

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

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

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

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

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

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

Food
storage
accommo-
dation to
be pro-
vided.

100.—(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.

A.D. 1930.

(2) (a) Every existing dwelling-house and every dwelling-house 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 ground 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 dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

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

Area of habitable rooms.

102. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as afore-

Powers on inspection.

A.D. 1930. — said shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings:

Dilapidated
and
neglected
buildings.

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

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

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

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation from 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 but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

As to
dangerous
buildings.

104.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the

inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of the surveyor to be dangerous to such inmates or persons 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 enter 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 upon such building and examine and inspect the same.

A.D. 1930.

(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 in the borough.

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

Sanitary conveniences for workmen engaged on buildings.

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

106.—(1) The owner of two or more sanitary conveniences within the borough provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

Sanitary conveniences used in common.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

(2) The owner of any such sanitary conveniences shall cause to be affixed to the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Conversion
of existing
accommo-
dation into
water-
closets.

107.—(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 under this section the Corporation may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Corporation in so doing :

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

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

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

Combined
drains.

108.—(1) If it appears to the Corporation that two or more houses may be drained more economically or

A.D. 1930.

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 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.

(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 deeming himself 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 and is hereby empowered to 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.

109.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under

As to
houses
connected
with single
private
drain.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

the powers conferred on them by that section from the owners of the houses or premises 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 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.

Improper
construc-
tion or
repair of
water-
closet or
drain.

110.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful
damage to
drains
water-
closets &c.

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

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

A.D. 1930.

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

As to defective drains &c.

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

113. Section 62 of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer" were inserted therein after the words "the surveyor."

Amendment of section 62 of Public Health Act 1875.

114.—(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 subsoil water on under or adjacent to the land on which such dwelling-house shall be erected.

Cellars not to be constructed below subsoil 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.

115. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and

As to repair of drains.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

— kept in good repair to the satisfaction of the Corporation and if the owner or owners thereof shall fail to repair the same to the satisfaction of the Corporation within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine :

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit.

Saving for
railway
and canal
companies.

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

- “ Adjustment of boundaries of streets ” ;
- “ As to pavement lights ” ;
- “ Crossings for horses or vehicles over footways ” ;
- “ Attachment of lighting brackets and wires to buildings ” ;
- “ As to forecourts ” ;
- “ Direction signs ” ;
- “ As to hoardings and similar structures ” ;
- “ As to repair of hoardings ” ;
- “ As to erection of hoardings &c. at street corners ” ;
- “ Means of escape from buildings in case of fire ” ;
- “ Powers on inspection ” ;
- “ Sanitary conveniences for workmen engaged on buildings ” ;

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

PART V.

A.D. 1930.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

117.—(1) Any person being the parent or having the care or charge of a child attending 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.

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 purposes of this section the expression "school" shall include a Sunday school.

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

Power
to close
Sunday
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.

119.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council

Restric-
tion on
attendance
of children
at Sunday
schools and

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

places of
assembly
when
infectious
disease
prevails.

with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly 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 this section shall be liable to a penalty not exceeding forty shillings.

Extended
meaning of
"infectious
disease"
for certain
purposes.

120.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken pox ringworm influenza mumps and scabies as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

(2) For the purposes of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in covered buildings or public conveyances) measles and whooping cough.

Supply of anti-
dotes against
infectious
disease.

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

Persons
to furnish
names of
laundrymen
to whom
clothes &c.
from
infected
houses are
sent.

122. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment

shall for every such offence be liable to a penalty not exceeding forty shillings. A.D. 1930.

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

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

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

124.—(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 the Corporation or a committee of the council are 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 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.

125.—(1) For the purposes of Part I of the Housing Act 1925 any dwelling-house suitable for occupation by persons of the working classes the owner of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for Further provisions as to working class houses.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — the occupier or occupiers shall be deemed to be a house not in all respects reasonably fit for human habitation and the powers of the Corporation under the said Part I shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the Minister by the owner of a dwelling-house upon whom the Corporation have served notice under section 3 of the Housing Act 1925 in consequence of his failure to comply with the provisions of this section the Minister shall take into consideration—

- (a) if the owner upon whom the notice is served is a lessee the length of the unexpired period of his lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the owner during the preceding three years upon the dwelling-house.

Cleansing
of dwelling-
houses in
certain
cases.

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

Removal
of body of
person who
has died of
infectious
disease.

127. When any person suffering from infectious disease shall die of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and in such case it shall not be lawful to transport such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist

in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds. A.D. 1930.
—

128. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings. Prohibition on infected person carrying on business.

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

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

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. person who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

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

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds;

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

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

Byelaws as
to water-
closets.

130.—(1) Section 157 of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws for securing that waterclosets are so constructed and supplied with water that they can be adequately flushed by mechanical means and for securing their protection against frost and for the prevention of the improper use of such closets and of the blocking of the pipes therefrom :

Provided that nothing in this section shall apply to any building or premises (other than a dwelling-house)

belonging to a railway company and used by them primarily as railway premises. A.D. 1930.

(2) Before applying to the Minister for the confirmation of any byelaws made under this section the Corporation shall furnish a copy thereof to the South Staffordshire Waterworks Company who shall be entitled to make representations to the Minister with regard thereto.

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

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

(6) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1)

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — 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.

Byelaws as to stables.

132. The Corporation may make byelaws for securing the proper ventilation and lighting of and for the prevention of insanitary conditions (a) in or about or arising out of any existing stable (whether the same is used as such at the passing of this Act or not) or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

As to infected stables and other places.

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

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

Discontinuance of offensive trade.

134.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and in the opinion of the Council it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months'

notice in writing by the Corporation under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeal" and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection. A.D. 1930.
—

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Corporation as may be agreed upon between the Corporation and such person or as failing agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

135.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 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.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be kept free from obstructions.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

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

Prohibition
of tents
vans &c.

136.—(1) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land situate within the borough without the previous approval of the Corporation.

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

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

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

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

Byelaws
as to
inspection
of meat.

137.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 they may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for

sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation. A.D. 1930.
—

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 apply or which has been inspected and passed as fit for food by the medical officer of health of the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

138.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food.

Byelaws
as to trans-
port of
food.

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

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

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

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

Power to prohibit persons suffering from tuberculosis from handling &c. food.

140.—(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 in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) 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 discontinue 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.

(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 discontinue 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 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.

Registration of premises used for preparation of potted and preserved foods.

141.—(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 or any of them unless the same are registered as aforesaid.

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

(3) Provided that 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. 1930.

(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.

142.—(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;

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

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 purposes 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.

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

For regula-
ting manu-
facture and
sale of ice-
cream &c.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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

As to
inspection
of premises
used for
storage of
food.

144.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and

submit the third part if he deems it right to have the sample analysed to the public analyst. A.D. 1930.

(2) The expression " public analyst " in this section means the analyst appointed for the purposes of the Sale of Food and Drugs Acts 1875 to 1907.

145. 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.

146.—(1) Where it is shown that any animal or article liable to be seized under section 116 of the Public Health Act 1875 (as extended by section 28 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 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition. Penalty on original vendor of unsound meat.

(2) Where any animal or article of food has been condemned by a justice under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 and this section) 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 section 117 of the Public Health Act 1875 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.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

(3) Before any animal or article liable to be condemned under section 117 of the Public Health Act 1875 (as extended by section 28 of the Public Health Acts Amendment Act 1890 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 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.

Further powers in relation to unsound food.

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

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

Water supply for dwelling-houses to be provided.

148. The owner of any dwelling-house or tenement in the borough which is not provided with a proper and sufficient water supply within such dwelling-house or tenement 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.

A.D. 1930.

149. Section 90 of the Public Health Act 1875 shall operate so as to empower the Corporation to make byelaws with respect to the following matters relating to houses which are let in lodgings or occupied by members of more than one family (that is to say):—

Byelaws
as to
lodging-
houses.

(1) For requiring a placard to be affixed in each room so let or occupied setting forth the cubical content and accommodation thereof :

(2) For requiring a separate approach to each such room or tenement separately occupied without passing through any other room or tenement.

150.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

Notice to
be given
of this Part
of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART VI.

MARKETS AND SLAUGHTER-HOUSES.

151. The limits within which the Corporation shall have jurisdiction over markets shall be the borough.

Limits of
markets.

152. The Corporation may from time to time alter the days on which their markets are or may be held and may establish and hold all such markets on such days and at such times as they shall deem expedient.

Alteration
of market
days.

153. The Corporation may from time to time as they may deem expedient remove establish provide construct build maintain and regulate all or any of their markets into and in any building or buildings or on to and on any lands within the borough acquired by them under the powers of this Act or which they are authorised to appropriate and use for the purposes of their markets and may make construct extend build maintain furnish

Power to
remove
markets
to new site.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

equip work and use all requisite and convenient market-houses and buildings weighing-houses shops stalls sheds yards stables slaughter-houses sewers drains buildings works approaches and conveniences connected therewith and when and so soon as the Corporation shall have established and provided for public use a new place for carrying on any market it shall be lawful for the Corporation to discontinue wholly or in part the use for market purposes of the place at which the market shall have been carried on before the provision of the new place and thereafter every person (other than pedlars and hawkers lawfully exercising their calling and duly licensed or certificated under any Act relating to such calling) selling marketable commodities at the old market place shall for every such offence be liable to a penalty not exceeding forty shillings.

Public notice of removal or alteration of markets.

154. Before the Corporation remove any market or alter the day or days for holding any such market they shall give at least one month's public notice by advertisement in some newspaper circulating in the borough and by placards affixed at the entrances to the market as the case may be. A statutory declaration by an officer of the Corporation to the effect that public notice has been given in accordance with this section shall be received as evidence of compliance with the provisions thereof.

Power to acquire lands by agreement for market purposes.

155. Subject to the provisions of this Act the Corporation may from time to time purchase and take by agreement for the purposes of this Part of this Act any quantity of lands within the borough not exceeding seven acres. Provided that the Corporation shall not create or permit any nuisance on any lands taken under the powers of this section and no building shall be erected by the Corporation on such lands except in connection with the markets.

Erection of offices shops &c.

156. The Corporation may erect or provide offices shops stores warehouses and other tenements or buildings for the purposes of or in connection with any of their markets and the markets undertaking but nothing in this section shall allow the Corporation to erect any office shop store warehouse or other tenement or building in such manner as to infringe any existing legal rights of any owners lessees or occupiers of any land or property in the vicinity thereof.

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

157. The Corporation may provide all such appurtenances and things as may be necessary for the convenient use of their markets and any market hall provided by them.

A.D. 1930.

—
Power to provide appurtenances for markets.

158. The Corporation may lease or agree to lease any land or buildings belonging to them and used as part of a market for any term not exceeding ninety-nine years either at a reserved rent or on a fine or both subject to such conditions as to the erection or maintenance of buildings shops or premises for commercial purposes as the Corporation shall think fit.

Extension of powers of leasing market land and buildings.

159. The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches cellars or other conveniences in any market house market hall or market place belonging to them or under their control to any person for any term not exceeding three years and may grant leases (with a similar right) of any office shop store warehouse tenement or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking to any person for any term not exceeding twenty-one years.

Power to lease stalls shops &c. in markets.

160. The Corporation may permit any market place or any land used for the purposes of any market or cattle market and any open land belonging to them adjoining thereto to be used for public meetings public services speaking and public lectures and for entertainments and dancing and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto.

Use of market place for public meetings &c.

161.—(1) The provisions of section 169 of the Public Health Act 1875 shall be extended so as to empower the Corporation in connection with any slaughter-houses provided by them in pursuance of the said section to erect and maintain furnish fit up and equip all necessary buildings pens yards railway sidings works and conveniences approaches buildings stalls standings and other accommodation and to use the same for the purposes of the said slaughter-houses and any other purposes in connection with the markets undertaking.

Extension of section 169 of Public Health Act 1875.

A.D. 1930.

(2) The Corporation may lease for such period let or otherwise permit the use of in such manner and for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughter-houses or lairages erected by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

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

162.—(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 require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to 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 in 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 any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interest of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided 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.

A.D. 1930.

(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.

163.—(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.

PART VII.

PARKS BATHS PUBLIC BUILDINGS &c.

164.—(1) The Corporation may—

- (a) provide or acquire or may (subject to the approval of the Minister) on any lands of which for the time being they may be the owners or lessees or on lands to be acquired by them for the purpose erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry

Power to provide and let public buildings &c.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

on concert halls public halls pavilions band-stands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters ante-rooms refreshment rooms kitchens cloak-rooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging or leased to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings;

(b) for the purpose of erecting constructing providing and maintaining any such buildings as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands;

(c) agree (as part of the terms on which the Corporation may acquire or take on lease any existing buildings used at the time of such acquisition for any of the purposes aforesaid) to give to any existing members of or any subscribers to the funds of any company or society to which such buildings belong any special privileges upon such terms and conditions as may be agreed but no such special privileges shall be given to any person except for his life or a less period nor shall any such privileges be assignable or transferable to any other person;

(d) grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit.

(2) The restrictions contained in the proviso to section 56 of the Public Health Act 1925 shall extend

and apply to any concert or other entertainment provided by the Corporation under the provisions of this section. A.D. 1930.

165. Subject to the provisions of this Act—

As to baths
and bathing
pools.

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

(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 :

(3) The Corporation may also lay down and provide such intake pipes apparatus and fittings as may be incidental to or necessary for supplying water to any baths belonging to them and for the purpose of laying and repairing such pipes apparatus or fittings may break up streets repairable by them and alter the position of any culverts pipes and wires under any street :

Provided that the Corporation shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

A.D. 1930.

(4) If any injury shall be caused to any culverts pipes and wires of the South Staffordshire Waterworks Company in the exercise of the powers conferred by subsection (3) of this section the Corporation shall bear and on demand pay to the said company the amount of the expense reasonably incurred by them in making good such injury and shall make full compensation to the said company for any loss or damage which they may sustain by reason of any interference with such culverts pipes and wires:

(5) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any baths or bathing pools provided by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths or bathing pools contained in this section.

Use of swimming baths &c. for swimming contests &c.

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

Power to appoint officers.

167.—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

PART VIII.

LANDS.

168.—(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 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 money so borrowed shall be repaid within such period as may be prescribed by the Minister.

Further powers for acquisition of lands.

(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.

169.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose 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 borough (other than the Housing Act 1925) 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 :

Retention and disposal of lands.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining 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 be required if this Act had not been passed.

(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds
of sale of
surplus
lands.

170.—(1) 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 Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund" apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other 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 Minister.

(2) Any capital moneys received by the Corporation on the re-sale 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 Minister. A.D. 1930.

PART IX.

POLICE AND HACKNEY CARRIAGES.

171.—(1) The Corporation may from time to time make regulations prescribing within the central area referred to in subsection (9) of this section—

Regulations
for con-
trolling
traffic.

- (a) the streets which are not to be used for traffic by vehicles of any specified class or classes either generally or during specified times;
- (b) the streets or parts of streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;
- (c) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers:

Provided that no regulation made under paragraph (a) of this subsection shall apply to any vehicle ordinarily engaged in the delivery or collection of goods at or from any premises within the central area whilst so engaged:

Provided also that no street shall be included in any regulations made under paragraph (b) of this subsection if and so long as such street is used by tramcars or light railway cars proceeding along such street in opposite directions.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject-matters of the regulations by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner if any as the said Minister may direct. The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the

[Ch. cxxv.] *Wednesbury Corporation*. [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The said Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations submitted to him with or without modifications or may disapprove the same.

(4) Before approving any regulations the said Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The regulations shall take effect as approved by the said Minister and shall come into force on a date to be fixed by him.

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation approved under paragraph (b) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street or streets to which it relates.

(8) As respects any regulation made and approved under this section (subject to any modification or extension made by the said Minister as hereinafter provided) any person who—

- (a) shall contravene any regulation under paragraph (a) of subsection (1) of this section after warning given by word or signal by a police constable in uniform; or
- (b) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (b) of the said subsection and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or
- (c) shall contravene any regulation under paragraph (c) of subsection (1) of this section

shall be liable to a penalty not exceeding forty shillings.

(9) In this section—

- (a) “ the central area ” means any part of the borough which is within a radius of one mile from the town hall;
- (b) “ specified ” means specified in any regulations made or approved under this section.

(10) The Minister of Transport on the application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the borough may if satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation modify or extend the regulation to which the application relates.

(11) This section shall cease to have effect on the passing during the present or the next succeeding session of Parliament of any general Act relating to road traffic and conferring upon the Minister of Transport power to make regulations restricting the use of vehicles upon specified roads and conferring upon any licensing authority power to attach conditions to licences for public service vehicles as to the taking up or setting down of passengers by vehicles between specified points.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

Regulations
as to
stands or
stopping
places of
omnibuses.

172.—(1) The Corporation may make regulations prescribing within the borough—

(a) as respects omnibuses in general or omnibuses of any particular class or used on any particular route or running according to a published timetable the stands which may be occupied exclusively by them and the places where they may stop for longer than is necessary for the purpose of picking up and setting down passengers; and

(b) the time during which any omnibus shall be allowed to remain at a prescribed stand or stopping place;

and any omnibus standing upon any such stand or stopping place in accordance with regulations made under this section shall be deemed to be within the exception in the ninth paragraph of section 28 of the Town Police Clauses Act 1847.

(2) Upon the coming into force of the regulations first made under this section the sixth paragraph of section 6 of the Town Police Clauses Act 1889 shall cease to extend to the borough and any byelaws made by the Corporation under that paragraph shall be repealed.

(3) Where the Corporation propose to make regulations under this section they shall cause notice of their proposal and a statement of the effect of the proposed regulations to be published in at least one local newspaper circulating within the borough and shall serve a copy of the notice upon the proprietor of every omnibus licensed to ply for hire within the borough.

(4) Every such notice shall indicate the time (which shall not be less than twenty-eight days) within which any objection to the regulations shall be sent in writing to the Corporation and shall contain a notification of the place at which copies of the proposed regulations may be obtained free of charge.

(5) The Corporation shall consider and determine any objection to the proposed regulations which is sent to them in writing within the time fixed in that behalf and shall send notice of their decision to the objector who if he is dissatisfied with their decision may within fourteen days after the receipt of the notice appeal to the Minister of Transport.

(6) A notification of the right of appeal under this section shall be included in any notice sent by the Corporation of their decision on an objection to the regulations and upon any appeal being made to the said Minister notice in writing of the appeal and of the ground thereof shall be given by the appellant to the Corporation.

(7) The said Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(8) Before making any order under this section the said Minister may and if an appeal duly made is not withdrawn shall (unless the appeal appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the provisions in subsections (4) and (5) of the section of this Act the marginal note whereof is "Regulations for controlling traffic" as to expenses and notices of local inquiries shall extend to any local inquiry so directed by the said Minister.

(9) Where an objection has been made to regulations proposed by the Corporation under this section the regulations shall not be sealed by the Corporation until after the expiration of the time within which an appeal may be made by the objector to the said Minister or if an appeal to the said Minister has been made by the objector until after the determination or withdrawal of the appeal.

(10) Any company body or person running omnibuses in the borough may at any time apply to the said Minister to modify or extend any regulation made under this section on the ground that such regulation as in force for the time being has been found to be or has become unsuitable for the traffic requirements of the borough or has been unfairly enforced and upon any such application the said Minister after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates.

(11) The Corporation shall not under the powers of this section make any regulations prescribing stands or stopping places for omnibuses in such a position as to interfere with or render less convenient the access to or exit from any station of a railway company.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

(12) This section shall cease to have effect on the passing during the present or the next succeeding session of Parliament of any general Act relating to road traffic containing provisions conferring upon local authorities power to make orders fixing stands and stopping places for vehicles.

Power to make regulations as to traffic on carnival &c. days.

173. 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.

Evidence of regulations made by Corporation.

174. Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made by the Corporation as that section extends to byelaws so made.

Notice of processions to be given.

175.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the office of the town clerk twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Byelaws as to leading or driving cattle.

176. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of that section for prohibiting animals from being led or driven

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

along such streets of the borough as may be specified in such byelaws and for prescribing the hours during which and the manner according to which animals may be led or driven along any streets in the borough :

A.D. 1930.

Provided that the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid :

Provided also that any such byelaw shall not prevent the owner of any animal driving the same to his own premises.

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

Unauthorised riding upon vehicles.

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

Provisions as to motor and other vehicles let for hire.

179. The Corporation may as a condition of their licensing any motor omnibus or other motor hackney carriage require that the construction of such omnibus or hackney carriage as at the date when the licence was

Construction of motor hackney carriages

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.
to be
approved
by Corpora-
tion.

granted shall not be altered without the approval of the Corporation while the licence is in force. Any person altering the construction of a motor omnibus or other motor hackney carriage in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the court may in addition order the suspension of the licence for such motor omnibus or other motor hackney carriage.

Byelaws as
to hackney
carriages.

180. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in such byelaws:
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire:
- (c) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made.

Power to
impose
test on
motor
drivers.

181. No person shall be entitled to drive a motor vehicle licensed by the Corporation as a hackney carriage (which expression shall in this section include an omnibus) unless he shall have satisfied the Corporation of his ability to drive and for that purpose the Corporation may impose such reasonable test as they may think fit.

Insurance
by hackney
carriage
proprietors.

182.—(1) The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage or omnibus if the applicant fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability which may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section

the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and the provisions of that subsection shall apply accordingly. A.D. 1930.

(2) If a policy of insurance required by this section at any time lapses or otherwise becomes invalid any licence granted in respect of any vehicle to which the policy relates shall thereupon become void.

(3) In the case of an application to the Corporation by a railway company for the grant of a licence to ply for hire the provisions of this section shall not apply.

183. An occasional licence for a public vehicle to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence. Power to grant occasional licences.

184. The sections of this Act of which the marginal notes are— Saving for general Act.

“ Provisions as to motor and other vehicles let for hire ”;

“ Construction of motor hackney carriages to be approved by Corporation ”;

“ Byelaws as to hackney carriages ”;

“ Power to impose test on motor drivers ”;

“ Insurance by hackney carriage proprietors ”;

“ Power to grant occasional licences ”;

shall so far as they relate to motor vehicles (other than tramcars and trolley vehicles) carrying passengers for hire or reward at separate fares or motor vehicles carrying passengers for hire or reward and adapted to carry eight or more persons cease to have effect on the passing during the present or the next succeeding session of Parliament of any general Act relating to road traffic so far as such general Act shall be applicable to the matters referred to in the said sections.

PART X.

FINANCIAL.

185.—(1) The Corporation may from time to time independently of and in addition to any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums Power to borrow.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.
—

mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table which shall be deemed to be the prescribed periods for the purposes of the enactments applied by this Act (namely):—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(a) For the purpose of making any payment to any authority under Part II of 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 Part II of this Act which annuity the Corporation are hereby empowered to purchase).	The sum requisite.	Forty-five years from the date or dates of borrowing.
(b) For 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 the date or dates of borrowing.
(c) For paying the costs charges and expenses of obtaining this Act as hereinafter defined.	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 other purposes of this Act (other than in connection with the tramway undertaking of the Corporation) and may with the consent of the Minister of Transport borrow such further money as may be necessary in connection with the tramway undertaking of the Corporation.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or the Minister of Transport (as the case may be) and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation. A.D. 1930.
—

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

186. 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 certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act. Mode of raising money.

187. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" sections 236 237 and 238 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act. Provisions of Public Health Act 1875 as to mortgages to apply.

188. All moneys borrowed by the Corporation under any statutory borrowing power shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

189. The Corporation shall not be bound to see to the execution of any trust whether express or 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 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. Corporation not to regard trusts.

A.D. 1930.

—
Protection
of lender
from
inquiry.

190. A person lending any moneys to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provisions of this Act or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Mode of
payment
off of
money
borrowed.

191. 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 or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Sinking
fund.

192.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed or maintained either—

- (a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or
- (b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the

loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments. A.D. 1930.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the payment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

— moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister may determine.

(12) All moneys which at the date of the passing of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

193.—(1) The Corporation shall have power—

A.D. 1930.

(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

—
Power to
re-borrow.

(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) 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.

194. Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

All stock
and loans
to rank
equally.

A.D. 1930.

—
Power to
use one
form of
mortgage
for all
purposes.

195.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Corporation and may be made in the form contained in the First Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(6) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the First Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

A.D. 1930.
—

(8) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(10) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

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

Power to
borrow by
issue of
bonds.

(2) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

(3) All bonds issued under this section shall rank equally without any priority or preference by reason of

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Corporation.

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

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Consoli-
dated loans
fund.

197.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-one the Corporation may (if they think fit) establish a fund to be called “ the consolidated loans fund ” to which shall be paid as and when they are received—

- (a) all moneys borrowed by the Corporation whether by the issue of bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;
- (c) the appropriate sums provided in every year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and
- (d) a sum or sums equal to the aggregate amount of all dividends and interest payable in every year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding :

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established. A.D. 1930.

(2) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent superannuation or other similar fund (in this section referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

(3) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(a) in the redemption of bonds stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and

(c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of bonds stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

Scheme for
equated
periods.

198.—(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 apply to any such loans all or any of the provisions of this Act in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Minister 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.

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister 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 Minister separate consolidations may be made of all or any of the loans included under such general headings.

A.D. 1930.

(5) The Corporation may with the sanction of the Minister and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister may sanction.

(6) 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.

199. When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a reserve renewals or repairs fund they may (in addition to any other powers for the time being vested in them) invest such fund and the interest on the investments of such fund in statutory securities.

Power to invest all reserve funds &c. in statutory securities.

200. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or loans fund or a reserve renewals repairs depreciation contingent or other similar fund the appropriate yearly sums and the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation and

Payments into sinking fund and other funds.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — the sums authorised to be paid into any such reserve renewals repairs depreciation contingent or other fund and the accumulations thereof (if any) required to be set apart for or paid into or retained in such fund shall be paid and provided out of the general rate fund and general rate and all interest on and annual proceeds arising from the investments of the said yearly sums and the accumulations thereof (including such sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and shall form part of the general rate fund.

Use of moneys forming part of sinking and other funds.

201. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation contingent or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid to the lending fund within the periods by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage

under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

A.D. 1930.
—

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

202. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

203. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in case of persons not sui juris.

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

Closing of registers.

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

Interest on mortgages held jointly.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

—
Appoint-
ment of
receiver.

206.—(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 be not less than five thousand pounds in the whole.

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

Return to
Minister
with
respect to
repayment
of debt.

207.—(1) The town clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1930.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

208. If a justice is satisfied on complaint by any rate collector of the Corporation that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such persons until the complaint is determined upon the return of the summons. Recovery of rate from persons removing.

209. All moneys from time to time received by the Corporation in respect of their tramway undertaking (including the interest on any reserve renewals or repairs fund for the time being authorised in connection with that undertaking when that fund amounts to the prescribed maximum) shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of that undertaking shall be paid out of that fund. Tramway revenue and expenditure.

210. 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 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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

- 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.

Appointed
auditors.

211.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants the Society of Incorporated Accountants and Auditors or of the London Association 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.”

(2) If and while the Corporation exercise the powers of subsection (1) of this section section 25 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 auditors 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 expedient with respect to the accounts and any matter arising thereout or in connection therewith.

212. All expenses incurred by the Corporation in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the general rate fund and general rate.

A.D. 1930.
—
Expenses of execution of Act.

PART XI.

MISCELLANEOUS.

213.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend moneys so raised in the execution of such works in relation to the subject matter of the trust.

Acceptance of gifts of property.

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

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

214.—(1) The Corporation may erect and maintain on any open space or public place on or adjoining any highway in the borough such weighbridges or weighing machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

Power to erect weighbridges.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing machines erected by the Corporation under the provisions of this section.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

—

(4) The Corporation shall not erect or allow the use of any such weighbridge weighing machine or offices so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company or wharf of a canal company.

Power to grant allowances or gratuities in certain cases.

215.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 or the Teachers (Superannuation) Acts 1918 to 1925 or any other Act for the time being in force relating to the superannuation of teachers 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.

(3) In and for the purposes of this section the expression "officers or servants" shall include any teacher who is not entitled to a gratuity under the Teachers (Superannuation) Acts 1918 to 1925 or any Act amending the same and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough whether provided by the Corporation as the local education authority or not so provided.

Service of summons on members of council.

216. 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.

Committees of council.

217. Any committee appointed by the council for the execution of the purposes of any local Act or Order

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

confirmed by or having the force of an Act of Parliament shall if the council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875. A.D. 1930.
—

218. 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 IV (Streets buildings sewers and drains) or Part V (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 works 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 forty shillings 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 works. Penalty on occupiers refusing execution of Act.

219. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Part IV (Streets buildings sewers and drains) and Part V (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102. Power of entry.

220. 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. General provisions as to byelaws.

221. 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 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 Evidence of appointments authority &c.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — 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.

As to
breach of
conditions
of consent of
Corporation.

222. Where under this Act or under any general or local 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.

Apportion-
ment of
expenses in
case of
joint
owners.

223. 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.

In executing
works in
default of
owner or
occupier no
liability for
damages to
be incurred
except in
case of
negligence.

224. Whenever the Corporation or the surveyor 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 any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing 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. A.D. 1930.

225. 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. Damages and charges to be settled by court.

226. 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. Recovery of demands.

227. Any person deeming himself 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 Parts IV or V 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. As to appeal.

228. 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. Several sums in one summons.

229. 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. Informations by whom to be laid.

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

—
Authentica-
tion and
service of
notices.

230.—(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.

(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 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.

Consents of
Corporation
to be in
writing.

231. All consents given by the Corporation under the provisions of this Act or of any local Act Order bye-law or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Recovery
of penalties
&c.

232. 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.

Penalties
to be paid
over to
treasurer.

233. All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the general rate fund or to such other fund as the Corporation shall direct.

Compensa-
tion how
to be
determined.

234. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for 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. A.D. 1930.

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

236. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889. Application of Arbitration Act 1889.

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

238.—(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 Ministry of Health 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. Inquiries by Minister.

(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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. — holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.

Inquiries by
Minister of
Transport.

239. 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."

Application of
section 265 of
Public Health
Act 1875.

240. Section 265 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.

Judges not
disqualified.

241. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local Act or Order from time to time in force within the borough by reason of his being liable to any rate.

Crown
rights.

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

Costs of
Act.

243. 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 in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

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

FIRST SCHEDULE.

FORM OF MORTGAGE.

BOROUGH OF WEDNESBURY.

By virtue of the *Wednesbury Corporation Act 1930* and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of *Wednesbury* (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the Corporation by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Corporation [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930. upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the town clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ nineteen hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____
consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____
_____ is hereby extended to the _____
_____ day of _____ nineteen
hundred and _____ [and the interest to be
paid thereon on and from the _____ day of
_____ nineteen hundred and _____
is hereby declared to be at the rate of _____ per centum
per annum.]

Dated this _____ day of _____
nineteen hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____
of _____
in consideration of the sum of _____ pounds
paid to me by _____
of _____
(hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number _____ of the revenues of the Wednesbury Corporation bearing date the _____ day of _____] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this _____ day of _____ nineteen
hundred and _____

SECOND SCHEDULE.

A.D. 1930.

PROVISIONS WITH REGARD TO CORPORATION BONDS.

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

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

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

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

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

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

5.—(1) The treasurer to the Corporation shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

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

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the person entered therein as holders of bonds.

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

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

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

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

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

No.

BOROUGH OF WEDNESBURY.

WEDNESBURY CORPORATION BONDS.

per centum Wednesbury Corporation bond repayable
at par 19 at the

This is to certify that
of
is the registered holder of a Corporation bond for
pounds (£) issued by the mayor aldermen and burgesses
of the borough of Wednesbury under the Wednesbury Corporation
Act 1930 at

(Signed)

Borough Treasurer.

Date

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

8.—(1) The transfer of a Corporation bond shall be by deed . A.D. 1930.
in the following form or in a form substantially to the like effect :— —

FORM OF DEED OF TRANSFER.

WEDNESBURY CORPORATION BONDS.

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

To hold unto the transferee his executors administrators
and assigns subject to the several conditions on which I held
the same immediately before the execution hereof and I the
said transferee do hereby agree to accept and take the said
subject to the conditions
aforesaid.

As witness our hands and seals this _____ day of
_____ in the year of our Lord one thousand nine
hundred and _____ .

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

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

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

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

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

[Ch. cxxv.] *Wednesbury Corporation* [20 & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

9. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September in any year respectively and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

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

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

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

11.—(1) Unless the owner of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

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

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

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

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

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

[20 & 21 GEO. 5.] *Wednesbury Corporation* [Ch. cxxv.]
Act, 1930.

16.—(1) If at any time interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit. A.D. 1930.

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

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

1911

...

...