

**CHAPTER lxxxi.**

An Act to confer powers upon the mayor aldermen and burgesses of the borough of West Bromwich with regard to the consolidation of rates and for other purposes. A.D. 1923.
[31st July 1923.]

WHEREAS the borough of West Bromwich in the county of Stafford (in this Act called "the borough") is a county borough under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas it is expedient that the rates leviable by the Corporation within the borough should be consolidated into one rate to be levied as part of and be paid out of the poor rate for the parish and that in relation thereto the provisions contained in this Act with respect to differential rating and compounding of rates in certain cases should be enacted:

And whereas it is expedient that the other powers and provisions contained in this Act should be conferred and imposed upon the Corporation:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

A.D. 1923. the Lords Spiritual and Temporal and Commons in this
— present Parliament assembled and by the authority of
the same as follows:—

Short title. 1. This Act may be cited as the West Bromwich
Corporation Act 1923.

Commence- 2. This Act shall come into operation as from the
ment of Act. thirty-first day of March one thousand nine hundred
and twenty-four.

Interpre- 3. In this Act unless the subject or context other-
tation. wise requires:—

The expression "the Corporation" means the mayor
aldermen and burgesses of the borough of West
Bromwich;

The expression "the borough" means the county
borough of West Bromwich;

The expression "the parish" means the parish of
West Bromwich;

The expression "the overseers" means the over-
seers of the parish;

The expressions "the borough fund" "the borough
rate" "the district fund" and "the general
district rate" mean respectively the borough
fund the borough rate the district fund and the
general district rate of the borough;

The expression "the poor rate" means the poor
rate of the parish;

The expression "the consolidated rate" means the
poor rate as by this Act authorised to be levied
and collected.

All expenses
of Corpora-
tion to be
paid out of
borough
rate.

4.—(1) All expenses of the Corporation which if
this Act had not been passed would have been payable
out of and all rates charges damages penalties and other
moneys which if this Act had not been passed would have
been paid or carried to the credit of the district fund
and general district rate or either of them shall be charged
on and defrayed out of or paid and carried to the credit
of the borough fund and the borough rate and in any
case for which no specific provision is made in this Act
any reference to the district fund or general district rate
in any Act or Provisional Order in force in the borough
or in any mortgage of or charge on such fund or rate
granted by the Corporation in pursuance of the provisions

of any such Act or Order shall be deemed to be a reference to the borough fund and the borough rate. A.D. 1923.

(2) The district fund shall be closed and any balance which on the date upon which this Act comes into operation is standing to the credit or to the debit of the district fund or the general district rate respectively shall from and after that date be transferred to the credit or to the debit (as the case may be) of the borough fund and any moneys owing to the Corporation in respect of or in connection with the district fund or of the general district rate shall notwithstanding the provisions of this Act continue to be payable to and recoverable by the Corporation as if this Act had not been passed and when received by the Corporation shall be carried to the credit of the borough fund.

5. The contribution of the parish to the borough rate shall be paid by the overseers out of the poor rate to be made for the parish and the provisions of section 145 (Collection of borough rate in undivided parish) of the Municipal Corporations Act 1882 shall apply to such contribution. Contribution to borough rate to be paid out of poor rate.

6. The poor rate (inclusive of the contributions to the borough fund levied in pursuance of the provisions of this Act) shall be called "the consolidated rate" but except as expressly provided by this Act that rate shall continue to be subject to all Acts passed and to be passed relating to the poor rate and to be made assessed levied and recovered as the poor rate. Poor rate to be called "the consolidated rate."

7. The provisions contained in this section shall have effect with respect to the consolidated rate to be made and levied by the overseers (that is to say):— Differential consolidated rate in certain cases.

(1) The owner of any tithes or any tithe commutation rentcharge or the occupier of any land used as arable meadow or pasture ground only or as woodlands allotments orchards market gardens or nursery grounds and the occupier of any land covered with water or used only as a canal or towing path for the same or as a railway constructed under the powers of any Act of Parliament for public conveyance shall be assessed to the consolidated rate in respect of such hereditaments on the full rateable value

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thereof but (subject as next hereinafter provided) shall be liable to pay in each year in respect of such hereditaments a rate calculated on the basis of sixty-six per centum only of the amount in the pound of the rate payable in respect of hereditaments not within the provisions of this section :

Provided that during the continuance of the Tithe Rentcharge (Rates) Act 1899 such Act shall have effect within the borough as if the following provision were substituted for section 1 thereof (that is to say):—

“ The owner of tithe rentcharge attached to a benefice shall be liable to pay only three-fifths of the amount payable under subsection (1) of the section of the West Bromwich Corporation Act 1923 of which the marginal note is ‘ Differential consolidated rate in certain cases ’ in respect of any rate which is assessed on him as owner of that tithe rentcharge and the remaining two-fifths thereof shall on demand being made by the collector of the rate on the inspector of taxes for the borough or any district therein be paid by the Commissioners of Inland Revenue out of the sums payable by them to the local taxation account on account of the estate duty grant.”

(2) Provided that during the continuance of the Agricultural Rates Act 1896 the occupier of any agricultural land as defined in that Act shall be liable to pay in each year in respect of such land a rate calculated on the basis of two-fifths only (instead of sixty-six per centum) of the rate in the pound payable in respect of hereditaments not within the provisions of this section :

(3) Nothing in this section shall in any way affect—

(a) The operation of the Agricultural Rates Act 1896 save as in this section is expressly provided or the payment of the sum certified by the Minister of Health as the amount of the share of the annual grant payable under that Act out of the local taxation account

to any spending authority or the operation of the Ecclesiastical Tithe Rentcharges (Rates) Acts 1920 and 1922; or

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(b) The amount of the contribution for any purposes to be made by the parish out of the poor rate; or

(c) The calculation of the amount in the pound of the part of the consolidated rate levied for the purposes of the relief of the poor and other expenses of the guardians and expenses of the overseers respectively which is required to be stated in the demand note for the poor rate:

(4) (a) If any occupier referred to in subsection (1) of this section claims that in respect of any rate made or levied he is not receiving the full benefit to which he is entitled under the said subsection he may appeal to the next court of quarter sessions holden not less than twenty-one days after the demand of the rate and according to the provisions of the Summary Jurisdiction Acts but no such appeal shall be entertained by such quarter sessions unless fourteen days' notice in writing of such appeal and of the ground thereof be given by the appellant to the Corporation and the overseers;

(b) On appeals under this subsection the court to which such appeal shall be made shall have power to determine the amount payable by the occupier in respect of such rate and to award costs between the parties to the appeal.

8. The consolidated rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the consolidated rate shall be in such form as the Minister of Health may from time to time prescribe.

Form of rate &c. to be prescribed by Minister of Health.

9. Section 121 (Power to amend rates) of the West Bromwich Corporation Act 1900 is hereby repealed.

Repeal of section 121 of West Bromwich Corporation Act 1900.

10. For the purposes of section 133 (Until completion of works promoters shall make good any deficiency of land tax and poor's rate caused by lands being taken)

Application of section 133 of Lands

A.D. 1923.

Clauses
Consolidation Act
1845.

of the Lands Clauses Consolidation Act 1845 the poor's rate shall be deemed to be one-half of the amount in the pound of the consolidated rate.

As to
recovery of
consolidated
rate.

11. No warrant of commitment in respect of non-payment of the consolidated rate shall be issued against any person who shall satisfy the court that his failure to pay the said rate is due to circumstances over which he had or has no control and that he has not divested himself of means for the purpose of evading payment of the said rate.

Service of
demand.

12. Section 267 (Service of notices) of the Public Health Act 1875 shall apply to any demand for the consolidated rate to be served by the overseers.

Revocation
of portions
of orders of
Poor Law
Board.

13. So much of the orders of the Poor Law Board dated the twentieth day of April one thousand eight hundred and thirty-seven and the thirteenth day of July one thousand eight hundred and fifty as relates to the appointment of poor rate collectors for the parish is hereby revoked.

Appoint-
ment of
collectors of
consolidated
rate.

14. The consolidated rate made or collected under this Act shall be collected by assistant overseers appointed by the Corporation under their existing powers in that behalf.

Appoint-
ment of
clerks and
subordinate
officers.

15. The Corporation may appoint and remove such clerks and subordinate officers as they deem necessary to assist the overseers in the discharge of their duties and may fix the remuneration to be paid to such officers.

Payment of
consolidated
rate by
instalments.

16.—(1) The overseers if so required by the Corporation shall in pursuance of the provisions of section 15 (Overseers may make poor rate payable by instalments) of the Poor Rate Assessment and Collection Act 1869 declare that any consolidated rate made by them for a period exceeding three months shall be paid by instalments at such times as shall have been previously specified by the Corporation.

(2) Section 120 (Collection of rates by instalments) of the West Bromwich Corporation Act 1900 is hereby repealed.

Transfer of
collector of

17.—(a) John Henry Sherwell collector of poor rates for the north-east district of the parish (hereinafter

referred to as "the transferred officer") shall be transferred to and become an officer of the Corporation but shall be at liberty to relinquish his office.

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—
poor rates to
Corporation.

(b) The transferred officer shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing the same or analogous duties shall receive not less salary or remuneration and be entitled to not less pension than that to which he would have been entitled but for the passing of this Act.

(c) If at any time within five years after the commencement of this Act the transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform immediately before the commencement of this Act the Corporation shall pay him such additional remuneration as in their opinion may be reasonable but the transferred officer may notwithstanding the offer by the Corporation of such additional remuneration relinquish his office.

(d) The provisions of the Poor Law Officers' Superannuation Act 1896 shall continue to apply to the transferred officer subject to the following modifications viz :—

- (1) References to the Corporation shall be substituted in the provisions of the Act for references to guardians and the said provisions shall in other respects apply and have effect as if the Corporation were within the meaning of those provisions an authority to which that Act applies;
- (2) The contributions of the transferred officer shall from and after the date of the transfer be applied in aid of the consolidated rate and any superannuation allowance or gratuity under the provisions of that Act shall be paid by the overseers of the parish on the certificate of the Corporation out of the consolidated rate.

(e) Notwithstanding the provisions of section 61 of the Poor Law Amendment Act 1844 every assistant overseer for the parish and any officer to whom this section applies shall give such security for the due performance of his duties as may be required by the Corporation and every such security shall be deposited

A.D. 1923. with the Corporation and produced to the district auditor
— at the audit of the accounts of the parish.

Provisions
as to com-
pensation.

18.—(a) Every officer of the guardians and John Henry Sherwell the present assistant overseer for the parish being in office immediately before the commencement of this Act who by virtue of this Act or of anything done in pursuance or in consequence thereof shall suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary (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.

(b) If at any time within five years after the commencement of this Act the transferred officer shall relinquish his offices of collector and assistant overseer or either of them or if his services are dispensed with or if his salary is reduced because his services are not required or his duties are diminished in consequence of the provisions of this Act and not on the ground of misconduct such officer shall be deemed to have suffered a direct pecuniary loss in consequence thereof.

Further
provisions
as to com-
pensation.

19.—(a) 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 subsection (1) of section 120 of the Local Government Act 1888 and the compensation shall not exceed the limit therein mentioned.

(b) Any compensation payable under this Act to any officer shall be paid out of the borough fund and borough rate and the provisions of section 120 of the Local Government Act 1888 shall apply subject to the substitution of the Minister of Health for the Treasury and to the following and any necessary modification:—

- (1) Any reference in that section to the county council shall be construed as a reference to the Corporation; and
- (2) References in that section to “the passing of this Act” shall be construed as references to the commencement of this Act; and
- (3) The expression in subsection (1) of that section “the Acts and rules relating to Her Majesty’s Civil Service” shall mean the Acts and rules

relating to Her Majesty's Civil Service which A.D. 1923.
were in operation at the date of the passing
of the said Act of 1888.

(c) The compensation payable under this Act to an officer who immediately before the commencement of this Act held two or more offices under any local authority or local authorities and who devoted the whole of his time to the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

(d) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Corporation shall take into account all the service of any such officer in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(e) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

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

20. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or borough rate. Costs of Act.

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