



CHAPTER cxii.

An Act to confirm a Provisional Order of the Minister of Health relating to Sutton Coldfield. A.D. 1927.
[22nd December 1927.]

WHEREAS the Minister of Health has made the Provisional Order set forth in the schedule hereto under the provisions of the Local Government Act 1888: 51 & 52 Vict. c. 41.

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

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

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Sutton Coldfield Extension) Act 1927. Short title.

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A.D. 1927.

SCHEDULE.

BOROUGH OF SUTTON COLDFIELD.

*Sutton
Coldfield
Order.*

*Provisional Order made in pursuance of the Local
Government Act 1888 for the extension of a Borough.*

WHEREAS by virtue of section 54 of the Local Government Act 1888 the Minister of Health is empowered to make a Provisional Order for altering the boundary of any borough;

And whereas the existing Borough of Sutton Coldfield in the Administrative County of Warwick is a borough within the meaning of the Local Government Act 1888 and the inhabitants are a body corporate by the name of the Mayor Aldermen and Burgesses of the Borough of Sutton Coldfield and act by the Council of the Borough which now consists of the mayor (who is also a councillor) six aldermen and seventeen other councillors;

And whereas the Borough is coextensive with the Parish of Sutton Coldfield and is an Urban District under the jurisdiction of the Mayor Aldermen and Burgesses acting by the Council;

And whereas the Borough has a separate commission of the peace and in pursuance of the Education Act 1921 the Council of the Borough are the local education authority for elementary education;

And whereas the Urban District of Perry Barr in the Administrative County of Stafford immediately adjoins the Borough of Sutton Coldfield and is coextensive with the Parish of Perry Barr;

And whereas the Borough of Sutton Coldfield forms part of the Tamworth Division of the Parliamentary County of Warwick and the Urban District of Perry Barr forms part of the Lichfield Division of the Parliamentary County of Stafford;

And whereas the Parish of Sutton Coldfield forms part of the Tamworth Union and the Parish of Perry Barr forms part of the West Bromwich Union:

Now therefore the Minister of Health in pursuance of the powers given to him by sections 54 and 59 of the Local Govern-

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ment Act 1888 and of all other powers enabling him in that A.D. 1927.
behalf hereby orders as follows :—

—
*Sutton
Coldfield
Order.*

PART I.

INTERPRETATION AND COMMENCEMENT.

1. In this Order unless the context otherwise requires— Definitions
- “ Existing ” in relation to any area altered by this Order means existing immediately before the First day of April Nineteen hundred and twenty-eight ;
- “ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894 ;
- “ The added area ” means the part of the existing Urban District of Perry Barr which is coloured yellow on the maps ;
- “ The appointed day ” means the First day of April Nineteen hundred and twenty-eight ;
- “ The Birmingham Extension Act 1927 ” means any Act passed during the present session of Parliament for the extension of the boundaries of the City of Birmingham ;
- “ The Borough ” means the existing Borough of Sutton Coldfield as extended by this Order ;
- “ The Corporation ” means as the context requires the Mayor Aldermen and Burgesses of the existing Borough or of the Borough acting by the Council ;
- “ The Counties ” means the administrative counties of Stafford and Warwick ;
- “ The County Councils ” means the councils of the administrative counties of Stafford and Warwick ;
- “ The maps ” means the duplicate maps marked “ Map
“ of the Borough of Sutton Coldfield as extended by
“ the Sutton Coldfield (Extension) Order 1927 ” and sealed with the official seal of the Minister ;
- “ The Minister ” means the Minister of Health ;
- “ 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 Parish of Sutton Coldfield ” means the Parish of Sutton Coldfield as extended by this Order ;
- “ The Urban District ” and “ the Urban Council ” mean respectively the Urban District of Perry Barr and the Urban District Council of Perry Barr.

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Construction
of references
to borough
fund
borough
rate general
district rate
&c.

Commence-
ment of
Order.

2. As from the date on which the first new valuation list made under the Rating and Valuation Act 1925 for the Borough comes into operation any reference in this Order—

- (a) to the borough fund of the Borough shall be read as a reference to the general rate fund of the Borough; and
- (b) to the borough rate general district rate or poor rate of the Borough shall be read as a reference to the general rate of the Borough.

3. Save as otherwise expressly provided this Order shall come into operation on the First day of April Nineteen hundred and twenty-eight :

Provided that for the purposes of—

- (a) All proceedings preliminary or relating to any election to be held in the year Nineteen hundred and twenty-eight for any area affected by this Order;
- (b) The alteration or re-arrangement of any register of electors made under the Representation of the People Acts 1918 to 1926; and
- (c) The revision of the bases of the county rate of the Counties or the preparation of any precept or contribution order to be made on or after the appointed day;

this Order shall operate from the date of the Act of Parliament confirming this Order.

PART II.

ALTERATIONS OF BOUNDARY.

Extension of
Borough.

4.—(1) The boundary of the existing Borough (the area whereof is coloured pink on the maps) shall be altered so as to include in addition to that area so much of the Urban District of Perry Barr as is coloured yellow on the maps.

(2) The boundary of the Borough shall be that shown by the red line on the maps 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.

Alteration
of county
boundary.

5. The added area shall cease to form part of the County of Stafford and shall be transferred to the County of Warwick and the common boundary of the Counties is hereby altered accordingly.

Alteration of
parishes and
unions.

6.—(1) The added area shall be separated from the existing Parish of Perry Barr and shall be added to the existing Parish of Sutton Coldfield.

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(2) The whole of the existing Parish of Sutton Coldfield as extended by this Order shall form part of the Tamworth Union.

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Order.*

7.—(1) One of the maps shall be deposited in the office of the Minister and the duplicate map shall be deposited by the town clerk of the existing Borough at his office.

Deposit and
copies of
maps.

(2) Copies of the map deposited with the town clerk certified by him to be true shall be sent within one month after the date of the Act of Parliament confirming this Order to the Clerks of the County Councils to the Clerk to the Urban Council to the Clerk to the Tamworth Guardians to the Clerk to the West Bromwich Guardians to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners.

8.—(1) Copies of or extracts from the 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 the Borough or to the alteration by this Order of the boundary of a county or other area.

Copies of
map to be
evidence.

(2) 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.

(3) All fees so received shall be carried to the borough fund.

PART III.

PROVISIONS CONSEQUENT ON EXTENSION OF BOROUGH.

9. Subject to the provisions of the Municipal Corporations Acts the following provisions shall have effect—

Municipal
wards and
existing
councillors.

(1) For the purposes of the election of councillors the Borough shall continue to be divided into six wards;

(2) The added area shall be included in the Boldmere Ward of the Borough;

(3) Any councillor who represents immediately before the appointed day the Boldmere Ward shall on and after that day represent that Ward as extended by this Order and shall remain in office until the day on which he would have retired from office if this Order had not been made;

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Existing
mayor and
aldermen.

(4) If immediately before the appointed day a casual vacancy shall exist in the representation of the Boldmere Ward the vacancy shall be deemed to exist in the representation of that Ward as extended by this Order.

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

Jurisdiction
of Borough
justices
extended
&c.

11. The powers and duties of the justices of the peace appointed for the existing Borough and of the clerk to those justices shall extend to and apply throughout the Borough :

Provided that—

(a) every person committing an offence in any part of the added area prior to the appointed day shall be tried and dealt with as if this Order had not been made;

(b) every proceeding which prior to the appointed day has been begun by or is pending before any justice in relation to any matter arising in or concerning any part of the added area may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Order had not been made.

Corporation
property
liabilities
&c.

12. Subject to the provisions of this Order all property immediately before the appointed day vested in the Corporation for the benefit of the existing Borough (not being property held on any charitable trust) shall by virtue of this Order 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 immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing Borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing Borough shall on that day attach to them in respect of the Borough.

Mortgage
debts of
Corporation.

13.—(1) Subject to the provisions of the Rating and Valuation Act 1925 so much of any sums borrowed by the Corporation as immediately before the appointed day are owing and charged upon a fund or rate of the existing Borough shall be charged upon the corresponding fund or rate of the Borough.

(2) All borrowed moneys to which this article applies with the interest thereon shall 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

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which the same are otherwise required to be repaid or are made repayable.

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Order.*

14.—(1) Subject to the provisions of this Order the provisions of—

Local Acts
and Orders
relating to
existing
Borough.

- (a) the Local Acts and of the Confirmation Act specified in the Schedule to this Order so far as that Confirmation Act relates to the Provisional Order specified in that Schedule;
- (b) any other Local Act or Provisional Order duly confirmed and affecting the existing Borough or the Corporation (including any such Act or Order passed or confirmed during the present session of Parliament); and
- (c) any order affecting the existing Borough or the Corporation which has effect as if enacted by Parliament;

as the same respectively are in force within the existing Borough immediately before the appointed day shall extend and apply to the Borough and any reference therein to the existing Borough and the Corporation thereof shall be deemed to refer to the Borough and the Corporation thereof.

(2) The added area shall cease to be within the area for the supply of electricity by the Council of the City of Birmingham and shall be included within the area for the supply of electricity by the Corporation under the Sutton Coldfield Electric Lighting Order 1899.

(3) The provisions of any protective clause for the benefit of the Urban Council (or their predecessors) contained in any Local Act Confirmation Act or Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of the added area 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 Urban Council or their predecessors.

(4) Nothing in this Order shall affect the area of supply or shall prejudice the rights and powers of the Shropshire Worcestershire and Staffordshire Electric Power Company.

15.—(1) The Borough shall be a constituent district of the Birmingham Tame and Rea Main Sewerage District and any reference in the Birmingham Tame and Rea Main Sewerage Orders 1877 to 1911 to the Borough of Sutton Coldfield or to the Corporation thereof shall be read as a reference to the Borough as extended by this Order and to the Corporation thereof.

Birmingham
Tame and
Rea Main
Sewerage
District.

(2) Article II. of the Birmingham Tame and Rea Main Sewerage Order 1900 which relates to the calculation of the contribution of the Urban District to the expenses of the Joint Board is hereby repealed.

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Adoptive
Acts.

16.—(1) The provisions of—

- (a) the Infectious Disease (Prevention) Act 1890;
- (b) Parts II. to V. of the Public Health Acts Amendment Act 1890; and
- (c) the Private Street Works Act 1892;

shall be in force within and apply to the Borough as if the same had been adopted for the Borough.

(2) Such of the provisions of the Public Health Act 1925 as are in force immediately before the appointed day within the existing Borough by virtue of an adoption by the Corporation of those provisions shall be in force within and apply to the Borough.

(3) The provisions of any Act adopted by the Urban Council (or their predecessors) shall subject to the provisions of this article cease to be in force within and apply to any part of the added area.

(4) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive enactment mentioned in this article which is in force immediately before the appointed day throughout the existing Borough shall extend and apply to the added area and any order under the Infectious Disease (Notification) Act 1889 in force immediately before that day within the added area shall cease to be in force within that area.

Corporation to be
local authority
for small dwell-
ings acquisition
maternity child
welfare &c.

17. For the purposes of the Small Dwellings Acquisition Acts 1899 to 1923 the Notification of Births Acts 1907 and 1915 and the Maternity and Child Welfare Act 1918 the Corporation shall be the local authority for the Borough.

Orders under
Public
Health Acts
Amendment
Act 1907 or
Public
Health Act
1925.

18. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders 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 and declaring to be in force throughout the existing Borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing Borough extended and applied to the Borough and as if the said parts or sections were accordingly declared to be in force within the Borough;
- (2) Any other order under either of those Acts which is in force immediately before the appointed day throughout the existing Borough shall extend and apply to the added area;
- (3) The provisions of any order made before the appointed day and declaring to be in force within the added area

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any parts or sections of either of those Acts shall cease to apply to the added area and the parts or sections declared by any such order to be in force shall save as hereinbefore provided cease to be in force within the added area.

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 Order.*

19.—(1) The orders under section 33 of the Act of 1894 made by the Local Government Board on the Sixth day of May Eighteen hundred and ninety-six and the Third day of November Nineteen hundred and three shall have effect as if any reference therein to the existing Borough extended and applied to the Borough.

Orders under
 s. 33 of
 Act of 1894.

(2) Nothing in this article shall be deemed to substitute a reference to the Parish of Sutton Coldfield in the said Order dated the Sixth day of May Eighteen hundred and ninety-six (relating to charities) for a reference to the Parish of Sutton Coldfield as it existed at the date of that order.

20. Any order made under the Shop Hours Act 1904 or under the Shops Act 1912 or any subsequent Act providing for the closing of shops and in force immediately before the appointed day in any area affected by this Order shall subject to the provisions of those Acts remain in force and apply to the area to which it then applied.

Orders under
 Shop Hours
 Act 1904 or
 Shops Acts
 1912 to 1920.

21.—(1) Any byelaws made by the Corporation and in force immediately before the appointed day within the existing Borough—

Byelaws
 regulations
 scales of
 charges &c.

(a) for good rule and government; or

(b) under the Education Act 1921 or any enactment repealed by that Act;

shall extend and apply to the Borough until repealed or altered by further byelaws in substitution for any such byelaws which may be in force within the added area.

(2) Subject to the foregoing provision all byelaws made by the Corporation or by the Urban Council and in force within the existing Borough or within the added area immediately before the appointed day—

(a) if made before the First day of April Nineteen hundred and fourteen shall continue to apply to the existing Borough or to the added area as the case may be for a period of one year after the appointed day (unless previously repealed or altered by byelaws made by the Corporation) but shall on the expiration of the period aforesaid cease to be in force within any part of the Borough;

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(b) if made on or after the First day of April Nineteen hundred and fourteen shall continue to apply to the existing Borough or to the added area as the case may be until they are repealed or altered by byelaws made by the Corporation.

(3) In their application to the added area any byelaws made by the Urban Council shall have effect as if they had been made by the Corporation and as if the added area were referred to therein.

(4) Any proceedings which if this Order had not been made might have been taken for any offence within the added area committed before the appointed day against—

(a) any byelaws of the Urban Council; or

(b) any byelaws of the County Council which by virtue of this article cease to apply to the added area;

may be taken by the Corporation as if the Corporation had been substituted therein for the Urban Council or the County Council as the case may require and as if the byelaws of the County Council had remained in force.

(5) Any scale of charges made by the Corporation and in force immediately before the appointed day throughout the existing Borough shall extend and apply to the Borough until the scale is repealed or altered by a further scale of charges made by the Corporation in substitution for any scale of charges made by the Urban Council which is in force within the added area.

(6) In this article "byelaws" includes any regulation and "scale of charges" includes any list of tolls or table of fees or payments and any reference to byelaws or a scale of charges made by the Corporation or the Urban Council shall be read as including a reference to byelaws or a scale of charges made by the predecessors of the Corporation or the Urban Council as the case may require.

Property &c.
of Urban
Council.

22.—(1) Subject to the provisions of this Order—

(a) Any property or liabilities which immediately before the appointed day are vested in or attach to the Urban Council in relation exclusively to the added area (or any part thereof) shall by virtue of this Order be transferred to and vest in the Corporation as the urban authority for the execution of the Public Health Acts 1875 to 1925;

(b) Any property or liabilities which immediately before the appointed day are vested in or attach to the Urban Council in relation to the added area (or any part thereof) conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

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(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added area shall be collected and recovered by the Corporation as the rating authority for the Borough.

(3) Any rates so collected and recovered by the Corporation shall be a matter for adjustment under section 62 of the Act of 1888.

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 —
*Sutton
 Coldfield
 Order.*

PART IV.

PROVISIONS CONSEQUENT ON ALTERATION OF COUNTY BOUNDARY.

23. The added area shall be separated from the Aldridge Electoral Division of the County of Stafford and shall be included within and form part of the Sutton Coldfield Borough (Second Electoral Division of the County of Warwick.

County
 electoral
 divisions.

24.—(1) For the purposes of any commission of assize oyer and terminer or gaol delivery and for the purposes of sheriff lieutenant coroner and territorial army and the making up of the jurors' book and the service of jurors the added area shall form part of the County of Warwick.

Assizes ses-
 sions coroner
 jurors &c.

(2) The powers and duties of the quarter sessions justices sheriff and clerk of the peace of the County of Warwick and of the police constables and other peace officers of that county shall extend to the added area.

(3) The added area shall be included within and form part of the Northern Coroner's District of the County of Warwick.

(4) Notwithstanding the foregoing provisions of this article—

(a) Until the jurors' books prepared next after the appointed day come into force the existing Parish of Perry Barr shall for the purposes of summoning jurors and of jury service be deemed to continue unaltered; and

(b) Every person committing an offence in any part of the added area prior to the appointed day shall be tried and dealt with as if this Order had not been made and every proceeding which prior to the appointed day has been begun by or before any court or justice or coroner in relation to any matter arising in or concerning any part of the added area may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Order had not been made.

25. Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connection with any action or proceeding pending or existing immediately

Transfer of
 lists of pri-
 soners writs
 &c.

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before the appointed day and appertaining to the added area shall upon the completion of any pending proceedings be delivered transferred and signed in like manner (as nearly as may be) as is required upon a new sheriff coming into office and as if the Sheriff of the County of Warwick were as respects the added area the new sheriff in succession to the Sheriff of the County of Stafford.

Staffordshire
Mental
Hospitals
District.

26. The added area shall cease to form part of the district of the Staffordshire Mental Hospitals Board constituted by the Staffordshire Asylums Act 1922.

Adjustment
of financial
relations
between
counties.

27.—(1) In any case where the alteration of boundary of an existing county by this Order affects the distribution between the Counties of Stafford and Warwick or between either of those counties and a county borough of the moneys payable out of the Local Taxation Account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) 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 equitable adjustments may be made.

(2) Any adjustment authorised by paragraph (1) of this article may be made by agreement between the County Councils or between the councils of any county and county borough affected and if such adjustment has not been made before the Thirty-first day of December Nineteen hundred and twenty-eight 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.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made 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 Order 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 :

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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 article 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 article.

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Coldfield
Order.*

28.—(1) An equitable adjustment shall be made between the Counties of Stafford and Warwick respecting the interest of the added area in any compensation fund constituted under section 21 of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

Adjustment
for purposes
of Licensing
(Consolidation)
Act
1910.

(2) Such adjustment shall be made by agreement between the compensation authorities (as defined by the Licensing (Consolidation) Act 1910) for the said counties within twelve months after the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(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.

29.—(1) The Minister may by order at any time after the passing of the Act of Parliament confirming this Order make such provisions as appear to him to be necessary for transferring to the insurance committee for the County of Warwick such of the property rights and liabilities of the insurance committee for the County of Stafford as relate to persons resident in the added area.

Insurance
committees.

(2) An order made under this article may authorise the insurance committee for the County of Stafford to continue to act as insurance committee for the added area until such date not being later than the Thirty-first day of October Nineteen hundred and twenty-eight as may be specified in the order and may for that purpose postpone the operation of this Order so far as relates to the rights and duties of the respective insurance committees for the Counties of Stafford and Warwick 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 article shall have effect as if enacted in the National Health Insurance Act 1924 and may be revoked

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*Sutton
Coldfield
Order.*

(4) Subject to any order under this article the persons who immediately before the appointed day are members of the respective insurance committees for the Counties of Stafford and Warwick shall be deemed to have been appointed or elected as and shall be the members of the respective insurance committees for those counties as altered by this Order.

Assessment
areas and
assessment
committees.

30.—(1) The added area shall be separated from the West Bromwich and Staffordshire Assessment Area as constituted by the County of Stafford (Assessment Areas and Assessment Committees) Scheme 1926 and shall be included in and form part of the Sutton Coldfield Assessment Area as constituted by the County of Warwick (Assessment Areas and Assessment Committees) Scheme 1926.

(2) The County of Warwick (Assessment Areas and Assessment Committees) Scheme 1926 as approved by the Minister on the Seventh day of July Nineteen hundred and twenty-six shall be read and have effect as if for references therein to the Borough of Sutton Coldfield and the Sutton Coldfield Town Council there were substituted references to that Borough as extended by this Order and the Town Council thereof.

County rate
bases.

31.—(1) Subject to any future revision the bases of the county rate of the Counties of Stafford and Warwick shall be altered as follows :—

- (a) From the amounts respectively appearing in the Staffordshire basis as the net annual values of the agricultural land and of other hereditaments in the existing Parish of Perry Barr there shall be deducted such sums in each case as will represent the net annual values of the agricultural land and of other hereditaments in the added area ;
- (b) The net annual values of the agricultural land and of other hereditaments in the added area shall be added to the amounts appearing in the Warwickshire basis as the net annual values of the agricultural land and of other hereditaments in the existing Parish of Sutton Coldfield ;
- (c) The amounts appearing in the Warwickshire basis as the net annual value and the assessable value of the property in the existing Parish of Sutton Coldfield shall be altered so as to correspond with the alterations made as above directed in the net annual values of the agricultural land and of other hereditaments in that existing parish.

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(2) For the purposes of this article the net annual value of the agricultural land in the added area shall be the amount which bears the same relation to the net annual value of agricultural land in the existing Parish of Perry Barr as the total rateable value of the agricultural land in the added area bears to the total rateable value of the agricultural land in the existing Parish of Perry Barr.

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(3) For the purpose of ascertaining the net annual value of other hereditaments (not being agricultural land) in the added area the preceding paragraph of this article shall apply with the substitution for "agricultural land" of "hereditaments other than agricultural land."

(4) In this article "net annual value" and "assessable value" mean the net annual value and assessable value according to the basis of the county rate which is being altered in pursuance of this article and "total rateable value" means the total rateable value according to the valuation list of the existing parish last in force before the basis is so altered.

32.—(1) Subject to the provisions of this Order—

Byelaws of
county
councils and
standing
joint com-
mittees.

(a) Any byelaws made by the County Council of Stafford or by the standing joint committee of the County of Stafford and in force immediately before the appointed day within the added area shall on that day cease to be in force within that area;

(b) Any byelaws made by the County Council of Warwick or by the standing joint committee of the County of Warwick and in force immediately before the appointed day throughout the existing Borough shall extend and apply to the Borough until revoked or altered by further byelaws.

(2) Any proceedings which if this Order had not been made might have been taken by the County Council of Stafford or by the standing joint committee of the County of Stafford for any offence committed before the appointed day within the added area against any byelaws which by virtue of this article cease to apply to the added area may be taken by the County Council of Warwick or by the standing joint committee of the County of Warwick as the case may require and as if the byelaws had remained in force within the added area.

33. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force immediately before the appointed day in the existing Borough shall extend to the added area and any order under those Acts which is then in force in the added area shall cease to apply to that area.

Orders under
Wild Birds
Protection
Acts.

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Meaning in
Part V. of
"local
authority"
and
"officer."

Officers of
Corporation
continued.

Compensa-
tion to
existing
officers.

Determina-
tion of com-
pensation.

PART V.

OFFICERS.

34. In this Part of this Order unless the context otherwise requires—

"Local authority" means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county;

"Officer" includes a servant and any person whose salary is paid by a local authority.

35. The town clerk and all other officers of the Corporation of the existing Borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the Borough and shall hold their offices by the same tenure as before that day.

36.—(1) Save as otherwise provided in this article every officer in office on the date of the Act of Parliament confirming this Order who by virtue of this Order or of anything done in pursuance or in consequence thereof suffers 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.

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

(3) This article shall have effect subject to any provisions in the Birmingham Extension Act 1927 with respect to compensation to existing officers of the Urban Council if that Council shall on the appointed day be abolished and cease to exist.

37.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Order regard shall be had to the conditions and circumstances mentioned in subsection (1) of section 120 of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

(2) Any compensation payable under this Order to any officer shall be paid out of the borough fund and borough rate of the Borough and the provisions of section 120 of the Act

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of 1888 shall apply subject to the following and any necessary modifications :— A.D. 1927.

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- (a) Any reference in that section to the county council shall be construed as a reference to the Corporation and in subsection (7) of that section for the words "the same or any other county council" there shall be substituted the words "the council of any county or county borough or under any district council";
- (b) References in that section to "the passing of this Act" shall be construed as references to the date on which the abolition of office takes effect or the direct pecuniary loss commences as the case may be; and
- (c) 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 were in operation at the date of the passing of the Act of 1888.

(3) In computing the time of service in any capacity of any officer for the purpose of the award of compensation the Corporation shall take into account all the service of that officer (after the attainment of the age of eighteen years) in any capacity under any local authority whether such officer was appointed annually or otherwise.

(4) The compensation payable under this Order to an officer who on the date of the Act of Parliament confirming this Order shall hold two or more offices under any local authority or local authorities and who shall have 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.

(5) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's Forces or the Forces of the Allied or Associated Powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence :

Provided that in the case of an officer who after the Armistice voluntarily extended his term of service with the Forces no period of absence during such extension shall be so reckoned.

(6) 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

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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 Order.

Compensa-
tion and
superannua-
tion.

38. No officer shall be entitled to receive compensation under this Order for pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss.

PART VI.

SUPPLEMENTARY PROVISIONS.

Election and
continuance
of guardians.

39.—(1) For the purpose of the ordinary election of guardians of the Tamworth Union in the year Nineteen hundred and twenty-eight and later elections the added area shall be included within the Boldmere Ward of the Parish of Sutton Coldfield.

(2) Any person who immediately before the appointed day is in office as a guardian for the existing Boldmere Ward of the Parish of Sutton Coldfield shall be deemed to have been elected for and shall represent that Ward as extended by this Order until the Fifteenth day of April Nineteen hundred and twenty-eight.

(3) For the purposes of the provisions of the Poor Law Act 1927 relating to the qualification of guardians the Parish of Sutton Coldfield shall be deemed to have been extended on the First day of January Nineteen hundred and twenty-seven and the added area shall be deemed as from that day to have formed part of the Tamworth Union.

Liquidation
by Urban
Council
of current
debts and
liabilities.

40.—(1) The Urban Council shall by the levy of a rate liquidate as far as practicable before the appointed day all current debts and liabilities incurred by them.

(2) If default is made by the Urban Council in complying with the requirement in paragraph (1) of this article—

(a) The Corporation may after the appointed day make and levy over the added area a general district rate of such an amount in the pound as will be sufficient to defray the liability of that area in respect of the current debts and liabilities of the Urban Council;

(b) Any rate authorised by paragraph (2) (a) of this article shall be levied with and as an additional item of the general district rate of the Borough and may be made retrospectively to raise money for the payment of charges and expenses incurred by the Urban Council at any time within one year before the appointed day.

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41.—(1) As soon as practicable after the appointed day the County Council of Stafford— A.D. 1927.

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Coldfield
Order.*
- Apportionment by
Stafford
County
Council of
balances &c.
- (a) as regards any cash balance in their hands on the appointed day which is derived from funds raised to meet expenditure on elementary education shall estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of that area accruing up to the appointed day shall transfer that amount to the Corporation;
- (b) as regards any cash balance in their hands on the appointed day not being a balance of funds raised to meet expenditure on elementary education estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of that area accruing up to the appointed day shall transfer that amount to the County Council of Warwick.

(2) This article shall apply to any sum received after the appointed day by either of the County Councils under a precept issued before that day in respect of the added area as if that sum were a cash balance in the hands of the County Council on the appointed day.

(3) The apportionment under this article of any balance or sum received under a precept shall be subject to review on an adjustment under this Order.

42.—(1) For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order that section shall have effect— Adaptation
of provisions
as to adjust-
ments.

- (a) As if in subsections (5) (6) and (7) of that section the expression "council" included any authority affected by the Birmingham Extension Act 1927 or by this Order or by anything done in pursuance of that Act or this Order; and
- (b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in subsection (6) of the section that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction; and

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

(d) As if the following subsection were added to the section :—

“ (8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part only of a parish the agreement or award may authorise such sum to be levied in that part as an additional item of the poor rate or general rate as the case may be.”

(2) Where an authority affected by this Order or by anything done in pursuance of this Order are the board of guardians of a poor law union section 62 of the Act of 1888 as set out and modified in the Third Schedule to the Poor Law Act 1927 shall apply with respect to any necessary adjustment.

Balances in
'accounts of
Urban
Council and
Guardians.

43. Any balance standing on the appointed day in the books of the Urban Council or the Guardians of the West Bromwich Union shall be a matter for adjustment under section 62 of the Act of 1888.

Duplicate
entries in
electors lists.

44.—(1) The Registration Officer of the Parliamentary County of Stafford shall supply the Registration Officer of the Parliamentary County of Warwick on publication with a sufficient number of copies of the electors lists the lists of objections to the electors lists the lists of claimants and the lists of objections to claimants for each registration unit comprising any part of the added area and shall forthwith notify the Registration Officer of the Parliamentary County of Warwick 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 County of Warwick 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 in the same electoral division of the County of Warwick for the purpose of county council elections or in the same parish or ward of a parish within the Borough for the purpose of guardians' elections.

(3) Where the Registration Officer of the Parliamentary County of Warwick considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for any of the purposes

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mentioned in paragraph (2) of this article should be made in the electors list of any registration unit comprising any part of the added area he shall forthwith notify the Registration Officer of the Parliamentary County of Stafford and that officer shall make such correction accordingly.

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Order.*

(4) This article shall apply to the preparation of the register of electors in the year Nineteen hundred and twenty-eight and of later registers of electors.

45.—(1) For the purposes of the registers of local government electors of the Borough prepared in the year Nineteen hundred and twenty-eight and of all matters connected with incidental to or consequent upon those purposes the added area shall be deemed to have formed part of the Borough and of the County of Warwick as from the Twenty-ninth day of February Nineteen hundred and twenty-eight.

Provisions
as to register
of electors.

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

- (a) the Registration Officer of the Parliamentary County of Warwick in the case of an election for any voting area within the Borough; and
- (b) the Registration Officer of the Parliamentary County of Stafford 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) It shall be the duty of the Town Clerk of the Borough and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the Urban Council for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by the Registration Officer of either Parliamentary County for the purpose of any alteration or re-arrangement authorised by paragraph (2) of this article.

(4) Where in the opinion of the Secretary of State the circumstances so require the Secretary of State may make such order as appears to him to be necessary or desirable to give effect to the provisions of this Order and may vary so far as is requisite the provisions in force with regard to the lists and registers of electors.

46.—(1) The town clerk of Birmingham as local registrar for the extended City of Birmingham under the Land Charges Act 1925 and the rules made thereunder shall within twenty-eight days after the appointed day supply to the local registrar for

Local land
charges
registers.

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the Borough an office copy of every entry in the local land charges register of the Urban District relating to any premises situate within the added area and shall be paid by the Sutton Coldfield Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the Borough shall within fourteen days after the receipt of an office copy under paragraph (1) of this article enter the same with any necessary modifications in the appropriate part of the local land charges register of the Borough.

(3) Until the expiration of six weeks after the appointed day the following provisions shall have effect in respect of all land within the added area—

(a) The local registrar for the Borough shall give notice to any person desiring to make a personal search that an application to the town clerk of Birmingham should be made for an additional search in the register of the Urban District;

(b) Where application is made for an official search the local registrar for the Borough shall issue free of charge a certificate of official search in the register of the Borough and shall forward the application received by him together with the fees paid in respect thereof to the town clerk of Birmingham;

(c) The town clerk of Birmingham shall permit and make such searches and furnish such office copies and certificates as the clerk to the Urban Council 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 the clerk to the Urban Council;

(d) Where a local land charge duly registered in the local land charges register of the Urban District is in pursuance of this Order transferred from the register of the Urban District to the register of the Borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the Borough.

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

47. For the purposes of the first new valuation list to be prepared under the Rating and Valuation Act 1925 and of any subsequent valuation list to be prepared under that Act 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 area as are included in Class (3) of the

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hereditaments specified in column (1) of Part II. of the Second Schedule to that Act shall be 30 per cent.

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48. Until new valuation lists come into force the valuation list of the existing Parish of Sutton Coldfield and the portion of the valuation list of the existing Parish of Perry Barr which relates to hereditaments within the added area shall together form the valuation list of the Parish of Sutton Coldfield.

Valuation
lists.

49.—(1) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a settlement in the existing Parish of Sutton Coldfield or the existing Parish of Perry Barr by reason of residence birth or other qualification in the existing Parish of Sutton Coldfield or the added area shall be deemed to have acquired or to be in the course of acquiring thereby a settlement in the Parish of Sutton Coldfield and as if the existing Parish of Sutton Coldfield and the added area had always formed the Parish of Sutton Coldfield.

Settlement
and irre-
movability.

(2) Every person who at any time before the appointed day has acquired or who immediately before that day is in the course of acquiring a status of irremovability from the existing Tamworth Union or the existing West Bromwich Union by reason of residence in the existing parish of Sutton Coldfield or the added area shall be deemed to have acquired or to be in the course of acquiring a status of irremovability from the Tamworth Union.

(3) For the purposes of this article consecutive periods of residence in any portions of the existing Parish of Perry Barr shall be aggregated and reckoned as continuous residence in that part of the existing Parish in which the person was residing immediately before the appointed day.

50.—(1) No alteration effected by this Order shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the County Council of Stafford the County Council of Warwick or the Urban Council or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by any such Council or their predecessors :

Savings for
legal pro-
ceedings
contracts &c.

Provided that—

- (a) Any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the Urban Council in relation to the added area or any portion thereof may be continued prosecuted and enforced by or against the Corporation; and

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(b) All contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by the Urban Council (or their predecessors) in relation to the added area or any portion thereof may be continued and enforced as fully and effectually as if instead of that Council (or their predecessors) the Corporation had been a party thereto.

(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 Order.

Qualification
of aldermen
and
councillors.

51.—(1) For the purposes of the application to the Administrative County of Warwick and to the Borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added area shall be deemed to have always formed part of that Administrative County and of the Borough.

(2) Any 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 Order.

Contribu-
tion orders
and precepts.

52. Notwithstanding the alterations of area effected by this Order all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Order had not been made.

Saving for
main roads
within added
area.

53. Nothing in this Order shall empower the Corporation to claim to maintain and repair any main road situate within the added area.

Saving for South
Staffordshire
Water Works
Company.

54. Nothing in this Order shall affect the limits for the supply of water by the South Staffordshire Water Works Company or the powers duties and privileges of that company.

Other
savings.

55. Nothing in this Order shall—

(1) restrict the powers of the Secretary of State the Minister or the council of any county or county borough under the Act of 1888 the Act of 1894 or the Poor Law Act 1927;

(2) affect the powers of the County Council of Stafford or the County Council of Warwick for the division of a parliamentary county into polling districts for parliamentary elections or for the division of their county into polling districts for the election of county councillors;

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- (3) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment; or
 (4) affect the operation of such of the provisions of the Rating and Valuation Act 1925 as have not come into operation.
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56. This Order may be cited as the Sutton Coldfield Short title.
 (Extension) Order 1927.

SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
3 Edw. 7. c. clxxii.	The Sutton Coldfield Corporation Act 1903.
10 & 11 Geo. 5. c. lxxviii.	The Sutton Coldfield Corporation Act 1920.

PART II.—CONFIRMATION ACT.

Session and Chapter.	Short Title.	Order relating to Sutton Coldfield thereby confirmed.
62 & 63 Vict. c. xxxiv.	The Electric Lighting Orders Confirmation (No. 1) Act 1899.	The Sutton Coldfield Electric Lighting Order 1899.

Given under the Official Seal of the Minister of Health
 this Nineteenth day of May Nineteen hundred and
 twenty-seven.

(L.S.) A. B. MACLACHLAN
Assistant Secretary Ministry of Health.

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