

**CHAPTER lxxv.**

An Act to extend the boundaries of the borough of Smethwick to confer further powers upon the Corporation of that borough with respect to their gas undertaking to make further provision for the finance of the borough and for other purposes.

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[29th July 1927.]

WHEREAS the borough of Smethwick (in this Act referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and is subject to the jurisdiction of the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation"):

And whereas the borough comprises the parish of Smethwick which is situate in the Birmingham Poor Law Union:

And whereas the urban district of Oldbury in the administrative county of Worcester immediately adjoins the borough and is subject to the jurisdiction of the urban district council of Oldbury and comprises the parish of Oldbury which is situate in the West Bromwich Poor Law Union:

And whereas it is expedient that the boundaries of the borough should be extended so as to include therein a portion of the said urban district and that the said portion of the said urban district should be constituted

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And whereas the unrepealed provisions of the several Acts Provisional and other Orders specified in the First Schedule to this Act are immediately prior to the passing of this Act in force within the borough and it is expedient that those Acts and Orders as amended by this Act should apply throughout the borough as extended by this Act :

And whereas it is expedient that further powers should be conferred upon the Corporation with respect to their gas undertaking and with respect to the acquisition retention and disposal of lands :

And whereas it is expedient that further and better provision should be made with reference to the finance of the borough and that the powers of the Corporation in relation thereto should be enlarged and extended :

And whereas it is expedient that the other powers contained in this Act should be conferred :

And whereas the objects of this Act cannot be attained 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 :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Smethwick Corporation Act 1927.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Borough extension and alteration of wards.

Part III.—Gas.

Part IV.—Lands.

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Part V.—Finance.

Part VI.—Miscellaneous.

3. In this Act unless the subject or context otherwise requires the expressions— Interpretation.

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

“The existing borough” means the borough of Smethwick as it exists at the passing of this Act;

“The borough” means until the appointed day the existing borough and thereafter the existing borough as extended by this Act;

“The council” means the council of the borough;

“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 town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the borough and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officer;

“The borough fund” and “the borough rate” mean respectively the borough fund and the borough rate of the borough until the date when the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough and thereafter the general rate fund and the general rate of the borough;

“The county” and “the county council” mean respectively the administrative county of Worcester and the county council of that county;

“The borough map” means the map marked “Map of the borough of Smethwick as extended by the Smethwick Corporation Act 1927” and signed in triplicate by the Right Honourable James Fitzalan Hope the Chairman of the Committee of the House of Commons to whom

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the Bill for this Act was referred one of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

“The ward map” means the map marked “Map of the wards of the borough of Smethwick as extended by the Smethwick Corporation Act 1927” and signed in triplicate by the Right Honourable James Fitzalan Hope the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

“The Oldbury District” and “the Oldbury Council” mean respectively the urban district of Oldbury and the urban district council of that district;

“The added area” means the portion of the Oldbury District which is by this Act added to the borough and which is coloured red on the borough map;

“Existing” in relation to any area altered by this Act means existing immediately before the appointed day;

“The Minister” means the Minister of Health;

“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” means an officer whose remuneration is paid by a local authority;

“The Act of 1888” and “the Act of 1894” mean respectively the Local Government Act 1888 and the Local Government Act 1894;

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and the Acts amending and extending the same;

- “ The Act of 1907 ” means the Public Health Acts Amendment Act 1907; A.D. 1927.
- “ The Act of 1876 ” means the Smethwick Local Board (Gas) Act 1876;
- “ The Order of 1893 ” means the Order relating to Smethwick confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 9) Act 1893;
- “ The Act of 1901 ” means the Smethwick Corporation Act 1901;
- “ The Order of 1922 ” means the Smethwick Corporation Gas Order 1922;
- “ The Act of 1925 ” means the Rating and Valuation Act 1925;
- “ The gas limits ” means the limits within which the Corporation are from time to time authorised to supply gas;
- “ The gas undertaking ” means the gas undertaking of the Corporation as from time to time authorised;
- “ The markets undertaking ” means the markets undertaking of the Corporation as from time to time authorised;
- “ The tramway undertaking ” means the tramway undertaking (if any) of the Corporation as from time to time authorised;
- “ Daily penalty ” means a penalty for every day on which any offence is continued after conviction;
- “ 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 Corporation;

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“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; and

“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.

PART II.

BOROUGH EXTENSION AND ALTERATION OF WARDS.

Commence-
ment of
Part II.

4. This Part of this Act shall except so far as is otherwise herein expressly provided and so far as there may be anything in the subject-matter or context inconsistent therewith come into operation on the appointed day:

Provided that for the purposes of all proceedings preliminary or relating to any local government election to be held in the year one thousand nine hundred and twenty-eight for any area affected by this Act this Part of this Act shall operate from the passing of this Act.

Extension
of borough.

5.—(1) The boundary of the existing borough shall be altered so as to include the added area.

(2) The boundary of the borough shall be that shown by 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 and shall be the county borough of Smethwick for the purposes of the Act of 1888. A.D. 1927.

6.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent within one month after the passing of this Act to the clerk to the county council to the clerk to the Oldbury Council to the clerk to the West Bromwich Poor Law Union to the clerk to the county council of the administrative county of Stafford 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 to the Minister of Transport and to the Minister of Agriculture and Fisheries and copies of the ward map so deposited and certified in like manner shall be sent within the said period to the Minister to the Registrar-General and to the Minister of Agriculture and Fisheries. Deposit of maps.

(2) 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 *primâ facie* evidence of the contents of the borough map so far as it relates to the boundaries of the borough and the borough map 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 credit of the borough fund.

7.—(1) The boundaries of the county of Stafford and the county shall be altered so that the borough shall be wholly situate in the county of Stafford and shall for the purposes of the Act of 1888 including the purposes of any commission of assize oyer and terminer or gaol delivery the service of jurors the making of jury lists sheriff lieutenant and militia be within the county of Stafford. Alteration of county boundary &c.

(2) 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

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pending or existing at the appointed day and appertaining to the added area shall be delivered turned over or transferred and signed in like manner in all respects so nearly as circumstances admit as is required to be done upon a new sheriff coming into office in like manner as if the sheriff of the county of Stafford were the new sheriff in succession to the sheriff of the county.

Number of
councillors
and alder-
men.

8. The number of councillors of the borough shall be increased from eighteen to twenty-four and the number of aldermen shall be increased from six to eight.

Division of
borough
into wards.

9. Subject to the provisions of the Municipal Corporations Acts with respect to the alteration of the number and boundaries of wards and the number of councillors the following provisions shall have effect:—

- (a) For the purposes of the election of councillors the borough shall be divided into the eight wards set out in the Second Schedule to this Act and each of the wards shall be designated by the number and name appearing in that schedule;
- (b) Each of the said wards shall comprise that portion of the borough which is indicated by a separate colour and distinguished by the number and name of the ward on the ward map;
- (c) The existing wards other than the Bearwood Ward and the number of councillors respectively apportioned thereto shall remain unaltered;
- (d) So much of the borough as comprises the Bearwood Ward shall constitute two new wards to be named respectively the Bearwood Ward and the Cape Ward;
- (e) The added area shall constitute a new ward to be named the Warley Woods Ward;
- (f) Three councillors shall be assigned to each of the said new wards.

Continuance
in office of
certain

10.—(1) Notwithstanding any enactment to the contrary the following provisions shall have effect with regard to the persons who at the passing of this

Act are the councillors for the existing Bearwood Ward of the borough and the alderman assigned to that ward :—

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—
councillors
and alder-
man.

- (a) The said alderman shall continue in office as alderman until the day on which he would have gone out of office if this Act had not been passed;
- (b) The said councillors shall continue in office as councillors until the nineteenth day of March one thousand nine hundred and twenty-eight but shall then go out of office;
- (c) Every such person shall unless disqualified to hold the office be eligible for election as a councillor of the borough on the nineteenth day of March one thousand nine hundred and twenty-eight.

(2) If after the passing of this Act any casual vacancy shall occur among the said alderman and councillors the vacancy shall not be filled.

11.—(1) The first election of councillors for the new wards constituted by this Act shall be held on the nineteenth day of March one thousand nine hundred and twenty-eight and the mayor of the existing borough or some other person appointed by him shall be the returning officer at the election.

First
election of
additional
councillors
and alder-
men.

(2) The first election of the two additional aldermen of the borough shall take place on the second day of April one thousand nine hundred and twenty-eight and at that election one of such additional aldermen shall be chosen from among the councillors elected for the Warley Woods Ward or from among the persons qualified to be councillors who are resident in that ward or are registered as local government electors in respect of qualifying premises situate in that ward.

12.—(1) The councillors elected in the year one thousand nine hundred and twenty-eight for each of the new wards constituted by this Act shall retire as follows :—

Retirement
of certain
councillors
and alder-
men.

- (a) The councillor for each ward who is elected by the smallest number of votes on the first day of November one thousand nine hundred and twenty-nine;

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- (b) The councillor for each ward who is elected by the largest number of votes on the first day of November one thousand nine hundred and thirty-one;
- (c) The other councillor for each ward on the first day of November one thousand nine hundred and thirty.
- (2) The aldermen elected in the year one thousand nine hundred and twenty-eight in pursuance of this Act shall retire as follows:—
- (a) The alderman elected by the larger number of votes on the ninth day of November one thousand nine hundred and thirty-three;
- (b) The other alderman on the ninth day of November one thousand nine hundred and thirty.
- (3) If the election of any councillors was not contested or if for any reason it is doubtful which of the councillors or aldermen as the case may be ought to retire on the dates above specified the Council shall at their next quarterly meeting and not later determine the question.

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

13. For the purposes of the application 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 the borough.

County
electoral
divisions.

14.—(1) Subject to the provisions of section 54 of the Act of 1888 and section 2 of the Representation of the People Act 1922—

- (a) the number of councillors of the county shall be reduced by one;
- (b) the existing Oldbury Warley North and Oldbury Warley South electoral divisions of the county shall be abolished and so much thereof as is not included in the added area shall form a new electoral division of the county to be known as the Oldbury Warley Electoral Division.

(2) If between the passing of this Act and the appointed day a casual vacancy shall occur in the representation of either of the said existing electoral divisions the vacancy shall not be filled.

(3) The reduction in the number of councillors of the county effected by this section shall not affect the number of aldermen of the county. A.D. 1927.

15.—(1) The powers rights privileges authorities and duties of the quarter sessions recorder clerk of the peace coroner and justices of the peace for the existing borough and of the clerk to those justices and of the police constables of the police force of the county of Stafford and other peace officers acting in the existing borough shall extend to and apply throughout the borough : Powers and duties of justices &c. extended.

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 Act had not been passed; and

(b) every proceeding which prior to the appointed day shall have been begun by or before any justice or any coroner in relation to any matter arising in or concerning any part of the added area may be carried on 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 area shall cease to form part of the petty sessional division of Oldbury.

16. 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 on that day. Officers of Corporation continued.

17. Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough shall by virtue 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 on the day aforesaid are exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the day Corporation property &c.

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Mortgage
debts of
Oldbury
Council
county
council and
Corpora-
tion.

18.—(1) The liability for repayment of so much of any moneys borrowed by the Oldbury Council or their predecessors or by the county council or their predecessors for a purpose relating exclusively to any part of the added area as will be owing at the appointed day and for the payment of the interest thereon shall by virtue of this Act be transferred to and attach to the Corporation.

(2) So much as will at the appointed day be owing in respect of any moneys borrowed as aforesaid together with so much of any sums borrowed by the Corporation as will at the appointed day be owing and charged upon the revenues borough fund and borough rate of the existing borough shall by virtue of this Act be charged upon the revenues of the Corporation and the borough fund and borough rate.

(3) 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.

(4) Nothing in this Act shall prejudice or affect any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred to the Corporation by subsection (1) of this section or the powers of any person entitled under any such mortgage or other security to enforce the same as if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Act the power may continue to be exercised as if this Act had not been passed and the borough rate shall for any such purpose be levied and have effect in substitution for the rate which would have been leviable if this Act had not been passed.

Jurisdiction
of county
authorities
to cease.

19. Subject to the provisions of this Act the powers rights privileges authorities and duties of the county council and the standing joint committee of the

county respectively shall as from the appointed day
cease to be exercisable by or attach to that council
and committee so far as regards the added area. A.D. 1927.

20.—(1) Subject to the provisions of this Act the
unrepealed provisions of the local Acts and Orders Local Acts
and Orders.
specified in the First Schedule to this Act and of any
other local Act (including any local Act passed or to
be passed during the present session of Parliament)
or of any other Order confirmed by or having the
effect of an Act of Parliament 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 Provided that nothing in this
section shall be deemed to extend the gas limits except
to the extent authorised by the section of this Act
of which the marginal note is “Gas limits.”

(2) The following enactments (so far as the same
have not already been repealed) shall cease to apply
to any part of the added area (that is to say):—

- (a) The Order relating to Oldbury scheduled to
the Public Health Supplemental Act 1857;
- (b) The Oldbury Local Board of Health Act 1876;
- (c) The Order relating to Oldbury confirmed by
the Local Government Board’s Provisional
Orders Confirmation (No. 6) Act 1885.

(3) Any provisions in any local Act or any Order
duly confirmed or having effect as if enacted by
Parliament for the benefit or protection of the Oldbury
Council or their predecessors and for the benefit or
protection of the county council or of the standing
joint committee of the county or their predecessors
so far as such provisions relate to or affect any part
of the added area shall from and after the appointed
day enure for the benefit and protection of the Corpora-
tion and shall be construed as if a reference to the
Corporation were substituted for any reference to suc-
council or committee or their predecessors as the case
may be.

21.—(1) The gas limits shall be extended so as Gas limits.
to include therein the added area except so much
thereof as is comprised within the limits for the supply

A.D. 1927. of gas of the lord mayor aldermen and citizens of the city of Birmingham which last mentioned limits so far as comprised within the added area are coloured green on a map four copies of which have been signed by the Right Honourable James Fitzalan Hope the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and which have respectively been deposited in the Parliament Office of the House of Lords in the Committee and Private Bill Office of the House of Commons with the town clerk at his office and with the town clerk of the city of Birmingham at his office.

(2) The Oldbury Council shall sell to the Corporation and the Corporation shall purchase from the Oldbury Council the portion of their gas undertaking which is situate within the added area for such price as may have been agreed between the Oldbury Council and the Corporation before the date of the passing of this Act or as may be so agreed after that date or as failing any such agreement may be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.

Power to Corporation and Oldbury Council to lay gas mains and sewers in certain roads.

22. The Corporation in the portion of Basons Lane extending from Manor Road to Queen's Road the portion of Queen's Road extending from Basons Lane to Londonderry Road and the portion of Harborne Road extending from Abbey Road to Hagley Road West which are situate within the Oldbury district and the Oldbury Council in the portion of Queen's Road extending from Londonderry Road to Thimblemill Road which is situate within the borough may lay down and repair take up relay and renew mains and pipes for the purpose of affording supplies of gas within their respective limits for the supply thereof and sewers and drains for the sewerage and drainage of the borough and district respectively and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply mutatis mutandis in relation to the laying down and repair taking up relaying and renewal of such mains pipes sewers and drains.

Adoptive Acts.

23.—(1) The provisions of—

The Baths and Washhouses Acts 1846 to 1925;

The Public Health Acts Amendment Act 1890;

The Infectious Disease (Prevention) Act 1890;

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The Private Street Works Act 1892;

The Public Libraries Acts 1892 to 1919;

The Local Government and other Officers' Superannuation Act 1922; and

Parts II (except section 34) III IV and V of the Public Health Act 1925;

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.

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

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which may be in force at the appointed day throughout the existing borough shall extend and apply to the added area and any such order in force at the appointed day in the added area shall cease to be in force therein.

24. Subject to the provisions of any order which the Minister or the Secretary of State may make after the appointed day— Powers under Act of 1907.

(a) The provisions of any order made before the appointed day whereby any Parts or sections of the Act of 1907 are in force immediately before the appointed day in the existing borough shall have effect as if any reference in those provisions to the existing borough extended and applied to the borough and as if the said Parts or sections were accordingly in force in the borough;

(b) Any other order under the Act of 1907 which is in force at the appointed day throughout the existing borough shall extend and apply to the added area;

(c) The provisions of any order made before the appointed day and declaring to be in force in the added area any Parts or sections of the Act of 1907 shall cease to apply to that area and subject to the provisions of this section the Parts or sections declared by any such order to

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be in force shall cease to be in force in that area but this provision shall not prejudice or affect any proceedings which are pending on the appointed day.

Corporation
to be burial
board.

25. The added area shall be included within the limits for which the Corporation act as a burial board Provided that 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.

Orders
under
sections 33
and 34 of
Act of 1894.

26.—(1) The provisions of any order under section 33 or section 34 of the Act of 1894 in force at the appointed day in the existing borough shall (so far as such provisions still have effect) have effect as if any reference in that order to the borough as it existed at the date of the order extended and applied to the borough and as if any reference in that order to the parish of Smethwick at the date of the order also extended and applied to the parish of Warley Woods and any such order in force at the appointed day in the added area shall cease to be in force therein.

(2) An order may be made by the Minister under section 33 of the Act of 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any existing parish affected by this Act as if this Act had not been passed.

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

27. Any order in force under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1920 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 applies immediately before the appointed day.

Orders
under
Wild Birds
Protection
Acts.

28. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at 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 county shall cease to extend to the added area.

29.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added area immediately before the appointed day shall continue to apply to the existing borough or to the added area as the case may be until repealed or altered by the Corporation.

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Byelaws &c.

(2) All other byelaws made by the Corporation or by the watch committee of the borough and in force immediately before the appointed day shall apply to the borough and all byelaws made by the county council or the standing joint committee shall on that day cease to apply within the added area.

(3) In their application to the added area any byelaws continued in force by this section shall have effect as if they had been made by the Corporation and as if the added area were referred to therein instead of the area to which they now apply.

(4) Any proceedings which if this Act had not passed might have been taken for any offence against any byelaw committed before the appointed day within the added area may be taken by the Corporation.

(5) 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" includes all byelaws to which section 184 of the Public Health Act 1875 applies.

30. Any byelaws 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 and from and after that day any byelaws then in force in the added area shall cease to be in force therein.

Education
byelaws and
managers.

31. For the purposes and subject to the provisions of the Education Act 1921—

Transfer
of public
elementary
schools &c.
to Corpora-
tion.

(1) All public elementary schools provided by the Oldbury Council as local education authority and situate in the added area and the furniture fittings books and apparatus belonging to the Oldbury Council of any public elementary school in the added area shall by virtue of this Act be transferred to and vested in the Corporation as

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- the local education authority for all the estate and interest therein of the Oldbury Council as the local education authority :
- (2) All contracts debts and liabilities which at the appointed day are existing or are owing by or attach to the Oldbury Council in respect of any public elementary school in the added area or of the furniture fittings books or apparatus or with respect to the officers and teachers of any such school and to school attendance officers school nurses and other persons employed whole time in connection with education services exclusively in the added area shall by virtue of this Act enure to and be carried into effect by and be discharged and satisfied by the Corporation as the local education authority :
 - (3) Section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section :
 - (4) Subject to any adjustment which may hereafter be made the liability for the repayment of so much of any loan raised exclusively in respect of any public elementary school or in respect of the furniture fittings or apparatus transferred to and vested in the Corporation by virtue of this section as will be owing at the appointed day and the liability for the payment of interest on that part of the said loan shall by virtue of this Act be transferred and attach to the Corporation as the local education authority and so much of any such loan as will be owing at the appointed day shall be charged on the revenues of the Corporation and the borough fund and borough rate and shall be repaid by the Corporation within the period for which that part of the loan was originally sanctioned or within which the said part of the loan is otherwise required to be repaid or is made repayable :
 - (5) In this section " public elementary school " includes the site and school house and also any land acquired and held by the Oldbury Council as the local education authority for purposes of elementary education.

32. 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 until such corresponding provision is repealed by the Education Act 1921.

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Reference to
Education
Act 1921.

33.—(1) At the appointed day such number of the members of the police force of the county as shall have been determined by agreement subject to the approval of the Secretary of State between the standing joint committee of the county and the standing joint committee of the county of Stafford or in default of any such agreement as shall be determined by the Secretary of State shall be transferred to and become part of the police force of the county of Stafford :

County
police.

Provided that no member of the police force of the county shall be so transferred without his consent.

(2) Every member of the county police force so transferred shall hold office in the police force of the county of Stafford upon the same tenure and subject to the same terms and conditions as the other serving members of that police force of the same rank as such member and any period of service which he was entitled to reckon before such transfer for purposes of pay promotion or pension in the county police force shall be reckoned for the same purposes in the police force of the county of Stafford :

Provided that where the scale of ordinary pensions applicable to a member of the county police force who is so transferred is by virtue of section 29 (1) (a) of the Police Pensions Act 1921 a scale other than that prescribed in Part I of the First Schedule to that Act such scale shall continue to apply to him as if he had not been so transferred.

(3) The provisions of subsection (2) of section 8 of the Police Pensions Act 1921 shall extend and apply to and in relation to any member of the county police force transferred under this section as if that member had removed with the written sanction of the chief constable of the county and notwithstanding that at the date of the transfer such member may not have completed one year's approved service in the county police force.

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County
police
stations:

34. Any county police station and the site thereof situate in the added area with the residences for constables and cells connected therewith and the fittings and furniture thereof respectively shall by virtue of this Act be transferred to and vest in the Corporation as from the appointed day for all the estate and interest therein of the county council and section 68 of the Act of 1894 shall apply with respect to any adjustment required for the purposes of this section.

Transfer of
certain
property &c.
of Oldbury
Council.

35.—(1) Except as may have been or may be otherwise agreed between the Corporation and the Oldbury Council the Oldbury Council shall cease to exercise any powers or discharge any duties within any part of the added area.

(2) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to the Oldbury Council whether as a district council a local education authority or otherwise in relation exclusively to any part of the added area and the fire station and public works depôt at Thimblemill Road shall by virtue of this Act be transferred to and vest in or attach to the Corporation and shall as the case requires be held or fulfilled by the Corporation as the municipal authority urban sanitary authority or local education authority of the borough or otherwise.

(3) Except as may have been or may be otherwise agreed as aforesaid any property or liabilities vested in or attaching to the Oldbury Council in relation to any part of the added area conjointly with any other area shall be a matter for adjustment under section 62 of the Act of 1888.

As to
Oldbury
Council.

36.—(1) Subject to the provisions of subsection (2) of this section the existing Warley North and Warley South Wards of the Oldbury District shall respectively be reduced by the exclusion therefrom of so much thereof as is included in the added area and the councillors representing the said wards at the appointed day if qualified shall continue to represent the same as so reduced until they would go out of office in the ordinary course.

(2) Nothing contained in this Act shall be deemed to take away prejudice or affect the right of the county

council to make any order or orders under the provisions of section 57 of the Act of 1888 in relation to any part of the Oldbury District which is not included in the added area and an order under that section may be made by the county council at any time after the passing of this Act with reference to any part of the said district which is not included in the added area.

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37. Any resolution passed or other proceeding taken by the Oldbury Council 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 repealed enactment) shall in so far as they relate to land within the added area have effect as if they had been passed or taken by the Corporation in respect of the added area.

As to
resolutions
&c. of
Oldbury
Council
under Town
Planning
Act 1925.

38.—(1) The local registrars for the county and for the Oldbury District under the Land Charges Act 1925 and the rules made thereunder shall within one calendar month after the appointed day supply to 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 area and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

Provisions
in reference
to Land
Charges Act
1925.

(2) The local registrar for the borough shall within one calendar 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 part of the local land charges register of the borough.

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

- (a) 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 Oldbury District and in the register for the county;
- (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

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the register of the borough and shall forward to the local registrar for the Oldbury District the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application;

- (c) The local registrar for the Oldbury District and the local registrar for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the said obligations as if this Act had not been passed;
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation;
- (e) Where a local land charge duly registered in the local land charges register of the county council or of the Oldbury Council is in pursuance of this Act transferred from the county council or the Oldbury Council to the Corporation 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.

Parochial
alteration
and
guardians.

39.—(1) The added area shall be separated from the parish of Oldbury and shall constitute the parish of Warley Woods in the West Bromwich Poor Law Union and one guardian shall be assigned to that parish.

(2) The person who immediately before the appointed day is the guardian of the poor for the Warley (North and South) Ward of the parish of Oldbury shall thereafter be deemed to represent the parish of Warley Woods on the board of guardians of the said union and shall retire from office on the day on which he would have retired if this Act had not been passed.

(3) For the purpose of the election of guardians so much of the Oldbury Warley (North and South) Ward of the parish of Oldbury as is not included in the added

area shall subject to the provisions of subsection (4) of this section be added to the Oldbury Langley Ward
The person who immediately before the appointed day is the guardian of the poor for the Oldbury Langley Ward shall thereafter be deemed to represent the said ward as altered by this Act on the board of guardians of the said union and shall retire from office on the day on which he would have retired if this Act had not been passed.

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(4) Nothing contained in this Act shall be deemed to take away prejudice or affect the right of the county council or joint committee of the councils of the counties concerned to make any order or orders under the provisions of section 60 of the Act of 1894 in relation to any part of the parish of Oldbury which is not included in the added area and an order under that section may be made by the county council or such joint committee at any time after the passing of this Act with reference to any part of the said parish not included in the added area.

40.—(1) In any case where the extension of the existing borough by this Act affects the distribution between the county and the borough or between the county and the borough or either of them on the one hand and any other county or county borough on the other hand or between any county other than the county on the one hand and any county borough other than the borough on the other hand 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 the areas aforesaid or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made between the areas interested:

Adjustment
of financial
relations.

Provided always that any adjustment which may be pending on the appointed day between the administrative county of Stafford and any county borough within the geographical county of Stafford may be proceeded with and completed as if this Act had not been passed.

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(2) Any such adjustment as is authorised by subsection (1) of this section may be made by agreement between the councils affected and if such adjustment has not been made before the thirty-first day of December one thousand nine hundred and twenty-nine then on the application of any of the councils interested the Minister may if he think 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 or so far as any such agreement does 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.

Apportionment of balances and sums received under precepts.

41.—(1) As soon as practicable after the appointed day the county council and the Oldbury Council shall as regards any cash balance in their hands at the appointed day 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 the added area accruing up to the appointed day shall transfer such amount to the Corporation.

(2) Any sum received after the appointed day by the county council or the Oldbury Council under a precept issued before that day in respect of the added area shall be dealt with in the manner prescribed by subsection (1) of this section. A.D. 1927.

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

42.—(1) An equitable adjustment shall be made between the county and the borough 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 authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough 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.

43. 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 area in any property— As to adjustments between Corporation and other authorities.

(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 area; or

(c) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation in respect of such interest or share (if any)

A.D. 1927. — 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.

Insurance
committees.

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

(2) An order made under this section may authorise the insurance committee for the county to continue to act as insurance committee for the added area until such date not being later than the thirtieth day of June one thousand nine hundred and twenty-eight as may be specified in the order and may for that purpose postpone the operation of this Part of this Act so far as relates to the rights and duties of the respective insurance committees for the county and the borough 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 shall have effect as if enacted in the National Health Insurance Act 1924 and may be revoked revised or amended by an order made in like manner as the original order.

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

South
Stafford-
shire Joint
Small-pox
Hospital
District.

45. For the purposes of the South Staffordshire Joint Small-pox Hospital Orders 1903 to 1925 and the Acts confirming those Orders 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 Small-pox Hospital Board for contributions to their common fund shall be estimated by the clerk to the said board from the returns of such last census.

46. On and from the appointed day the Staffordshire Asylums Act 1922 shall have effect as though the following subsection were substituted for subsection (1) of section 32 of the said Act (namely) :—

- (1) During a period of forty-five years from the first day of April one thousand nine hundred and twenty-eight the councils of the county boroughs of Stoke-on-Trent Walsall West Bromwich and Wolverhampton shall be jointly and severally liable for and shall pay to the board in addition to the amounts to be contributed by them in accordance with the apportionment to be made by the board as hereinbefore provided sums (hereinafter called "the added sums") amounting in the aggregate to four thousand one hundred and four pounds for each half-year.

The first payment of the added sums shall be due on the first day of April one thousand nine hundred and twenty-eight. The remaining payments shall become due half-yearly on each subsequent first day of October and first day of April during the said period of forty-five years. Each of such half-yearly amounts shall be credited in the accounts of the board as if it had been paid by the county council and the councils of the county boroughs of Burton-on-Trent Smethwick and Stoke-on-Trent respectively in the proportions following (that is to say) :—

As respects the county council the sum of two thousand nine hundred and fifty pounds;

As respects the council of the county borough of Burton-on-Trent the sum of two hundred and seventy-four pounds;

As respects the council of the county borough of Smethwick the sum of two hundred and two pounds; and

As respects the council of the county borough of Stoke-on-Trent the sum of six hundred and seventy-eight pounds;

and the amounts to be contributed from time to time by those councils under this Act shall respectively be reduced by the amounts so to be credited to such councils.

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—
Amendment
of Stafford-
shire
Asylums
Act 1922.

A.D. 1927.

County
rate basis.

47.—(1) Subject to any future revision the basis or standard of the county rate for the county shall be altered by the deduction from the amounts respectively appearing therein as the net annual values of the agricultural land and of other hereditaments in the existing parish of Oldbury of such sums as will represent the net annual values of the agricultural land and of other hereditaments in the added area.

(2) For the purposes of this section the net annual value of the agricultural land in a part of the said existing parish shall be the amount which bears the same relation to the net annual value of agricultural land in such parish as the total rateable value of the agricultural land in such part bears to the total rateable value of the agricultural land in such parish.

(3) For the purpose of ascertaining the net annual value of other hereditaments (not being agricultural land) in a part of the said existing parish the preceding subsection of this section shall apply with the substitution for "agricultural land" of "hereditaments other than agricultural land."

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

(5) For the purpose of the preparation of any order for county contributions to be issued by the county council after the appointed day this section shall operate from the passing of this Act.

Settlement
of poor.

48. For any purposes connected with the settlement of the poor in relation to cases affected by this Act every person who at the appointed day has acquired or is in the course of acquiring a settlement in the portion of the existing parish of Oldbury comprised in the added area by reason of any residence completed or in the course of completion or of any act or thing done or in the course of being done or of any status condition right or privilege acquired or created or in the course of acquisition or creation in the said portion of parish shall be deemed to have acquired or to be in the course of acquiring a

settlement in the parish of Warley Woods as if the said portion of parish were and had always been the parish of Warley Woods. A.D. 1927. —

49. All poor law orders in force immediately before the appointed day in the West Bromwich Union and applicable to the existing parish of Oldbury shall extend and apply to the parish of Warley Woods. As to existing poor law orders.

50.—(1) The added area shall for all purposes connected with the making and approval of the first new valuation list under the Act of 1925 form part and as from the date of the constitution of the assessment committee for the existing borough be deemed to have formed part of the rating area and of the assessment area of the borough but except for those purposes no alteration shall be made by this section until the appointed day in regard to any rating area or assessment area which comprises any part of the added area. Application of Act of 1925.

(2) For the purpose of any valuation list to be made 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 hereditaments within the borough as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be thirty-one per centum.

(3) Until the new valuation lists come into force the portion of the valuation list of the existing parish of Oldbury which relates to hereditaments in the portion thereof not included in the added area shall be deemed to form the valuation list of the parish of Oldbury as altered by this Act.

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

52.—(1) The registration officer of the parliamentary county of Worcester shall on publication of the electors' lists for each registration unit comprising any part of the added area supply the registration officer of the parliamentary borough of Smethwick with a sufficient number of copies of those lists. Duplicate entries in electors' lists.

(2) It shall be the duty of the registration officer of the parliamentary borough of Smethwick to issue such

A.D. 1927. 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 Smethwick 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 area he shall forthwith notify the registration officer of the parliamentary county of Worcester 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 twenty-seven and of later registers.

Provision
as to
register of
electors.

53.—(1) For the purposes of the register of local government electors of the borough prepared in the years one thousand nine hundred and twenty-seven and one thousand nine 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 as from the twenty-eighth day of February one thousand nine hundred and twenty-seven.

(2) In the preparation of the register in the year one thousand nine hundred and twenty-seven so far as it relates to any area affected by this Act it shall be competent to the registration officer to frame the register in separate parts for each area which will constitute a registration unit after the appointed day instead of in separate parts for each area constituting a registration unit before the appointed day.

(3) If the register of local government electors for any 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 the town clerk in the case of an election for a voting area within the borough and the registration officer of the parliamentary county of Worcester in the case of an election for any other voting

area shall make such alteration or re-arrangement of the register as may be necessary for the purposes of such election.

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

54. Subject to any adjustment all rates made by the Oldbury Council and not collected and all other sums due to that council at the appointed day in respect of any part of the added area may be recovered by the Corporation.

Arrears of
rates &c.

55. 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 Act that section shall have effect—

Adaptation
of provisions
as to adjust-
ment.

(a) as if in subsections (5) (6) and (7) thereof the expression "council" included any authority affected by this Act or by anything done in pursuance of this Act; 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 the said subsection (6) 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.

56. 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 Act so far as it relates to the alteration of the area of any existing parish that section shall have effect—

Parochial
adjust-
ments.

(a) as if the general rate leviable under the Act of 1925 for the purposes of the said section as applied by this Act were substituted for any fund mentioned in that section; and

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(b) as if for subsections (6) and (7) of the said section there were substituted the subsections hereunder appended (that is to say):—

“ (6) 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 Rating and Valuation Act 1925.

“ (7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Minister of Health may authorise or direct.”

Balances in accounts of guardians.

57. Any balances standing at the appointed day in the books of the guardians of the poor of the West Bromwich Union to the credit or debit of the existing parish of Oldbury shall be matters for adjustment under section 62 of the Act of 1888.

Existing officers in added area.

58.—(1) All persons who at the passing of this Act are officers employed whole time by the county council or the Oldbury Council exclusively in the added area shall be transferred to and become officers of the Corporation.

(2) Every officer so transferred 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 similar duties to those which he was required to perform immediately before the appointed day shall receive not less salary or remuneration and shall be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Act had not been passed.

(3) The Corporation may distribute their business among the transferred officers and other officers of the Corporation in such manner as they may think proper

and every officer shall perform such duties in relation to that business as may be directed by the Corporation and the Corporation may abolish the office of any officer. A.D. 1927.

(4) If at any time within five years after the appointed day any transferred officer is required by the Corporation to perform duties which are not analogous to or which are an unreasonable addition to those which that officer was required to perform before the appointed day the officer may relinquish his office.

59.—(1) Every officer in office at the passing of this Act who by virtue of this Act or of anything 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 or salary or emoluments (and for whose compensation for that loss 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. Compensation to existing officers.

(2) Any transferred officer who relinquishes his office under subsection (4) of the section of this Act of which the marginal note is "Existing officers in added area" or 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 Act 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 Act.

(3) 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 Act of 1888 and the compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act or of anything done in pursuance or in consequence of this Act or if the compensation is payable otherwise than by way of an annual sum two-thirds of the capital value of such annual pecuniary loss.

(4) 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

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

- (a) Any reference in that section to the Treasury and to the county council shall be construed as a reference to the Minister and to the Corporation respectively and in subsection (7) of that section for the words "the same or any other county council" there shall be substituted the words "any local authority as defined in the "Local Government and other Officers' Super-annuation Act 1922";
- (b) References in that section to "the passing of this Act" shall be construed as references to the date on which the abolition or relinquishment of office or determination of appointment 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.

(5) The compensation payable under this Act to an officer who at the passing of this Act 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.

(6) 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 (after he has attained the age of eighteen years) of any such officer in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(7) All fees or remuneration received by an officer in connection with the preparation of the jurors' book or the register of electors 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 purpose of compensation.

(8) 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.

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(9) 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.

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

Compensation and superannuation.

61. Where in the opinion of the Minister the circumstances so require the Minister may make such order as appears to him to be necessary for the purpose of giving effect to the provisions of this Part of this Act or for the removal of any difficulty in carrying those provisions into effect Provided that the Secretary of State in relation to any matter within his jurisdiction shall be substituted in this section for the Minister.

Orders of Minister &c.

62. Any alderman councillor or guardian who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification by reason of the alterations of area made by this Act.

Saving for qualification of aldermen &c.

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—
Saving for
actions
contracts
&c.

63.—(1) No alteration effected by this Act in the area of any local authority shall cause to abate prejudicially affect or prevent the continuance of any action cause of action or proceeding which at the appointed day is pending or existing by or against any such authority 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:

Provided that—

- (a) 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 area may be continued prosecuted and enforced by or against the Corporation;
- (b) 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 area 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 at the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

Saving for
contribution
orders and
precepts.

64. Notwithstanding the alteration in the areas effected by 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 for
powers of
Minister &c.

65. Nothing in this Act shall 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 or the Act of 1894.

Saving for
parliamentary
divisions.

66. Nothing in this Act shall alter the area of any parliamentary borough or parliamentary county or any division thereof or affect the powers of a county council under section 31 of the Representation of the

People Act 1918 or any order or scheme for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections. A.D. 1927.

67. Nothing in this Act shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment. Saving for ecclesiastical divisions and charities.

68. Nothing in this Act shall affect land tax and for the purposes of income tax the provisions of the sections of this Act the marginal notes whereof are "Extension of borough" and "Parochial alteration and guardians" 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. Saving as to land tax and income tax.

69. Nothing in this Act shall extend the Birmingham Tame and Rea Main Sewerage District or shall increase the duties or obligations of the Birmingham Tame and Rea District Drainage Board. Saving for Birmingham Tame and Rea District Drainage Board.

PART III.

GAS.

70.—(1) The Corporation may for the purposes of the gas undertaking purchase take and hold (by agreement but not otherwise) in addition to the lands referred to in the Second Schedule to the Act of 1876 and in the Schedule to the Smethwick Corporation (Gas) Act 1923 any lands and hereditaments not exceeding in the whole fourteen acres which the Corporation may require for the purposes of their gasworks and gas undertaking but the Corporation shall not create or permit a nuisance on any such lands and no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products except the lands referred to in the said schedules. Power to purchase lands by agreement.

(2) Section 12 (Power to purchase lands by agreement) of the Act of 1876 is hereby repealed.

A D. 1927.

Additional
powers as to
manufac-
ture of
residual
products.

71. The Corporation may—

- (a) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith on any lands on which they are authorised to make and store residual products manufacture other products of the same kind as the Corporation are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Corporation in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them; and
- (b) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Corporation shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Corporation or purchased from other gas undertakings is merely subsidiary.

Power to
supply gas
fittings &c.

72.—(1) The Corporation may purchase sell let for hire fix alter repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes (in this section referred to as "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be.

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(3) All fittings let for hire under the provisions of this section shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation :

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) The Corporation shall only be entitled to the privileges and exemptions conferred by subsections (2) and (3) of this section in respect of such of the fittings (other than meters) as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(5) Provided as follows :—

(a) The Corporation shall so adjust the charges to be made by them for any fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(b) Every sum charged by the Corporation in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer;

(c) The total sums expended and received by the Corporation in connection with the purposes of this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the gas undertaking for that year.

(6) Any sum due or payable to the Corporation in respect of the sale or hire of any fittings or the

A.D. 1927. provision of materials and work in connection therewith as are referred to in this section or the fixing altering repairing or removal thereof may (if recovered along with a sum due for a supply of gas) be recoverable summarily provided the amount due or payable under this section does not exceed twenty pounds.

As to construction and placing of pipes &c.

73. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect :—

- (1) The Corporation may if they think fit make a specification or specifications with regard to the minimum size and the material of the pipes (with the fittings thereof) which are to be laid by the owner or occupier of any premises on those premises either in the first instance or on the occasion of any renewal and different specifications may be made for different classes of premises or for particular premises having regard to the probable maximum consumption of gas thereon at any one time but a specification shall have no force or effect until it has been approved by the Board of Trade who before giving such approval shall refer the matter to an independent gas engineer and may if they think fit direct such engineer to hold a public inquiry into any proposed specification and to have regard to any representations made to the Board by any persons who appear to the Board to be affected by the specification and who attend such inquiry :
- (2) (a) The Corporation shall publish once in the London Gazette and once in each of two newspapers circulating within the gas limits a notice of any application made by them to the Board of Trade for approval of any specification together with a copy of the proposed specification and an intimation in a form to be approved by the Board that any person affected by such proposed specification may make representations in writing to the Board within a period to be specified in the notice ;

(b) As soon as practicable after the Board of Trade have approved any specification the Corporation shall comply with any directions given to them by the Board as to the publication or service of copies of the specification as approved or of notice of the giving of such approval;

(c) A copy of every specification approved by the Board of Trade under this section shall be kept for public inspection at the gas office of the Corporation and copies of every such specification shall be purchaseable by any person at the said office at the price of sixpence for each copy :

- (3) When any such pipe or fittings as aforesaid is or are about to be laid or placed notice thereof shall be given to the Corporation accompanied by a description of the size and materials of the proposed pipe or fittings and of the purposes for which the gas to be supplied through the same is intended to be used :
- (4) The Corporation shall as soon as practicable after receiving such notice (after making such inspection if any of the said pipe or fittings and of the premises in which the same is or are proposed to be laid or placed as they may deem necessary) intimate in writing to the person giving the notice their approval or disapproval of the pipe or fittings as complying or not complying with the appropriate specification :
- (5) No such pipe or fittings as aforesaid shall be laid or placed unless or until the same shall have been approved as aforesaid and when any such pipe or fittings has or have been laid or placed notice thereof shall be given to the Corporation and the pipe or fittings shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation or until the pipe or fittings as laid or placed has or have been inspected and approved by the Corporation whichever shall first happen :

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- (6) Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend for the purpose of any such inspection as aforesaid and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the appropriate specification of the Corporation they may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (7) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid between the main and the meter shall be placed as near as practicable to the Corporation's main but within the outside wall of the building and when any such meter has been placed the person placing the same shall give to the Corporation the like notice and the Corporation shall have the like rights of inspection as are respectively referred to in subsections (5) and (6) of this section and if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with :

Provided that in the case of any building in connection with which there is provided outside the building accommodation reasonably approved by the Corporation for the meter or a separate meter house such meter may be placed in such accommodation or meter house instead of within the outside wall of the building :

- (8) The provisions of this section relating to pipes and the fittings thereof shall not apply to any pipes or fittings belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house or premises appurtenant to a dwelling-house) of that company—

(a) elsewhere than between the main of the Corporation and the meter; or

(b) between such main and the meter unless and except so far as such pipes or fittings are covered over or intended to be covered over :

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- (9) For the purposes of this section the expression "fittings" includes only the joints angles and connections used in placing or laying pipes.

74. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Corporation for the purposes of a stand-by only a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation or a supply of electricity unless he shall have agreed to pay to the Corporation such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for the premises for which the stand-by supply is demanded or received and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply of gas where consumer has separate supply.

75.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

Anti-fluctuators to be used with gas engines.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper

A.D. 1927. — order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger by the intermittent consumption of gas by the engine.

Provision
of valve
where high-
pressure air
or other gas
is used.

76.—(1) Every consumer of gas supplied by the Corporation who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Corporation (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Corporation provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the meter service pipe or any main through which gas is supplied by the Corporation and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any consumer at any time after the passing of this Act to commence to use high-pressure air or other gas unless and until he shall have given to the Corporation not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Corporation notice in writing of such use and if within one month after the giving of such notice the Corporation require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement or obligation under this section the Corporation may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction. A.D. 1927.

(5) The Corporation shall give notice of the effect of the foregoing provisions of this section—

(a) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Corporation) on the demand notes for gas charges payable to the Corporation issued next after that date; and

(b) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Corporation) on the first of such demand notes delivered to such person after he shall become a consumer.

(6) The Corporation shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Corporation have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such valve or appliance is provided and fixed where necessary.

(7) The Corporation shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

77. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Corporation is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been Relief from obligation to supply.

A.D. 1927. foreseen) the Corporation notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

- (a) a new supply of gas for the premises of any person demanding such supply at any time after the passing of this Act; or
- (b) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas);

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Corporation :

Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased supply (in this section referred to as "the applicant") shall enter into a written contract with the Corporation—

- (i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Corporation may reasonably require; or
- (ii) to make such payment or payments to the Corporation (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Corporation may reasonably require;

(according as the Corporation may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Corporation in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Corporation may reasonably demand :

Provided also that if any question shall arise under the provisions of this section between the Corporation and the applicant as to the sufficiency of the distribution works of the Corporation or as to whether such new or increased supply would necessitate the laying of a new

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main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Corporation or as to the nature or amount of the security demanded by the Corporation such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Corporation and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding :

Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

- (a) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Corporation may be called upon to supply gas to the applicant;
- (b) the capital expenditure which the Corporation would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and
- (c) how far such capital expenditure may become unproductive to the Corporation in the event of the cesser of the new or increased supply.

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

78. At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the gas office of the Corporation or in writing before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such

Consumers
to give
notice to
Corporation
before
removing.

A.D. 1927. premises whichever shall first occur Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

Notice to discontinue supply of gas.

79. A notice to the Corporation from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the gas office of the Corporation or be given by the consumer personally at the gas office of the Corporation.

As to mode of cutting off supplies.

80.—(1) In any case in which the Corporation are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Corporation without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Corporation) and any person who shall re-connect such service pipe with the meter without the consent of the Corporation shall be deemed to commit an offence within the meaning of section 18 of the Gasworks Clauses Act 1847:

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Corporation subject to the provisions of section 22 of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exercisable under that section.

Expenses of cutting off and re-connecting discontinued supply.

81. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the expenses of cutting off and re-connecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Removal of fittings where gas supply discontinued.

82.—(1) The power to enter premises and remove pipes meters and fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person

entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire all or any of the pipes meters fittings or apparatus belonging to the Corporation.

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(2) Any person having control of the premises which the Corporation are authorised by the Gasworks Clauses Act 1871 or this Act to enter who does not permit such entry shall be liable to a penalty not exceeding five pounds.

(3) Where any premises which the Corporation are entitled to enter in pursuance of the said section 22 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Corporation and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and repairing all damage caused by such entry and shall on quitting the premises leave the same secure.

83. If a person requiring a supply of gas from the Corporation has previously quitted premises at which gas was supplied to him by the Corporation without paying to them all gas charges and meter rent due from him to the Corporation they may refuse to furnish to him a supply of gas until he pays the same.

Power to refuse supply to persons in debt for other premises.

84. In the event of any meter used by a consumer of gas being tested in manner provided by the regulations made by the Board of Trade under the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said regulations such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it is proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Period of error in defective meter.

85. The power to enter premises in order to inspect meters fittings and works for the supply of gas and for the purpose of ascertaining the quantity of gas consumed or supplied conferred upon the Corporation by section 21

Power to enter premises to which a supply of

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gas is laid
on.

of the Gasworks Clauses Act 1871 shall extend to premises in which there is any service pipe connected with the gas mains of the Corporation except where the occupier of the premises shall have applied in writing to the Corporation for the disconnection of the service pipe from the mains of the Corporation :

Provided that nothing contained in this section shall apply to any fittings or works belonging to a railway company and laid or placed or intended to be laid or placed in any premises (not being a dwelling-house) of such company.

Power to
compel
repairs in
case of
danger.

86.—(1) If the Corporation shall at any time serve notice upon any consumer to the effect that an officer or servant of the Corporation has reported after inspection of any internal piping or gas consuming appliance or fitting on such consumer's premises that he is of opinion that any such internal piping or gas consuming appliance or fitting is in such a condition as to be dangerous to the occupiers of the premises such consumer shall forthwith carry out such works as may be necessary to remove the cause of danger. If the consumer shall fail forthwith to carry out such works as aforesaid the Corporation may stop the gas from entering the premises of such consumer by cutting off the service pipe or by such other means as the Corporation shall think fit. Any expenses incurred by the Corporation in cutting off the gas from such premises may be recovered by the Corporation summarily as a civil debt.

(2) For the purposes of this section the Corporation shall subject to the provisions of section 21 of the Gasworks Clauses Act 1871 have and may exercise the like powers of entry as are exercisable under that section.

(3) Nothing in this section shall apply to any internal piping gas consuming appliance or fitting on the premises (not being a dwelling-house) of any railway company nor shall the powers of this section be exercisable in respect of such premises.

Power to
lay pipes
for ancillary
gas pur-
poses.

87.—(1) The Corporation may within the gas limits lay down and repair take up relay or renew mains pipes and culverts for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual

products thereof or for any other purpose connected with the gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as applicable to the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. Provided that no such main pipe or culvert shall be laid down in any street without the consent in writing of the authority or body who may be liable to maintain the same having been first obtained but such consent shall not be unreasonably withheld and any difference arising between the Corporation and such authority shall be determined by arbitration in manner provided by the Arbitration Act 1889.

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(2) In carrying out any works under the powers of this section the Corporation shall not unreasonably obstruct or interfere with the convenient access to any street or road belonging to the Great Western Railway Company.

88. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed between the Corporation and the railway company be in force and have effect in regard to the exercise in relation to the railway company of the powers of the section of this Act of which the marginal note is "Power to lay pipes for ancillary gas purposes" in lieu of the proviso to that section:—

For protection of London Midland and Scottish Railway Company.

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or culverts of the Corporation upon across over under or in any way affecting the railways streets bridges or approaches of the railway company the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company and except in cases of emergency according to plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Corporation. Provided that if the said engineer shall not

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express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof :

- (2) The Corporation shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation and all the works matters and things aforesaid shall be constructed executed and done so as not to cause any injury to the railways bridges level crossings or approaches of the railway company or interruption to the passage or conduct of traffic over such railways :
- (3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or culverts the Corporation shall make compensation in respect thereof to the railway company :
- (4) Any difference which may arise between the railway company and the Corporation under this section shall be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

Application
of section 13
of Gasworks
Clauses Act
1847.

89. Section 13 of the Gasworks Clauses Act 1847 in its application to the Corporation shall be read and have effect as if the words "or any premises" were inserted after the words "private building" and as if the words "Provided also that every such contract entered into by the Corporation shall be alike in terms and amount to all consumers of gas supplied in like circumstances and for the same purposes" were added at the end of that section.

Provision of
gas meter
testing
station.

90.—(1) Notwithstanding anything contained in the Sale of Gas Act 1859 or the Sale of Gas Act 1860 the justices of the peace in and for the borough may

at any time after the passing of this Act by resolution A.D. 1927.
adopt the said Acts of 1859 and 1860. —

(2) The said justices may from time to time delegate any of their powers and duties under the said Acts or either of them (except the appointment or dismissal of an inspector or inspectors of gas meters) to a committee of their own body.

91. The Corporation may purchase or take on lease houses cottages and other buildings for persons employed by them in connection with the gas undertaking and may erect fit up maintain and let any such buildings upon any lands for the time being belonging or leased to the Corporation for the purposes of the gas undertaking. Dwelling-houses for Corporation's employees.

92. The Corporation may in connection with and for the purposes of the gas undertaking provide fit up and maintain showrooms and offices and exhibit specimen installations machinery fittings and other apparatus appliances articles and things used in connection with the manufacture and consumption of gas and resulting from the manufacture of gas and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purposes aforesaid and may by public advertisement or otherwise publish and make known any matters connected with or affecting the sale of gas and may do all such other acts as they may deem expedient to assist develop or promote the use of gas. Offices and show-rooms.

93. The provisions of section 59 of the Act of 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the gas undertaking. Service of gas demand notes.

94. The Corporation may (but not so as to acquire any exclusive right therein) contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein. Power to take licences for use of patents.

A.D. 1927.

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Corporation
may con-
tract for
supply and
purchase of
gas in bulk.

95. The Corporation may contract with any local authority company or persons for the supply by the Corporation to them or for the supply to the Corporation by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits :

Provided that the Corporation shall not supply gas under any such contract beyond the gas limits if and so long as such supply would interfere with the supply of gas within those limits.

PART IV.

LANDS.

Further
powers for
acquisition
of land.

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

(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 borough fund and borough rate.

Retention
and disposal
of lands.

97.—(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 purposes 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 con-

sideration 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 from time to time in force in the borough 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 :

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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 appropriation sale lease 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.

98.—(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

Proceeds of
sale of sur-
plus lands.

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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 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) Subject as aforesaid 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.

PART V.

FINANCE.

Power to borrow and repayment of borrowed moneys.

99.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table the sums requisite for such purposes respectively and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the second column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say):—

Purpose.	Period for repayment.
(i) For paying the costs charges and expenses of this Act as hereinafter defined.	Five years from the passing of this Act.
(ii) For paying any capital sum to the county council or to any other authority under or in pursuance of this Act.	Forty-five years from the date or dates of borrowing.

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Purpose.	Period for repayment.
(iii) For paying any capital sum under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."	Twenty years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Minister borrow such further moneys as may be necessary—

(a) for any purpose of the gas undertaking including the provision of funds for working capital; and

(b) for any other of the purposes of this Act;

and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister and all moneys so borrowed shall be chargeable on the revenues of the Corporation.

100. The following provisions of the Act of 1901 shall so far as applicable extend and apply to and in respect of moneys borrowed by the Corporation under this Act as if they were re-enacted herein (that is to say):—

Incorporation &c. of certain financial provisions.

Section 140 (Mode of raising money);

Section 142 (Mode of paying off of money borrowed);

Section 143 (Sinking fund);

Section 146 (Corporation not to regard trusts);

Section 147 (Appointment of receiver); and

Section 154 (Application of money borrowed):

Provided that the periods for repayment referred to in the section of this Act whereof the marginal note is "Power to borrow and repayment of borrowed moneys" shall be deemed to be "the prescribed periods" for the purposes of the application of the said section 143 and the said section shall be read and have effect as if the Minister were referred to therein in lieu of the Local Government Board:

Provided also that for all purposes the said section 142 shall be read and have effect as if the words "or

A.D. 1927. — “when the money is repaid by half-yearly instalments “within six months” were inserted therein after the words “one year” and the said section 147. shall be read and have effect as if the words “one thousand pounds” were inserted therein in lieu of the words “five hundred pounds.”

Alteration
of rate basis
for sinking
fund calcu-
lations of
Corporation.

101. Notwithstanding anything contained in any Act of Parliament or Order the rate of accumulation of the annual payments to any sinking fund being an accumulating sinking fund which the Corporation are required by such Act or Order to set aside for repayment of borrowed moneys may be reckoned at a rate not exceeding three and a half per centum or such higher rate as the Minister of Health may from time to time approve.

Power to
use one
form of
mortgage
for all
purposes.

102.—(1) Notwithstanding anything contained in any other Act relating to the Corporation 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 corporate seal of the Corporation and may be made in the form contained in the Third 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) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) 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.

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—

(6) 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.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within one month 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 fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his 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 Third Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) 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.

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—

(10) 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 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.

(11) 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.

Power to
re-borrow.

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

(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

(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.

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104.—(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.

Returns as
to sinking
fund.

(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 treasurer 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 appear 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 the Act in pursuance of which the moneys are raised 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 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.

105. Section 149 (Scheme for fixing equated periods) of the Act of 1901 shall be read and have effect as if the

As to
schemes

A.D. 1927. following subsections were added thereto (that is to say):—

—
for fixing
equated
periods.

“(4) The loans referred to collectively in any scheme
“ under general headings in accordance with a
“ classification approved by the Minister of
“ Health 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 of Health separate consolida-
“ tions may be made of all or any of the loans
“ included under such general headings :

“(5) The Corporation may with the sanction of the
“ Minister of Health and on the security of
“ the revenues of the Corporation 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 of Health may sanction.”

Consoli-
dated loans
fund.

106.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or any Order as from the thirty-first day of March one thousand nine hundred and twenty-eight or as from any succeeding thirty-first day of March 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 issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of duly authorised borrowing powers;
- (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; and

- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers: A.D. 1927.

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except of such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the thirty-first day of March as from which the consolidated loans fund shall be established.

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

- (a) in the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; or
- (b) in the redemption of 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:

And any moneys of the consolidated loans fund pending use or application as aforesaid may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund.

(3) 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.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of 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.

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Investment
of and
payments
into sinking
fund.

107. 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 sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and accumulations thereof 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 (that is to say) :—

- (1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities :
- (2) The said yearly sums and accumulations shall be paid and provided out of the borough fund and borough rate and any interest dividends and annual proceeds arising from the investment thereof or of any moneys standing to the credit of any sinking or loans fund as aforesaid at or after the passing of this Act shall be paid into and form part of the borough fund.

Power to
invest
certain
funds in
statutory
securities.

108. When under the provisions 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 reserve or renewals fund they may (in addition to any other powers for the time being vested in them) invest the moneys forming part of such reserve or renewals fund and the interest on the investments of such moneys in statutory securities.

Use of
moneys
forming
part of
sinking and
other funds.

109. Notwithstanding anything contained in this or any other Act the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve insurance or superannuation 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 period by the methods and out

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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 :
- (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.

110. If any moneys are 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.

111. 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 securities to

Evidence of transfer or transmission of securities.

A.D. 1927. 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 or registrar of stock of the Corporation 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.

Interest on securities held jointly.

112. Where more persons than one are registered as joint holders of any security 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.

Protection of lender from inquiry.

113. A person lending any moneys to the Corporation shall not be bound or entitled to inquire as to the observance by the Corporation of any provisions of this Act or any other Act or Acts or any Order or Orders confirmed by or having the effect of an Act of Parliament or of the conditions attaching to the statutory borrowing power under which the money is borrowed 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.

As to section 234 of Public Health Act 1875.

114. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Corporation may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Corporation under the Public Health Act 1875 and the sanitary Acts as defined by that Act shall be deducted from the total debt of the Corporation under those Acts.

Period of repayment of loans under Municipal Corporations Act 1882.

115. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister shall in each case prescribe.

Audit of accounts of

116.—(1) The Corporation may from time to time appoint and pay one or more members of the Institute

of Chartered Accountants or of the Society of Incorporated Accountants and Auditors 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."

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—
Corporation
by 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.

117. As from the appointed day the following enactments are hereby repealed (namely):—

Repeal of
certain
provisions
relating to
accounts
and
revenues.

The Act of 1876—

Section 29 (Insufficiency of revenue to be made good out of rates);

Section 30 (Application of moneys borrowed);

Section 33 (Gas account).

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The Act of 1901—

Section 151. (Application of revenue of tramway undertaking and deficiency of receipts);

Section 152. (Separate accounts to be kept and audited).

The Order of 1922—

Section 13. (Application of revenue and deficiency of receipts in respect of gas undertaking).

Revenue and expenses of trading undertakings.

118. As from the appointed day all money received by the Corporation on account of the revenue of the following undertakings (namely):—

- (1) the gas undertaking;
- (2) the markets undertaking; and
- (3) the tramway undertaking;

shall be carried to and shall form part of the borough fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

Separate accounts in respect of trading undertakings.

119.—(1) As from the appointed day the Corporation shall keep their accounts so as to distinguish capital from revenue and as regards the revenue accounts to show under a separate heading or division in respect of each of the following undertakings (that is to say) the gas undertaking the markets undertaking and the tramway undertaking (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking including the interest on any reserve fund authorised in connection therewith when that fund amounts to the prescribed maximum and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

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(d) All other expenses (if any) of the undertaking properly chargeable to revenue;

(e) The amount (if any) paid to a reserve fund which the Corporation are authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as may be reasonably practicable apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

120.—(1) As from the appointed day one thousand nine hundred and twenty-eight the Corporation may (if they think fit) provide a reserve fund in respect of the gas undertaking the markets undertaking and the tramway undertaking (each of which is in this section separately referred to as “the undertaking”) by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation (not exceeding a sum equal in the case of the gas undertaking to one-fifth of the aggregate capital expended for the time being by the Corporation upon that undertaking) which fund shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking or for payment of the cost of renewing any part of the works forming part thereof or for any extension or improvement of the said works or otherwise for the benefit of the undertaking and so that if that fund be

Reserve funds for trading undertakings.

A.D. 1927. — at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(2) The Corporation may resort to any such fund for the above purposes notwithstanding that the same may not at any time amount to the limit (if any) hereinbefore prescribed and may use any moneys for the time being standing to the credit of any such fund as working capital of the undertaking and in such event they shall credit such fund from revenue account under the heading of the undertaking with interest at the rate of three pounds ten shillings per centum per annum during the period of use on so much of the fund as shall be so utilised.

(3) Any reserve fund which has been formed for the purposes of the undertaking and which is in existence at the said date shall be deemed to have been formed under this section.

As to
mortgage of
revenues of
Corporation.

121.—(1) Any reference in any mortgage or charge granted by the Corporation to the revenue of any undertaking of the Corporation shall be deemed to be a reference to the revenues of the Corporation.

(2) In order to secure the repayment of any money hereafter borrowed by the Corporation under any statutory borrowing power and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

Fire insur-
ance fund.

122.—(1) The Corporation may if they think fit establish a fund to be called the "fire insurance fund" with a view to providing a sum of money which in the event of a fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good loss or damage by or in consequence of fire to any buildings works and property belonging or on loan to or under the care custody or control of the Corporation.

(2) The establishment of a fire insurance fund under this section shall not prevent the Corporation from insuring any of such buildings works and property as aforesaid against loss or damage by fire in any public insurance office in England.

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—

(3) In each year after the establishment of the fire insurance fund the Corporation shall pay into that fund either—

- (a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured such buildings works and property as aforesaid against loss or damage by fire in some public insurance office in England; or
- (b) if the Corporation partly insure such buildings works and property against loss or damage by fire in a public insurance office as aforesaid such sum as will together with the premiums paid for the last-mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the fire insurance fund shall amount to the sum of one hundred and fifty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below one hundred and fifty thousand pounds the Corporation shall re-commence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of one hundred and fifty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands buildings works property and undertakings or from the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents or revenues specially chargeable then by contributions from the borough fund and borough rate.

(6) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses by or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall be invested in statutory securities and the interest and annual proceeds arising from those securities shall be so invested and accumulated until the fund amounts to one hundred and fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual

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proceeds of the securities shall be carried to the credit of the funds and rates out of which any such yearly payments are or would be payable and in such proportions as the Corporation may deem just.

(7) If at any time and from time to time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Corporation by or in consequence of fire the Corporation may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency.

Accident
fund.

123.—(1) The Corporation may if they think fit form a fund to be called the "accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident whether to their officers servants and workmen or third parties occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sum shall be invested at compound interest in or upon any statutory security but when the fund shall amount to the sum of five thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payments until the fund be restored to the sum of five thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the sum shall not then have reached or shall have been reduced below the said sum of five thousand pounds.

(2) For the purposes of this section the expressions "officers" and "servants" shall include any teacher employed in the education or supervision of children who attend any public elementary school in the borough whether provided by the Corporation as the local education authority or not so provided.

124.—(1) The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

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—
Power to
subscribe to
associations
&c.

(a) reasonable subscriptions (whether annual 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 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.

(2) The provisions of section 131 of the Public Health Act 1875 shall extend so as to enable the Corporation to subscribe to any convalescent home or nursing institution or association such sum or sums as they may from time to time think fit (which sums together with any expenditure of the Corporation under section 64 of the Public Health Act 1925 shall not exceed in any year the amount which would be produced by the levying of a borough rate of one penny in the pound) and to charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

125. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the tramway undertaking.

Accounts to
be furnished
to Minister
of Trans-
port.

126. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with

Expenses of
execution of
Act.

A.D. 1927. — respect to which no other provision is made shall be defrayed out of the borough fund and borough rate.

Repeal of certain other financial provisions.

127. The following enactments and so much of any enactments as incorporate or apply the same are hereby repealed (namely):—

The Act of 1876—

Section 26 (Protection of lenders from inquiry).

The Order of 1893—

Sub-divisions (2) and (3) of Article I relating to amendment of Acts;

Article VII relating to re-borrowing;

Article VIII relating to returns to Local Government Board.

The Act of 1901—

Section 145 (Protection of lender from inquiry);

Section 148 (Power to re-borrow);

Section 150 (Return respecting sinking fund to Local Government Board);

Section 153 (Appointment of auditors).

The Order of 1922—

Section 7 (Protection of lender from inquiry);

Section 10 (Power to re-borrow); and

Section 11 (Return as to repayment of debt).

PART VI.

MISCELLANEOUS.

Power to require silencers for internal combustion engines.

128.—(1) Every consumer of gas whether supplied by the Corporation or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use effective means to silence the exhaust gases of such engine and shall at all times at his own expense keep the same in proper repair and in default of his so providing using or keeping the same in proper repair the Corporation may if gas is supplied by them cease to supply gas to such consumer. The Corporation shall have access to and be at liberty to inspect and test at all reasonable

times any means of silencing so provided such inspecting and testing to be done at the expense of the Corporation if the means of silencing be found in proper order but otherwise at the expense of the consumer or other person aforesaid Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company and used by them for the purposes of their undertaking.

A.D. 1927.

(2) Any person neglecting to carry out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

129. 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.

Service of
summons on
members of
council.

130. Save as otherwise expressly provided all offences against this Act and all fines forfeitures penalties costs and expenses imposed or recoverable thereunder may be prosecuted and recovered in a summary manner Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
penalties
&c.

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

Recovery of
demands.

132. Where the payment of more than one sum by any person is due under any enactment from time to time in force within the borough any summons or warrant issued for the purposes of any such enactment in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Summons or
warrant
may contain
several
sums.

133.—(1) Where any notice or demand under any local enactment byelaw or regulation from time to time in force within the borough requires authentication

Authenti-
cation of
notices and

A.D. 1927.
—
other
documents.

by the Corporation the signature of any duly authorised officer of the Corporation or of the town clerk shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under any such enactment byelaw or regulation 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.

Judges &c.
not dis-
qualified.

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

Inquiries by
Minister.

135.—(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 said inspectors shall for the purposes of any such inquiry have all such powers as inspectors of the Minister have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister any expenses incurred by him in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum (not exceeding five guineas a day) to be fixed by the Minister for the services of such inspector.

Application
of section 265
of Public
Health Act
1875.

136. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any enactment from time to time in force within the borough.

Powers
of Act
cumulative.

137. 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 the commission of the same offence. A.D. 1927.

138. The following provisions of the Act of 1901 are hereby repealed (namely):— Repeal.

Section 40 (Corporation may define future line of streets);

Section 43 (Prevention and removal of projections over streets);

Section 48 (For preventing soil and sand from being washed into streets);

Section 54 (Trees or shrubs overhanging streets);

Section 61 (Power to lay gas pipes in streets not dedicated to public use);

Section 67 (Reconstruction of drains to require approval of borough surveyor);

Paragraphs (a) and (b) of section 91 (For regulating manufacture and sale of ice creams &c.).

Section 121 (Protection of local authority);

Section 128 (Authentication and service of notices &c.); and

Section 131 (Judges not disqualified).

139. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained 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 or out of money to be borrowed under this Act for that purpose. Costs of Act.

A.D. 1927.

The SCHEDULES referred to in the
foregoing Act.

THE FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and Chapter.	Short Title.
39 & 40 Vict. c. clxxi. -	The Smethwick Local Board (Gas) Act 1876.
1 Edw. 7. c. ccxlv. -	The Smethwick Corporation Act 1901.
13 & 14 Geo. 5. c. xv. -	The Smethwick Corporation (Gas) Act 1923.

PART II.—CONFIRMATION ACTS AND PROVISIONAL AND OTHER ORDERS.

Session and Chapter.	Confirmation Act.	Order.
56 & 57 Vict. c. cxvii.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1893.	The Order relating to Smethwick dated 24th April 1893.
6 Edw. 7. c. cv.	Local Government Board's Provisional Order Confirmation (No. 6) Act 1906.	The county borough of Smethwick Order 1906.
8 & 9 Geo. 5. -	—	The Smethwick Corporation Gas (Standard of Calorific Power) Order 1918.
13 Geo. 5. -	—	The Smethwick Corporation Gas Order 1922.

THE SECOND SCHEDULE.

A.D. 1927.

**WARDS FOR THE ELECTION OF COUNCILLORS OF THE
BOROUGH.**

No. of Ward.	Name of Ward.
1 - - -	Spon Lane.
2 - - -	Sandwell.
3 - - -	Victoria.
4 - - -	Soho.
5 - - -	Uplands.
6 - - -	Bearwood.
7 - - -	Cape.
8 - - -	Warley Woods.

THE THIRD SCHEDULE.**FORM OF MORTGAGE.****COUNTY BOROUGH OF SMETHWICK.**

By virtue of the Smethwick Corporation Act 1927 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Smethwick (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 borough 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 (which expression 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) 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 one thousand nine hundred and until payment of the principal sum such interest to be paid half-yearly

A.D. 1927. 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 council house in the said borough [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____]
 [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 upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the mayor or the town clerk of the borough 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 _____ one thousand nine hundred and _____

Town Clerk.

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 _____ one thousand nine hundred and _____ [and the interest to be paid thereon on and from the _____ day of _____ one thousand nine hundred and _____ is hereby declared to be at the rate of _____ per centum per annum].

Dated this _____ day of _____ one thousand nine 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] A.D. 1927.
 [the mortgage number _____ of the revenues of the
 mayor aldermen and burgesses of the county borough of Smeth-
 wick 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 adminis-
 trators and assigns do hereby agree to take the said mortgage
 security subject to the same conditions.

Dated this _____ day of _____ one thousand
 nine hundred and _____

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