



CHAPTER lxxxii.

An Act to empower the lord mayor aldermen and citizens of the city of Birmingham to construct tramways and street improvements and to make further provision in regard to their tramway gas and electricity undertakings and for other purposes. A.D. 1912.
[7th August 1912.]

WHEREAS the lord mayor aldermen and citizens of the city of Birmingham (in this Act called "the Corporation") are the owners of tramways within the city and powers in regard to such tramways are conferred upon the Corporation by the Birmingham Corporation Act 1903 the Birmingham Corporation Act 1905 the Birmingham Corporation Act 1907 and the Birmingham (Extension) Order 1911 which was confirmed by the Local Government Board's Provisional Order (1910) Confirmation (No. 13) Act 1911 and which is in this Act called "the Order of 1911":

And whereas it is expedient to empower the Corporation to construct the additional tramways and the street improvements described or referred to in this Act and to confer upon them further powers in regard to their tramway undertaking:

And whereas the tramways authorised by this Act will be situate wholly in the city except part of so much of Tramway No. 2 as will be constructed in the road forming the boundary between the city and the borough of Smethwick:

And whereas in pursuance of the Birmingham Corporation (Consolidation) Act 1883 and of the Acts amending the same the Corporation are supplying gas in the city and in the neighbourhood thereof and it is expedient to empower them to acquire the land referred to in this Act and to erect gasworks thereon:

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And whereas in pursuance of the Birmingham Electric Light and Power Order 1894 (which was confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1894) the Birmingham Corporation Act 1899 the Birmingham Corporation Act 1903 and the Order of 1911 the Corporation are supplying electrical energy in the city and it is expedient to empower them to acquire the land referred to in this Act and to erect an electrical generating station thereon:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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

And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows:—

| | £ |
|---|---------|
| (A) For and in connexion with the construction of the tramways authorised by this Act - | 96,000 |
| (B) For and in connexion with the electrical equipment of the tramways authorised by this Act - - - - - | 9,000 |
| (C) For rolling stock - - - - - | 16,000 |
| (D) For and in connexion with the purchase of lands for and the execution of the street improvements authorised by this Act - | 47,000 |
| (E) For and in connexion with the purchase of lands for and the erection of the electrical generating station authorised by this Act- | 132,500 |
| (F) For and in connexion with the provision erection and construction of machinery engines works matters or things in the said generating station and the equipment of that station - - - - - | 156,000 |
| (G) For and in connexion with the extension and development of existing and the provision of new transforming sub-stations and the equipment thereof and the provision and laying down of mains connecting the Corporation's generating stations and the provision and laying down of further mains and electric lines and for other purposes of the electricity undertaking of the Corporation - - - - - | 211,500 |

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas by the Birmingham Corporation (Consolidation) Act 1883 it is enacted to the effect (section 288) that no application shall be made to Parliament by the Corporation for further powers or for power to raise further sums of money for the purposes of that Act or for the purposes of any further or other Act until the Corporation shall by notice given in two consecutive weeks in at least two of the newspapers published in the city have called a public meeting of the ratepayers of the city at which meeting the Corporation shall cause to be stated the object of the intended application to Parliament or unless at such meeting the Corporation shall be authorised by a majority of the ratepayers present at such meeting to make such application Provided that the mayor of the city shall be the chairman of such meeting and the voting at such meeting shall be according to the principle established by the Vestries Act 1818 and the Vestries Act 1819. Provided also that if a poll shall be demanded at the said meeting in respect of any question it shall be open to all the ratepayers within the city during a period of three days next following the holding of such meeting to signify their votes in writing in respect of such question and the same shall be decided by the majority of votes so signified and the principle of voting shall be in accordance with the principle to be adopted at the meeting under the provisions in the said section contained :

And whereas under the last recited enactment the Corporation caused to be held a meeting of the ratepayers of the city on the ninth day of December nineteen hundred and eleven and at that meeting a resolution was duly passed authorising the council to make an application to Parliament for this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the county of Warwick the county of Stafford and the city of Birmingham respectively and are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

A.D. 1912. 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 for all purposes as the Birmingham Corporation Act 1912.

Incorporation of Acts. 2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely:—

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

(2) Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 except section 43 (Future purchase of undertaking by local authority):

Provided that the said section 19 shall be read and have effect as if the words “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages” were omitted from that section.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The Corporation” means the lord mayor aldermen and citizens of the city of Birmingham;

“The city” means the city of Birmingham;

“The Act of 1883” “the Act of 1903” “the Act of 1905” and “the Order of 1911” mean respectively the Birmingham Corporation (Consolidation) Act 1883 the Birmingham Corporation Act 1903 the Birmingham Corporation Act 1905 and the Birmingham (Extension)

Order 1911 (confirmed by the Local Government Board's Provisional Order (1910) Confirmation (No. 13) Act 1911); A.D. 1912.

“The tribunal” means the jury arbitrators umpire or other party to whom any question of disputed compensation under this Act is referred.

4. Section 8 (Power to appoint committees) and section 9 (Proceedings of committees) of the Act of 1883 are incorporated with this Act and shall extend and apply to the powers and duties conferred upon the Corporation by this Act. Incorporation of sections 8 and 9 of Act of 1883 as to committees.

PART II.

TRAMWAYS.

5.—(1) Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turn-outs crossings passing-places. posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith. Power to make tramways.

(2) The tramways herein-before referred to and authorised by this Act are—

Tramway No. 1—(Double line 4 furlongs and 6·75 chains or thereabouts in length) commencing in Islington Row by a junction with the existing tramway at a point 1·61 chains south-east of Broad Street and terminating in Hagley Road at a point 0·73 chain east of Monument Road:

Tramway No. 2—(Double line 1 mile 4 furlongs and 7·82 chains or thereabouts in length) situate in Hagley Road commencing by a junction with Tramway No. 1 at its termination and terminating at a point 0·27 chain north-east of Lordswood Road:

Tramway No. 10—(Double line 1 mile 1 furlong and 8·25 chains or thereabouts in length) situate in Stratford Road commencing by a junction with the existing tramway at a point 0·46 chain north-west of Knowle Road and terminating at a point 0·44 chain north-west of Church Road:

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Tramway No. 11—(2 miles 1 furlong and 7·37 chains or thereabouts in length, whereof 2 miles and 4·64 chains will be double line and 1 furlong 2·73 chains will be single line) commencing in Stratford Road by a junction with the existing tramway at a point 0·78 chain north-west of Warwick Road and terminating in the road on the south-west side of the area known as "The Green" at a point 0·23 chain north-west of Shirley Road:

Tramway No. 14—(Double line 5 furlongs and 0·88 chain or thereabouts in length) situate in Washwood Heath Road commencing by a junction with the existing tramway at a point 0·43 chain north-west of Sladefield Road and terminating at a point 1·95 chains west of Bromford Lane:

Tramway No. 15—(Single line 4 furlongs and 6·25 chains or thereabouts in length) commencing in Colmore Row by a junction with the existing tramway at a point 0·90 chain north-east of Livery Street and terminating in Great Hampton Street at its intersection with Kenyon Street:

Tramway No. 16—(Single line 1·35 chains or thereabouts in length) commencing in Colmore Row by a junction with the existing tramway at a point 0·87 chain south-west of Livery Street and terminating in Livery Street by a junction with Tramway No. 15 at a point 0·68 chain north-west of Colmore Row.

(3) Provided that so much of the said tramways as is proposed to be constructed in the part of a road the widening of which is authorised by this Act shall not be completed until such part has been widened.

For protection of Great Western Railway Company.

6. For the protection of the Great Western Railway Company (in this section herein-after referred to as "the Great Western Company") the following provisions shall unless otherwise agreed between the Corporation and the Great Western Company apply and have effect (that is to say):—

(1) If the Great Western Company shall reasonably incur any additional expense in lengthening the bridges carrying Stratford Road and Warwick Road respectively over their railway for the purpose of widening the railway by reason of the acquisition by the Corporation under the powers of this Act of the

lands of the Great Western Company adjoining their railway such additional expense shall be borne by the Corporation : A.D. 1912.

(2) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways authorised by this Act and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus :

(3) All works in connexion with the tramways authorised by this Act where the same shall be made upon or will otherwise affect the bridges and other works of the Great Western Company shall be executed so as to interfere as little as possible with the structure of such bridges or other works and according to plans sections and specifications to be previously submitted to and approved by the Great Western Company or in case of difference between them and the Corporation by an arbitrator to be appointed as herein-after provided All such works shall be executed and thereafter maintained according to the plans sections and specifications so approved and under the superintendence and to the reasonable satisfaction of the Great Western Company The Corporation shall so construct maintain and use the said tramways works and apparatus as not to injuriously affect such bridges and in the event of any injury being occasioned to such bridges by the construction maintenance or user of such tramways works and apparatus the Great Western Company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :

(4) From and after the completion of so much of any tramway authorised by this Act as may be constructed on the portion of any street or road repairable by the Great Western Company the surface of such portion of street or road (but not the bridges or works carrying the same) shall be repaired by and at the expense of the Corporation :

(5) The Corporation shall pay to the Great Western Company the reasonable expense of lighting and

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watching the works of the Great Western Company with reference to and during the execution or repair by the Corporation under this Act of any work or apparatus affecting any bridge railway or other work belonging to the Great Western Company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise :

- (6) The Corporation shall not in any manner in the execution maintenance user or repair of any of their works or apparatus authorised by this Act obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Great Western Company or any traffic thereon :
- (7) The Corporation shall be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to the Great Western Company or any of their works or to any company or person using their railway by or by reason of the execution or failure of any of the intended works authorised by this Act or apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for such intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (8) Whenever and so often as the Great Western Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridges over or under their railway or any other works or to widen or alter their railways thereunder and it shall be necessary for effecting any such purposes that the working and user of the tramways authorised by this Act over such bridges should be wholly or partially stopped or delayed or that such tramways should be temporarily diverted or wholly or in part taken up or removed the Great Western Company shall (except in cases of

emergency when they shall give the longest notice practicable) give to the Corporation one month's notice in writing requiring such stoppage delay or diversion taking up or removal and the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as shall be absolutely necessary for effecting such purpose and without their being liable for any compensation claims and demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto:

- (9) The Corporation shall from time to time pay to the Great Western Company any additional expense which the Great Western Company may reasonably incur in effecting such lifting widening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge or other work of the Great Western Company by reason of the existence or user of the tramways apparatus or equipment authorised by this Act:
- (10) The Corporation shall not under the powers of this Act make attachments to any part of the said bridges or to any other structure or work of the Great Western Company without the consent in writing of the principal engineer of the Great Western Company which shall not be unreasonably withheld such attachments if allowed to be in all respects subject to the reasonable approval of the said engineer and to be temporarily removed at any time when reasonably required by him in connexion with the maintenance reconstruction or alteration of the said bridges structures or works:
- (11) If having regard to the proposed position of any works of the Corporation by this Act authorised when considered in relation to the position of the works of the Great Western Company at any point where the tramways will be constructed over the railway or other works of the Great Western

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Company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Great Western Company shall be altered the Great Western Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation:

(12) If and when the Great Western Company shall require to widen reconstruct alter repair or paint any bridge or other work authorised by this Act under over or adjoining which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge or work at such time as shall be reasonably required by the engineer of the Great Western Company unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer:

13) Notwithstanding anything contained in this Act the Corporation shall not without the consent in writing of the Great Western Company under the hand of their secretary erect any shelter or waiting-room in front of or in close proximity to the entrances to the stations and premises of the Great Western Company which adjoin the tramways authorised by this Act so as to impede or interfere with the traffic to and from such stations and premises of the Great Western Company or on the bridges carrying the said tramways over the railway of the Great Western Company:

(14) Subject to the approval of the Board of Trade the Corporation shall provide and maintain in positions to be reasonably approved by the Great Western Company stopping places at which cars shall when necessary stop for a sufficient length of time to permit of passengers entering or leaving the same as follows:—

(A) In connexion with Tramway No. 10 adjoining the entrance to Hall Green Station;

(B) In connexion with Tramway No. 11 adjoining the entrance to Tyseley Station; A.D. 1912.

(c) In connexion with Tramway No. 15 adjoining Great Charles Street:

(15) Subject to the approval of the Board of Trade all stopping places for cars on the tramways authorised by this Act in Snow Hill Colmore Row and Livery Street shall be at points to be agreed between the company and the Corporation or failing such agreement to be settled by an arbitrator as herein-after provided:

(16) If any difference arises under this section between the Corporation and the Great Western Company the same shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and subject as afore-said in accordance with the provisions of the Arbitration Act 1889.

7. In constructing and maintaining the Tramway No. 2 hereby authorised and any works connected therewith and in constructing and maintaining any works for the purpose of working the said tramway where the same is intended to cross the bridge carrying the Hagley Road over the Harborne Railway the following provisions shall have full force and effect:—

For protection of London and North Western and Harborne Railway Companies.

(1) Before commencing any works which may affect the structure of the said bridge the Corporation shall give fourteen days' notice in writing to the London and North Western Railway Company (herein-after referred to as "the North Western Company") of their intention to execute such works and such notice shall be accompanied by plans sections and specifications showing the nature and extent of the intended works and the said works shall be constructed and carried on in conformity only with such plans and sections and to the reasonable satisfaction of the engineer of the North Western Company:

(2) The Corporation shall not in any way vary alter or interfere with the structure of the said bridge and

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in the construction and maintenance of the said tramway and works the Corporation shall not injuriously affect the said structure:

- (3) In the event of any injury being caused to the said bridge by the construction maintenance repairing user or removal of the said tramway and works the North Western Company or the Harborne Railway Company (herein-after called "the Harborne Company") may after giving to the Corporation reasonable notice in writing at the expense of the Corporation restore the said bridge or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Corporation shall indemnify the North Western Company or the Harborne Company against all sums costs and expenses which they or either of them may reasonably pay or be put to in repairing or maintaining so much of the road over the said bridge as the Corporation are liable to maintain and repair under section 28 of the Tramways Act 1870:
- (4) Whenever and so often as the North Western Company or the Harborne Company shall require to widen lengthen strengthen reconstruct alter or repair the said bridge over their railway or to widen or alter their railway thereunder and it shall be necessary for effecting any of such purposes that the working and user of the said tramway over the said bridge shall be wholly or partially stopped or delayed or that the tramway should be temporarily diverted or wholly or in part taken up or removed the North Western Company or the Harborne Company shall except in case of emergency (when they shall give the longest notice practicable) give to the Corporation one month's notice in writing requiring such stoppage delay or diversion taking up or removal and the working and user of the tramway shall be stopped or delayed or such tramway shall be diverted or taken up or removed accordingly at the expense of the Corporation and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as shall be

absolutely necessary for effecting such purpose and without the North Western Company or the Harborne Company being liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto : A.D. 1912.

- (5) In case any such strengthening reconstruction or alteration is rendered necessary by reason of the construction of the said tramway the North Western Company or the Harborne Company shall before effecting the same give to the Corporation fourteen clear days' notice and such strengthening reconstruction or alteration shall be effected in all things at the expense of the Corporation who shall also pay to the North Western Company or the Harborne Company any additional expense which they may incur or be put to in effecting any such strengthening reconstruction or alteration or any widening lengthening or repairing or in the maintenance of the said bridge by reason of the existence of the said tramway or any of the works connected therewith :
- (6) All works which may be necessary in constructing and maintaining the said tramway or for working the tramway over the said bridge shall be constructed and maintained in all things at the expense of the Corporation and to the reasonable satisfaction of the principal engineer of the North Western Company :
- (7) During the construction of the said tramway and works the Corporation shall bear and on demand pay to the North Western Company or the Harborne Company all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by either the North Western Company or the Harborne Company for watching their railways and works with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Corporation or their contractors or any person or persons in the employment of the Corporation or their contractors with reference thereto or otherwise :

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(8) No stays posts wires or other apparatus shall without the previous consent in writing of the North Western Company which shall not be unreasonably withheld be attached to the said bridge or other work of the said companies :

(9) If having regard to the proposed position of any works by this Act authorised when considered in relation to the works of the railway it becomes advisable in order to avoid danger from the wires of the Corporation breaking or falling that the electric telegraphic telephonic or signal wires or apparatus of the railway should be altered the North Western Company or the Harborne Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation :

(10) If the access to Hagley Road Station is affected during and by the construction of the said tramway the Corporation shall provide such temporary means of access to such station as the North Western Company may reasonably require :

(11) The Corporation and the said companies may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed :

(12) If any difference shall arise between the Corporation and the North Western Company or the Harborne Company or their respective engineers as to the meaning of this section or as to any plans sections and specifications herein-before provided for or the method of executing the same or as to any expenses referred to in this section such difference shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the North Western Company or the Harborne Company as the case may be or failing agreement to be appointed by the Board of Trade on the application of either of the parties and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Works to form part of tramway undertaking

8.—(1) The tramways and works authorised by this Part of this Act shall for all purposes form part of the tramway undertaking of the Corporation and the provisions of Part III.

(Tramways) of the Act of 1903 (except sections 40 42 43 and 44 thereof) and of the enactments incorporated with that Act and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramways and works as if they were authorised by the Act of 1903. A.D. 1912.
of Corpora-
tion.

(2) Provided that no post or other apparatus shall be erected on any carriageway in connexion with the tramways authorised by this Act except with the consent of the Board of Trade.

(3) Provided also that the powers of subsection (1) of section 16 (Power to make additional cross-overs and to double tramway lines) of the Act of 1903 except the powers thereof relating to cross-overs and the powers of section 17 (Junction with tramways outside city) of that Act shall not be exercised with reference to the tramways authorised by this Act without the consent of the Board of Trade.

9. The tramways authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers granted by this Act to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for
completion
of tramways.

10. The restrictions contained in the Act of 1903 as to fares for passengers shall not extend to any special carriages run upon the tramways of the Corporation or to any special service of carriages on extraordinary occasions and in respect thereof the Corporation may demand and take such fares as they shall think fit but such restrictions shall apply only to the ordinary carriages or service of carriages appointed from time to time for the conveyance of passengers on the tramways of the Corporation. Provided that the running of such carriages shall in no way curtail the ordinary service of carriages. Restrictions
not to apply
to special
carriages.

11.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the tramways authorised by this Act and to lengthen adapt alter and Use of tram-
way posts by
Postmaster-
General.

A.D. 1912. replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:
- (B) The Postmaster General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided:
- (C) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided:

- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as herein-after provided:
- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:
- (J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-

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eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

Lost property.

12. Any property found in any tramcar of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

PART III.

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STREET IMPROVEMENTS.

13. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described together with all necessary or proper works and conveniences connected therewith or incident thereto and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the construction of such works or for the purpose of providing space for the erection of buildings adjoining or near to such works or for other the purposes of this Part of this Act.

Power to construct street improvements.

The works herein-before referred to and authorised by this Part of this Act will be situate in the city and are as follows:—

Work No. 19 A widening of Stratford Road on the north-eastern side commencing at a point 4·48 chains north-west of the intersection of the centre lines of the before-mentioned road and Sarehole Road Yardley and terminating at a point 5·23 chains south-east of the point of commencement:

Work No. 20 A widening of Stratford Road on the south-western side commencing at a point 4·63 chains north-west of the intersection of the centre lines of the before-mentioned road and Sarehole Road and terminating at Sarehole Road Yardley:

Work No. 21 A widening of Stratford Road on the eastern side commencing at the southern boundary wall of the house numbered 926 Stratford Road and terminating at the entrance gate of the house "Green Bank" Stratford Road Yardley:

Work No. 22 A widening of Stratford Road on the western side commencing at the northern boundary fence of the house "Hill Crest" Stratford Road and terminating at Dunsmore Road:

Work No. 23 A widening of Stratford Road on the western side commencing at the southern boundary fence of the house "Penz Mont" Stratford Road and terminating at Green Road:

A.D. 1912.

Work No 24 A widening of Stratford Road on the eastern side commencing at Cateswell Road and terminating at the north end of the parapet wall of the Great Western Railway Company's bridge :

Work No. 25 A widening of Stratford Road on the eastern side commencing at the southern end of the parapet wall of the Great Western Railway Company's bridge and terminating at a point 2·67 chains south of the point of commencement :

Work No. 26 A widening of Stratford Road on the western side commencing at the southern end of the parapet wall of the Great Western Railway Company's bridge and terminating at a point 8·27 chains south of the intersection of the centre lines of the before-mentioned road and School Road :

Work No. 27 A widening of Stratford Road on the north-eastern side commencing at a point 3·69 chains south-east of the intersection of the centre lines of the before-mentioned road and School Road and terminating at Hamlet Road Yardley :

Work No. 28 A widening of Stratford Road on the south-western side commencing at the south-eastern boundary fence of the house Langley Villa Stratford Road and terminating at Highfield Road Yardley :

Work No. 29 A widening of Warwick Road on the north-eastern side commencing at Medlicott Road and terminating at Osborn Road Yardley :

Work No. 30 A widening of Warwick Road on the south-western side commencing at Baker Street and terminating at the north-western boundary wall of the house numbered 185 Warwick Road Yardley :

Work No. 31 A widening of Warwick Road on the south-western side commencing at a point 1·49 chains north-west of the intersection of the centre lines of the before-mentioned road and Cole Brook Road and terminating at the north-western end of the parapet wall of Greet Bridge Yardley :

Work No. 32 A widening of Warwick Road on the north-eastern side commencing at a point 2 chains north-west of the parapet wall of Greet Bridge and terminating at the north-western end of the afore-mentioned parapet wall :

Work No. 33 A widening of Warwick Road on the northern side commencing at the south-eastern end of the parapet wall of Greet Bridge and terminating at a point 0·94 chain north-east of the intersection of the centre lines of the before-mentioned road and Reddings Lane Yardley: A.D. 1912.

Work No. 34 A widening of Warwick Road on the southern side commencing at a point 3·90 chains south-west of the point of intersection of the centre lines of the before-mentioned road and Boscombe Road and terminating at a point 1·85 chains south-west of the before-mentioned point of intersection:

Work No. 35 A widening of Warwick Road on the northern side commencing at a point 2·82 chains north-east of the intersection of the centre lines of the before-mentioned road and Reddings Lane and terminating at the western boundary fence of the house numbered 724 Warwick Road Yardley:

Work No. 36 A widening of Warwick Road on the south side commencing at the eastern wall of the house numbered 565 Warwick Road and terminating at the western boundary wall of the house numbered 647 Warwick Road Yardley:

Work No. 37 A widening of Warwick Road on the north-eastern side commencing at King's Road and terminating at a point 2·64 chains south-east of the Great Western Railway Company's boundary fence:

Work No. 38 A widening of Warwick Road on the southern side commencing at Knight's Road and terminating at the south-eastern boundary fence of the house numbered 5 Tyseley Grove Warwick Road Yardley:

Work No. 39 A widening of Warwick Road on the south-western side commencing at the parapet wall of the Great Western Railway Company's bridge and terminating at a point 1·45 chains south-east of the north-western boundary wall of the Acock's Green Council School Warwick Road Yardley:

Work No. 40 A widening of Warwick Road on the north-eastern side commencing at the south-eastern entrance gate to St. Mary's Churchyard and terminating at Dudley Park Road:

A.D. 1912.

Work No. 41 A widening of Warwick Road on the north-eastern side commencing at Dudley Park Road and terminating at a point 3.11 chains south-east of the point of commencement:

Work No. 42 A widening of Warwick Road on the southern side commencing at a point 1.70 chains south-east of the eastern corner of the New Inn public-house running therefrom in a south-easterly then a north-easterly and then a westerly direction and terminating at the point of commencement:

Work No. 50 A widening of Hagley Road on the south-eastern side commencing at the western boundary fence of the house 336 Hagley Road in the parish of Edgbaston and terminating at Lordswood Road in the parish of Harborne.

PART IV.

GAS.

Erection of
gasworks.

14.--(1) Subject to the provisions of this Act the Corporation may enter upon take and use the land herein-after referred to delineated upon the deposited plans and described in the deposited book of reference and may upon such land erect maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers mains pipes stop-cocks machinery and other works and apparatus and conveniences and may do all such acts as may be proper for making and storing gas and for supplying gas and may make store and supply gas accordingly and may manufacture sell provide supply and deal in coke tar and all other residual products or refuse of any materials employed in or resulting from the manufacture of gas.

(2) The land herein-before referred to is—

A piece of land comprising 36 acres 3 roods and 26 perches or thereabouts situate in the city and bounded on the north-west and north by the River Rea and works on the south-east by the sidings of the Midland Railway Company on the south-west by the embankment and works of the London and North Western (Aston and Stechford Branch) Railway and on the west by the access road belonging or reputed to belong to the Birmingham Tame and Rea District Drainage Board.

15. Notwithstanding anything contained in this Act or in any Act or Order relating to the gas undertaking of the Corporation the Corporation shall not purchase or use in any process of manufacture any materials other than those required for the making and supply of gas by them or for the working up of their own residual products or for the construction maintenance and repair of their gasworks plant and buildings or for the maintenance or repair of gas fittings.

A.D. 1912.
As to purchase of materials.

PART V.

ELECTRICITY.

16.--(1) Subject to the provisions of this Act the Corporation may enter upon take and use the land herein-after referred to delineated upon the deposited plans and described in the deposited book of reference and may upon such land erect construct maintain alter improve enlarge extend renew and use a station for generating electrical energy together with such buildings machinery engines works matters or things of whatever description as may be required by the Corporation to enable them to supply electricity.

Generating station.

(2) The land herein-before referred to is—

A piece of land comprising 17 acres 2 roods and 30 perches or thereabouts situate in the city and bounded on the north and east by land and works belonging or reputed to belong to the Birmingham Tame and Rea District Drainage Board on the south-east by the access road belonging or reputed to belong to the same board on the south by the River Rea and works and on the west and north-west by an embankment and land belonging or reputed to belong to the Birmingham and Warwick Junction Canal Company.

PART VI.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

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

Power to borrow.

[Ch. lxxxii.] *Birmingham Corporation Act, 1912.* [2 & 3 GEO. 5.]

A.D. 1912.

and they shall repay all money so borrowed within the respective periods mentioned in the third column of the said table (namely):—

| 1 | 2 | 3 |
|--|--------------------|--|
| Purpose. | Amount. | Period for Repayment. |
| (A) For and in connexion with the construction of the tramways authorised by this Act. | £ 96,000 | Thirty years from the date or dates of borrowing. |
| (B) For and in connexion with the electrical equipment of the tramways authorised by this Act. | 9,000 | Twenty years from the date or dates of borrowing. |
| (C) For rolling stock - - - | 16,000 | Fifteen years from the date or dates of borrowing. |
| (D) For and in connexion with the purchase of lands for and the execution of the street improvements authorised by this Act. | 47,000 | Sixty years from the date or dates of borrowing. |
| (E) For and in connexion with the purchase of lands for and the erection of the electrical generating station authorised by this Act. | 132,500 | Fifty years from the date or dates of borrowing. |
| (F) For and in connexion with the provision erection and construction of machinery engines works matters or things in the said generating station and the equipment of that station. | 156,000 | Twenty years from the date or dates of borrowing. |
| (G) For and in connexion with the extension and development of existing and the provision of new transforming sub-stations and the equipment thereof and the provision and laying down of mains connecting the Corporation's generating stations and the provision and laying down of further mains and electric lines and for other purposes of the electricity undertaking of the Corporation. | 211,500 | Twenty-five years from the date or dates of borrowing. |
| (H) For paying the costs charges and expenses of this Act. | The sum requisite. | Five years from the passing of this Act. |

(2) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the tramway undertaking of the Corporation and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the other purposes mentioned in subsection (1) of this section.

Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Board with whose consent it is borrowed. A.D. 1912.

(3) The following revenues of the Corporation are hereby made specially liable in order to provide for the repayment of moneys borrowed under this section and the payment of interest thereon (that is to say):—

As regards money borrowed for the purposes (A) (B) (C) and (H) herein-before mentioned and for the purposes of the tramway undertaking of the Corporation the revenue arising from that undertaking:

As regards money borrowed for the purposes (D) herein-before mentioned the revenue arising from the tramway undertaking and the improvement rate of the city in such proportions as the Corporation may by resolution determine:

As regards money borrowed for the purposes (E) (F) and (G) herein-before mentioned the revenue arising from the electricity undertaking of the Corporation.

18. Notwithstanding anything contained in the Birmingham (Corporation) Gas Act 1875 or in the Act of 1883 all sums which shall be borrowed by the Corporation with the consent of the Local Government Board for the purpose of the gas undertaking of the Corporation shall be repaid within such periods as may be prescribed by that Board. As to loans sanctioned by Local Government Board.

19.—(1) From and after the ninth day of November nineteen hundred and twelve the Museum and School of Art Committee constituted under the Act of 1883 shall be dissolved and the provisions of section 83 (Management of museum and school of art by committee) section 84 (Constitution and proceedings of committee) and section 85 (Proceedings of committee) of that Act shall be repealed. Dissolution of Museum and School of Art Committee.

(2) From and after the same date the buildings and property which are under the control and management of the said committee by virtue of the Act of 1883 the Birmingham Corporation Act 1899 or any general Act or otherwise and the maintenance and use of such buildings and property and all powers and authorities vested in the said committee under those Acts or any general Act or otherwise shall be under the control and management of and shall be transferred to and vested in

A.D. 1912. the Corporation to the intent that the museum may be maintained as a museum and that the school of art may be held for the purposes of Part II. (Higher Education) of the Education Act 1902.

(3) Nothing in this section or to be done thereunder shall alter or affect the trusts relating to or the right to participate in the benefits of any endowments.

Sale of
Tower
Street play-
ground.

20. The Corporation may sell and dispose of their recreation ground known as the Tower Street Playground which is situate on the north side of Tower Street in the city and may apply the proceeds of any such sale or disposal to such purposes as the Corporation may determine being purposes to which capital is properly applicable connected with the recreation ground belonging to the Corporation and situate on the south side of Tower Street or connected with any other recreation ground of the Corporation on the terms that such recreation ground is always to be maintained as a recreation ground.

Period for
compulsory
purchase of
lands.

21. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Costs of
arbitration
&c. in certain
cases.

22.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation had been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended

claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case. A.D. 1912.

(3) Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

23. The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres. Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands and no such lands shall be used by the Corporation for the purpose of manufacturing gas or residual products. Power to purchase additional lands by agreement.

24. The following sections of the Act of 1905 so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections were re-enacted in this Act (namely):— Application of provisions of Act of 1905.

- Section 22 (Limits of deviation);
- Section 23 (Subsidiary works);
- Section 24 (Temporary stoppage of streets);
- Section 27 (Correction of errors in deposited plans and books of reference);
- Section 30 (Power to persons under disability to grant easements &c.);
- Section 31 (Owners may be required to sell parts only of certain lands and buildings);
- Section 32 (Underpinning of houses near works);
- Section 33 (Provisions as to compensation);
- Section 35 (Power to retain sell &c. lands);
- Section 41 (Moneys to be raised);
- Section 43 (Section 147 of Act of 1903 to apply to this Act);
- Section 44 (Audit of accounts); and
- Section 45 (Recovery of penalties):

A.D. 1912.

Provided that in the application of section 31 of the Act of 1905 the schedule to this Act shall be deemed to be referred to instead of the second schedule to that Act and that in the application of section 33 of that Act that section shall be read and have effect as if the words "eighteenth day of November nineteen hundred and eleven" were therein substituted for the words "first day of January one thousand nine hundred and five."

Inquiries
by Local
Government
Board.

25.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board 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 to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Costs of Act.

26. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of the tramway undertaking of the Corporation or out of money to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

A.D. 1912.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY MAY BE
REQUIRED BY THE CORPORATION.

PROPERTIES WITHIN THE CITY OF BIRMINGHAM.

Numbers on deposited Plans.

| | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 260 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 |
| 279 | 282 | 284 | 289 | 293 | 294 | 299 | 300 | 301 | 305 | 306 | 307 | 308 | 309 |
| 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 |
| 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 |
| 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 |
| 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 |
| 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 |
| 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 |
| 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 409 | 410 | 413 | 414 | 415 | 416 |
| 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 |
| 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 445 |
| 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 457 | 458 | 459 | 460 | 461 | 468 |
| 469 | 470 | 471 | 472 | 473 | 476 | 478 | 479 | 480 | 481 | 482 | 483 | 484 | 485 |
| 486 | 487 | 488 | 489 | 490 | 491 | 492 | 493 | 494 | 495 | 496 | 498 | 499 | 501 |
| 503 | 505 | 508 | 509 | 511 | 512 | 513 | 514 | 515 | 516 | 517 | 518 | 519 | 520 |
| 521 | 522 | 525 | 526 | 527 | 528 | 529 | 604 | | | | | | |

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