

[26 GEO. 5. & *Wolverhampton Corporation* [Ch. cxi.]  
1 EDW. 8.] *Act, 1936.*



## CHAPTER cxi.

An Act to empower the mayor aldermen and burgesses of the borough of Wolverhampton to construct street improvements and waterworks and to acquire lands for those and other purposes to confer further powers upon them with regard to the provision and working of trolley vehicles to provide for the transfer to the Corporation of the undertaking of the Wolverhampton General Cemetery Company and to authorise the establishment of a crematorium to extend the area for the supply of water by the Corporation and to make further provision with regard to their water and electricity undertakings and the health local government and improvement of the borough and for other purposes. [31st July 1936.]

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**W**HEREAS the borough of Wolverhampton in the county of Stafford (in this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas it is expedient to empower the Corporation to construct the street works which are referred to in this Act:

And whereas the Corporation are the owners of the waterworks for supplying and are supplying water

A.D. 1936. within the borough and the neighbourhood thereof  
— and powers in regard to their waterworks and to such  
supply are conferred upon the Corporation by the  
32 & 33 Vict. *Wolverhampton Improvement Act 1869* and by the  
c. cxxxii. several local Acts and Orders confirmed by Parliament  
amending or extending that Act :

And whereas the supply of water from the present  
waterworks of the Corporation is inadequate to meet  
the growing demands of the inhabitants within the  
limits of the Corporation for the supply of water and  
it is expedient to empower the Corporation to  
construct the waterworks referred to in this Act and  
that the other provisions contained in this Act with  
reference to those works should be enacted :

And whereas it is expedient to extend the limits  
of the Corporation for the supply of water and to  
make further provision as in this Act contained in  
regard to their water undertaking and the supply of  
water by them :

And whereas it is expedient to empower the  
Corporation to purchase the lands referred to in this  
Act for the purposes of the said street works and  
waterworks for market purposes and for the several  
further purposes which are referred to in this Act :

18 & 19  
Geo. 5.  
c. cix.

And whereas by the *Wolverhampton Corporation  
Act 1928* the Corporation were empowered to con-  
struct certain street works referred to therein and to  
acquire lands for and in connection therewith but in  
certain cases such lands have not yet been acquired  
and it is expedient to revive the power to acquire such  
lands where the same has expired and in other cases  
to extend the time within which such acquisition may  
take place :

And whereas the Corporation are the owners of and  
are working systems of trolley vehicles within the  
borough and in the neighbourhood thereof and it is  
expedient to empower the Corporation to use and run  
trolley vehicles along the further routes which are  
referred to in this Act :

And whereas the Corporation are the owners of  
the undertaking whereby the borough and certain  
areas in the neighbourhood thereof are supplied with  
electricity and it is expedient to confer further powers



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upon the Corporation with reference to their electricity undertaking and the supply of electricity by them : A.D. 1936.

And whereas it is expedient to make further provision in regard to the markets undertaking of the Corporation :

And whereas the Wolverhampton General Cemetery Company was incorporated by the Wolverhampton General Cemetery Act 1847 by which Act the said company was authorised to establish a general cemetery for the interment of the dead in the borough : 10 & 11 Vict. c. cclxxxv.

And whereas it is expedient to authorise the transfer to the Corporation from the said company of the undertaking of the said company together with its rights powers and privileges and subject to such transfer to make provision for and in connection with the winding up of the said company :

And whereas it is expedient to empower the Corporation to establish a crematorium on the lands which are described in this Act and which form part of the said cemetery :

And whereas the Corporation have adopted the Local Government and Other Officers' Superannuation Act 1922 and it is expedient to enact the further provisions which are in this Act contained with regard to the payment of superannuation allowances by the Corporation and as to the conditions under which allowances and other payments may be paid or made to officers and servants of the Corporation and to the dependants of such officers and servants : 12 & 13 Geo. 5. c. 59.

And whereas it is expedient to make further and better provision in regard to the health local government and improvement of the borough and to enlarge the powers of the Corporation with regard thereto as provided in this Act :

And whereas it is expedient that the provisions with regard to the finances of the Corporation which are contained in this Act should be made and that the Corporation should be empowered to borrow moneys for the purposes of this Act :

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

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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 hereinafter mentioned and such estimates are as follows :—

	£
The purchase of lands - - -	135,430
The construction of the street works authorised by this Act - -	22,000
The construction of the waterworks authorised by this Act - -	199,000
The extension of mains and other purposes of the waterworks of the Corporation - - -	47,136
The provision of trolley vehicles -	33,000
The provision of electrical equipment and the construction of other works necessary for working the trolley vehicle routes authorised by this Act - - -	26,000
The erection of buildings for the purposes of the transport undertaking of the Corporation - -	20,000
The construction of the crematorium authorised by this Act - -	5,500

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed :

23 & 24  
Geo. 5. c. 51.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book 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 town clerk of the borough and with the clerks of the county councils of the administrative counties of Stafford and Salop and are hereinafter 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 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):—

A.D. 1936.

## PART I.

### PRELIMINARY.

1. This Act may be cited as the *Wolverhampton Corporation Act 1936.* Short title.

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

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street works.

Part IV.—Waterworks and water supply.

Part V.—Transport.

Part VI.—Electricity.

Part VII.—Cemetery and crematorium.

Part VIII.—Buildings and sanitary provisions.

Part IX.—Food.

Part X.—Control of boxing and wrestling entertainments.

Part XI.—Hairdressers' and barbers' premises.

Part XII.—Superannuation.

Part XIII.—Financial provisions.

Part XIV.—Miscellaneous provisions.

3. 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):—

Incorpora-  
tion of Acts.

(1) The Lands Clauses Acts with the following exceptions and modification:—

(a) sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

8 & 9 Vict.  
c. 18.



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(b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

10 & 11 Vict.  
c. 17.

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers):

26 & 27 Vict.  
c. 93.

(3) The Waterworks Clauses Act 1863: and

8 & 9 Vict.  
c. 20.

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the waterworks authorised by this Act and “the centre of the railway” means the centre of such waterworks respectively.

Interpreta-  
tion.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

“The borough” means the borough of Wolverhampton;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The town clerk” “the treasurer” “the medical officer” and “the sanitary inspector” mean respectively the town clerk the treasurer the medical officer of health and any sanitary inspector of the borough;

- “The Act of 1869” “the Act of 1899” “the Order of 1902” “the Act of 1904” “the Act of 1908” “the Act of 1915” “the Act of 1920” “the Act of 1925” “the Act of 1928” “the Order of 1930” and “the Act of 1932” mean respectively the Wolverhampton Improvement Act 1869 the Wolverhampton Corporation Act 1899 the Wolverhampton Corporation Tramways Order 1902 the Wolverhampton Corporation Act 1904 the Wolverhampton Corporation Act 1908 the Wolverhampton Corporation Water Act 1915 the Wolverhampton Corporation Act 1920 the Wolverhampton Corporation Act 1925 the Wolverhampton Corporation Act 1928 the Wolverhampton Corporation (Trolley Vehicles) Order 1930 and the Wolverhampton Corporation Act 1932; A.D. 1936. —
- 32 & 33 Vict. c. cxxxii.  
62 & 63 Vict. c. cclix.  
2 Edw. 7. c. cciii.  
4 Edw. 7. c. xcix.  
8 Edw. 7. c. lxxv.  
5 & 6 Geo. 5. c. lxxiv.  
10 & 11 Geo. 5. c. lxx.  
15 & 16 Geo. 5. c. cxxiii.  
18 & 19 Geo. 5. c. cix.  
20 & 21 Geo. 5. c. cxxxviii.  
22 & 23 Geo. 5. c. xc.
- “The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same; 38 & 39 Vict. c. 55.
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; 9 & 10 Geo. 5. c. 57.
- “The Act of 1922” means the Local Government and Other Officers’ Superannuation Act 1922;
- “The Act of 1933” means the Local Government Act 1933;
- “Trolley vehicle” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1928;
- “Trolley vehicle routes” means the routes upon which the Corporation are by this Act authorised to use trolley vehicles;
- “Local authority” means the council of any borough urban district or rural district;
- “Road authority” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1932;
- “The transport undertaking” has the meaning assigned to it by section 83 (Definition of transport undertaking) of the Act of 1932;



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—

“The water limits” means the limits within which the Corporation are for the time being authorised to supply water;

“The existing limits” means the limits within which the Corporation are immediately before the passing of this Act authorised to supply water;

“The added limits” means the several parishes which are included within the water limits by the section of this Act of which the marginal note is “Extension of limits of supply”;

“The water undertaking” means the water undertaking of the Corporation;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

41 & 42 Vict.  
c. 76.

“The catchment board” means the River Severn Catchment Board;

“The canal company” means the Staffordshire and Worcestershire Canal Company;

“The electricity limits” means the limits within which the Corporation are for the time being authorised to supply electricity;

“The electricity undertaking” means the electricity undertaking of the Corporation;

“The company” means the Wolverhampton General Cemetery Company;

“The scheduled agreement” means the agreement set forth in the First Schedule to this Act and made between the company of the one part and the Corporation of the other part;

“The date of transfer” means the date fixed by the scheduled agreement for the completion of the sale and purchase of the undertaking of the company;

“Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;

18 & 19  
Geo. 5. c. 31.

“Food” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928;



- “ Preserved meat ” includes sausages and any potted pressed pickled or preserved (by any process of cooking or otherwise) meat fish or other food ; A.D. 1936.  
—
- “ The Minister ” means the Minister of Health ;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;
- “ 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 ; 38 & 39 Vict. c. 85.
- “ Authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money.

## PART II.

### LANDS.

5. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require— Power to take lands.

- (a) for the purposes of the street works authorised by this Act and for the improvement and development of frontages or of any lands abutting on or adjacent to any street ;
- (b) for the purposes of the waterworks authorised by this Act and for other the purposes of the water undertaking ;

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- (c) for the purposes of a market;
- (d) for the purposes of the cattle market of the Corporation; and
- (e) for the purposes of public conveniences.

For protec-  
tion of  
Horton's  
Estate  
Limited.

6. Notwithstanding anything contained in this Act or shown upon the deposited plans the following provisions shall have effect unless otherwise agreed in writing between the parties to the agreement hereinafter referred to (that is to say):—

The Corporation shall not under the powers of this Act otherwise than in accordance with the terms of an agreement dated the twenty-seventh day of April nineteen hundred and thirty-six and made between the Corporation of the one part and Horton's Estate Limited of the other part acquire any interest of Horton's Estate Limited in any part of the lands in the borough which are numbered 53 54 55 and 56 on the deposited plans.

For protec-  
tion of  
Atkinson's  
Brewery  
Company  
Limited.

7. Notwithstanding anything contained in this Act or shown upon the deposited plans the following provisions shall have effect unless otherwise agreed in writing between the parties to the agreement hereinafter referred to (that is to say):—

The Corporation shall not under the powers of this Act otherwise than in accordance with the terms of an agreement dated the twenty-seventh day of April nineteen hundred and thirty-six and made between the Corporation of the one part and Atkinson's Brewery Company Limited of the other part acquire any interest of Atkinson's Brewery Company Limited in any part of the lands in the borough which are numbered 200 201 202 203 and 204 on the deposited plans.

Acquisition  
of ease-  
ments.

8.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks authorised by this Act (including works and conveniences authorised by subsection (2) of the section of this Act of which the marginal note is "Power to make waterworks") acquire such easements or rights only in such lands as they may require for such purposes (including



the making enlarging renewing maintaining repairing inspecting cleansing managing using working and obtaining access to such waterworks) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts. A.D. 1936.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but unless otherwise agreed the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

9. The powers granted by this Act for the compulsory purchase of lands for the purposes of the street works referred to in the section of this Act of which the marginal note is "Power to construct street works" shall cease on the thirty-first day of December nineteen hundred and forty-one and for the other purposes of this Act shall cease on the thirty-first day of December nineteen hundred and thirty-nine. Period for compulsory purchase of lands.

10. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference respectively relating to the purposes (a) (c) (d) and (e) referred to in the section of this Act of which the marginal note is "Power to take lands" the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly. Correction of errors in deposited plans and book of reference.

A.D. 1936. — and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and if the lands are situate in the borough such certificate or a copy thereof shall be deposited with the town clerk and if the lands are situate in the urban district of Coseley such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of Stafford and a duplicate thereof with the clerk of the Coseley Urban District Council and such certificate or copy and duplicate shall be kept by such clerks respectively with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Power to  
make  
allowances  
to certain  
persons  
displaced.

11. The Corporation may pay to any person displaced from any dwelling-house or other building required by the Corporation under the provisions of this Act and carrying on any trade or business in any such dwelling-house or other building such reasonable allowance as they think fit towards the loss which in their opinion such person will sustain by reason of the disturbance of his trade or business consequent on his having to quit the dwelling-house or other building and in estimating that loss the Corporation shall have regard to the period for which the premises occupied by such person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Agreements  
with owners  
of property  
&c.

12. Subject to the provisions of this Act the Corporation may in connection with the powers granted to them by this Act or by the Public Health Acts so far as such last-mentioned powers relate to lands which are referred to in this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any of the lands referred to in this section with respect to the sale or purchase by the Corporation of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the purposes for which they are authorised to be



acquired) or any rights or easements in on or affecting the same for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes for which lands may be acquired under this Act.

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**13.** The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any Government department is required only with such consent.

Compensation may be in land &c.

**14.** The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any general or local enactment from time to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to reinstate owners of property.

**15.—(1)** The powers of the Corporation for the compulsory purchase of the lands required for the purposes of Street Work No. 6 authorised by section 19 (Power to construct street works) of the Act of 1928 which are numbered 5 on the deposited plans referred to in that Act and relating to that street work are hereby revived and the period limited by section 28 (Period for compulsory purchase of lands) of the Act of 1928 for the exercise of those powers is hereby extended until the thirty-first day of December nineteen hundred and forty-one but on that date the powers for such compulsory purchase shall cease except so far as such powers shall have been exercised.

Revival and extension of time for compulsory purchase of lands.

(2) The period limited by section 28 (Period for compulsory purchase of lands) of the Act of 1928 for the compulsory purchase of lands required for and in connection with Street Work No. 11 authorised by

A.D. 1936. — section 19 (Power to construct street works) of that Act as extended by section 75 (Revival and extension of time for compulsory purchase of lands) of the Act of 1932 is hereby further extended until the thirty-first day of December nineteen hundred and forty-one but on that date the powers for such compulsory purchase shall cease except so far as such powers shall have been exercised.

### PART III.

#### STREET WORKS.

Power to  
construct  
street  
works.

**16.**—(1) 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 street works hereinafter described together with all necessary or proper works and conveniences connected therewith or incident thereto.

(2) The street works hereinbefore referred to and authorised by this Act will (except where otherwise stated) be situate in the borough and are—

Street Work No. 1 A widening of Garrick Street on the westerly side thereof;

Street Work No. 2 A widening of Snow Hill on the westerly side thereof;

Street Work No. 3 A widening of Goldthorn Hill on the northerly side thereof and of Goldthorn Road on the westerly side thereof;

Street Work No. 4 A widening of Pool Street on the westerly side thereof;

Street Work No. 5 A widening of Queen Square on the easterly side thereof;

Street Work No. 6 A widening of Dudley Street on the easterly side thereof and of King Street on the southerly side thereof;

Street Work No. 7 A widening of Queen Street on the southerly side thereof;

Street Work No. 8 A widening of School Street on the easterly side thereof;

Street Work No. 9 A widening of Salop Street on the northerly side thereof;



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Street Work No. 10 A widening of Princess Street on the westerly side thereof; A.D. 1936.

Street Work No. 11 A widening of Old Mill Street on the northerly side thereof;

Street Work No. 12 A widening of Penn Road on the south-easterly side thereof;

Street Work No. 13 (in the urban district of Coseley) A widening at the junction of Cross Street and Rose Street.

17. In the construction of the street works authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards. Limits of deviation.

#### PART IV.

##### WATERWORKS AND WATER SUPPLY.

18.—(1) Subject to the provisions of this Act the Corporation may make and maintain and from time to time alter renew and reconstruct in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks hereinafter described. Power to make water-works.

The said waterworks will be situate in the counties of Salop and Stafford and are—

Work No. 1 A pumping station (to be called "the Hilton pumping station") with a well or wells boreholes adits and other works and conveniences connected therewith or ancillary thereto to be situate in the parish of Worfield in the rural district of Bridgnorth in the enclosures numbered 783 786 789 913 923 and 925 on the 1/2500 Ordnance map (edition of 1926) of that parish;

Work No. 2 A line or lines of pipes commencing at the Hilton pumping station and terminating

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in the parish of Lower Penn in the rural district of Seisdon at the service reservoir (Work No. 3) hereinafter described;

Work No. 3 A service reservoir (to be called "the Spring Hill service reservoir") to be situate in the said parish of Lower Penn in the enclosures numbered 304 314 and 315 on the 1/2500 Ordnance map (edition of 1919) of that parish;

Work No. 4 A line or lines of pipes commencing at the Spring Hill service reservoir and terminating in the borough by a junction with the existing mains of the Corporation at or near to the junction of Bradmore Road with Birches Barn Road;

Work No. 7 A service reservoir (to be called "the Goldthorn Hill service reservoir No. 2") to be situate in the urban district of Sedgley in the enclosures numbered 32 33 54 and 55 on the 1/2500 Ordnance map (edition of 1919) of that urban district and adjoining the existing service reservoir of the Corporation.

(2) The Corporation may upon lands acquired by them for the purposes of or in connection with the water undertaking under the provisions of this Act make and maintain and from time to time alter renew and reconstruct all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or for obtaining access to inspecting maintaining repairing cleansing managing working or using the same or any of them :

Provided that nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation for waterworks. **19.** In the construction of the waterworks authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and



they may also deviate from the levels shown on the deposited sections to any extent not exceeding six feet upwards and to any extent downwards : A.D. 1936.

Provided that except for the purposes of crossing over a stream or railway no part of the lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown upon the deposited sections.

**20.**—(1) If the Corporation shall not on or before the thirty-first day of December nineteen hundred and thirty-eight have commenced to construct the Hilton pumping station (Work No. 1 authorised by this Act) or any well or borehole forming part of that work the powers granted by this Act for constructing such work or otherwise in relation thereto shall cease. Period for completion of water-works.

(2) If the waterworks authorised by this Act and delineated on the deposited plans are not completed by the thirty-first day of December nineteen hundred and forty-three then subject to the provisions of subsection (3) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(3) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the Hilton pumping station authorised by this Act make and provide additional wells shafts bores adits headings machinery works and conveniences in connection with such pumping station and in the case of the lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

**21.** Any electrical works or apparatus made or maintained under the provisions of this Part of this Act shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. For protection of Postmaster-General.

**22.** Subject to the provisions of this Act the Corporation may collect impound take use divert, and appropriate for the purposes of the water undertaking all such springs and waters as will or may be intercepted Power to take waters.

A.D. 1936. — by the Hilton pumping station authorised by this Act or by the works connected therewith or ancillary thereto.

For protec-  
tion of Salop  
County  
Council.

**23.** The following provisions for the protection of the county council of the administrative county of Salop (in this section referred to as "the county council") shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect as regards all works executed by the Corporation in the said administrative county under the powers of the section of this Act of which the marginal note is "Power to make waterworks" or of subsection (3) of the section of this Act of which the marginal note is "Period for completion of waterworks" (that is to say):—

- (1) The Corporation shall not without the previous consent in writing of the county council under the hand of their clerk raise lower or divert any county road vested in and repairable by the county council:
- (2) All mains pipes or other works to be laid or constructed in along or across or in any way affecting any such road shall be constructed and laid under the superintendence (if the same be given) and to the reasonable satisfaction of the surveyor of the county council (in this section referred to as "the county surveyor") and in accordance with plans and sections to be reasonably approved by him in writing before the commencement of the work and the Corporation shall in executing any such work conform to all reasonable requirements of the county surveyor;

All such plans and sections shall except in cases of emergency be delivered to the county surveyor not less than twenty-eight days before the Corporation commence the works in respect of which they are delivered;

The plans shall be on a scale of not less than 1/2500 and the sections shall be to suitable scales to show clearly the proposed works:

Provided that if the county surveyor shall not within twenty-eight days after the same shall have been submitted express his approval



or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof and the Corporation may forthwith proceed to execute the works specified without his superintendence and further that if he shall express his disapproval thereof the matters in difference shall be settled by arbitration as in this section provided : A.D. 1936.

- (3) All mains pipes or other works shall where practicable be constructed and laid at the side or where necessary under the metalled portion of the road :
- (4) All works shall be executed so as not to stop nor more than is reasonably necessary for the purpose to impede or interfere with the traffic over or along any such road and the Corporation shall not without the consent of the county surveyor (which shall not be unreasonably withheld) open or break up at any one time a greater consecutive length of any such road than one hundred yards nor shall such openings or breakings up be carried out without leaving a clear space of a quarter of a mile between consecutive openings or breakings up unless with the like consent and all such works shall be proceeded with and completed with all reasonable dispatch :
- (5) The Corporation shall during the progress of the works take all necessary steps at their own expense for protecting the public using any such road from injury and shall be liable for and indemnify the county council against all damages and costs that may be incurred consequent upon their neglect or omission to provide such protection :
- (6) The Corporation shall pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any such road as may be injured or damaged by reason of the traffic thereover being concentrated during the construction alteration or repair of the said mains pipes or other works on any part or parts thereof :

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—

- (7) The county council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any mains pipes or other works laid or constructed by the Corporation in any such road under the powers of this Act through the reasonable and proper use by the county council of any steam roller scarifier or other similar appliance of reasonable weight and construction :
- (8) Nothing herein contained shall in any way limit or affect the powers of the county council to divert improve raise drain widen or reconstruct any such road in which such mains pipes or other works are laid in the same manner as they might have diverted improved raised drained widened or reconstructed any such road if this Act had not been passed and in the event of any such road in which the mains pipes or other works are laid being diverted improved raised drained widened or reconstructed as aforesaid the Corporation shall (if reasonably required by the county council in writing so to do) within a reasonable time alter the position of such mains pipes or other works and shall be at liberty to replace the same to the reasonable satisfaction of the county surveyor and the county council shall repay to the Corporation the expense reasonably incurred by them in so doing Provided that before such diversion improvement raising draining widening or reconstruction shall be commenced the county council shall (except in cases of emergency when as long a notice as is reasonably practicable shall be given) give one month's notice in writing to the Corporation of their intention to carry out such works and shall afford all reasonable facilities for temporarily carrying the mains pipes or other works along such road so as not to interrupt the continuous supply of water :
- (9) If any road repairable by the county council is broken up by the Corporation for the purposes of the works hereinbefore referred to or any



culvert drain pipe or other property of the county council is damaged by the Corporation the Corporation shall repair such road culvert drain pipe or other property to the reasonable satisfaction of the county surveyor and if the same is not so repaired the county surveyor may cause the necessary repairs to be done and may charge the cost against the Corporation and the same shall be a debt due from the Corporation to the county council :

A.D. 1936.

(10) The Corporation shall to the reasonable satisfaction of the county surveyor keep the portion of all roads repairable by the county council which shall be broken up by the Corporation for the purpose of constructing laying renewing or repairing any works by this Act authorised in good repair for six months after replacing and making good the same and if at any time during the said period the Corporation shall neglect to keep any such portion of road in good repair the county surveyor on giving seven days' previous notice in writing to the Corporation may carry out any repairs and the county council shall be entitled to recover the reasonable costs incurred by them in so doing from the Corporation :

(11) If any difference shall arise between the county council and the Corporation touching anything to be done or not to be done under the provisions of this section or as to any requirements of the county surveyor thereunder such difference shall be settled by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties in difference and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any arbitration under this section.

24. Notwithstanding anything in this Act the following provisions for the protection of the catchment board shall unless otherwise agreed in writing between the Corporation and the catchment board apply and

For protection of catchment board.

A.D. 1936. have effect with reference to the exercise of the powers  
— of this Part of this Act in addition to any other provisions  
enuring for the protection of the catchment board (that  
is to say) :—

(1) In this section unless the context otherwise  
requires—

“ the Severn area ” means the river  
Severn catchment area as for the time being  
constituted ;

“ drainage authority ” means a drainage  
board constituted or to be treated as having  
been constituted under the Land Drainage  
Act 1930 and having jurisdiction in the  
Severn area ;

“ banks ” has the meaning assigned to that  
expression by the Land Drainage Act 1930 ;

“ watercourse ” includes—

(i) any main river and any other  
river and any stream ditch drain cut  
culvert dyke sluice sewer (other than  
a sewer under the control of a local  
authority within the meaning of the  
Public Health Act 1875) or passage  
through which water flows and the banks  
thereof ; and

(ii) any drainage work and the banks  
thereof ;

under the jurisdiction of any drainage  
authority ;

“ apparatus ” includes any structure or  
appliance for controlling or regulating the  
flow of water in any watercourse and any  
machinery under the control of any drainage  
authority ;

“ bridge ” means any bridge vested in  
or under the control of any drainage  
authority ;

“ authorised work ” means a work  
authorised to be executed by this Part of this  
Act and any work connected therewith or  
incidental thereto :



(2) In the execution of any authorised work the Corporation shall not diminish the width between the banks of any watercourse except with the consent of the catchment board which shall not be unreasonably withheld : A.D. 1936.

(3) Except with the consent of the catchment board which shall not be unreasonably withheld the Corporation shall not execute any authorised work which affects any watercourse otherwise than—

(a) in such manner as not to interrupt the free passage of water through or in such watercourse; and

(b) (i) in such manner as to allow the free passage of flood waters under the work; or

(ii) so that the top or upper surface of the work shall be situate at such depth below such watercourse as to allow of the proper cleansing and scouring of such watercourse and (in the case of the Smestow Brook) of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement of such watercourse :

(4) (a) The Corporation before commencing to execute any authorised work in over or under or within a distance of ten feet from any watercourse apparatus or bridge shall submit to the catchment board plans and sections and (when reasonably required by the catchment board) working drawings thereof for their reasonable approval. If the catchment board do not within twenty-one days after the submission to them of any such plans sections and drawings signify to the Corporation in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(b) Such authorised work shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved or deemed to have been approved as aforesaid by the catchment board or if such approval be withheld as may be settled

A.D. 1936.

by arbitration as hereinafter provided and shall be executed to the reasonable satisfaction of the catchment board and under the superintendence of the engineer to the catchment board if the engineer elect to superintend after receiving reasonable notice of the date when the work is to be commenced :

- (5) The Corporation shall at all reasonable times afford to the engineer of the catchment board or his duly authorised representatives access to so much of any authorised work as is situate in over or under or within a distance of ten feet from any watercourse during the construction thereof for the purpose of inspection :
- (6) The construction of any authorised work so far as it affects a watercourse shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion :
- (7) Any matter or thing by this section referred to or required to be settled by arbitration and any dispute or difference which may arise under this section between the catchment board or their engineer and the Corporation shall be referred to and determined by an engineer or other fit person to be agreed between the catchment board and the Corporation or (failing agreement) to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference and determination.

For protec-  
tion of  
West Mid-  
lands Joint  
Electricity  
Authority.

**25.** The following provisions for the protection of the West Midlands Joint Electricity Authority (in this section referred to as "the authority") shall notwithstanding anything in this Act and unless otherwise agreed in writing between the authority and the Corporation apply and have effect :—

- (1) Before commencing to construct the line or lines of pipes Work No. 2 authorised by this



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Act or to construct or execute any work in connection therewith or subsidiary thereto so far as the same will be within ten yards of any main or other work of the authority the Corporation shall give to the authority not less than fourteen days' previous notice in writing accompanied by a plan specifying the nature and course of the intended work and in carrying out such work the Corporation shall at their own expense take such precautions and execute such protective works (if any) as the authority may within seven days from the receipt of such notice reasonably require in writing for the purpose of preventing the said main or other work or the user thereof from being injuriously affected by the operations of the Corporation :

- (2) Any question arising between the Corporation and the authority under the provisions of this section shall be referred to and determined by an engineer to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to such reference and determination.

**26.**—(1) (a) It shall not be lawful for the owner or occupier of any land which is situate within a radius of two miles from the centre of the Hilton pumping station (Work No. 1 authorised by this Part of this Act) to construct on any part of such land any new well or other work (or to enlarge any existing well or other work) for taking or intercepting underground water except with the consent in writing of the Corporation unless the water to be abstracted from such well or other work is required by such owner or occupier solely for domestic or agricultural purposes on lands and premises belonging to or occupied by him or for the purpose of supplying solely for domestic purposes or for the purposes which are referred to in paragraph (i) of the definition of "agricultural purposes" which is contained in subsection (3) of this section the lands and premises of any neighbouring owner or occupier to whom a supply is being afforded for those purposes by such first-mentioned owner or occupier at the date of this

For protection of Corporation's wells.

A.D. 1936. Act nor except with the like consent to abstract or permit the abstraction for any purpose other than domestic or agricultural purposes of any water obtainable from any such new well or other work or from the enlargement of any such existing well or other work. In giving any such consent the Corporation may attach thereto such conditions as they may think fit.

(b) Any such owner or occupier who is aggrieved by any refusal of the Corporation to give such consent as aforesaid or by any conditions attached by the Corporation to any such consent may within fourteen days after the refusal of such consent or the notification of such conditions (as the case may be) appeal to the Minister and on any such appeal the Minister may by order after considering any representations made by the Corporation either confirm the refusal to give such consent or the attachment of conditions thereto or may direct the Corporation to give such consent subject to such conditions (if any) as the Minister may specify and the Corporation shall comply with any such direction.

(2) Any such owner or occupier to whom such consent shall have been refused (or to whom a consent shall have been given but subject to conditions which he is unwilling to accept) may by notice in writing require the Corporation to supply to him such quantity of water (if any) as he may require for use on such lands for purposes other than domestic or agricultural purposes and subject to the provisions of this subsection the Corporation shall supply such owner or occupier with such quantity of water and shall construct any works necessary for conveying the water from the said Work No. 1 to the land of such owner or occupier :

Provided that—

(a) The Corporation shall not be obliged to commence or continue to give such supply to any owner or occupier if such supply or the rate at which the same is taken or required to be given would be likely to interfere with the sufficiency of the supply by the Corporation of water for domestic purposes within the water limits but before permanently cutting off any such supply on the ground that it would be likely to interfere with the supply by the Corporation



of water for domestic purposes within the water limits the Corporation shall give to the owner or occupier to whom the supply is being afforded not less than six weeks' notice of their intention so to do and shall repay to such owner or occupier—

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(i) any sum deposited with the Corporation by way of security in pursuance of proviso (e) to this subsection less any sum which may be owing by such owner or occupier to the Corporation;

(ii) such portion (if any) of any sum recovered by the Corporation in pursuance of proviso (d) to this subsection as may be agreed between the Corporation and such owner or occupier or (failing agreement) determined by arbitration as hereinafter provided to be fair under all the circumstances;

(b) The Corporation shall not be obliged to commence to give such supply to any owner or occupier if the said supply or the rate at which the same is required to be given would be likely to interfere with any supply of water for other than domestic purposes which was being given by the Corporation at the date of the notice in writing given by such owner or occupier;

(c) The Corporation shall not be obliged to give such supply to any owner or occupier if the quantity of water required to be so supplied would either alone or if added to the quantity of water required by other owners and occupiers under the provisions of this section exceed the available yield of the said Work No. 1 so far as then constructed by the Corporation after deducting therefrom any quantity for the time being supplied by the Corporation to the owners of wells under the provisions of the section of this Act of which the marginal note is "For protection of certain existing sources of supply";

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—

(d) The cost incurred by the Corporation in and in connection with the construction of any works necessary for conveying the water from the said Work No. 1 to the land of any owner or occupier other than Works Nos. 2 3 and 4 by this Act authorised shall—

(i) (if the internal diameter of the main or pipe does not exceed three inches) be borne by the Corporation; and

(ii) (if such internal diameter exceeds three inches) be repaid to the Corporation by such owner or occupier and before commencing the construction of any such works the Corporation may require such owner or occupier to give to the Corporation security for the payment to them of the amount of such cost;

(e) Any owner or occupier supplied with water by the Corporation under the provisions of this section shall pay such price for each thousand gallons so required which the Corporation are under an obligation to supply and whether or not the same be actually taken by such owner or occupier and shall be subject to such terms and conditions in regard to such supply including terms as to the security to be given to the Corporation for the payment to them of all money which may become due and as to the period during which such owner or occupier shall be bound to take or pay for the supply as failing agreement may be determined by an arbitrator to be agreed upon or failing agreement to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration;

(f) The price to be determined as aforesaid shall not be less than sufficient to provide in each year of the supply a sum which will so far as can be estimated meet such proportion of the annual loan charges on the money



expended or being expended by the Corporation in and in connection with the construction of the Works Nos. 1 2 3 and 4 by this Act authorised and of the working expenses (including rates and taxes) and overhead costs of the Corporation in connection with the said works as the quantity required to be supplied bears to the available yield of the said Work No. 1 so far as then constructed by the Corporation;

- (g) For the purpose of giving any supply under the provisions of this section the Corporation may exercise the powers conferred upon local authorities by section 54 of the Public Health Act 1875;
- (h) Any question arising under this section between the Corporation and any owner or occupier shall be determined by an arbitrator to be appointed failing agreement in accordance with the provisions of proviso (e) to this section;
- (i) The Corporation shall not be under any liability for failure to supply water under the provisions of this section if such failure be due to frost drought or any other unavoidable cause or accident;
- (j) If the said Work No. 1 has not been constructed by the thirty-first day of December nineteen hundred and forty-three the provisions of this section shall cease to have effect.
- (3) For the purposes of this section—
- (a) “domestic purposes” includes all purposes incidental to the occupation of a dwelling-house and any garden park or grounds occupied in connection therewith; and
- (b) “agricultural purposes” includes—
- (i) all purposes for which water is ordinarily used by an owner or occupier of lands in the carrying on of agricultural dairying and market gardening operations on such lands; and

A.D. 1936.

(ii) industrial or manufacturing purposes with reference to the produce of lands which are situate within the radius referred to in subsection (1) of this section.

For protection of certain existing sources of supply.

**27.—**(1) In this section—

- (a) the expression “existing source of supply” means any well borehole or spring or any stream (or part thereof) pond or pool which is fed by any spring which well borehole spring stream (or part thereof) pond or pool (as the case may be) is situate within a radius of two miles from the centre of the Hilton pumping station and is used at the date of the passing of this Act as an effective source of supply;
- (b) the expression “the owner” means the owner of any existing source of supply and shall include any lessee or occupier thereof.

(2) If at any time after the completion of the well and pumping station to which this section applies it shall be proved by the owner of an existing source of supply that the pumping by the Corporation at that well and pumping station has caused a material diminution or cesser of the supply of water obtainable from such existing source of supply as the same exists at the date of the passing of this Act the Corporation shall upon the written request of the owner (but subject to the provisions of this section) afford to him a supply of water equal to the amount of such diminution (as proved) at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall not be more after than before the construction of the said well and pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(3) Provided that—

- (a) the Corporation shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any existing source of supply the water from which is so polluted as to be or to be likely to be injurious or dangerous to health;



- (b) the Corporation shall not be under any obligation to give a supply of water under this section in respect of any existing source of supply (being a spring stream pond or pool which is fed by a spring) greater than is together with the supply obtainable from such existing source of supply required for domestic or agricultural purposes and for the purposes of this section agricultural purposes shall not be deemed to include the irrigation of land or the growing and cultivation of watercress; A.D. 1936.
- (c) the Corporation shall not be liable in respect of any claim made by the owner under this section if the owner shall have failed to afford to the Corporation and their officers servants and other representatives at all reasonable times after the passing of this Act and free of cost access to the existing source of supply in respect of which the claim is made and such information as the Corporation may reasonably require in regard to the cost to the owner of operating the existing source of supply and facilities for ascertaining particulars thereof and the level and quantity of the water therein;
- (d) the Corporation shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(4) All mains pipes meters and fittings required for the purpose of supplying water to the owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Corporation and the owner shall afford to the Corporation all reasonable or necessary facilities for those purposes but all such fittings which shall be placed or fixed upon the land or premises of the owner shall be repaired maintained and (when necessary) renewed and made good by the owner to the satisfaction of the Corporation.

(5) For the purpose of affording a supply of water under this section the Corporation may supply water

A.D. 1936. — beyond the water limits and carry out all such works within or beyond such limits as may be necessary for that purpose.

(6) The provisions of sections 160 to 170 of the Act of 1869 as amended by the Act of 1915 the Act of 1928 and the Act of 1932 and the regulations made in pursuance of those provisions shall so far as they are applicable apply mutatis mutandis to the supply of water in pursuance of this section.

(7) The Corporation may if they think fit in lieu of affording a supply of water equal to the diminution of the supply or the supply which shall have ceased as aforesaid in any such well borehole pond or pool as constitutes an existing source of supply deepen such well borehole pond or pool or make such borings or alterations therein or headings therefrom as will increase the supply so as to make good the said diminution or cesser and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepening borings alterations or headings.

(8) The Corporation may if they think fit in lieu of affording a supply equal to the diminution or cesser of the supply as aforesaid make compensation in money to the owner for such diminution or cesser of the supply and they shall also make like compensation for any injury caused to the owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

(9) Any question which may arise between the Corporation and the owner as to the quantity time place or manner of the supply to be afforded by the Corporation in pursuance of this section and any other question dispute or difference which may arise between the Corporation and the owner or any other person under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed unless otherwise agreed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.



(10) The Corporation and the owner may enter into and fulfil agreements with reference to the supply of water by the Corporation to the owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to such owner. A.D. 1936.

(11) This section shall apply to the Hilton pumping station authorised by this Act and to any works carried out by the Corporation in the case of that pumping station under the powers of subsection (3) of the section of this Act of which the marginal note is "Period for completion of waterworks."

**28.**—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is "For protection of certain existing sources of supply" the waterworks in this section referred to shall except so far as may be otherwise agreed between the Corporation and the mayor aldermen and burgesses of the borough of Bridgnorth (in this section referred to as "the Bridgnorth Corporation") be deemed for all the purposes of that section to be an existing source of supply as defined in that section. For protec-  
tion of  
Bridgnorth  
Corpora-  
tion.

(2) The waterworks referred to in subsection (1) of this section are the well boreholes and other works to be hereafter constructed at the cost of seven thousand five hundred pounds or thereabouts at Rindleford in the parish of Worfield by the Bridgnorth Corporation such well boreholes and other works to be generally in accordance with a scheme submitted to the Minister on the eighth day of January nineteen hundred and thirty-six in connection with an application by the Bridgnorth Corporation for sanction to borrow one thousand five hundred pounds being part of the above-mentioned cost.

(3) The Corporation shall keep records of the quantities of water from time to time pumped at Work No. 1 authorised by this Act and such records shall be open at all reasonable times to the inspection of the Bridgnorth Corporation and the Bridgnorth Corporation shall keep records of the quantities of water from time to time pumped at the Rindleford

A.D. 1936. — works and such records shall be open at all times to the inspection of the Corporation.

Waterworks to form part of water undertaking.

**29.** Subject to the provisions of this Act the waterworks to be constructed by the Corporation under the authority of this Act shall for all purposes be deemed to be part of the water undertaking.

Extension of limits of supply.

**30.**—(1) From and after the passing of this Act the limits of the Corporation for the supply of water shall be extended so as to include therein—

(a) the parish of Patshull in the Seisdon rural district ; and

(b) the parishes of Rudge Claverley and Worfield in the Bridgnorth rural district.

(2) Subject to the provisions of this Act the Corporation shall have and may exercise within the added limits all and the like powers privileges and authorities and shall be subject to all and the like duties liabilities and obligations as they now have may exercise and are subject to within the existing limits and the provisions of the existing enactments relating to the water undertaking and to the supply of water by the Corporation and any byelaws or 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 and within the added limits :

Provided that nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws or regulations.

Power to local authority &c. to supply water in case Corporation fails to supply.

**31.**—(1) If after the expiration of seven years from the passing of this Act or such extended period as may be agreed between the Corporation and the local authority for the time being of any parish or parishes comprised within the added limits the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any parish or part of a parish comprised within those limits the local authority of the district comprising that parish or part of a parish may provide a supply in accordance with the provisions of the Public Health Act 1875 or



[26 GEO. 5. & *Wolverhampton Corporation* [Ch. cxi.]  
1 EDW. 8.] Act, 1936.

any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such parish not sufficiently supplied by the Corporation and for the repeal of the powers of the Corporation in that behalf. A.D. 1936.

(2) If any difference shall arise between the Corporation and any such local authority company body or person as to the sufficiency of the supply of water in any such parish or part of a parish such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister and subject as aforesaid the Arbitration Acts 1889 to 1934 shall apply to such settlement.

**32.**—(1) A local authority any part of whose district is within the water limits may give and enter into any guarantee or contract for securing payment to the Corporation of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such local authority and the Corporation for the purpose of or with respect to the providing or laying down by the Corporation of any main pipe or works for the supply of water within any part of such district which is within the water limits. Guarantees by local authorities.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such local authority they may incur expenditure and any such local authority may raise any money which may become payable to the Corporation under this section in like manner as money may be raised under the provisions of any such general Act.

(3) Provided that where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate but the provisions of this subsection shall not affect the operation of section 190 of the Act of 1933.

**33.** The provisions of section 39 (For protection of Stafford County Council) of the Act of 1915 shall extend and apply to and with respect to (a) all works executed by the Corporation in the administrative For protection of Stafford County Council.

A.D. 1936. — county of Stafford under the powers of the section of this Act of which the marginal note is "Power to make waterworks" or of subsection (3) of the section of this Act of which the marginal note is "Period for completion of waterworks" and (b) all works carried out by the Corporation within so much of the added limits as is situate in the said administrative county as if the first-mentioned works were situate within the new limits referred to in the said section 39 and the said part of the added limits had formed part of the said new limits but subject to the following modifications:—

(a) The following provisions shall be substituted for subsection (8) of the said section 39 (that is to say):—

"(8) Nothing herein contained shall in any way limit or affect the powers of the county council to divert improve raise drain widen or reconstruct any such road in which such mains pipes or other works are laid in the same manner as they might have diverted improved raised drained widened or reconstructed any such road if this Act had not been passed and in the event of any such road in which the mains pipes or other works are laid being diverted improved raised drained widened or reconstructed as aforesaid the Corporation shall (if reasonably required by the county council in writing so to do) within a reasonable time alter the position of such mains pipes or other works and shall be at liberty to replace the same to the reasonable satisfaction of the county surveyor and the county council shall repay to the Corporation the expense reasonably incurred by them in so doing Provided that before such diversion improvement raising draining widening or reconstruction shall be commenced the county council shall (except in cases of emergency when as long a notice as is reasonably practicable shall be given) give one month's notice in writing to the Corporation of their intention to carry out such works and shall afford all reasonable



facilities for temporarily carrying the mains pipes or other works along such road so as not to interrupt the continuous supply of water.” A.D. 1936.

- (b) The said section 39 shall be read and have effect as if subsection (11) thereof were omitted therefrom.

**34.** Notwithstanding anything in this Act or shown on the deposited plans and sections the following provisions for the protection of the canal company shall unless otherwise agreed in writing between the Corporation and the canal company have effect with reference to the exercise of the powers of this Part of this Act :—

- (1) In this section—

“the canal” means the Staffordshire and Worcestershire Canal and includes the works of the canal company connected therewith;

“the wharf” means the property numbered on the deposited plans 31 in the parish of Lower Penn;

“the specified works” means so much of Work No. 2 authorised by this Act as will be constructed or laid over the canal and the towpath thereof and the wharf or within ten yards measured horizontally from the towpath;

“the bridge” means the bridge carrying over the canal the road numbered on the deposited plans 28 in the parish of Lower Penn;

“the engineer” means the chief engineer of the canal company :

- (2) The Corporation shall not (except in accordance with the provisions of this section) enter upon take use or interfere with either temporarily or permanently any part of the canal towpath or wharf except that the Corporation may purchase and the canal company shall (if so required by the Corporation) grant to the Corporation such

A.D. 1936.

easements as may be reasonably required by the Corporation for constructing and maintaining the specified works in accordance with the provisions of this section over the canal and towpath and over or under the wharf and for enabling water in the said Work No. 2 to be discharged into the canal from time to time as may be necessary for the purpose of repairing or cleaning the said Work No. 2 but subject to the provisions of subsection (9) of this section;

The consideration to be paid for any easement acquired by the Corporation in pursuance of this subsection shall (if not agreed with the canal company) be determined in manner provided by the Lands Clauses Acts:

- (3) The Corporation shall not (except in emergency) commence to execute the specified works or any alteration thereof unless and until plans sections and particulars of the works proposed to be executed shall have been approved by the canal company or settled by arbitration nor until the expiry of the notice to be given under subsection (4) of this section of the date of commencement of the work:

Provided that if the canal company do not within fourteen days after the submission to them of any plans sections or particulars signify their disapproval thereof and the grounds of such disapproval they shall be deemed to have approved thereof:

- (4) The Corporation shall give to the canal company not less than fourteen days' notice in writing of the date on which they intend to commence any works whereof the plans sections and particulars have been approved by the canal company or settled by arbitration in accordance with the provisions of subsection (3) of this section:
- (5) (a) The specified works and any alteration thereof shall be executed in accordance with the plans sections and particulars so approved



or settled as aforesaid and to the reasonable satisfaction of the engineer and under his supervision if he elects to attend during the execution of the work;

(b) The engineer shall also be entitled at all reasonable times to inspect the specified works both during construction and after the completion thereof so far as the same can be done without disturbing such works or opening the ground :

(6) The following provisions shall have effect with respect to the construction and maintenance of the specified works :—

(a) Notwithstanding anything in this Act or on the deposited plans and sections or in any award made on any arbitration under this section the specified works shall be carried horizontally over the canal towpath and wharf at such height as will give a clear headway of not less than ten feet above the level of the weir on the canal nearest to the point of crossing and so as not to interfere with the passage of traffic along the inclined footpath leading from the towpath of the canal to the bridge and shall be supported on piers which shall be erected in such position as not to restrict in any way the user of the canal and towpath or unreasonably to obstruct the user of the wharf :

Provided that the Corporation may if they think fit construct the portion of the specified works which will be situate on the east side of the canal so as to be situate under the wharf at a depth of not less than three feet below the surface thereof but if this part of the specified works be so constructed the pier for supporting the specified works on the east side of the canal shall be constructed either within twenty feet from the southern parapet of the bridge or (if constructed more than twenty feet from the said parapet of the bridge) not less than ten feet from the eastern side of the canal ;

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(b) The specified works and any alteration repair or renewal thereof shall be so executed and maintained as not to cause any leakage or loss of water from the canal or affect in any way the passage of traffic along the canal or the towpath thereof :

(7) If at any time hereafter the canal company shall desire in pursuance of powers existing at the date of this Act to widen or deepen the canal or to widen the towpath thereof at or near the crossing thereof by the specified works the Corporation shall on being required so to do by the canal company make at their own cost such alteration in the position of the specified works as may be reasonably required in order to permit of the carrying out by the canal company of such widening or deepening but shall not be required to interrupt or interfere with the supply of water through or by means of the specified works or any works substituted therefor :

(8) If in consequence of the construction use alteration repair or renewal of the specified works or the leakage bursting failure or want of repair thereof or any subsidence caused by the construction thereof or otherwise in consequence of the exercise by the Corporation of any of the powers of this Act any damage or injury to the canal or the towpath thereof or the wharf or any leakage or loss of water from the canal or any interruption to or interference with the conduct of traffic on the canal or the towpath thereof or to or from any other property of the canal company (except such interruption or interference as cannot be reasonably avoided by the Corporation in carrying out the powers of this Act) shall at any time be occasioned or arise the Corporation shall—

(a) forthwith at their own expense and to the reasonable satisfaction of the engineer execute all such works and do all such things as may be necessary to restore the canal or towpath or other property of the



canal company and the water in the canal to the same state and condition as before the happening of such injury or leakage or loss of water or remove the cause of such interruption or interference (as the case may require) and take all such steps as may be necessary to prevent the recurrence of such damage injury leakage loss interruption or interference under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer; and

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(b) pay to the canal company compensation for any loss sustained by the Company in consequence of any such damage or injury or leakage or loss of water or any interruption to or interference with the conduct of traffic;

If the Corporation at any time fail to comply with the provisions of paragraph (a) of this subsection and also in emergency the canal company may after giving not less than fourteen days' previous notice in writing to the Corporation or forthwith if the circumstances so require execute and do themselves all such works and things as may be necessary as aforesaid and the Corporation shall pay to the canal company the costs and expenses reasonably incurred by the canal company in so doing :

- (9) (a) Not less than seven days before commencing to discharge water directly or indirectly from the said Work No. 2 or any work connected therewith into the canal in the exercise of the powers of section 21 (Temporary discharge of water into streams) of the Act of 1915 the Corporation shall (except in cases of emergency) give to the engineer notice in writing of their intention so to do specifying the date time of commencement and probable duration of the intended discharge of water and (except as aforesaid) such discharge of water shall not be commenced until the engineer has given his consent in writing thereto but such consent shall not be unreasonably withheld;

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—

(b) Any discharge of water from the said Work No. 2 or any work connected therewith into the canal shall (except as aforesaid) be continued only during such period of time as the engineer may in his sole control and discretion determine;

(c) Water shall not be discharged from the said Work No. 2 or any work connected therewith into the canal in such manner as to injure the canal or the banks thereof or interfere with the traffic thereon:

- (10) The Corporation shall indemnify and hold harmless the canal company from all claims demands costs expenses and damages which may be made on or against them or which they may incur or have to pay in consequence of the construction use alteration repair or renewal of any of the specified works or the bursting leakage failure or want of repair thereof or any subsidence caused by the construction thereof or the discharge of water into the canal or in consequence of any act or omission of the Corporation their contractors agents workmen or servants:
- (11) Any difference which shall arise between the Corporation and the canal company under any of the provisions of this section shall (except as provided in subsection (2) hereof) be referred to and determined by an engineer to be appointed on the application of either party after notice in writing to the other of them by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

For protec-  
tion of  
Great  
Western  
Railway  
Company.

**35.** For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed in writing between the Great Western Company and the Corporation apply and have effect in relation to the exercise of the powers of this Act with reference to Work No. 2 or any subsidiary works in connection therewith authorised



by this Part of this Act in so far as such works are proposed to be constructed on or under lands of the Great Western Company (all of which works are hereinafter referred to as "the said work") (that is to say):—

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—

- (1) The said work if carried under the railway of the Great Western Company shall for its entire length across the said railway be laid and carried by means of a steel or iron pipe founded on and surrounded by Portland cement concrete or enclosed in a subway to be constructed and maintained by the Corporation so that no part of such work shall be less than three feet below the level of the rails of the said railway at the point of crossing :
- (2) In constructing the said work and also (except in cases of emergency) in effecting the repairs or renewals of the said work the same shall be done by and in all things at the expense of the Corporation (except as in this section is otherwise provided) but under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the Great Western Company and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway and except in cases of repair according to plans sections and particulars to be previously submitted to and reasonably approved by the said engineer Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof :
- (3) The Corporation shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the Great Western Company and the roads which the Great Western Company are liable to maintain over or under any bridge or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or owing to any of the operations of the Corporation :

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- (4) If the Great Western Company so elect they may themselves execute and maintain the said work (other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Corporation (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the Great Western Company in and about the said work):
- (5) The said work shall be constructed executed and maintained so as to cause as little injury as may be to the railway or works of the Great Western Company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of the Corporation or by reason of the failure of the Corporation to maintain the said work or if any bursting leakage or failure of the said work shall cause any injury to such railway or works all such injury shall forthwith be made good by the Corporation to the reasonable satisfaction of the said engineer and the Corporation shall be responsible for and save harmless and indemnify the Great Western Company from all claims in respect of any such injury or interruption and shall make compensation to the Great Western Company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said work may entail:
- (6) In the event of the Corporation failing to make good such injury as aforesaid or failing to maintain the said work in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer the Great Western Company may make good the same and make and do all such repairs and things as may be reasonably requisite and may recover the reasonable expense thereof (including compensation payable as aforesaid) from the Corporation:



- (7) If it should be necessary during the construction of the said work or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the Great Western Company the Great Western Company may effect such alterations and the Corporation shall repay to them the reasonable expenses incurred by them in and connected with such alterations :
- (8) The Corporation shall not acquire compulsorily any lands of the Great Western Company save and except that the Corporation may acquire and the Great Western Company on being required so to do by the Corporation shall sell to the Corporation in accordance with the provisions of this Act such rights or easements as may be necessary to enable the Corporation to construct and maintain the said work over under or across the railway of the Great Western Company and the Corporation shall pay to the Great Western Company for any right or easement which they may so require the Great Western Company to sell such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement :
- (9) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of the said work over under or across or in any way affecting the railway of the Great Western Company of such signalmen or watchmen (if any) to be appointed by the Great Western Company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said work

A.D. 1936.

and for preventing as far as may be 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 or persons in the employ of the Corporation or their contractors :

- (10) If the Great Western Company at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which the said work may have been constructed or laid the Great Western Company may by fourteen days' notice in writing under the hand of their secretary or general manager or in case of emergency such shorter notice as is reasonably practicable require the Corporation to divert support or carry the said work across over or under their railway at such other point as may be reasonable or otherwise to deal with the same in as convenient a manner as circumstances will admit and the Corporation shall comply with such requirement with all reasonable expedition but shall not be required to interrupt or interfere with the supply of water :
- (11) Any additional expense which the Great Western Company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act their railway or other works by reason of the existence of the said work upon across over or under the same shall be paid by the Corporation :
- (12) Nothing in this section contained shall prejudice alter or affect the rights of the Great Western Company or the Corporation under any agreement between them relating to the mains pipes or other works of the Corporation and where the provisions of such



agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply: A.D. 1936.

- (13) Except as in this section otherwise expressly provided any difference arising between the Corporation and the Great Western Company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

**36.** So much of the *Wolverhampton Order 1903* as relates to the construction of the additional service reservoir in the parish of Sedgley which is referred to in that Order is hereby repealed. Partial repeal of Order of 1903. 3 Edw. 7. c. lxxxiii.

#### PART V.

#### TRANSPORT.

**37.** The Corporation may use trolley vehicles upon the following routes (namely):— Power to use trolley vehicles.

Route No. 1 (2 furlongs 6·36 chains or thereabouts in length) (in the urban district of Tettenhall) Commencing by a junction with Route No. 3 authorised by the Order of 1930 at the Swan Inn Compton proceeding along the Holloway and Church Road to and terminating at the junction of Church Road with Mount Road;

Route No. 2 (1 furlong 9·23 chains or thereabouts in length) (in the borough of Bilston and the urban district of Coseley) Commencing by a junction with Route No. 4 authorised by the Act of 1928 at the junction of Bank Street with Lord Street proceeding along Bank Street and Wilkinson Avenue to and terminating at the junction of Wilkinson Avenue with Cross Street;

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Route No. 3 (1 mile 2 furlongs 3·45 chains or thereabouts in length) (in the borough) Commencing by a junction with Route No. 3 authorised by the Act of 1925 at the junction of Stafford Road with Bushbury Lane proceeding along Bushbury Lane to and terminating at Bushbury Church;

Route No. 4 (1 mile 1 furlong 1·5 chains or thereabouts in length) (in the borough) Commencing by a junction with Route No. 11 authorised by the Order of 1930 at the junction of Warstones Road and Coalway Road proceeding along Warstones Road to its junction with Springhill Lane (Penn) and thence along Springhill Lane to and terminating at the junction of Springhill Lane with Penn Road;

Route No. 5 (1 furlong 1·05 chains or thereabouts in length) (in the borough) Commencing by a junction with Route No. 5 authorised by the Act of 1925 at the junction of Wednesfield Road and the Great Western Railway passenger station drive proceeding along the Great Western Railway passenger station drive to the Great Western Railway station;

Route No. 6 (2 miles 4 furlongs 0·45 chain or thereabouts in length) (in the borough and rural district of Seisdon) Commencing by a junction with Route No. 3 authorised by the Act of 1925 at the junction of Marsh Lane and Stafford Road at Oxley proceeding along Marsh Lane Pendeford Lane and Pendeford Mill Lane to and terminating at Lane Green Bilbrook;

and with the consent of the Minister of Transport and of the local and road authorities along any other street or road which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of connecting any trolley vehicle route with any depot garage building or work of the Corporation Provided that the consent of any such local or road authority shall not be unreasonably withheld:



Provided also that—

A.D. 1936.

- (a) the Corporation shall not except with the consent in writing of the Minister of Transport run trolley vehicles simultaneously in both directions along any portion of any of the trolley vehicle routes where the carriageway is less than twenty feet in width until such carriageway has been widened to a width of not less than twenty feet and in giving any such consent the Minister of Transport may impose such conditions in regard to such running as he may think fit;
- (b) before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and in the case of any turning point outside the borough shall also submit a copy of such plans to the chief officer of police of the police district in which the turning point is proposed to be situate and to the road authority;
- (c) no turning point shall be fixed on any road or street belonging to or maintained by a railway company or the canal company without the consent in writing of such company which consent shall not be unreasonably withheld;
- (d) any question as to whether or not the consent of any local or road authority or railway or canal company which is referred to in this section has been unreasonably withheld shall be determined by the Minister of Transport;
- (e) the Corporation shall not equip for the working of trolley vehicles so much of Route No. 5 authorised by this Act as is the property of the Great Western Railway Company and no trolley vehicles shall be used upon such part of such route without

A.D. 1936.

the previous consent in writing of that company and such consent may be granted subject to such terms and conditions as that company may think fit.

Period for commencement of trolley vehicle services.

**38.** If the Corporation shall not have commenced to run trolley vehicles along any of the trolley vehicle routes within five years from the passing of this Act or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Act with reference to the running of trolley vehicles along the route or routes along which the Corporation have not commenced to run trolley vehicles shall cease to be exerciseable.

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

33 & 34 Vict. c. 78.

**39.—**(1) The following provisions of the Tramways Act 1870 (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 and shall apply to the trolley vehicles and trolley vehicle routes authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways :—

- Part II (relating to the construction of tramways) except sections 25 28 and 29 ;
- Section 41 (Tramways to be removed in certain cases) ;
- Section 46 (Byelaws by local authority Promoters may make certain regulations) except the last two paragraphs of that section ;
- Section 47 (Penalties may be imposed in byelaws) ;
- Section 48 (Power to local authority to license drivers conductors &c.) ;
- Section 49 (Penalty for obstruction of promoters in laying out tramway) ;
- Section 51 (Penalty on passengers practising frauds on the promoters) ;
- Section 53 (Penalty for bringing dangerous goods on the tramway) ;



Section 55 (Promoters or lessees to be responsible for all damages); A.D. 1936. —

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads).

(2) Nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept. 5 & 6 Will. 4. c. 32.

40.—(1) Subject to the provisions of this Act the following provisions of the Act of 1899 the Order of 1902 the Act of 1904 the Act of 1908 the Act of 1920 the Act of 1925 and the Act of 1932 shall extend and apply to the trolley vehicles and trolley vehicle routes authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):— Application of previous enactments to trolley vehicles.

The Act of 1899—

Section 33 (Rates for passengers);

Section 34 (Passengers' luggage);

Section 35 (Rates for animals and goods);

Section 36 (Corporation not bound to carry animals and goods);

Section 37 (As to fares on Sundays or holidays);

Section 39 (Periodical revision of rates and charges);

Section 41 (Motive power);

Section 43 (Special provisions as to use of electrical power);

Section 46 (Byelaws);

Section 50 (Working agreements);

Section 55 (Orders &c. of Board of Trade);

Section 57 (Power to acquire patent rights);

The Third Schedule.

A.D. 1936.

The Order of 1902—

Section 8 (For protection of Postmaster-General) as amended by section 9 of the Act of 1928;

Section 9 (Cheap fares for labouring classes).

The Act of 1904—

Section 19 (Attachment of brackets to buildings);

Section 20 (Waiting rooms);

Section 21 (Penalty for malicious damage).

The Act of 1908—

Section 5 (Use of tramway posts by Postmaster-General).

The Act of 1920—

Subsection (3) of section 9 (Power to provide and run omnibuses);

Section 19 (Conveyance of mails);

Section 23 (Cloak-rooms &c.);

Section 24 (Power to reserve cars for special purposes);

Section 26 (Stopping and starting places);

Section 27 (Through cars and omnibuses);

Section 28 (Attachment of signs indicating stopping places to lamp-posts &c.);

Section 30 (Lost property);

Section 31 (Payment of fares rates and charges);

Section 32 (Power for Corporation to suspend traffic);

Section 33 (Use of tramways for sanitary purposes);

Section 35 (For protection of railway companies).

The Act of 1925—

Subsection (4) of section 5 (Power to use trolley vehicles);

Section 9 (As to electrical works);

Section 10 (For protection of railway companies) except subsection (12) thereof;



- Section 11 (For protection of Birmingham Canal Navigations); A.D. 1936.
- Section 12 (Corporation to have exclusive right of using apparatus for working trolley vehicles);
- Subsection (2) of section 13 (Vehicles not to be deemed light locomotives or motor cars);
- Section 14 (Licence duties on trolley vehicles);
- Section 15 (Approval of vehicles by Minister of Transport);
- Section 16 (Inspection by Minister of Transport);
- Section 19 (For protection of Staffordshire County Council);
- Section 22 (Tramway regulations to apply to trolley vehicles);
- Section 24 (Trolley vehicles to form part of tramway undertaking);
- Section 28 (As to byelaws &c. under this Part of this Act).

The Act of 1932—

Section 79 (Adaptation of roads &c.).

(2) (a) In the application of the provisions referred to in subsection (1) of this section (other than the provisions of the Act of 1925) the same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the Corporation's tramways or were omnibuses of the Corporation (as the case may be) and as if the trolley vehicle undertaking authorised by this Act formed part of the trolley vehicle undertaking authorised by the Act of 1925.

(b) In the application of the said section 50 of the Act of 1899 that section shall be read and have effect as though the words "local authority company body or person owning or working trolley vehicles or authorised to work such vehicles" were substituted therein for the words "owning authority" wherever those words occur and during the continuance of any agreement made under that section as so applied for the working

A.D. 1936. — or user by one of the contracting parties of the trolley vehicles of the other the trolley vehicle routes of the parties so contracting shall for the purposes of calculating maximum fares rates and charges in respect of conveyance partly over the trolley vehicle routes of the one party and partly over those of the other be considered as one route and the maximum charge for each portion of the entire distance over which conveyance takes place shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

(c) In the application of the said section 9 of the Order of 1902 that section shall be read and have effect as though the words "half-past seven" were substituted for the word "seven" and the words "half-past five" were substituted for the word "six" in subsection (1) thereof.

(3) Provided that the said trolley vehicles shall only be used for the purpose of conveying passengers and parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger but they shall not be used for the carriage of any minerals or any other animals or goods.

For protec-  
tion of  
London  
Midland and  
Scottish  
Railway  
Company.

41. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections section 11 (For protection of Birmingham Canal Navigations) of the Act of 1925 shall extend and apply for the protection and benefit of the London Midland and Scottish Railway Company with reference to the exercise by the Corporation of the powers of this Part of this Act as if that section were set out in this Act with any necessary modifications including the substitution of references therein to the said railway company for all references therein to the Company of Proprietors of the Birmingham Canal Navigations (in that section referred to as "the canal company").

Extension of  
period for  
commence-  
ment of cer-  
tain trolley  
vehicle  
services.

42. In its application to Route No. 1 Route No. 2 Route No. 3 Route No. 5 Route No. 6 Route No. 7 and Route No. 8 authorised by Part IV of the Act of 1932 section 80 (Period for commencement of trolley vehicle services) of that Act shall have effect as if the



words "ten years" were substituted therein for the A.D. 1936.  
words "five years".

**43.** For the further protection of the canal For further  
company section 11 (For protection of Birmingham protection  
Canal Navigations) of the Act of 1925 shall extend of canal  
and apply for the protection of the canal company company.  
with reference to the exercise of the powers of this  
Part of this Act by the Corporation as if the canal  
company were referred to in that section instead of  
the Company of Proprietors of the Birmingham Canal  
Navigations and as if that section with any necessary  
modifications were re-enacted in this Act.

## PART VI.

### ELECTRICITY.

**44.** Where the electricity limits are bounded by Power to  
or abut upon any street wholly or for part of its width break up  
outside those limits the Corporation may for the purpose certain  
of supplying electricity to the owner or occupier of any streets.  
premises within the electricity limits exercise with  
respect to the whole width of the street the like powers  
of breaking up the street for the purpose of laying  
maintaining inspecting repairing and renewing electric  
lines and works as are exerciseable by them in respect  
of streets within the electricity limits and subject to the  
like conditions :

Provided that nothing in this section shall entitle  
or require the Corporation to supply electricity to the  
owner or occupier of any premises outside the electricity  
limits.

**45.—(1)** The Corporation may be authorised to Acquisition  
purchase land within the electricity limits compulsorily of land for  
for the purpose of the erection thereon in pursuance sub-stations.  
of the powers of the Acts and Orders relating to the  
electricity undertaking of a station for transforming  
converting or distributing electricity by means of an  
order made by the Corporation and submitted to the  
Minister of Transport and confirmed by him in accordance  
with the provisions (so far as they are applicable) of  
section 161 of the Act of 1933 and of the Sixth Schedule  
to that Act and the provisions of that section and

A.D. 1936. schedule with any necessary modifications and also where applicable of section 174 of the Act of 1933 shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister :

Provided that the restrictions contained in paragraphs (a) (b) and (c) of section 179 of the Act of 1933 shall apply to any such order and that the provisions of section 162 of that Act shall have effect with respect to the validity of any such order :

Provided also that anything which is required by the said provisions of the Act of 1933 to be prescribed shall be prescribed by the Minister of Transport in such manner as he may think fit.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which at that date forms part of any premises occupied as a factory or workshop within the meaning of the Factory and Workshop Act 1901 or which has been acquired for the purposes of any such factory or workshop or which at that date forms part of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

(3) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of the said section 161 as applied by this section be deemed to have been made by a person upon whom notice is required to be served.

46.—(1) Notwithstanding anything contained in section 7 of the Gasworks Clauses Act 1847 the Corporation may within the electricity limits with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

Attachment  
of brackets  
&c. to build-  
ings and  
bridges.  
10 & 11 Vict.  
c. 15.



(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld or has been given subject to conditions which the Corporation are unwilling to accept they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same;
- (b) any building which the owner thereof alleges to be a building of architectural or historic interest; or
- (c) any building belonging to the Wolverhampton Gas Company and forming part of their statutory undertaking;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building they may appeal to the Minister of Transport and the said Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments:

Provided that the Minister of Transport shall—

- (i) before exercising his powers under this section in relation to any building forming part of such an aerodrome as aforesaid consult with the Secretary of State for Air;
- (ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

(4) No attachments shall be affixed to any bridge of the Staffordshire County Council or to any bridge

A.D. 1936. — or other work of any railway company or the canal company without the previous consent in writing of that county council or that company as the case may be and such consent may be given subject to reasonable terms and conditions but shall not be unreasonably withheld and any question as to whether or not such consent is unreasonably withheld or is given subject to unreasonable terms and conditions shall be determined by the Minister of Transport.

(5) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments :

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(6) Where any attachments have been affixed under this section to any building or bridge the owner of the building or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(7) In this section the expression "owner"—

- (a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;
- (b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;
- (c) in relation to a building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920



or any Act amending replacing or consolidating the same means (notwithstanding anything in this subsection) the person having control of the aerodrome;

A.D. 1936.

and the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

47.—(1) For the purpose of supplying electricity to any premises to which the Corporation are for the time being authorised to supply electricity the Corporation may lay down place maintain and use electric lines in order to connect such premises to a service line already laid by the Corporation for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises.

Power to lay down connecting lines in certain cases.

(2) In relation to any such electric lines as aforesaid the Corporation shall have the powers and be subject to the provisions of sections 17 18 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable shall be incorporated with this Act and the Corporation shall be deemed to be the undertakers.

62 & 63 Vict. c. 19.

(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Corporation of any electric line under the provisions of this section.

(4) In this section the expression "electric line" shall have the same meaning as in the Electric Lighting Act 1882.

45 & 46 Vict. c. 56.

(5) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway or canal company.

48.—(1) Where the charges made by the Corporation for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the Corporation for the first-mentioned purpose shall not without the consent in writing of the

Use for one purpose of electricity supplied for another purpose.

A.D. 1936. Corporation be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is supplied uses it or suffers it to be used in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Where a person is convicted of an offence under this section in respect of the use of electricity for any purpose the court may direct that all or any portion of the electricity which has been supplied to him by the Corporation within one year previous to the date when the proceedings were instituted at a rate of charge lower than the rate of charge appropriate for electricity supplied for the said purpose shall be charged for at the last-mentioned rate.

(3) For the purposes of this section electricity shall not be deemed to be used for lighting purposes by reason only that it is used for the purposes of some electrical apparatus which contains a lamp if the purposes of the apparatus as a whole are not lighting purposes.

Protection  
of seals &c.  
belonging to  
Corporation.  
34 & 35 Vict.  
c. 41.

**49.**—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or who opens or suffers to be opened any such sealed or locked receptacle meter or apparatus as they apply to persons who wilfully fraudulently or by culpable negligence injure or suffer to be injured meters belonging to the Corporation.

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.



PART VII.

A.D. 1936.

CEMETERY AND CREMATORIUM.

50.—(1) The scheduled agreement is hereby confirmed and made binding upon the company and the Corporation and effect may and shall be given thereto accordingly subject to such modifications if any as may be agreed between the company and the Corporation in writing under their respective common seals Provided that no such modification shall be of such a character as to affect the rights or interests of any person other than the company and the Corporation.

Confirma-  
tion of  
scheduled  
agreement.

(2) The receipt in writing of two directors of the company for any money payable by the Corporation to the company or to the directors of the company in pursuance of the scheduled agreement shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss mis-application or non-application thereof and if from any cause the Corporation are unable to obtain any such receipt from two of the directors of the company they may pay the money into the Bank of England in the name of the Accountant-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of two directors of the company.

(3) Subject as hereinafter provided all rights powers and privileges vested in or had and enjoyed by the company shall as from the date of transfer be transferred to and vested in and may be had and enjoyed by the Corporation provided that as from the said date the following provisions shall have effect (namely) :—

- (a) Sections III to XIV and XVI to XIX inclusive and the words from and including “ more than one dead body ” to and including the words “ to bury and deposit ” in section XXXIII of the *Wolverhampton General Cemetery Act 1847* shall be repealed;

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(b) Subject to the provisions of paragraph (a) of this subsection the said Act of 1847 shall be read and have effect as if the Corporation were referred to therein instead of the company;

42 & 43 Vict.  
c. 31.

(c) Subject to the provisions of this Act the Corporation shall be deemed to have acquired the undertaking of the company in pursuance of the provisions of the Public Health (Interments) Act 1879.

As to winding up of company.

**51.**—(1) From and after the date of transfer the company shall continue to exist only for the purpose of winding up its affairs and for that purpose the company shall be deemed on the date of transfer to have passed a special resolution for voluntary winding up and to have appointed as liquidators Mein Wilkie and Cyril Joseph Dawson both chartered accountants of Wolverhampton and section 118 and subsection (1) of section 232 of the Companies Act 1929 shall not apply:

19 & 20  
Geo. 5. c. 23.

Provided that—

(i) if either of the said persons or any person appointed as next hereinafter provided shall die or become insolvent before the date of the dissolution of the company the Board of Trade shall on the application of the surviving liquidator (if any) or (if there be no surviving liquidator) of the directors of the company appoint some person to be liquidator in the place of the person so dying or becoming insolvent;

(ii) section 233 of the Companies Act 1929 (which section relates to the filling of vacancies in the office of the liquidator) shall not apply.

(2) The company shall within seven days after the date of transfer give notice by advertisement in the London Gazette of the provisions of this Act as to the voluntary winding up of the company and the publication of the said advertisement shall be deemed to be compliance with the requirements of section 226 of the Companies Act 1929.



(3) Kenneth Lemesle Adams shall notwithstanding that he is a director of the company and notwithstanding section 86 of the Companies Clauses Consolidation Act 1845 be entitled to retain for his own benefit any fees payable to him as solicitor to the company by the Corporation in connection with the scheduled agreement or in connection with the Bill for this Act or in connection with the winding up of the company and distribution of its assets and shall also be entitled to be paid out of the assets of the company and retain for his own benefit all costs charges and expenses properly incurred by him as such solicitor as aforesaid and not payable by the Corporation as aforesaid in connection with the winding up of the company and distribution of its assets pursuant to the provisions of this Act such costs to be agreed between the liquidators and the said Kenneth Lemesle Adams or in default of agreement to be taxed as between solicitor and client.

A.D. 1936.

—  
8 & 9 Vict.  
c. 16.

(4) The liquidators shall also allocate and set aside out of the assets of the company the sum of one thousand and fifty pounds as compensation to the directors and accountant of the company for loss of office and such sum shall be divided amongst the directors and the accountant in such proportions as the directors or the majority of them may decide and the provisions of section 150 of the Companies Act 1929 shall not apply in regard to the sums payable to the directors respectively under this subsection.

(5) Subject to the provisions of subsection (6) of this section the net assets of the company shall be distributed rateably in proportion to the amounts paid up on the shares held by them to the several persons whose names shall appear on the books of the company at the date of vesting as the holders of the shares therein and such persons shall unless the contrary be proved to the satisfaction of the liquidators be considered to be shareholders of the company and the receipt in writing of such persons or their executors or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the liquidators for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect whereof the money is paid.

A.D. 1936.

(6) If the liquidators are for six months after the date of vesting unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same or if there is no person who can give an effectual receipt therefor the liquidators shall pay the said money into the High Court or where the amount does not exceed five hundred pounds into the county court of Staffordshire holden in the borough under any Act for the time being in force for the relief of trustees and every such payment into court shall effectually discharge the liquidators from all further liability with respect to the money so paid in.

(7) The provisions relating to notice of general meeting contained in Table A in the First Schedule to the Companies Act 1929 shall apply to any meetings of the company convened by the liquidators of the company.

(8) It shall not be necessary for any such declaration as is referred to in section 230 of the Companies Act 1929 to be made but subject to the foregoing provisions of this section the company shall be wound up under and in accordance with the provisions of the said Companies Act 1929 applicable to a members' voluntary winding up as if such declaration had been made by the company.

Use of lands  
for crema-  
torium.

**52.** Notwithstanding anything contained in any enactment the Corporation may (if and when they have acquired the undertaking of the company) use the lands hereinafter in this section described or such parts thereof as they may from time to time think fit for the purposes of and may thereon make and maintain a crematorium with all necessary and proper buildings roads and other works.

The said lands are—

A piece of land containing one hundred and eighty-four square yards or thereabouts being the site of the existing disused Nonconformist Mortuary Chapel in the Wolverhampton General Cemetery together with a piece of land extending to the south of that site and bounded on the west and east by imaginary straight lines drawn



in continuation of the westerly and easterly sides of that chapel and respectively ten yards in length and on the south by an imaginary straight line joining the respective southerly terminations of the two last-mentioned lines. A.D. 1936.

**53.** The crematorium provided by the Corporation under this Act shall be deemed to be provided under the Cremation Act 1902 and all the provisions of that Act except as hereinafter in this section provided shall extend and apply thereto. Provided that the provisions of section 5 of the Cremation Act 1902 prohibiting the construction of a crematorium nearer to any dwelling-house than two hundred yards or within fifty yards of any public highway shall not be applicable to the said crematorium. Application of Cremation Act 1902. 2 Edw. 7. c. 8.

**54.**—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906 and the Corporation may pay or transfer to the Corporation (who may accept the same) any capital sum in fact received by them for such purpose. Extension of section 2 (3) of Public Health (Interments) Act 1879.

(2) Any such sum as is accepted by the Corporation shall be invested by them in statutory securities or in manner authorised by section 145 (Consolidated loans fund) of the Act of 1925 as amended by section 102 (Amendment of section 145 of Act of 1925) of the Act of 1932 or in manner authorised by section 148 (Use of moneys forming part of sinking and other funds) of the Act of 1925 and the interest thereof applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereof shall be shown separately in the accounts of the Corporation relating to their cemetery or burial ground but otherwise the said interest shall be paid into the fund to which receipts derived from the cemetery or burial ground are paid.

A.D. 1936.

PART VIII.

BUILDINGS AND SANITARY PROVISIONS.

Lock-up shops and places of business not to be improperly used for habitation.  
53 & 54 Vict. c. 59.

**55.** Section 33 of the Public Health Acts Amendment Act 1890 in its application to the borough shall extend and apply to any part of a building which—

(a) is described on a plan submitted to and approved by the Corporation either before or after the passing of this Act as; or

(b) appears to be intended to be separated from the remainder of the building for the purpose of being used as;

a lock-up shop or workshop shed or place of business and not as a dwelling-house.

Power to order alteration of chimneys.

**56.**—(1) It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or the sanitary inspector that any smoke gas or vapour or any soot from any chimney of a washhouse or outbuilding within the borough forming part of or in proximity to a dwelling-house within the borough is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas or vapour or such other means to be adopted as may seem fitting to such court for preventing or mitigating such nuisance within such time as shall be specified in such order where the cost of complying with such requirement does not exceed twenty pounds.

(2) Any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty for failure to carry out work until after issue of summons.

**57.** In any proceedings under the Public Health Acts for the abatement of a nuisance to which the provisions of section 91 of the Public Health Act 1875 apply if the person on whom a notice to abate a nuisance has been served delays making compliance with any of the requisitions thereof until after a



[26 GEO. 5. & *Wolverhampton Corporation* [Ch. cxi.]  
1 EDW. 8.] Act, 1936.

summons has been issued requiring him to appear before a court of summary jurisdiction the court in addition to any other powers conferred upon them by the said Acts may if satisfied that the alleged nuisance existed impose a penalty not exceeding five pounds on the person on whom the notice was served notwithstanding that the nuisance is abated. A.D. 1936.

**58.**—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws for securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and as to the provision to be made for securing the protection of the same from frost and for preventing the improper use of such closets and of the blocking of the pipes therefrom. Extension of section 157 of Public Health Act 1875.

(2) Any byelaws made under subsection (1) of this section or under the said section 157 with respect to the matters mentioned in that subsection may be made so as to affect buildings erected before the times mentioned in the said section 157.

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

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

**60.** The Corporation at the request of the owner or occupier of any premises in the borough may undertake the cleansing of any waterclosets drains sinks or gullies in or connected with such premises for such remuneration as may be determined by the Cleansing of sinks and gullies.

A.D. 1936. Corporation and the amount thereof shall be recoverable from the person by or on behalf of whom the request is made.

Amendment of section 39 of Public Health Act 1925.  
15 & 16 Geo. 5. c. 71.

**61.** Section 39 of the Public Health Act 1925 shall be read and have effect in its application to the Corporation as if in subsection (1) of the said section the word "repair" were inserted after the word "reconstruct" and the words "or make any alteration addition or connection to any drain" were inserted after the word "drainage" and as if in subsection (3) of the said section the words "repair addition connection" were inserted after the word "reconstruction."

As to disused drains.  
7 Edw. 7. c. 53.

**62.** The power of the Corporation under section 46 of the Public Health Acts Amendment Act 1907 to require any cesspool receptacle ashpit or well to be filled up removed or altered shall extend to any disused drain.

Amendment of section 82 of Act of 1925.

**63.** Subsection (1) of section 82 (As to defective drains &c.) of the Act of 1925 shall have effect as if the following words were inserted at the end thereof:—

"The Corporation may also recover from such owner or occupier the reasonable cost of and connected with the attendance within seven days after the expiration of the said period of twenty-four hours of any officers or servants of the Corporation for the purpose of cleansing any such drain watercloset or soil-pipe in cases where any such defect is not remedied by such owner or occupier before the expiration of the said period of twenty-four hours."

Byelaws as to tipping refuse.

**64.**—(1) Section 44 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and



a daily penalty not exceeding ten pounds Section 183 A.D. 1936.  
of the Public Health Act 1875 shall not apply in the  
case of byelaws made in pursuance of this section. —

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Public Health Act 1875 authorised to proceed with respect to a nuisance of whose existence they are satisfied and sections 94 to 104 inclusive of that Act with any necessary modifications shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 96 of the Public Health Act 1875 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a daily penalty under the byelaws and to a penalty under section 98 of the Public Health Act 1875 (as so applied) for failing to carry out an order or acting contrary to an order.

(5) Provided also that no byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway company for the purpose of constructing widening or maintaining any railway works.

(6) No penalty shall be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture and that the best available means have been taken for preventing injury thereby to the public health.

**65.**—(1) It shall not be lawful for any person other than a person appointed by the Corporation for the purpose of emptying dustbins or other receptacles for refuse to sort over or disturb the contents of any such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of removal of such contents by the Corporation.

Prohibiting  
sorting  
contents of  
dustbins  
and refuse  
tips.

A.D. 1936.

(2) It shall not be lawful for any person (other than a person employed by the Corporation in connection with any refuse tip used by the Corporation for the disposal of refuse) to sort over or disturb the refuse at any such refuse tip.

(3) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

## PART IX.

### FOOD.

Registration  
of ice-cream  
and pre-  
served meat  
manufac-  
turers and  
premises.

**66.**—(1) (a) No person shall carry on the business of a manufacturer or vendor of or dealer in ice-cream or of a manufacturer of preserved meat unless he be registered by the Corporation.

(b) No premises shall be used for the manufacture for sale or sale of ice-cream or for the preparation or manufacture of preserved meat unless such premises are registered with the Corporation by the owner or occupier thereof.

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

(2) (a) The Corporation may refuse to register any such person or premises or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) revoke the registration of such person or premises as regards the former on the ground that the public health is or is likely to be endangered by any act or default of such person who seeks to be registered or who is registered as a manufacturer or vendor of or dealer in ice-cream or as a manufacturer of preserved meat in relation to the quality storage or distribution of the ice-cream or preserved meat and as regards the latter upon the ground that the premises are not suitable to be used for the purposes aforesaid :



Provided that before refusing or revoking such registration the Corporation shall serve upon the applicant for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises. A.D. 1936.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall deliver to the person applying for such registration or to the person registered or in whose name the premises are registered a statement in writing of the ground or grounds upon which such refusal or revocation is based. Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such notice.

(c) Any person aggrieved by any such refusal or revocation may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of the refusal to register or of the notice of revocation.

(d) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(e) On any such appeal the court may by order confirm the refusal or revocation or direct the Corporation to register the person or premises or to retain him or them upon the register and the Corporation shall comply with any such direction.

(3) The provisions of this section shall not apply to any premises used as a hotel or railway refreshment rooms or as a cinematograph theatre music hall or other similar places of entertainment or to any premises licensed for the sale of intoxicating liquor and structurally adapted for use and actually used in good faith as a restaurant.

(4) The provisions of this section shall come into force on the first day of January nineteen hundred and thirty-seven.

A.D. 1936.

Registration  
of purveyors  
of meat and  
premises.

**67.**—(1) (a) Any person being a butcher or vendor of or merchant or dealer in meat within the borough; and

(b) any premises within the borough used or proposed to be used for the sale or storage of meat;

shall be registered with the Corporation in a register to be kept by the medical officer in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the borough carry on the business of a butcher or vendor of or merchant or dealer in meat unless he be so registered and no premises within the borough shall be used for the purposes aforesaid unless they be so registered.

(3) In this section “meat” means the uncooked flesh (including edible offal) of cattle swine sheep or goats but does not include bacon and ham.

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

Registration  
of hawkers  
of meat  
game fish  
&c. and  
premises.

**68.**—(1) No person other than a person keeping open shop for the sale of meat or meat food products shall sell or offer or expose for sale any meat or meat food product from any cart or other vehicle or from any basket or barrow unless he and the accommodation used by him for the storage of the meat or meat food products are registered by such person with the Corporation in a register to be kept by the medical officer and the Corporation shall issue to any person so registered a certificate of the registration of himself and of such accommodation.

(2) Every person in charge of a cart or other vehicle or of a basket or barrow from which meat or any meat food product is being sold or offered or exposed for sale shall on demand produce to the medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose or to any officer of police the certificate of registration of himself and of the accommodation used by him as aforesaid.



(3) In and for the purposes of this section—

A.D. 1936.

“Meat” means—

(a) the flesh of cattle swine including bacon and ham sheep goats rabbits or fish;

(b) edible offal and fat which is sold or intended for human consumption; and

(c) game (as defined in section 2 of the Game Act 1831);

1 & 2 Will. 4.  
c. 32.

“Meat food product” means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

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

**69.**—(1) Every dealer in any article intended for food selling his wares from any cart barrow or other vehicle or stall or from a basket pail container or similar receptacle used without a cart barrow vehicle or stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle pail basket container or receptacle or clearly exhibited on such stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings:

As to street vendors of food.

Provided that no person shall be liable to a penalty under the provisions of this subsection if he has been convicted for the same offence under the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907.

5 & 6 Geo. 5.  
c. 66.  
7 Edw. 7.  
c. 32.

(2) In this section the expression “stall” includes any structure or erection from which food is offered for sale in a street or other open space or in any place used as a market place otherwise than by virtue of a franchise or statute.

(3) The provisions of this section shall not apply to sales by travelling showmen at a pleasure fair.

A.D. 1936.

—  
Power to  
take samples  
of food for  
analysis.

**70.**—(1) The powers of entry and inspection conferred by subsection (5) of section 72 of the Public Health Act 1925 shall in relation to the borough be extended so as to empower an officer making an inspection of any room under the said subsection to take samples of any food found in such room making reasonable payment therefor and if it be intended to submit any sample to analysis or bacteriological examination he shall forthwith notify to the vendor of or merchant or dealer in such food or the agent of such person his intention to have the same analysed by the public analyst or examined by a bacteriologist appointed by the Corporation and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deem it right to have the sample analysed or examined to the public analyst or such bacteriologist.

(2) The expression “public analyst” in this section means the analyst appointed by the Corporation for the purposes of the Food and Drugs (Adulteration) Act 1928.

Further  
powers as to  
ice-cream  
&c.

**71.** Any officer who is duly authorised by the Corporation in that behalf shall at all reasonable times have power to inspect any cart barrow or other vehicle or stand in or on which ice-cream or other similar commodity is offered for sale and the provisions as to inspection of section 72 of the Public Health Act 1925 as extended by the section of this Act of which the marginal note is “Power to take samples of food for analysis” shall apply to any inspection made under the powers of this section.

Extension of  
section 72  
of Public  
Health Act  
1925.

**72.**—(1) Section 72 of the Public Health Act 1925 in its application to the borough shall (except in relation to subsection (3) and paragraph (e) of subsection (2) of that section) be read and have effect as if the words “the Factory and Workshop Act 1901 as amended by any subsequent enactment or” were omitted from subsection (1) of that section.



(2) The said section 72 as so amended shall in its application to the borough be read and have effect as if the following provision were added after subsection (2) thereof (that is to say):— A.D. 1936.  
—

“The occupier of any room to which this section applies and which is used for the preparation of food for sale or (except in the case of food contained in receptacles so closed as to exclude all risk of contamination) for the sale of food shall cause to be provided in connection with the room—

- (i) a satisfactory water supply; and
- (ii) suitable washing-up sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein.”

(3) The said section 72 (except paragraphs (d) and (e) of subsection (2) thereof) shall apply so far as applicable to a yard (not being a yard to which any regulation made under the Public Health (Regulations as to Food) Act 1907 applies) in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale.

**73.**—(1) Where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered in the borough he shall give in accordance with the provisions of subsection (2) of this section notice to the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcase or any part thereof. Notice of slaughter of animal unfit for food.

(2) The notice referred to in subsection (1) of this section shall not be less than twelve hours' previous

A.D. 1936. — notice except in case of emergency when notice shall be given immediately prior to the slaughter of the animal. Provided that in cases where notice is so given immediately prior to such slaughter the carcase shall not be disposed of until after inspection by the medical officer or sanitary inspector.

(3) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

Byelaws  
as to  
inspection  
of meat.

74.—(1) The Corporation may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation.

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

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of twenty miles from the town hall of the borough for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(4) Before making any such byelaws the Corporation shall give not less than one month's notice to the Wolverhampton Master Butchers' Association and to the Staffordshire Branch of the National Farmers' Union and to the councils of each of the county districts which are situate within the radius



referred to in subsection (3) of this section of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association and branch thereon before the Corporation submit such byelaws to the Minister for confirmation and such association and branch shall be entitled to make representations to the Minister with regard thereto. A.D. 1936.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1935 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

**75.**—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he prove that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition. Penalty on original vendor of unsound food.

(2) Where any animal or article of food has been condemned by a justice under the said section 117 as amended by the said section 28 the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he prove that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by

A.D. 1936. — a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or the sanitary inspector of the intention of the medical officer or the sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Byelaws as to transport of food.

**76.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the confirming authority referred to in section 250 of the Act of 1933 for confirmation of any byelaws made under this section applicable to the transport by any railway company having a station in the borough of any article intended for food the Corporation shall give notice to such company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

## PART X.

### CONTROL OF BOXING AND WRESTLING ENTERTAINMENTS.

Definitions for Part X.

**77.** In this Part of this Act "boxing entertainment" and "wrestling entertainment" mean respectively any public contest exhibition or display of boxing or wrestling (as the case may be) within the borough except any such contest exhibition or display which is provided or given—

(a) at pleasure fairs;

6 & 7 Vict.  
c. 68.

(b) in premises licensed under the Theatres Act 1843;



- (c) by bona fide associations clubs hospitals or societies which are not carried on for profit; A.D. 1936.  
—
- (d) by members of the Boy Scouts Association or of any organisation constituted by the Boy Scouts Association in pursuance of their charter; or
- (e) by any school.

**78.**—(1) This Part of this Act shall (subject to compliance by the Corporation with the final section of this Part of this Act) come into force on the first day of April nineteen hundred and thirty-seven or such other date not being earlier than the first day of January nineteen hundred and thirty-seven as the Corporation may by resolution passed within three months after the passing of this Act prescribe. Date of commencement of Part X.

(2) The date on which this Part of this Act shall so come into force is in this Part of this Act referred to as "the prescribed date."

**79.** A boxing entertainment or a wrestling entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of the next succeeding section of this Act. Boxing &c. entertainments to be given only in licensed premises.

**80.**—(1) The Corporation may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing entertainment or a wrestling entertainment or both such forms of entertainment on such terms and conditions and subject to such restrictions as they by the licence prescribe. Boxing &c. entertainment licences.

(2) A licence granted under this section shall be in force for such period (to be stated in the licence) not exceeding thirteen months as the Corporation on the grant of the licence may determine unless it shall have been previously revoked as hereinafter provided. Provided that the Corporation may if they think fit grant a licence (in this section referred to as an "occasional licence") for the use of any premises for a boxing entertainment or a wrestling entertainment or both such forms of entertainment on such one or more particular occasions only as may be specified in the licence.

A.D. 1936.

(3) The Corporation may on the application of the persons concerned transfer any licence granted under this section to such person as they think fit.

(4) An applicant for a licence or a transfer or renewal of a licence other than an occasional licence under this section shall give not less than twenty-one days' notice in writing of his intention to make such application to the Corporation.

(5) Any person making application under this section for the grant renewal or transfer of a licence shall when making the application pay to the Corporation such fee as the Corporation may fix not exceeding—

	£	s.	d.
(a) in respect of the grant or renewal of a licence for any period not less than one year - - - -	2	0	0
(b) in respect of the grant or renewal of a licence for any period less than one year ten shillings for every month for which it is granted or renewed so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed - - - -	2	10	0
(c) in respect of the grant of an occasional licence - - - -	0	10	0
(d) in respect of the transfer of a licence - - - -	0	5	0

and the fees paid on any application for the grant renewal or transfer of a licence may be retained by the Corporation whether such licence is or is not granted renewed or transferred.

(6) Except where the licence is an occasional licence there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this section an inscription so as to be easily legible in the following terms :—

“ Licensed for . . . entertainments in pursuance of the *Wolverhampton Corporation Act 1936.* ”



(7) Any premises used for the purpose of a boxing entertainment or a wrestling entertainment although licensed under this section shall not be open for that purpose except on the days and between the hours stated in the licence. A.D. 1936.  
—

(8) (a) Any person aggrieved by any conditions attached to a licence or any refusal of the Corporation to grant or renew a licence may by written notice served on the clerk of the court and on the Corporation within fourteen days after the date of the grant of the licence or of such refusal appeal to a court of summary jurisdiction.

(b) Any such notice of appeal shall give the ground thereof and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(9) On any such appeal the court may by order after considering any representations made by the Corporation either confirm the refusal or attachment of conditions or may modify the conditions or may direct the Corporation to grant or renew a licence subject to such conditions (if any) as the court may specify and the Corporation shall comply with any such direction.

**81.**—(1) A police constable or any person appointed for the purpose by the Corporation may at all reasonable times enter any premises licensed under this Part of this Act in which he has reason to believe that a boxing entertainment or a wrestling entertainment is being or is about to be given with a view to seeing whether the provisions of this Part of this Act applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted have been complied with. Powers of entry and inspection.

(2) A police constable or any person appointed for the purpose by the Corporation may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which he has reason to suspect that an offence under this Part of this Act is being committed.

A.D. 1936.

(3) Every person who refuses to permit any such constable or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to  
make regu-  
lations.

**82.** The Corporation if they think fit may (subject to the provisions of this Part of this Act) make regulations prescribing generally the terms conditions and restrictions on and subject to which licences under this Part of this Act may or are to be granted renewed or transferred and if any such regulations be made every such licence shall (without prejudice to the powers of the Corporation to grant renew or transfer a licence on and subject to any special terms conditions or restrictions) be deemed to be granted renewed or transferred subject to the regulations.

Prima facie evidence of any regulations so made may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the town clerk or some other officer of the Corporation authorised to give a certificate for the purpose of this section and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

Power to  
revoke  
licences.

**83.** If the holder of a licence granted renewed or transferred under this Part of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the Corporation.

Penalties  
under  
Part X.

**84.** Any person who after the prescribed date—

(a) provides a boxing entertainment or a wrestling entertainment or a boxing and wrestling entertainment in any premises without a licence under this Part of this Act; or

(b) being the occupier of any premises uses those premises or allows them to be used for a boxing entertainment or a wrestling entertainment or a boxing and wrestling entertainment without a licence under this Part of this Act; or



(c) being a person to whom a licence has been granted or transferred under this Part of this Act in respect of any premises uses those premises or allows them to be used in contravention of the terms conditions or restrictions on or subject to which the licence was granted or transferred; A.D. 1936.

shall be liable—

- (i) in respect of an offence under paragraphs (a) or (b) of this section to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds ; and
- (ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

**85.** Where any company within the meaning of the Companies Act 1929 commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers and against the secretary of such company as well as or instead of against the company and every such director manager and secretary shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

Directors &c. of companies to be liable for penalties under Part X.

- (a) that the act which constituted the offence took place without his knowledge or consent; and
- (b) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

**86.**—(1) The Corporation shall prior to the prescribed date give public notice of the effect of this Part of this Act and of the date when it will come into force by advertisement in two or more newspapers circulating in the borough and otherwise in such manner as the Corporation think sufficient.

Notice of Part X.

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

A.D. 1936.

PART XI.

HAIRDRESSERS' AND BARBERS' PREMISES.

Registration  
of hair-  
dressers'  
and barbers'  
premises.

87.—(1) Every person who shall within the borough carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose.

(2) The Corporation may make byelaws for the purpose of securing the cleanliness of any premises registered under this section and of the instruments towels and materials used in such premises.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section hung up in a conspicuous place in the registered premises.

(4) (a) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on.

(b) Every person who refuses to permit any officer or authorised representative of the Corporation to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made under this Part of this Act shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises



in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or acting in contravention of any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration. A.D. 1936.

(6) Public notice of the effect of the provisions of this section shall be given as soon as reasonably practicable after the commencement of this Act by advertisement in a newspaper published or circulating in the borough and a copy of the newspaper containing the advertisement shall be sufficient evidence that the provisions of this subsection have been complied with.

## PART XII.

### SUPERANNUATION.

**88.** Words and expressions to which meanings are assigned by the Act of 1922 have in and for the purposes of this Part of this Act the same respective meanings unless there is something in the subject or context repugnant to such construction. Meaning of expressions in Part XII of Act.

**89.**—(1) In the event of the salary or wages of an officer or servant being either— Reduction or suspension of salary or wages.

(a) reduced in consequence of a reduction of the duties which he has to perform and not on the ground of misconduct; or

(b) reduced on account of his mental or physical infirmity; or

(c) reduced or suspended by reason of illness;

he may if he so desires with the consent of the Corporation either—

(i) continue to contribute to the superannuation fund in all respects as if such reduction or suspension had not taken place; or

A.D. 1936.

(ii) pay into the superannuation fund forthwith on such reduction or suspension ceasing to have effect or on his resignation or on his otherwise ceasing to hold his office or employment whichever shall first occur (in this section referred to as "the material date") or by such instalments as may be agreed between him and the Corporation a sum equal to the difference between the amount (if any) which he has contributed thereto during the period of such reduction or suspension and the amount which he would have contributed thereto if such reduction or suspension had not taken place together with compound interest on that sum calculated at the rate of four per centum per annum with half-yearly rests.

(2) In the event of any sum payable by an officer or servant under paragraph (ii) of subsection (1) of this section being agreed to be paid by instalments the first instalment shall be not less than one-tenth of the total sum payable and shall be payable within one year from the material date and the whole of the instalments shall be payable within a period not exceeding ten years from that date with compound interest on the amount for the time being unpaid calculated at the rate of four per centum per annum with half-yearly rests as from the material date.

(3) In the event of an officer or servant making such payment or continuing to contribute as aforesaid—

(a) in the former case the amount of his salary or wages shall for the purposes of the Act of 1922 be deemed to be the amount of the salary or wages which he would have received; and

(b) in the latter case the amount of his salary or wages for the period in respect of which he so continues to contribute shall for the purposes of the Act of 1922 be deemed to be the amount of the salary or wages which he would have received in respect of that period;

if such reduction or suspension had not taken place.

(4) For the purpose of calculating the amount which may be or is required to be paid by way of



return of contributions to or in respect of an officer or servant under sections 9 10 11 12 and 17 of the Act of 1922 the whole of the sum paid by him under this section (or if the amount is payable by instalments under subsection (2) of this section the amount of the instalments paid by the officer or servant to the date of the determination of the appointment or his death as the case may be) shall be treated as contributions which have been paid by him to the superannuation fund of the Corporation.

A.D. 1936.  
—

(5) If any instalment of the sum payable by an officer or servant under this section remains to be paid at the date on which the officer or servant becomes entitled to a superannuation allowance the amount of each such instalment shall with accrued interest thereon be deducted from the payment or payments of superannuation allowance made next after the instalment has become due until the whole sum payable has been recovered.

90. Notwithstanding anything contained in the Act of 1922 the Corporation shall not be required to make any payment by way of superannuation allowance under that Act to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

As to proof of continued existence of pensioners.

91.—(1) Within one month before any date on which if he ceased to hold his office or employment an officer or servant would become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 of the Act of 1922 he may give notice in writing to the treasurer requiring that the provisions of subsection (2) or subsection (3) of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance or (if he dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death and where any such notice is given then unless the Corporation (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory)

Annuities for widows.

A.D. 1936. — notify him within one month after the receipt by the treasurer of the notice that they do not intend to comply with the requirement subsection (2) or subsection (3) of this section as the case may be shall apply and the other provisions of this section shall have effect:

Provided that a notice under this subsection may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(2) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant during the joint lives of himself and such wife as aforesaid shall in any case covered by the Second Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by an actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable under paragraph (a) of this subsection during their joint lives;



(c) if she predeceases him then as from the date of her death or his retirement whichever occurs last the superannuation allowance payable to him shall be an amount equal to two-thirds of the amount which was or would have been payable under paragraph (a) of this subsection during their joint lives.

(3) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant shall in any case covered by the Third Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by the actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

(4) The Minister may on application made by the Corporation by order alter as respects officers or servants giving notice under subsection (1) of this section after the date of the order any of the percentages specified in the Second and Third Schedules to this Act so far as may be necessary to secure that the benefits provided by this section for officers or servants

A.D. 1936. — and their wives shall be actuarially equivalent to the benefits to which the officers or servants would have been entitled if they had not given such notice as aforesaid.

(5) The first payment of any superannuation allowance to a person under this section shall be accompanied by a statement showing the amount of any annuity which may become payable under this section.

(6) An annuity under this section shall be payable out of the superannuation fund. Provided that if the superannuation allowance of the officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be charged to the accounts (forming part of the general rate fund) out of which the salary or wages of the officer or servant to whom the allowance was granted are charged.

(7) If the officer shall die after becoming entitled to a superannuation allowance but before he would have been entitled to receive by way of superannuation allowance if he had not given notice under this section an amount in the aggregate equal to the amount of his contributions to the superannuation fund with compound interest thereon at three per centum per annum calculated by half-yearly rests the Corporation shall pay to his legal personal representative the difference between the amount which the officer would have been entitled to receive as aforesaid and the sum to which his contributions to such fund with such compound interest thereon at the rate and calculated as aforesaid amounted at the date of his retirement.

(8) In any case to which subsection (7) of this section applies the Corporation shall not be required to make any payment to the legal personal representative of the deceased officer under the provisions of subsection (2) of section 12 of the Act of 1922.



[26 GEO. 5. & *Wolverhampton Corporation* [Ch. cxi.]  
1 EDW. 8.] Act, 1936.

(9) An annuity under this section shall not be capable of assignment or transfer. A.D. 1936.

**92.**—(1) Any person appointed as a registration officer at any time after the thirty-first day of March nineteen hundred and thirty-five who immediately before his appointment was subject by virtue of section 124 of the Local Government Act 1929 (hereinafter called “the Act of 1929”) or of that section and section 122 of the Act of 1929 or of those provisions as amended by any local Act (including the provisions of this section) to the Poor Law Officers’ Superannuation Act 1896 as modified by or in pursuance of the Act of 1929 or to the Act of 1922 as modified by the Act of 1929 shall be deemed for the purposes of section 124 of the Act of 1929 to be in the service of the Corporation as respects that appointment.

As to super-annuation of registration officers.

19 & 20  
Geo. 5. c. 17.

59 & 60 Vict.  
c. 50.

(2) Subject to the provisions of subsection (1) of this section any person appointed as a registration officer at any time after the thirty-first day of March nineteen hundred and thirty-five shall for the purposes of the Act of 1922 as respects that appointment be deemed to be in the service of the Corporation and occupying a post which was designated as an established post on the first day of April nineteen hundred and thirty-five.

(3) For the purposes of this section the expression “registration officer” means a superintendent registrar or a registrar of births and deaths (including a registrar exercising any of the functions of registrars of marriages) for a district or sub-district in relation to which registration functions are discharged by the Corporation.

**93.**—(1) Subject to the provisions of this section the expressions “officer” and “servant” where used in the Act of 1922 in its application within the borough shall include the clerk to the justices of the borough and any person employed by such clerk in connection with his duties as such clerk Provided that—

Extension of Act of 1922 to clerk to justices and others.

(a) the said expressions “officer” and “servant” shall not include any person to whom notice is given under subsection (3) of this section

A.D. 1936.

and who shall within one month after the date of giving such notice intimate in writing to the Corporation that he does not desire that the provisions of this section shall apply to him;

- (b) the provisions of this section shall not come into operation except with the consent of the said justices and of the Secretary of State and if such consents be given shall operate from the thirty-first day of December nineteen hundred and thirty-six;
- (c) a resolution of consent of the said justices under the foregoing proviso (b) shall only be effective if passed by the said justices or a majority of them assembled at special sessions summoned for that purpose;
- (d) the provisions of this section shall not apply to any person holding the office of clerk to the justices of the borough unless he is in the whole-time service of the said justices as such clerk or to any person employed by the clerk to the said justices unless he is in the whole-time employment of such clerk in connection with his duties as such clerk.

(2) The Secretary of State may by order make such modifications in the Act of 1922 in its application within the borough as appear to him to be necessary or expedient for the purposes of this section.

(3) The Corporation shall within two months after the passing of this Act give notice in writing of the provisions of this section to the clerk to the said justices who is the holder of that office at the time of the passing of this Act and to all persons who at that time are in the whole-time employment of the said clerk in connection with his duties as such clerk.

Power to grant allowances or gratuities in certain cases.

94.—(1) The Corporation may if they think fit in the case of any employee (including any temporary or supplementary teacher) who has been employed by the Corporation or by any other local authority or by the Corporation and such other local authority for not less than ten consecutive years and who is not



entitled to benefit under any Act for the time being in force relating to the superannuation of or making of gratuities or allowances to employees or under the Workmen's Compensation Acts grant a weekly or other allowance not exceeding one-half of his salary or wages or in lieu thereof a gratuity of any sum not exceeding two years' pay to any such employee who may be disabled or injured in the Corporation's service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such employee who may die in the Corporation's service. A.D. 1936.

(2) Every such allowance or gratuity shall be charged to the accounts (forming part of the general rate fund) out of which the salary or wages of the employee to whom the allowance or gratuity is granted are charged.

(3) In and for the purposes of this section the expression "employee" shall include any teacher who is not entitled to a gratuity under the Teachers (Superannuation) Acts 1918 to 1935 or any Act amending the same and who at the date of the passing of this Act is or shall thereafter be permanently and exclusively employed by the Corporation as the local education authority for the borough or permanently and exclusively employed in any public elementary school in the borough whether provided by the Corporation as the local education authority or not so provided.

### PART XIII.

#### FINANCIAL PROVISIONS.

**95.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow at interest without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not Power to borrow.

A.D. 1936, exceeding the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands which the Corporation are authorised to acquire by the section of this Act of which the marginal note is "Power to take lands."	£ 135,430	Sixty years from the date or dates of borrowing.
(b) The construction of the street works authorised by this Act.	22,000	Thirty years from the date or dates of borrowing.
(c) The construction of the waterworks authorised by this Act.	199,000	Forty-five years from the date or dates of borrowing.
(d) The extension of mains and other purposes of the waterworks of the Corporation.	47,136	Forty years from the date or dates of borrowing.
(e) The provision of trolley vehicles	33,000	Ten years from the date or dates of borrowing.
(f) The provision of electrical equipment and the construction of other works necessary for working the trolley vehicle routes authorised by this Act.	26,000	Twenty years from the date or dates of borrowing.
(g) The erection of buildings for the purposes of the transport undertaking.	20,000	Thirty years from the date or dates of borrowing.
(h) The purchase of the undertaking of the company.	The sum requisite.	Fifty years from the date or dates of borrowing.
(i) The construction of the crematorium authorised by this Act.	5,500	Thirty years from the date or dates of borrowing.
(j) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any



money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX. A.D. 1936.

(3) In the application of the provisions of Part IX of the Act of 1933 to the borrowing of any further money for the purposes of the transport undertaking the Minister of Transport shall be the sanctioning authority.

96.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security (other than stock to which the Local Authorities (Stock) Regulations 1934 apply) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send letters containing the same to such other person at such address. Dividend warrants by post.

(2) Where more persons than one are registered as joint holders of any such authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882. 45 & 46 Vict. c. 61.

97.—(1) The Corporation may if they think fit establish a fund or funds for the purpose of defraying the expenditure to be incurred from time to time in Renewal and repairs funds.

A.D. 1936. — repairing maintaining and renewing any buildings works plant appliances or things the cost of repairing maintaining and renewing which is payable out of the general rate fund and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things used for the purposes of the electricity water or transport undertakings or any undertaking in respect of which the Corporation have for the time being provided a reserve under the provisions of section 99 (1) (d) of the Act of 1932 nor to buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account.

15 & 16  
Geo. 5. c. 90.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into a fund or funds to be established under this section Provided that the total of such sums which may be carried to any such fund or funds in any one financial year shall not exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of twopence in the pound levied in that year in the borough and the amount standing to the credit of such fund or funds shall not at any time exceed twenty-five thousand pounds.

(3) Pending the application of any fund or funds established under this section to the purposes thereof the moneys in the fund or funds shall be either invested in statutory securities or used in the manner provided by section 145 (Consolidated loans fund) of the Act of 1925 as amended by section 102 (Amendment of section 145 of Act of 1925) of the Act of 1932 or in manner provided by section 148 (Use of moneys forming part of sinking and other funds) of the Act of 1925.

Art fund.

**98.**—(1) The Corporation may if they think fit establish a fund to be called "the art fund" (such fund to be included in and form part of the general rate fund) to provide for the purchasing of any pictures sculptures or other objects of art or interest which in



their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the Corporation's art gallery and museum and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one-fifth of a penny in the pound levied in that year in the borough :

A.D. 1936.

Provided that when the fund aforesaid shall amount to five thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of five thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of five thousand pounds.

(2) Pending the application of the art fund to the purposes authorised by this section the moneys in the fund shall be either invested in statutory securities or used in the manner provided by section 145 (Consolidated loans fund) of the Act of 1925 as amended by section 102 (Amendment of section 145 of Act of 1925) of the Act of 1932 or in manner provided by section 148 (Use of moneys forming part of sinking and other funds) of the Act of 1925.

99. Any scheme approved by the Minister under the provisions of section 145 (Consolidated loans fund) of the Act of 1925 may be altered amended or revoked by a scheme made in like manner as the original scheme.

Amendment of section 145 of Act of 1925.

100. For the purposes of the Act of 1899 the Act of 1928 and the Act of 1932 the expression "statutory security" shall have the meaning assigned to it by section 4 (Interpretation) of this Act instead of the meaning assigned to it by section 3 (Interpretation) of the Act of 1899 and for the purposes of the Act of 1925 the said expression shall have the same meaning.

Meaning of "statutory security" for certain purposes.

A.D. 1936.

PART XIV.

MISCELLANEOUS PROVISIONS.

Amendment  
of South  
Stafford-  
shire  
Stipendiary  
Justice Act  
1899.  
62 & 63 Vict.  
c. xc.

**101.** Section 16 (As to magistrate's attendances and sittings) of the South Staffordshire Stipendiary Justice Act 1899 is hereby repealed and in lieu thereof the following provisions shall have effect (namely):—

The magistrate shall fix subject to the approval of the commissioners the places days and times at and on which he will attend for the hearing and dispatch of business and if any difference arise between the commissioners and the magistrate as to such places days or times the same shall be referred to the Secretary of State whose decision thereon shall be final and the magistrate shall attend at the places on the days and at the times so fixed Provided that—

(a) the magistrate shall attend for the purposes aforesaid on at least two days in every week at Wolverhampton;

(b) the attendance of the magistrate under this section may when requisite be supplied and the powers of the magistrate may on such occasions be exercised—

(i) (when the business relates to a matter or matters arising elsewhere than in the borough of Wolverhampton) by two or more (but not exceeding five) justices of the peace for the county of Stafford;

(ii) (when the place fixed for the hearing and dispatch of business is situate in the said borough of Wolverhampton and the business relates to a matter or matters arising in the said borough) by two or more (but not exceeding five) justices of the peace for the said borough; and

(c) no attendance under this section shall be given on Sunday Christmas Day Good



[26 GEO. 5. & *Wolverhampton Corporation* [Ch. cxi.]  
1 EDW. 8.] *Act, 1936.*

Friday any bank holiday or any day appointed for a public fast or thanksgiving unless in cases of urgent necessity or when it shall be directed by the Secretary of State. A.D. 1936.  
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**102.**—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as “the aerodrome undertaking”) they may make such charges in respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit: As to aerodrome undertaking.

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Air Council and the said Secretary of State and subject to the like control by them under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

**103.** Notwithstanding anything contained in the Act of 1869 the Corporation may let for such term as they may think fit any stall standing shop bench site space of ground or other convenience or accommodation in any market or fair in the borough upon such terms and conditions as the Corporation think fit. Power to let stands &c. in market.

**104.** Section 11 of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street. Regulation of petroleum filling stations. 18 & 19 Geo. 5. c. 32.

A.D. 1936.

—  
Power to  
establish  
information  
bureaus.

**105.** The Corporation may establish and maintain an information bureau or information bureaus in the borough for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others or may subscribe towards the establishment of any such bureau and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaus or for information supplied by means thereof.

Interference  
with police  
telephone  
call boxes  
&c.

**106.**—(1) Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such call box alarm plug or hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person.

(2) Any person who shall knowingly and improperly use or cause to be used by means of any false or malicious statement message or otherwise any police telephone call box or (for the purposes of requiring the services of the police or an ambulance) any telephone call box of the Post Office telephone service shall for every such offence be liable to a penalty not exceeding five pounds.

Noise  
nuisance.

**107.**—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes or allows to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :



Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted. A.D. 1936.  
—

(3) Nothing contained in this section shall apply to a railway or a canal company or their servants exercising statutory powers.

**108.** The Corporation may from time to time compound with any person having entered into any contract with the Corporation for any penalty contained in such contract or in any bond or other security for the performance thereof or on account of any breach or non-performance of such contract bond or security for such sum of money or other recompense as the Corporation think proper. Power to compound with contractors.

**109.** Any agreement entered into between the Corporation and the parent or guardian of a pupil attending any secondary school or other institution of higher education may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend any such school or institution prior to the date fixed by such agreement for the pupil to cease attendance at such school or institution and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend any such school or institution as aforesaid to recover summarily as a civil debt from such parent or guardian any sum not exceeding the sum specified in the agreement as the court may think fit to award in all the circumstances of the case. As to school agreements.

**110.**—(1) The following provisions of the Act of 1899 the Act of 1904 the Act of 1915 the Act of 1920 the Act of 1925 and the Act of 1928 shall extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely):— Application of certain provisions of existing enactments.

The Act of 1899—

Section 8 (Owners may be required to sell parts only of certain lands and buildings);

[Ch. cxi.] *Wolverhampton Corporation* [26 GEO. 5. &  
*Act, 1936.* 1 EDW. 8.]

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Section 9 (Persons under disability may grant easements &c.);

Section 12 (Power to retain sell &c. lands);

Section 13 (Proceeds of sale of surplus lands).

The Act of 1904—

Section 11 (Temporary stoppage of streets);

Section 95 (Compensation how to be determined);

Section 96 (Recovery of penalties);

Section 98 (Penalties to be paid over to treasurer);

Section 100 (Crown rights).

The Act of 1915—

Section 11 (Power to hold lands and exercise powers for protection of waters);

Section 12 (Reservation of water rights &c.);

Section 14 (Subsidiary works);

Section 21 (Temporary discharge of water into streams);

Section 22 (Application of Act of 1869 to conduits and to telephones);

Section 23 (For protection of Postmaster-General);

Section 24 (Further powers in relation to water mains).

The Act of 1920—

Section 6 (Subsidiary works);

Section 8 (Extinction of private rights of way).

The Act of 1925—

Section 165 (Power to enter premises);

Section 166 (Penalty on occupier refusing execution of Act);

Section 172 (Recovery of demands);

Section 173 (Saving for indictments &c.);

Section 175 (Application of section 265 of Public Health Act 1875);

Section 177 (Powers of Act cumulative).



The Act of 1928—

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- Section 24 (Lands laid into streets to form part thereof);
- Section 30 (Compensation in case of recently created interest);
- Section 31 (Power to enter upon property for survey and valuation);
- Section 32 (Benefits to be set off against compensation);
- Section 34 (Power to develop lands &c.);
- Section 35 (Power to Corporation to advance money for erection of buildings).

(2) Provided that—

- (a) the said section 8 of the Act of 1899 shall for the purposes of such application apply as if the Fourth Schedule to this Act were therein referred to instead of the Second Schedule to the Act of 1899;
- (b) nothing contained in the said section 12 of the Act of 1899 as extended and applied by this section to and for the purposes of this Act shall release the Corporation or any person purchasing or acquiring any lands from them under that section as so extended and applied 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;
- (c) in the exercise of the powers of the said section 12 of the Act of 1899 as so extended

A.D. 1936.

and applied the Corporation shall not without the consent of the Minister sell lease or otherwise dispose of any lands or interests therein at a price or rent or for a consideration or 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;

- (d) the said section 11 of the Act of 1904 shall only apply in relation to the provisions of Parts III IV and V of this Act and in the exercise by the Corporation of the powers of that section for the purposes of this Act the Corporation shall at all times maintain reasonably sufficient access both for vehicular and pedestrian traffic to the stations and depots of any railway company;
- (e) the said section 24 of the Act of 1915 shall have effect as if the words "For protection of certain existing sources of supply" were substituted therein for the words "For protection of existing sources of supply" and as if the words "Work No. 2" were substituted therein for the words "the aqueduct Work No. 2";
- (f) the said section 165 of the Act of 1925 shall have effect as if Parts VIII and IX of this Act were therein referred to instead of any Parts of the Act of 1925;
- (g) the said section 166 of the Act of 1925 shall have effect as if Parts VIII and IX of this Act were therein referred to instead of any Parts of the Act of 1925;
- (h) the said section 30 of the Act of 1928 shall have effect as if the seventeenth day of November nineteen hundred and thirty-five were therein referred to instead of the seventeenth day of November nineteen hundred and twenty-seven;
- (i) the said sections 34 and 35 of the Act of 1928 shall have effect as if the lands and street



works referred to therein were the lands which the Corporation are empowered to acquire by paragraph (a) of the section of this Act of which the marginal note is "Power to take lands" and the street works authorised by the section of this Act of which the marginal note is "Power to construct street works";

A.D. 1936.

- (j) the said section 35 of the Act of 1928 shall have effect as if the words "the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935" were inserted in subsection (2) thereof instead of the words "the rate of interest for the time being prescribed by the Minister for the purpose of loans under the Small Dwellings Acquisition Acts 1899 to 1923."

25 & 26  
Geo. 5. c. 40.

111. For the protection of the *Wolverhampton Gas Company* (in this section called "the gas company") the following provisions shall (in addition to any other provisions enuring for the protection of the gas company and notwithstanding anything in this Act contained) apply and have effect in relation to the exercise by the Corporation of the powers of this Act unless otherwise agreed in writing between the gas company and the Corporation (that is to say):—

For protec-  
tion of  
*Wolver-*  
*hampton*  
*Gas Com-*  
*pany.*

- (1) In this section "apparatus" has the same meaning as in section 39 (For protection of *Wolverhampton Gas Company*) of the Act of 1925:

- (2) The provisions of subsections (2) to (8) of the said section 39 shall apply and have effect in all respects as if the same were set out in this section:

Provided that for the purposes of such application—

(a) "authorised work" means any work authorised by Part III (Street works) of this Act or by section 6 of the Act of 1920 as extended and applied by the section of this

A.D. 1936.

Act of which the marginal note is "Application of certain provisions of existing enactments";

(b) references to Part III of this Act and the said section 6 as so extended and applied shall respectively be substituted for references to Parts III and X of the Act of 1925;

(c) the President of the Institution of Civil Engineers shall be substituted for the Board of Trade in the said subsection (8):

- (3) Notwithstanding the stopping up temporarily of any street under the powers of section 11 (Temporary stoppage of streets) of the Act of 1904 as extended and applied by the section of this Act of which the marginal note is "Application of certain provisions of existing enactments" it shall be lawful for the gas company their contractors and agents and any person in the employ of them or any of them to enter upon such street and to execute and do all such works and things in upon or under such street as may be necessary for laying placing inspecting repairing maintaining removing or renewing any apparatus in or under such street:
- (4) (a) In any case in which under the powers of the section of this Act of which the marginal note is "Agreements with owners of property &c." the Corporation propose to enter into an agreement with any person with respect to the sale by the Corporation of any land comprising any part of a street or thoroughfare in or under which any apparatus is for the time being situate the Corporation shall give notice in writing to the gas company of their proposal and to such person of the existence of such apparatus and notwithstanding any agreement entered into or sale effected by the Corporation under the said section but subject as hereinafter in this subsection provided the gas company shall continue to have the same powers and rights with respect to such apparatus as if the land in or under which the same



is situate had continued to be part of the street or thoroughfare : A.D. 1936.

Provided that—

(i) the Corporation may by such notice to the gas company and the said person may by notice in writing to the gas company given within fourteen days after the receipt of any notice given to him by the Corporation under this subsection require the gas company to alter and the gas company if so required shall alter ;

(ii) the gas company may if they notify the Corporation and the said person within fourteen days after the receipt of any notice given to the gas company by the Corporation under this subsection of their intention so to do alter ;

the position of any such apparatus to such position in and such depth below the footway or carriageway of the street or thoroughfare as altered in consequence of such agreement or sale or such other situation as the Corporation may reasonably approve and the Corporation shall on demand pay to the gas company the reasonable expenses incurred by them in so doing ;

(b) The Corporation shall not under the powers of the said section sell or grant any right or easement in on or affecting any such land as aforesaid which will prejudice or affect the exercise by the gas company of their powers and rights with respect to such apparatus :

(5) The provisions of the section of this Act of which the marginal note is " Power to order alteration of chimneys " shall not extend or apply to any chimney for the time being used or intended to be used by the gas company for or in connection with the manufacture of gas or the working up or conversion of residual products :

(6) No byelaw made under the section of this Act of which the marginal note is " Byelaws

A.D. 1936.

as to tipping refuse" shall extend to regulate or control the tipping of spoil and refuse arising from or in connection with the manufacture of gas or the working up or conversion of residual products by the gas company upon any lands for the time being belonging to them or to prohibit the use of such lands for the said purpose :

- (7) Nothing in the section of this Act of which the marginal note is "Prohibiting sorting contents of dustbins and refuse tips" shall prevent any officer servant or agent of the gas company from sorting over or disturbing the material deposited on any refuse tip of the gas company.

As to interference with works of electricity undertakers.

**112.** Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899.

Repeal.

**113.** The following enactments are hereby repealed :—

The Act of 1869—

Section 128 (Regulations as to lodging houses);  
So much of subsection (5) of section 193 (Power to continue and establish markets and fairs and slaughter-houses) as relates to the tolls stallages and rents specified in the Seventh Schedule of the Act of 1869 which are repealed by this section;

Section 205 (Power to let stalls &c.);

The Fifth Schedule;

Tables "A" and "D" of the Seventh Schedule and so much of Table "B" thereof as extends from the words "For each compartment or space upon the surface of the ground" to the words "If otherwise



“ taken or occupied for each day any daily A.D. 1936.  
“ sum not exceeding £0 0s. 0½*d.* ” and so —  
much of Table “ F ” as relates to fat pig  
shed and pen rents.

The *Wolverhampton Corporation Loans Act 1882*— 45 & 46 Vict.  
Section 38 (Dividend warrants by post). c. cxxl.

The Act of 1925—

Section 105 (Registration of premises used for  
preparation of potted and pre-  
served foods);

Section 106 (Entry of premises used for storage  
of food);

Section 122 (Houses infested with vermin to be  
cleansed);

Section 176 (Inquiries by Minister of Transport).

The Act of 1932—

Section 91 (Registration of ice-cream manu-  
facturers and premises);

Section 92 (Power to refuse registration of or  
remove from register ice-cream  
manufacturers and premises);

Section 108 (Application of certain provisions  
of existing enactments) in so far  
as that section applies the said  
section 176 of the Act of 1925 to  
the provisions of the Act of 1932.

114.—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Corporation may likewise appeal against the refusal of a court of summary jurisdiction to make any such order. As to appeals.

(2) Any person aggrieved by an order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer thereof under the provisions of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the *Quarter Sessions Act 1849* to the next practicable court of quarter sessions to be held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal 12 & 13 Vict.  
c. 45.

A.D. 1936. shall be given to the Corporation and to the clerk of the  
— peace.

As to  
byelaws.

**115.**—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be (a) in the case of byelaws made under Part V (Transport) of this Act the Minister of Transport (b) in the case of byelaws made under the section of this Act of which the marginal note is “As to aerodrome undertaking” a Secretary of State and (c) in all other cases the Minister.

(2) Notwithstanding the provisions of any Act or Order in regard to the procedure for making byelaws the provisions of section 250 of the Act of 1933 shall apply to all byelaws to be made by the Corporation in respect of the transport undertaking and in the application of those provisions to such byelaws the Minister of Transport shall be the confirming authority.

Inquiries by  
Minister.

**116.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Inquiries by  
Minister of  
Transport.

**117.**—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred upon him or the giving of consents under this Act or any existing Act or Order of the Corporation.

(2) Where the Minister of Transport causes any inquiry to be held in pursuance of this section or of any provision of any existing Act or Order of the Corporation section 290 of the Act of 1933 shall apply to such inquiry notwithstanding the provisions of any such Act or Order of the Corporation.

Costs of Act.

**118.** 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 general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.



[26 GEO. 5. & *Wolverhampton Corporation* [Ch. cxi.]  
1 EDW. 8.] *Act, 1936.*

The SCHEDULES referred to in the  
foregoing Act.

A.D. 1936.

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THE FIRST SCHEDULE.

---

Stamp.

Ten  
shillings.

THIS AGREEMENT is made the fifth day of March one thousand nine hundred and thirty-six between the WOLVERHAMPTON GENERAL CEMETERY COMPANY (hereinafter called "the Company") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF WOLVERHAMPTON (hereinafter called "the Corporation") of the other part.

WHEREAS—

(1) The Company was incorporated in the year one thousand eight hundred and forty-seven by the Wolverhampton General Cemetery Act 1847 (hereinafter called "the special Act") and is the estate owner in fee simple of the lands hereinafter described and agreed to be sold together with the buildings thereon (which are laid out and regulated as a cemetery in accordance with the special Act and the Cemeteries Clauses Act 1847) and is also possessed in connection with its undertaking of the furniture and fittings stock and other assets hereinafter mentioned and agreed to be sold:

(2) The Company has agreed with the Corporation for the sale to them of the said undertaking including the said lands buildings furniture fittings stock and other assets for the considerations and upon the terms and subject to the conditions hereinafter appearing:

(3) The Corporation are promoting a Bill (hereinafter referred to as "the Bill") in the present session of Parliament and it is desirable that this agreement should be scheduled to and confirmed by the Bill:

Now therefore it is agreed as follows:—

1. The Company shall sell and the Corporation shall purchase the undertaking of the Company as it exists at the expiration of one month from the date on which the Bill receives the Royal Assent (in this agreement referred to as "the

A.D. 1936. material date") The undertaking of the Company shall be deemed to include—

- (a) The lands and hereditaments more particularly described in the schedule hereto together with the buildings and erections thereon;
- (b) All furniture fittings working stock monuments stone working tools and other moveable chattels possessed by the Company in connection with its said cemetery undertaking as at the material date;
- (c) The book debts owing as at the material date to the Company in connection with its said undertaking;
- (d) The goodwill of the said undertaking and all other (if any) assets possessed by the Company in connection therewith as at the material date other than and except investments and cash in hand and at the Company's bankers which are expressly excluded from the sale hereby effected:

Provided that the undertaking shall not include any rights or obligations or liabilities under any contract of service between the Company and any of their officers or servants.

2. As part of the consideration for the said sale the Corporation shall upon completion of this agreement as hereinafter provided pay to the Company in cash—

- (a) The sum of six thousand eight hundred pounds as consideration for the assets mentioned in subclauses (a) and (d) of clause 1 hereof;
- (b) The value as at the material date of the assets mentioned in clause 1 (b) and (c) hereof such value to be ascertained by valuation as hereinafter provided.

3. The value of the assets mentioned in clause 1 (b) and (c) hereof shall in default of agreement be ascertained by a valuer to be agreed upon by the parties or failing agreement by two independent valuers one to be appointed by the Company and the other by the Corporation or failing agreement between such two valuers by an umpire to be appointed by the two valuers before they proceed to business. The remuneration of the valuer or valuers and of the umpire shall be paid by the Corporation.

4. As a further part of the consideration for the said sale the Corporation shall pay and discharge—

- (i) The reasonable costs charges and expenses of and incidental to the negotiation preparation execution and carrying into effect of this agreement and the completion of the sale and purchase hereby agreed to be made;



(ii) The taxed costs charges and expenses incurred by the Company in consequence of the provisions of subclause (2) of clause 9 hereof; A.D. 1936.

(iii) The taxed costs charges and expenses of the Company of and incidental to the winding up of the Company and distribution of its assets :

Provided that the sum so payable in respect of the costs charges and expenses mentioned in this subclause shall not exceed the sum of one hundred and thirty-five pounds unless it is mutually agreed in writing that it is necessary or proper for the Company to apply to Parliament separately for the necessary powers and provisions for the winding up of the Company and the distribution of its assets ;

(iv) Such capital sum as the Company has spent on permanent improvements to and the development of their property since the first day of May one thousand nine hundred and thirty-five and down to the date of completion of the sale and purchase hereby agreed to be made (not being expenditure on works of normal maintenance) in accordance with any programme of improvements previously submitted to and approved by the Corporation or by a duly authorised committee thereof.

5. The title of the Company to the property hereby agreed to be transferred to the Corporation is a good marketable title and shall be accepted by the Corporation.

6. The sale and purchase hereby agreed to be made shall be completed at the expiration of four weeks next following the material date at the office at Wolverhampton of Mr. K. Lemesle Adams the solicitor to the Company at which time and place the consideration shall be paid and satisfied and the Company shall execute and do all such assurances and things as shall be reasonably required by the Corporation for vesting in and transferring to it the property and assets hereby agreed to be sold.

7. Down to the date for completion possession of the property and assets hereby agreed to be sold shall be retained by the Company who shall continue to maintain manage and carry on the same as heretofore and shall use their best endeavours to preserve the assets and shall be entitled to all income and profits and liable for all outgoings in connection therewith After the date for completion possession of the property shall be given or the rents and profits thereof shall belong to and the outgoings shall be discharged by the Corporation but actual possession shall not be given to them except

A.D. 1936. upon payment or satisfaction of the full consideration for the sale.

8. If from any cause whatever other than the wilful default of the Company the purchase shall not be completed on or before the date fixed for completion the Corporation shall pay to the Company interest at three and a half per centum per annum on the amount of the purchase money from that date down to the time of actual completion.

9.—(1) The Corporation will schedule this agreement to the Bill and will also include in the Bill provisions for confirming this agreement and provisions which shall be subject to the approval of the directors of the Company for winding up the Company and distributing its assets.

(2) Subject to the provisions of clause 11 hereof the Corporation will use their best endeavours to obtain the passing into law of so much of the Bill as makes such provisions as are referred to in subclause (1) of this clause and the Company shall at the request of the Corporation support the Corporation therein and pass all such resolutions as are required to be passed by the standing orders of Parliament.

10. In the event of the Bill for reasons outside the control of the parties hereto or either of them not obtaining the Royal Assent by the thirty-first day of December one thousand nine hundred and thirty-six in a form which confirms this agreement and makes provision for the winding up of the Company and in the event of either party withdrawing from this agreement as hereinafter provided this agreement except the provisions of subclauses (i) and (ii) of clause 4 hereof shall be null and void.

11. This agreement is subject to such alterations as Parliament may think fit to make therein but in the event of any material alteration being made by Parliament therein or in the part of the Bill referred to in clause 9 hereof either party may by notice in writing to the other withdraw from this agreement.

12. Any dispute or difference arising out of this agreement except as to the valuation referred to in clause 3 or as to the necessity for a separate application of the Company referred to in clause 4 (iii) hereof shall be referred to arbitration by one arbitrator to be agreed between the parties and in default of agreement to be appointed by the president for the time being of the Law Society and shall be deemed to be a reference to arbitration under the terms of the Arbitration Acts 1889-1934 or any re-enactment or statutory modification thereof.



[26 GEO. 5. & *Wolverhampton Corporation* [Ch. cxi.]  
1 EDW. 8.] *Act, 1936.*

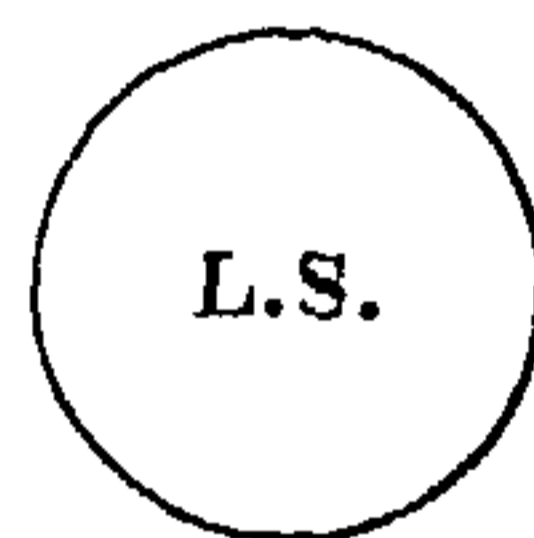
In witness whereof the Company and the Corporation have caused their respective common seals to be hereunto affixed the day and year first before written. A.D. 1936.

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The SCHEDULE above referred to.

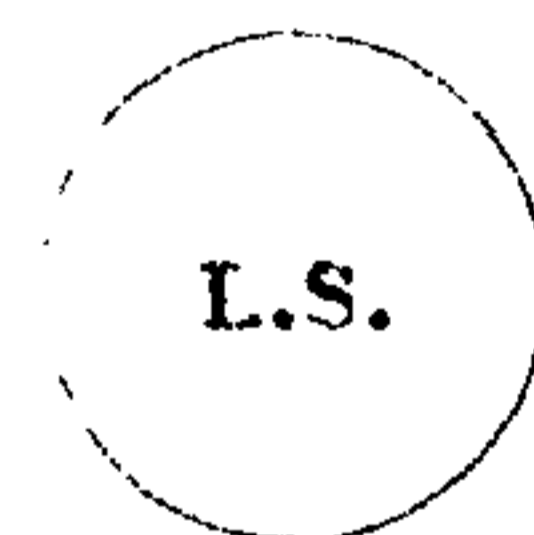
All that piece or parcel of land situate and being on the north-eastern side of Jeffcock Road in the county borough of Wolverhampton and being the Wolverhampton General Cemetery containing approximately 23.16 acres comprising graveyards and paths mortuary chapels lodge outbuildings and mason's yard bounded on the north by allotments and by land occupied by the Wolverhampton Corporation Streets Department on the south-west by Jeffcock Road and on the south by property fronting Rayleigh Road and on the east by allotments and dwelling-houses.

The common seal of the WOLVERHAMPTON GENERAL CEMETERY COMPANY was hereunto affixed in the presence of



H. R. THOMAS  
K. LEMESLE ADAMS } Directors.

The common seal of the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF WOLVERHAMPTON was hereunto affixed in the presence of



J. WHITTAKER Mayor.  
J. BROCK ALLON Town clerk.

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A.D. 1936.

THE SECOND SCHEDULE.

Percentage of the full superannuation allowance payable under the Act of 1922 to an officer or servant which may be paid during the joint lives of such officer or servant and his wife in order that (1) his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of the superannuation allowance payable during their joint lives and (2) the officer or servant shall be entitled to receive during the remainder of his life after the death of his wife an annuity equal to two-thirds of the amount of the superannuation allowance payable during their joint lives.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	87	—	—	—	—	—	—	—
51	87½	86½	—	—	—	—	—	—
52	88¼	87¼	86	—	—	—	—	—
53	89	88	86¾	85½	—	—	—	—
54	89¾	88¾	87½	86¼	85	—	—	—
55	90½	89½	88¼	87	85¾	84½	—	—
56	91¼	90¼	89	87¾	86½	85¼	84	—
57	92	91	89¾	88½	87¼	86	84¾	83½
58	93	92	90¾	89½	88¼	87	85¾	84¼
59	94	92¾	91¾	90½	89¼	88	86¾	85¼
60	95	93¾	92¾	91½	90¼	89	87¾	86¼
61	96	94¾	93¾	92½	91¼	90	88¾	87¼
62	97	95¾	94¾	93½	92¼	91	89¾	88¼
63	98	96¾	95¾	94½	93¼	92	90¾	89½
64	99¼	98	97	95¾	94½	93¼	92	90¾
65	—	99	98	97	95¾	94½	93¼	91¾
66	—	—	99¼	98¼	97	95¾	94¼	93
67	—	—	—	99½	98¼	97	95¾	94¼



THE THIRD SCHEDULE.

A.D. 1936.

Percentage of the full superannuation allowance payable under the Act of 1922 which may be paid to an officer or servant during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of such full superannuation allowance.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	81 $\frac{3}{4}$	—	—	—	—	—	—	—
51	82 $\frac{1}{2}$	81	—	—	—	—	—	—
52	83	81 $\frac{3}{4}$	80 $\frac{1}{4}$	—	—	—	—	—
53	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{2}$	—	—	—	—
54	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{2}$	78 $\frac{3}{4}$	—	—	—
55	85 $\frac{1}{4}$	84	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$	78	—	—
56	86	84 $\frac{3}{4}$	83 $\frac{1}{2}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$	79	77 $\frac{1}{4}$	—
57	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83	81 $\frac{1}{2}$	80	78 $\frac{1}{4}$	76 $\frac{1}{2}$
58	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{4}$	77 $\frac{1}{2}$
59	88	87	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{4}$	78 $\frac{1}{2}$
60	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$
61	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$
62	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$
63	90 $\frac{3}{4}$	90	89	88	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83
64	91 $\frac{1}{4}$	90 $\frac{1}{2}$	89 $\frac{3}{4}$	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{4}$	84
65	91 $\frac{3}{4}$	91	90 $\frac{1}{4}$	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85
66	92 $\frac{1}{4}$	91 $\frac{1}{2}$	91	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	86
67	92 $\frac{1}{2}$	92	91 $\frac{1}{2}$	90 $\frac{3}{4}$	90	89	88	87

A.D. 1936.

**THE FOURTH SCHEDULE.**

**PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.**

Area.	Numbers on deposited plans.
The borough	- 14 27 42 44 52 60 61 62 63 64 67 68 69 70 71 72 73 75 81 82 83 84 87 88 145 223 225 226.
Urban district of Coseley.	1 2 3 5.

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