



CHAPTER cxiv.

An Act to confer further powers on the urban district council of Solihull for and in connection with the improvement health good government and finances of their district and for other purposes. A.D. 1936.
[31st July 1936.]

WHEREAS the urban district of Solihull (in this Act referred to as "the district") is an urban district under the government of the urban district council of Solihull (in this Act referred to as "the Council"):

And whereas it is expedient that further and better provision should be made in regard to streets buildings sewers and drains in the district and that the powers of the Council in relation to the health good government and improvement of the district should be enlarged as in this Act provided:

And whereas it is expedient that the provisions in regard to the finances of the Council which are contained in this Act should be made:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed:

23 & 24
Geo. 5. c. 51.

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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 :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Solihull Urban District Council Act 1936.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Streets and buildings.

Part III.—Sewers drains &c.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Human food.

Part VI.—Public buildings baths parks &c.

Part VII.—Lands.

Part VIII.—Financial.

Part IX.—Miscellaneous.

Incorporation of
Lands
Clauses
Acts.

8 & 9 Vict.
c. 18.

3. The Lands Clauses Acts except sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (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.

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 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 Council” means the urban district council of Solihull;

- “ The district ” means the urban district of Solihull; A.D. 1936.
- “ The clerk ” “ the treasurer ” “ the medical officer ”
“ the surveyor ” and “ the sanitary inspector ”
mean respectively the clerk the treasurer the
medical officer of health the surveyor and any
sanitary inspector of the Council;
- “ The Lands Clauses Acts ” means the Lands
Clauses Acts as modified by the Acquisition of 9 & 10
Land (Assessment of Compensation) Act 1919; Geo. 5. c. 57.
- “ The Public Health Acts ” means the Public Health 38 & 39 Vict.
Act 1875 and the Acts amending and extending c. 55.
the same;
- “ Telegraphic line ” has the same meaning as in the
Telegraph Act 1878; 41 & 42 Vict.
c. 76.
- “ Agricultural land ” has the same meaning as in
the Rating and Valuation (Apportionment) 18 & 19
Act 1928; Geo. 5. c. 44.
- “ Infectious disease ” means (except where otherwise
stated) any infectious disease to which the
Infectious Disease (Notification) Act 1889 is 52 & 53 Vict.
for the time being applicable within the district; c. 72.
- “ Sunday school ” means any school in which
children are assembled for instruction on a
Sunday or specially for religious instruction
whether on a Sunday or not;
- “ Child ” means a person under the age of sixteen
years;
- “ Food ” has the meaning assigned to it by section 34
of the Food and Drugs (Adulteration) Act 1928; 18 & 19
Geo. 5. c. 31.
- “ The Minister ” means the Minister of Health;
- “ The county council ” means the Warwickshire
County Council;
- “ Daily penalty ” means a penalty for each day on
which any offence is continued by a person after
conviction;
- “ The general rate fund ” and “ the general rate ”
mean respectively the general rate fund and
the general rate of the district;
- “ 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

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38 & 39 Vict.
c. 83.

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 Council;

“ Authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money ;

“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933.

PART II.

STREETS AND BUILDINGS.

Develop-
ment
scheme may
be required
in con-
nection with
new streets.

5.—(1) Whenever application shall be made to the Council to approve the laying out of or notice shall be given to the Council of intention to lay out a new street the Council may require the applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any

neighbouring land belonging to him the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of the application or of the giving of the notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans sections and particulars required as aforesaid shall be so furnished. A.D. 1936.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after receiving the plans sections and particulars referred to in subsection (1) of this section the Council shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans sections and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans sections and particulars as approved. If any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The said owner may at any time submit to the Council for their approval any alteration in the said plans sections and particulars and the Council may if they think fit approve such alteration.

(5) Any person deeming himself aggrieved by any requirement of or by the Council under this section or by any modification required in the said plans sections and particulars by the Council or by any refusal of the Council to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Council of such refusal appeal to a court of summary jurisdiction.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the district.

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Adjustment
of bounda-
ries of
estates.

6.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Council for approval the Council may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Council and the respective persons interested in such estate or lands be determined on the application of the Council or any such person by an arbitrator to be appointed by the Minister and the Council may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Council.

(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants

restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section. A.D. 1936.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Council may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Council may think reasonable.

7.—(1) The Council may agree with the owner of any land abutting on any street vested in the Council for the owner to give up land for the purpose of obtaining a uniform line of frontage or of widening opening enlarging or otherwise improving such street or any other street vested in the Council in exchange for any part of any street vested in the Council which shall front other land belonging to such owner and shall be behind the general line of such street or which shall in the opinion of the Council be no longer required for public use or for approach to any property adjoining the same or for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished. Exchange of parts of streets disused.

(2) The Council may convey any portion of any such street to such owner and any moneys received by the Council from such owner under this section shall be applied in or towards repayment of moneys borrowed for street improvement purposes.

(3) For the purposes of this section the Council shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey such land in accordance with an agreement entered into in pursuance of this section.

(4) Notwithstanding any conveyance under this section the Postmaster-General shall continue to have

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the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any portion of a street which is the subject of any such conveyance as if the same had continued to be part of the street and if by reason or in consequence of any such conveyance it becomes necessary to alter any such telegraphic line or if the Council or the owner with or to whom such conveyance is made desires any such alteration the enactments contained in section 7 of the Telegraph Act 1878 shall apply to the alteration as though the Council or the owner (as the case may be) were "undertakers" within the meaning of the said Act.

(5) Notwithstanding any conveyance under this section of land forming part of a street the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines belonging to or used by them which remain over such land as if the same had continued to be part of the street.

Further
powers as to
future line
of street.
15 & 16
Geo. 5. c. 71.

8.—(1) The Council may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Council shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Council under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Council under this section the Council shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

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(5) Any person who shall fail to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

9.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Council by virtue of any enactment or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Council shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

Frontage
line in new
streets.

(2) The Council may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful without the consent of the Council to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Council or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Council. Any person who offends against the provisions of this section shall

A.D. 1936. — be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

51 & 52 Vict.
c. 52. (4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Council.

(5) If the Council require as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than the distance required by any byelaw for the time being in force in the district and applicable to such new street or if no such distance is required by such byelaw to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Council determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(8) Any person deeming himself aggrieved by any requirement of or by the Council under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction.

(9) Nothing in this section shall apply to or affect any land specifically authorised by Parliament to be used by the Solihull Gas Company for the manufacture or storage of gas except in so far as such company may consent thereto Provided that any consent required

for the purposes of this subsection shall not be unreasonably withheld and any question whether or not such consent is unreasonably withheld shall be determined by the Minister.

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10.—(1) The Council may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large (not being a road in respect of which the functions of maintenance and repair are for the time being exerciseable by the county council) Provided that twenty-one days before commencing under this section any work which will materially reduce the width of any carriageway or footway the Council shall send notice of the proposed work to the Minister of Transport.

Power to determine width of carriage-ways and footways.

(2) The provisions of this section shall not apply to the portion of the carriageway and footway upon any bridge carrying a street over any railway or the approaches thereto without the consent of the owners of such bridge.

11.—(1) On the approval of any plan for a new street or new streets submitted to the Council under any byelaw or enactment for the time being in force the Council may require the provision of such intersecting streets as may be reasonably required.

Provision of intersecting streets.

(2) The expression "intersecting street" in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Council under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(4) Any person aggrieved by any requirement of the Council under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction provided he give forty-eight hours' written notice of the appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

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(5) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Council under this section.

Rounding
off corners
at street
junctions.
7 Edw. 7.
c. 53.

12. The powers conferred upon the Council by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions contained in that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than twenty feet as may be determined by the Council.

No buildings
to be
erected
until street
formed.

13.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall as soon as any building is erected and roofed in abutting on such new street or part of a new street if required by the Council so to do construct the carriageway of such new street or such part of the new street as may be required by the Council with a foundation of suitable materials and of sufficient depth to be capable of carrying the traffic which will make use of the same and shall also if required sewer such street or such part of such street :

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Council shall not be empowered to require such new street to be constructed in its entire length by one operation but such street may be constructed in parts and in such event nothing in this section shall prevent the erection or roofing in of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

55 & 56 Vict.
c. 57.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under the Private Street Works Act 1892 or under the local Acts for the time being in force within the district.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

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14.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved but the erection of the building has not been commenced before the passing of this Act then at any time before the erection of such building is commenced) the Council may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Council shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

Means of
access to
buildings.

(2) If it appears to the Council to be necessary that the means of communication to be provided under this section shall be in the form of a street the Council may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws or other provisions in force with respect to the construction of new streets:

(3) The Council may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section.

(4) Where notice of a requirement under this section has been given by the Council a person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the Council has been complied with or until security has been given to the satisfaction of the Council that the notice will be complied with.

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

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(6) Any person aggrieved by any requirement of the Council under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(7) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Council under this section.

Restrictions
on rights of
breaking up
streets
in district.

15.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the district either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Council shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street when such work has been executed by the Council it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Council which consent shall not be unreasonably withheld and the Council may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Council to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Council and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any street in cases of emergency or prevent any such

undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Council in default of which they would be liable to any penalty or damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

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62 & 63 Vict.
c. 19.

16.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large (not being a road in respect of which the functions of maintenance and repair are for the time being exerciseable by the county council) habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) in passing to and from such premises the Council may either—

Crossings
for horses or
vehicles
over foot-
ways.

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Council may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Council require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier summarily as a civil debt.

(3) If the Council allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) subject to any condition other than the strengthening or adaptation

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of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Council for an estimate of the cost thereof and after having obtained such estimate may deposit with the Council the amount thereof. When such deposit shall have been made the Council shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Council by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Council under this section.

Power to
place fences
near school
entrances
&c.

17. The Council may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways of roads not being highways repairable by the inhabitants at large in the district adjacent to the entrances to or exits from any schools public baths public parks recreation grounds playing fields alleyways and passageways for the purpose of preventing danger to children and other persons from traffic and may remove the same when the Council shall think fit.

Fire-plugs.

18. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Compensa-
tion for
injuring
lamps &c.

19. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp post traffic light traffic signal street island or refuge or post thereon street danger signal sewer ventilator street orderly bin or other receptacle for the temporary deposit

[26 GEO. 5. &
1 EDW. 8.]

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and collection of dust ashes and rubbish or street sand bin or fire alarm being the property of the Council or any fence rail or post placed by the Council in any footway or carriageway under the provisions of any enactment shall make full compensation to the Council for the damage done and the amount of such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Council) be recovered summarily as a civil debt.

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20. Where in the opinion of the Council repairs are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Council may from time to time at their own expense execute such repairs as they deem necessary and the execution thereof shall not prejudice or affect the operation with regard to such street at any subsequent date of the Private Street Works Act 1892 or of section 19 of the Public Health Acts Amendment Act 1907 Provided that the cost of any such repairs shall not exceed ten pounds at any one time in the case of any such street.

As to urgent repairs of private streets.

21. The Council when carrying out any private street works may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Council under this section shall be deemed part of the expenses of carrying out the private street works in any such street Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street :

Planting of trees in private streets.

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Council shall be deemed to be the undertakers.

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As to
evasion by
owners of
private
street
works and
sewerage
expenses.

22. If—

- (i) any owner of land fronting adjoining or abutting on a street as defined by the Private Street Works Act 1892 or on a street within the meaning of the section of this Act of which the marginal note is “Apportionment to frontagers of expenses of sewer constructed under public highway” and situate in the district conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (ii) any expenses of private street works carried out by the Council under the Private Street Works Act 1892 in or in relation to that street or any expenses of the construction of a sewer under the said section of this Act in or in relation to that street are apportioned on such part or portion of that land; and
- (iii) the Council are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and
- (iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the Private Street Works Act 1892 or under the said section of this Act;

then such expenses or so much thereof as has not been recovered by the Council may to such extent as the court may determine be recovered from that owner in the same manner as expenses of private street works may be recovered under the Private Street Works Act 1892 or as any sum apportioned under the said section of this Act may be recovered under the section of this Act of which the marginal note is “Recovery of recoverable sums” as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

23.—(1) No person shall without the consent of the Council erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

A.D. 1936.
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Projecting
signs.

(2) The consent of the Council under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street and such consent may be given subject to such terms and conditions as the Council may think fit.

(3) Any person who offends against the provisions of this section or the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Any person aggrieved by the withholding by the Council of any consent under the provisions of this section may within fourteen days from the date of the decision of the Council appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the clerk and such court shall have power to make such order and on such terms and conditions as the court may think fit and to award costs.

24.—(1) If the Council shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which the forecourt is situate they may by notice in writing require the owner of or person responsible for the stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to the stall structure or other erection as may be necessary to prevent it from being injurious to the amenities of such street :

Provisions
as to
forecourts.

Provided that this subsection shall not apply to any notice or announcement board or similar erection of a temporary character for the display of any advertisement or statement relating to the occupier's own business.

A.D. 1936.

(2) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt or any goods placed thereon whether for sale or not is or are a source of danger obstruction or inconvenience to the public the Council may require the owner of the premises well and sufficiently to fence such forecourt from the street.

(3) Any person who fails to comply with a requirement of the Council under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) (a) Any person aggrieved by any requirement of any notice of the Council under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Council provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk.

(b) Notice of the right to appeal shall be endorsed upon every notice served by the Council under this section.

As to
erection of
retaining
walls.

25.—(1) Before any person shall erect on any land a retaining wall of a greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Council plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Council.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Council be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to the erection by a railway company or by the Grand Union Canal Company under statutory powers of a retaining wall which is to form part of or is necessary for the maintenance of their railway or canal as the case may be.

[26 GEO. 5. &
1 EDW. 8.]

*Solihull Urban District
Council Act, 1936.*

[Ch. cxiv.]

26.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for twenty or more persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Council a plan and section thereof and shall comply with such conditions as the Council may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

A.D. 1936.

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Restriction
on erection
of stands.

(2) Any person acting in contravention of this section or offending against any such condition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any stand or structure erected by a travelling showman or roundabout proprietor for the purposes of his business as such.

27.—(1) (a) No fence wall hoarding or other similar structure (in this section referred to as a "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

As to
hoardings
and similar
structures.

(i) beyond any building line prescribed by the Council in respect of the land under the provisions of any Act or town planning scheme; or

(ii) if there be no such line beyond any line which is enforceable by the Council for buildings under subsection (2) of section 100 of the Housing Act 1925; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

15 & 16
Geo. 5. c. 14.

(b) Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

A.D. 1936.

(2) (a) The Council may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter the structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Council shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who neglects or refuses to comply with a notice from the Council given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Council may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the date of the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to a wall (not being the wall of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to a railway company or the Grand Union Canal Company in the exercise of their statutory powers so long as such wall is used or held by any such company for railway or canal purposes as the case may be.

Repair of
hoardings
&c.

28.—(1) The Council may by notice in writing require—

(a) the owner of any hoarding wall or similar structure used for advertising purposes to maintain the same in good order and condition;

(b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the Council may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from such owner or other person any expense incurred by them in so doing. A.D. 1936.

29.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) fence or similar structure at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall fence or similar structure shall give notice of his intention so to do to the Council and such notice shall be accompanied by plans and particulars of the hoarding wall fence or similar structure proposed so to be placed or erected. As to erection of hoardings &c. at street corners.

(2) If the placing or erection of such hoarding wall fence or similar structure would in the opinion of the Council constitute a danger to traffic by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Council may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Council shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall fence or similar structure in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Council may remove the hoarding wall fence or similar structure so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) (a) Any person aggrieved by any requirement or prohibition of or by the Council under this section may within fourteen days from the date of such requirement or prohibition appeal to a court of summary jurisdiction.

A.D. 1936.

(b) Any person so appealing shall give written notice thereof to the clerk before lodging his appeal and the court shall have power to make such order in the matter as the court may think fit and to award costs.

(5) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

Extension of
section 157
of Public
Health Act
1875.

30.—(1) Section 157 of the Public Health Act 1875 in its application to the district shall be extended so as to empower the Council to make byelaws with respect to the following matters (that is to say):—

- (a) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (b) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (c) the situation construction and height of walls or fences upon or across such open space;
- (d) the materials with which new buildings shall be constructed;
- (e) requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;
- (f) requiring that every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening;
- (g) the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (h) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting

- doors in connection therewith and as to the occupation of buildings when united;
- (i) the adequate lighting of buildings;
 - (j) the testing of drains of new buildings;
 - (k) for securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost;
 - (l) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
 - (m) ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the passage of gas into the building through such hole otherwise than by means of a gas main or pipe;
 - (n) securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or gas apparatus for heating a building or any part of a building is properly fixed and adequately ventilated;
 - (o) requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws :

Provided that any byelaws made under paragraphs (e) (g) (h) (i) (m) or (n) of this subsection or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in paragraph (n) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157.

(2) The said section 157 shall also in its application to the district be read and have effect as if it empowered the Council to require by byelaws the deposit of plans and sections by persons intending to construct any drain in connection with a building.

(3) Any byelaws made under paragraph (g) of subsection (1) of this section shall not apply to any building (not being a dwelling-house) oven or furnace to

A.D. 1936.

be built or constructed by the Solihull Gas Company for the purposes of their undertaking and before making any byelaws under paragraph (n) of that subsection the Council shall submit a copy thereof to the said company who shall be entitled to object to the confirmation thereof.

Extension of
section 23
of Public
Health Acts
Amendment
Act 1890.

53 & 54 Vict.
c. 59.

31. Section 23 of the Public Health Acts Amendment Act 1890 (which section extends section 157 of the Public Health Act 1875) in its application to the district shall have effect as if—

- (a) the words “and floor area” were inserted in subsection (1) thereof after the word “height”;
- (b) the power given by that subsection (1) to make byelaws with respect to secondary means of access were extended so as to enable the Council to require (i) every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own ground to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by the byelaws and (ii) that such roads shall be kept open and unobstructed for the full width thereof;
- (c) the words “space about buildings” were inserted in subsection (2) thereof before the words “drainage of buildings” Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of the byelaw; and
- (d) the power given by subsection (4) thereof to make byelaws with respect to the alteration of buildings were extended so as to authorise byelaws with respect to (i) the alteration of buildings whether or not erected in accordance with byelaws and (ii) the submission of such plans and sections as can be required in relation to the erection of a new building.

[26 GEO. 5. &
1 EDW. 8.]

*Solihull Urban District
Council Act, 1936.*

[Ch. cxiv.]

32.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Council to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street in the district shall furnish the Council with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression “specifications”).

A.D. 1936.

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Elevations
of new
buildings.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Council by a byelaw made under the said section 157 as extended by this section the Council shall within one month after the submission to them of the specifications by notice in writing—

(a) approve the specifications; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the buildings to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) Any person aggrieved by any disapproval by the Council under this section may appeal against their decision to a court of summary jurisdiction and the court shall have power to make such order as the court may think fit and to award costs. The grounds on which a person may appeal to a court of summary jurisdiction under this subsection shall include the ground that compliance with the Council's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be

A.D. 1936.

lawful to erect the building until the specifications thereof have been approved by the Council and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the commencement of this Act cease to have effect upon the coming into operation of such provisions.

(6) The provisions of this section shall not extend to any building (not being a dwelling-house and not being a showroom or office erected elsewhere than on land authorised to be used for the manufacture or storage of gas or the working up or storage of residual products) to be erected by the Solihull Gas Company for the purposes of their undertaking.

Height of
chimneys.

33.—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice in writing given by the Council to the owner of such chimney be raised to such height measured from the level of the centre of the street nearest thereto as the Council shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Council may if they think fit contribute towards the cost of raising the chimney to comply with any such requirements.

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

(3) The provisions of this section shall not apply to any chimney belonging to or proposed to be constructed by the Solihull Gas Company for the purpose of their undertaking on lands authorised to be used for the manufacture of gas.

34.—(1) A court of summary jurisdiction upon complaint by the Council upon a report by the medical officer or sanitary inspector that any smoke gas vapour or soot from any chimney of a washhouse or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the district may 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 vapour or soot or such other means to be adopted as may seem fitting to the court for preventing or mitigating such nuisance within such time as shall be specified in such order where the estimated cost of complying with such requirement does not exceed twenty pounds.

A.D. 1936.

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Power to order alteration of chimneys.

(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.

35.—(1) If any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Council and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection of buildings to greater height than adjoining building.

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

36.—(1) Every building erected after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided

Means of escape from buildings in case of fire.

A.D. 1936.

for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Council in the circumstances of the case and the owner shall not permit such building to be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) From and after the first day of January one thousand nine hundred and thirty-seven the Council in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Council such building is not provided with proper and sufficient fire-fighting and first-aid appliances and proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the appliances and means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Council make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Council under subsection (2) or subsection (3)

[26 GEO. 5. &
1 EDW. 8.]

*Solihull Urban District
Council Act, 1936.*

[Ch. cxiv.]

of this section may appeal to a court of summary jurisdiction within fourteen days after the receipt of the requirement provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

A.D. 1936.

(b) Notice of the right of appeal shall be endorsed on every requirement of the Council under subsections (2) and (3) of this section.

(5) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Council under this section he may apply to the county court and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(6) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Council under this section.

(7) The appliances and means of escape in case of fire provided in any building in pursuance of this section shall not be altered without the consent in writing of the Council and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and (in the case of such means of escape) free from obstruction.

(8) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

1 Edw. 7.
c. 22.

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

(10) Where an existing building is newly converted after the passing of this Act into flats it shall be deemed to be a building erected after the passing of this Act within the meaning of this section.

A.D. 1936.

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Lock-up
shops and
places of
business
not to be
improperly
used for
habitation.

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

- (a) is described on a plan submitted to and approved by the Council 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.

Powers on
inspection.

38. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or who shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Dilapidated
and
neglected
buildings.

39.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner at his option either to take down or repair or rebuild such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure and execute the order.

(3) When the Council in execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Council may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit. A.D. 1936.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council from the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray such expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

40.—(1) In the case of any building which may appear to the Council on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Council may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same. As to dangerous buildings.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures.

A.D. 1936.

Sanitary
conveniences
for workmen
engaged on
buildings.

41.—(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 Council 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.

(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.

Further
provisions
as to work-
ing-class
houses.
20 & 21
Geo. 5. c. 39.

42.—(1) For the purposes of Part II of the Housing Act 1930 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Council under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Council have served notice under section 17 of the Housing Act 1930 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied; and
- (c) the expenditure incurred by the owner or the person having control of the house during the preceding three years upon the dwelling-house.

43.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the district be deemed to be a house or building within the meaning of those words where they first occur in the said section. A.D. 1936.
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Provisions as to tents vans &c.

(2) It shall not be lawful without the written consent of the Council to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

44.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land without the previous approval of the Council. Prohibition of tents vans &c.

(b) It shall not be lawful for any person without the previous approval of the Council to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless the surface of such land is covered with concrete or other suitable material and unless and until such land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water to the satisfaction of the Council.

(c) Land furnished in compliance with this subsection with a separate supply of water shall be deemed to be a house for the purposes of the provisions relating to the supply of water for domestic purposes.

(2) Any person aggrieved by the withholding by the Council of any approval under the provisions of this section may within twenty-one days from the date of the decision of the Council appeal to a court of summary jurisdiction provided he give notice in writing of such appeal and of the grounds thereof to the clerk before lodging the appeal and such court may make such order on such terms and conditions as to the

A.D. 1936. — court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to—

(a) any tent van shed or similar structure belonging to any person and situate within the curtilage of the dwelling-house of such person and occupied by such person or any member of his family or household;

(b) any tent structure or vehicle temporarily used by a shepherd labourer or other person for farming agricultural or other like purpose or any tent structure or vehicle temporarily used for the service of the Council or other public authority;

(c) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stall-holder not being a pedlar or hawker; or

(d) any tent or van which is used as a sole means of habitation by a gipsy and which is not used in the district for more than six weeks in any year ending on the thirty-first day of December.

(4) This section shall not apply to any tent van shed or similar structure belonging to or occupied by any person whilst the same is used by him for holiday or recreational purposes only unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period exceeding three months.

The exemption conferred by this subsection in respect of any tent van shed or similar structure shall apply only for so long as the person to or by whom such tent van shed or similar structure belongs or is used shall continue to make reasonable arrangements for the maintenance of good order amongst the persons using such tent van shed or similar structure.

(5) This section shall not apply to any tent van shed or similar structure provided by or belonging to or used by—

(a) any duly constituted religious or charitable society or body operating throughout Great

Britain to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely subsidiary; or

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- (b) any association incorporated by royal charter or any organisation constituted by any such association in pursuance of their charter; or
- (c) a cadet unit of the British National Cadet Association officially recognised by the Army Council.

The exemption conferred by paragraph (a) of this subsection in respect of any tent van shed or similar structure shall apply only for so long as the society or body to or by whom such tent van shed or similar structure belongs or is provided or used shall continue to make and enforce reasonable arrangements (i) for the maintenance of good order amongst the persons using such tent van shed or similar structure (ii) for the proper management and sanitary condition of the ground occupied by the tent van shed or similar structure and (iii) for the supply of water to the occupiers of such tent van shed or similar structure.

(6) 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.

45. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the Council and the county council apply and have effect (that is to say):—

For protec-
tion of War-
wickshire
County
Council.

- (1) In this section the expression "county road" means any road within the district in respect of which the functions of maintenance and repair are for the time being exerciseable by the county council:
- (2) The Council shall consult the county council before giving their consent to the erection of or placing against or in front of any house or building fronting on a county road of any projection for advertising purposes under the section of this Act of which the marginal note is "Projecting signs":

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- (3) The Council shall consult the county council before approving any plans sections and specifications of a retaining wall to be erected on land fronting on a county road under the section of this Act of which the marginal note is "As to erection of retaining walls":
- (4) The Council shall consult the county council before allowing the placing or erection of any hoarding wall fence or similar structure within a distance of ten yards from the corner of any county road under the section of this Act of which the marginal note is "As to erection of hoardings &c. at street corners."

For protec-
tion of Bir-
mingham
Corporation.

46. For the protection of the lord mayor aldermen and citizens of the city of Birmingham (in this section called "the corporation") the following provisions shall unless otherwise agreed in writing between the Council and the corporation apply and have effect (that is to say):—

- (1) In this section the expression "apparatus" means and includes all or any mains pipes syphons tubes wires electric lines works or other apparatus belonging to the corporation:
- (2) (a) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is "Exchange of parts of streets disused" shall convey to any person land forming part of a street there being in such land at the date of such conveyance any apparatus the Council shall give notice in writing to the corporation of such conveyance with a plan showing the position and dimensions of the portion of the street so conveyed and the corporation may if alteration shall be reasonably necessary after giving notice to the Council within one month after receipt by them of such notice from the Council and shall if required by the Council alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances:
- (b) Notwithstanding any conveyance under the said subsection the corporation shall continue

to have the same powers and rights in respect of apparatus which remains in under upon over along or across the site of any portion of a street which is the subject of any such conveyance as if the same had continued to be part of the street : A.D. 1936.

- (3) Not less than twenty-eight days before the Council in the exercise of any of the powers of the sections of this Act of which the marginal notes are respectively " Power to determine width of carriageways and footways " and " Rounding off corners at street junctions " add to the carriageway of a street any portion of the footway in or under which any apparatus is for the time being situate the Council shall give notice in writing to the corporation of such proposals and the corporation may if alteration shall be reasonably necessary and shall if required by the Council alter the position of any such apparatus in or under the footway to such other position in or under the street and in the case of underground apparatus at such depth as may be reasonable :
- (4) The corporation shall give to the Council not less than twenty-one days' notice of their intention to alter (otherwise than by the requirement of the Council) the position of any apparatus under the provisions of subsection (2) or subsection (3) of this section and shall at the same time deliver to the Council a plan and section of the proposed alteration If such plan and section are not disapproved by the Council within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable :
- (5) The Council shall repay to the corporation the reasonable expenses incurred by the corporation of or in connection with the alteration of position under subsection (2) or subsection (3) of this section Provided that the Council shall not be required to pay for the cost of placing overhead apparatus underground unless both such alteration of position and the placing

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of the apparatus underground has been carried out at the request of the Council :

- (6) Any difference between the Council and the corporation under this section (other than a difference as to the meaning or construction of the section) shall be referred to arbitration.

For protec-
tion of Soli-
hull Gas
Company.

47. For the protection of the Solihull Gas Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Council and the company apply and have effect (that is to say):—

- (1) In this section the expression "apparatus" means and includes all or any mains pipes works or other apparatus belonging to the company :
- (2) (a) Whenever the Council in the exercise of the powers of the section of this Act of which the marginal note is "Exchange of parts of streets disused" shall convey to any person land forming part of a street there being in such land at the date of such conveyance any apparatus the Council shall give notice in writing to the company of such conveyance with a plan showing the position and dimensions of the portion of the street so conveyed and the company may if alteration shall be reasonably necessary after giving notice to the Council within one month after receipt by them of such notice from the Council and shall if required by the Council alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances ;
- (b) Notwithstanding any conveyance under the said subsection the company shall continue to have the same powers and rights in respect of apparatus which remains in or under the site of any portion of a street which is the subject of any such conveyance as if the same had continued to be part of the street :
- (3) Not less than twenty-eight days before—

(a) The Council in the exercise of any of the powers of the sections of this Act of

which the marginal notes are respectively A.D. 1936.
“ Power to determine width of carriageways
and footways ” and “ Rounding off corners
at street junctions ” add to the carriage-
way of a street any portion of any footway
in or under which any apparatus is for the
time being situate; or

(b) pursuant to the section of this Act of
which the marginal note is “ Crossings for
horses or vehicles over footways ” a
carriage-crossing is constructed across the
footway of any street in or under which
any apparatus is for the time being situate
or the use of any such footway as a carriage-
crossing is allowed by the Council;

the Council shall give notice in writing to the
company of such proposal and the company
may if alteration shall be reasonably necessary
and shall if required by the Council alter the
position of any such apparatus in or under such
footway to such other position in or under the
street and at such depth as may be reasonable :

- (4) The company shall give to the Council not less than twenty-one days' notice of their intention to alter (otherwise than by the requirement of the Council) the position of any apparatus under the provisions of subsection (2) or subsection (3) of this section and shall at the same time deliver to the Council a plan and section of the proposed alteration. If such plan and section are not disapproved by the Council within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable :
- (5) The Council shall repay to the company the reasonable expenses incurred by the company of or in connection with the alteration of position under subsection (2) or subsection (3) of this section :
- (6) Any difference between the Council and the company under this section (other than a difference as to the meaning or construction of the section) shall be referred to arbitration.

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Saving for
railway
companies
and Grand
Union Canal
Company.

48. Nothing contained in the sections of this Part of this Act of which the marginal notes are—

“ Adjustment of boundaries of estates ” ;

“ Frontage line in new streets ” ;

“ No buildings to be erected until street formed ” ;

shall extend or apply to any building (not being a dwelling-house) railway wharf or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company or the Grand Union Canal Company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway wharf work or land is used or held by such railway company primarily for railway purposes or by the Grand Union Canal Company primarily for canal purposes.

PART III.

SEWERS DRAINS &C.

Conversion
of existing
accommo-
dation into
water-
closets.

49.—(1) When a sewer and water supply sufficient for the purpose are available within a reasonable distance the Council may by notice in writing require any existing closet accommodation (including any closet which drains into a cesspit and a slop-closet and trough-closet but not including a water-closet of any other description) provided at or in connection with any building to be altered so as to be converted into a fresh water closet which shall comply with the byelaws for the time being in force and shall communicate with a sewer.

(2) If the owner of any such building fail in any respect to comply with a notice from the Council under this section the Council may at the expiration of a time to be specified in the notice (not being less than twenty-one days after the service of the notice) do the work specified in such notice and may recover from the owner the expenses incurred by the Council in so doing :

Provided that the Council shall bear and pay such part of the expenses incurred by them (not being less than one-half thereof) as they may consider just and

proper according to the circumstances and the remainder of the expenses shall be borne by the owner. A.D. 1936.

(3) The Council may contribute towards the expenses incurred in making any alteration of any closet accommodation in pursuance of this section in any case in which they may not be required to bear any part of such expense.

(4) The notice under this section shall state the effect of the provisions of this section.

50.—(1) The owner of two or more sanitary conveniences provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to ensure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses. Sanitary conveniences used in common.

(2) The owner of any such sanitary conveniences shall cause to be affixed to and maintained on the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

51.—(1) Section 36 of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house occupied by a separate family as it applies to the whole of a house. Closet accommodation in houses occupied by more than one family.

(2) For the purpose of complying with any requirement of any notice given in pursuance of the provisions of the said section 36 as amended by this section the owner or occupier may at all reasonable times enter upon any portion of the premises which comprise such part of a house as aforesaid.

(3) For the purpose of the application of section 36 of the Public Health Act 1875 to a part of a house in pursuance of this section the expression "the owner" shall (when any part of a house is without the consent in writing of the owner within the meaning assigned to that expression by the section of this Act of which

A.D. 1936. — the marginal note is " Interpretation " let or sublet by some other person) mean the person so letting or subletting the house or part thereof (as the case may be) to the exclusion of the owner (within the meaning so assigned to that expression).

Combined drains.

52.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof. On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

[26 GEO. 5. &
1 EDW. 8.]

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[Ch. cxiv.]

53.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Council shall (whether such drain was originally constructed in pursuance of a requirement of the Council or their predecessors or not) have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses or premises in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt.

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As to houses
connected
with single
private
drain.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

54.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Improper
construction
or repair of
watercloset
or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

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Wilful
damage to
drains
water-
closets &c.

55. If any person cause any drain watercloset pailcloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises may have to recover compensation in respect of any damage suffered by him by reason of such act.

As to
defective
drains &c.

56.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Council may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier summarily as a civil debt.

(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Council was reasonable and whether the expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

As to repair
of drains.

57. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council and if the owner or owners thereof shall fail to repair the same to the satisfaction of the Council within fourteen days after notice shall have been served on him or them requiring the drain to be repaired it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding

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1 EDW. 8.]

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[Ch. cxiv.]

twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

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Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if the Council think fit.

58.—(1) Whenever it is necessary to open or break up any part of a street for the purpose of laying down or constructing along such part of a street any drain which is intended to be connected either directly or indirectly with any sewer the Council may if they think fit themselves lay down or construct so much of such drain as shall be under or in the said street and the cost or estimated cost to be incurred by them in so doing shall be secured to the Council to their satisfaction by the person who would lay down or construct so much of such drain as aforesaid if the Council did not exercise the powers of this section.

Powers of
Council
respecting
construction
of drains.

(2) Any person who shall commence the laying down or construction of so much of any such drain as aforesaid after the Council shall have given notice of their intention to construct the same in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Council shall not under the powers of this section open or break up any part of a street belonging to and repairable by a railway company or by the Grand Union Canal Company or so as to obstruct the access to or exit from any station wharf or depot of any such company except with the consent in writing of such company but such consent shall not be unreasonably withheld and any question as to whether in any case such consent is unreasonably withheld shall be referred to arbitration.

59.—(1) Where under the provisions of any Act the Council have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively Provided that the

Separate
sewers for
sewage and
surface
water.

A.D. 1936.

cost of providing in pursuance of this section separate surface water sewers in a street already sewered shall be borne by the Council.

(2) The Council may also from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only.

(3) Where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewer.

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

(5) In the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the provisions of this section have been sufficient effectually to drain such house or premises the Council shall at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and no penalty shall be incurred under this section in the case of such house or premises until the completion of such alterations as aforesaid.

(6) Any contracts or agreements entered into by the Council with any person and any undertakings given to or by the Council prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

Apportionment to frontagers of expenses of sewer constructed under public highway.

60.—(1) Where the Council resolve to construct a sewer in a street or part of a street within the district repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Council increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act whereof the marginal note is "Provisions applicable to

the last two preceding sections" the expenses incurred by the Council in constructing the sewer so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative. A.D. 1936.

(2) Such resolution as aforesaid shall become operative when but not until notice thereof is published in a local newspaper circulating in the district. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Council and the owner of the land.

61.—(1) Where the Council have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the district and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Council on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises. Apportionment to frontagers of expenses of construction of sewer before land became a street.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Council and the owner of the land.

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—
Provisions
applicable
to the
last two
preceding
sections.

62.—(1) The sum apportionable under either of the two last preceding sections shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Council shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date in question

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unless the erection of the building was completed before that date; A.D. 1936.

(b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be. 25 & 26
Geo. 5. c. 47.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated. 15 & 16
Geo. 5. c. 22.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act whereof the marginal note is "Appor-
" tionment to frontagers of expenses of sewer con-
" structed under public highway " has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Council or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

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Recovery of
recoverable
sums.

63.—(1) Where under the last preceding section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Council from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

The time within which summary proceedings may be taken for the recovery of any such sum shall be reckoned from the date of the service of the demand and in any such proceedings it shall not be open to the defendant to raise any question which could have been raised on an appeal under subsection (3) of the last foregoing section.

(2) The Council may by order declare any sums recoverable under this section to be payable with interest by instalments within a period not exceeding thirty years until the whole amount is paid and any such instalments and interest or any part thereof may be recovered summarily as a civil debt from the owner or occupier for the time being of the premises charged and if recovered from the occupier may be deducted by him from the rent of those premises :

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at or has become due from him on account of rent since the date on which he received a demand from the Council together with notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An order may be made under this subsection at any time with respect to any unpaid balance of the sum recoverable and accrued interest so however that the period of repayment shall not in any case extend beyond thirty years from the service of the first demand for the sum recoverable.

(3) The rate of interest chargeable under subsection (1) or subsection (2) of this section shall be such rate as the Council may determine :

Provided that the Minister may from time to time by order fix a maximum rate of interest for the purposes of this section. A.D. 1936.

(4) The Council shall for the purposes of enforcing a charge under this section have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver. 15 & 16 Geo. 5. c. 20.

(5) Nothing in this section with respect to the recovery of sums from owners of premises affects the provisions of the Land Charges Act 1925 as amended by any subsequent enactment with respect to local land charges.

64. Where any person claims compensation from the Council in respect of the carrying of any sewer into through or under any lands within the district the amount (if any) of the enhancement in value of any lands of such person over or on either side of such sewer and of any other lands of such person through which the sewer is not carried arising out of the construction of the sewer shall be determined by the tribunal by whom the compensation is determined and the Council shall be entitled to set off that amount against the said compensation. Benefits may be set off against compensation in respect of sewers.

65. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the district so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds. Penalty for throwing rubbish into streams.

66. Nothing in the sections of this Part of this Act of which the marginal notes are— Saving for railway companies.

“ Conversion of existing accommodation into water-closets ” ;

“ As to defective drains &c. ” ; and

“ As to repair of drains ” ;

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such company with

A.D. 1936.

the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Definition and extension of meaning of "infectious disease" for certain purposes.

67.—(1) For the purposes of the sections of this Act of which the marginal notes are "Parents to notify infectious disease" "Power to close schools and exclude children from entertainments" and "Restriction on attendance of children at schools and places of assembly when infectious disease prevails" the expression "infectious disease" includes measles german measles mumps whooping cough chicken-pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

(2) For the purpose of section 126 of the Public Health Act 1875 as amended by section 62 of the Public Health Acts Amendment Act 1907 the expression "dangerous infectious disorder" includes infectious disease as defined by the section of this Act of which the marginal note is "Interpretation" and also (in the case of exposure in public buildings or public conveyances) measles and whooping cough.

Parents to notify infectious disease.

68.—(1) Any parent or other person having the care or charge of a child attending a school in the district who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purposes of this section the expression "school" shall include a Sunday school. A.D. 1936.

69.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or day school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with. Power to close schools and exclude children from entertainments.

(2) Any person responsible for the conduct or management of any Sunday school or day school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

70.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child— Restriction on attendance of children at schools and places of assembly when infectious disease prevails.

(a) who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or of the education committee of the Warwickshire County Council with the view of preventing the spread of infectious disease; or

(b) who is suffering from an infectious disease; or

(c) who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly in the district without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) Any person who offends against this section shall be liable to a penalty not exceeding forty shillings.

A.D. 1936.
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Application
to day
schools.

71. In the last two foregoing sections the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders and the provisions of those sections shall not apply to the attendance at a day school of children who are boarders at that school.

Supply of
antidotes
against
infectious
disease.

72. The Council may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against infectious disease.

Compensation
to persons for
ceasing
employment
to prevent
spread of
disease.

73. If any person at the request of the Council or the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss occasioned by reason of such stoppage.

Persons to
furnish
names of
laundrymen
to whom
clothes &c.
from
infected
houses are
sent.

74.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Informa-
tion to be
furnished
in case of
infectious
disease.

75.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation." A.D. 1936.
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76. When any person suffering from infectious disease shall die within the district of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding two pounds. Removal of body of person dying of infectious disease.

77.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease : Entry into premises in case of dangerous infectious disease.

Provided that the medical officer shall not under the powers of this section—

(a) enter any premises except between the hours of seven in the morning and ten in the evening ;
or

(b) examine a person who is already under the treatment of a registered medical practitioner except with the consent of the latter.

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(2) Any person who obstructs the medical officer in the exercise of his powers under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

Removal of
infirm and
diseased
persons in
certain
cases.

78.—(1) If the medical officer certifies in writing that any person—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the district or within a convenient distance of the district and for the detention and maintenance of such person therein for such period (not exceeding three months) as may be determined by such order or such further period or periods (each not exceeding three months) as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in

pursuance of an order made under this section shall be borne by the Council and during any period for which a person is so detained the Council may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Council think fit or as may be directed by the court as the case may be. A.D. 1936.
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(4) An order under this section may be addressed to such officer of the Council as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Council so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

79.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by and at the cost of the Council unless the owner or occupier of such building informs the Council within twenty-four

Disinfection
in case of
tuberculosis.

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(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Council as aforesaid or if having so informed the Council as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers of and at the cost of the Council under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Council under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Council may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Council in carrying out 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 medical officer if generally empowered by the Council in that behalf may by notice in writing require the owner or person in possession of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Council for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Council and returned to the person from whom they were taken free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Council of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Council and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction. A.D. 1936.
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80.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Council or a committee of the Council are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order. As to filthy premises.

(2) Any expenses incurred by the Council under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

81. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Council (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Council to cleanse and disinfect the dwelling-house and the Council may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary. Cleansing of dwelling-houses in certain cases.

82.—(1) Where it appears to the Council on a report from the medical officer that any articles in any house or part thereof are in such a filthy dangerous or unwholesome condition that health is affected or Cleansing or destruction of filthy &c. articles.

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endangered thereby or that the cleansing disinfection or destruction of any such articles is requisite to prevent risk of or to check infectious disease the Council may at their own expense cause such articles to be cleansed disinfected or destroyed and (if they think fit) removed for any such purpose.

(2) If the owner of any such articles suffer damage by reason of the exercise of the powers of this section in relation to any matter as to which he is not himself in default (other than such damage as is necessarily consequent upon the cleansing or disinfection of such articles) the Council shall compensate him for the same and the Council shall also reasonably compensate him for any articles destroyed Any compensation payable under this subsection shall be recoverable in and in case of dispute may be settled by a court of summary jurisdiction.

(3) Section 122 of the Public Health Act 1875 shall extend and apply to the provision by the Council of means for cleansing disinfecting destroying and removing articles under the provisions of this section.

Public
notice of
foregoing
provisions
of this Part
of this Act.

83.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in a newspaper published or circulating in the district.

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

Discontinu-
ance of
offensive
trade.

84.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and in the opinion of the Council it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required by the Council after six months' notice in writing under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade :

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Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of the said section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Council under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Council require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Council. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Council with reference to offensive trades.

85.—(1) The owner of any dwelling-house or tenement which is not provided with a proper and sufficient water supply within such dwelling-house or tenement who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

Water supply to be provided for dwelling-houses.

Provided that the owner of any dwelling-house or tenement erected before the passing of this Act shall not be liable to the penalties provided by this section unless the Council shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house or tenement with a proper and sufficient water supply within such dwelling-house or tenement.

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(2) Section 62 of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health or the sanitary inspector" were inserted therein after the words "the surveyor."

Byelaws as
to stables.

86. The Council may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Byelaws as
to refuse.

87. The power of the Council to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid.

Regulation
dustbins.

88.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Council.

(2) Every owner or occupier having provided any dustbin whether pursuant to this section or otherwise shall maintain the same in good order and condition.

(3) The foregoing provisions of this section shall not apply to any ashtubs or other receptacles for refuse in use at the commencement of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) It shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Council.

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall

[26 GEO. 5. &
1 EDW. 8.]

*Solihull Urban District
Council Act, 1936.*

[Ch. cxiv.]

be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

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(6) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Council do not remove the refuse.

89.—(1) It shall not be lawful for any person (other than a person appointed by the Council 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 the removal of such contents by the Council.

Prohibiting
sorting of
contents of
dustbins.

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

PART V.

HUMAN FOOD.

90.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Council under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst 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 occupier or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part (if he deems it right to have the sample analysed) to the public analyst.

As to
inspection
of premises
used for
storage of
food.

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

Extension of
powers of
section 72
of Public
Health Act
1925.

7 Edw. 7.
c. 32.

91.—(1) Section 72 of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard 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 and to which yard the Factory and Workshops Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

(2) The said section shall in its application to the district be read and have effect as if the following provision were added after subsection (2) thereof (that is to say):—

"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—

(a) a satisfactory water supply; and

(b) suitable washing 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."

As to street
vendors of
food.

92. Every dealer in any article intended for the food of man vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle or from any market stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle or stand pail container or receptacle or clearly exhibited on such market stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings:

[26 GEO. 5. & Solihull Urban District [Ch. cxiv.]
1 EDW. 8.] Council Act, 1936.

Provided that no person shall be liable to a penalty under the provisions of this section 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.

A.D. 1936.

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5 & 6
Geo. 5. c. 66.

93. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly :

Further powers in relation to unsound food.

Provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or parcel in the possession of such company as carriers thereof.

94.—(1) Every registered medical practitioner attending on a person in the district who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

Medical practitioners to notify cases of food poisoning.

(2) The Council shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

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Power to
prohibit
persons
suffering
from tuber-
culosis from
handling &c.
food.

95.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the district in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Council may request such person to discontinue his employment and on such request being made the Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such discontinuance.

(2) If any such person shall fail to comply with such request the Council may apply to a court of summary jurisdiction for an order requiring him to discontinue his employment and the court shall have power to make such order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Council to such person.

(3) If such person fail to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Prohibition
on infected
person
carrying on
business.

96. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household or knowingly carries on any trade or business connected with food in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings.

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

97.—(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 is registered by the Council.

(b) No premises shall be used for the manufacture for sale or sale of ice-cream or for the preparation manufacture or storage of preserved meat intended

for sale unless such premises are registered by the Council. A.D. 1936.

(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 Council may refuse to register any such person or premises as is or are referred to in subsection (1) of this section 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 any such person or premises on the ground (as regards any person) that the public health is or is likely to be endangered by any act or default of the person who is registered or who seeks to be 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 any premises) that such premises are not suitable to be used for the purposes aforesaid :

Provided that before refusing or revoking such registration the Council 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 Council should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises.

(b) If the Council 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.

A.D. 1936.

(d) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the 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 Council to register the person or premises or to retain him or them upon the register and the Council shall comply with any such direction.

(3) In this section—

the expression “ice-cream” includes any other similar commodity;

the expression “preserved meat” includes sausages and any potted pressed pickled or preserved meat fish or other food; and

in the case of meat or fish the word “preserved” includes preparation by any process of cooking where the meat or fish so preserved is sold or intended for sale in sealed containers.

(4) The provisions of this section shall not in any way affect the operation of the Factory and Workshop Act 1901.

(5) This section shall not apply to or affect (a) any premises used as a club or hotel nor (b) any premises used as a railway refreshment room theatre music hall cinema or other similar place of entertainment if and so long as such premises are not used for any of the purposes referred to in paragraph (b) of subsection (1) of this section other than the sale of ice-cream.

For regu-
lating manu-
facture and
sale of
ice-cream
&c.

98.—(1) Any person being a manufacturer or vendor of or dealer in ice-cream or other similar commodity who omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Council in that behalf may seize and destroy all ice-cream or similar

commodity or materials for the manufacture of the same in any of the premises and the Council shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

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(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Council would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or of any such cart barrow or other vehicle or stand pail container or receptacle or of the commodities or articles of food therein or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

99.—(1) Public notice of the effect of the provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in a newspaper published or circulating in the district.

Notice of
Part V.

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

PART VI.

PUBLIC BUILDINGS BATHS PARKS &c.

100.—(1) Subject to the provisions of this Act—

- (a) The Council may provide or acquire or may (subject to the approval of the Minister in the case of any lands not so utilised at the passing of this Act) on any lands

Power to
provide and
let public
buildings.

A.D. 1936.
—

of which for the time being they may be the owners erect and hold furnish equip maintain and insure a concert hall public hall assembly rooms and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante-rooms refreshment rooms kitchens cloak rooms lavatories outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Council and may provide erect and maintain offices as part of any such building or buildings;

(b) The Council may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Council on such terms and conditions as they may think fit.

(2) The Council shall not grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre otherwise than in cases in which the proceeds of the performances are devoted to charitable purposes except on the best terms that can be obtained.

(3) The Council may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or lands used for the purposes mentioned in this Part of this Act.

Provision
of concerts
entertain-
ments &c.

101.—(1) The Council may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings and amusements in any concert hall public hall assembly room or other building provided by them or in any baths or bathing pools belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto :

[26 GEO. 5. & Solihull Urban District [Ch. cxiv.]
1 EDW. 8.] Council Act, 1936.

Provided that nothing in this subsection contained shall enable the Council themselves to use any concert hall public hall assembly room or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre : A.D. 1936.

Provided also that the concerts entertainments and amusements which the Council may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Council shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the district) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall.

(2) The Council may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section.

(3) The Council may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of this section.

(4) The Council may pay or contribute towards the cost of providing and maintaining at railway stations and other public places in the district and on public service vehicles and omnibuses plying in the district or between the district and other places and in newspapers magazines and other publications published in the county of Warwick or any county adjoining that county advertisements relating to any concerts entertainments exhibitions swimming contests athletic meetings or amusements given or provided in pursuance of this section.

(5) Any expenses incurred by the Council under the provisions of this section may be paid by the Council out of the general rate fund Provided always that the net amount of any payments or expenses made and incurred by the Council under the provisions of (a) this section and (b) section 56 of the Public Health Act 1925 after deducting any moneys received by them under the

A.D. 1936. — provisions of such sections shall not in any one year 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 one penny in the pound levied in that year to the general rate. Provided that the limitation hereby imposed shall not apply to or in respect of any rate in excess of the rate of one penny in the pound which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925 and of section 75 of the Local Government Act 1929.

15 & 16 Geo. 5. c. 90.

19 & 20 Geo. 5. c. 17.

Boating and bathing pools.

102.—(1) Subject to the provisions of this Act the Council may in any park recreation ground or open space belonging to them construct and maintain boating or bathing pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith.

(2) The Council may make such reasonable charges as they may think fit for the admission to and use of any bathing or boating pools by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister and the Council may if they think fit let any such works appliances conveniences and buildings.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a bathing or boating pool was a lake or piece of water in a park or pleasure ground provided by the Council.

10 & 11 Vict. c. 89.

(4) The Council may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 make byelaws for regulating the use of any of the said bathing or boating pools and works appliances and conveniences in connection therewith.

Use of swimming baths &c. for swimming contests &c.

103. The Council may close to the public and may reserve the exclusive use of any swimming bath open bathing place or bathing pool belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or for other similar purposes and may demand and take or authorise to be demanded and taken such sums

for the exclusive use of such bath place or pool or for admission of persons thereto as they may think fit. A.D. 1936.

104.—(1) When any portion of any park or place of public resort or recreation is set apart by the Council for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Council may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and specially laid out for cricket tennis and other games and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Council may think fit. Charges for and letting of parks &c. for games.

(2) Provided that nothing in this section shall empower the Council to let at one and the same time the exclusive use of more than twenty-five per centum of the total area of any park or place of public resort or recreation for the time being belonging to them or under their control.

105. No power conferred upon the Council by the preceding sections of this Part of this Act shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Council without an order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person. Saving for trusts covenants &c. in conveyances and leases.

106. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Council under the provisions of the Public Health Acts or any Act or Order for the time being in force within the district relating to any park or place of public resort or recreation ground under the control of the Council as is given to the servants of the Council by the byelaws for the time being in force under the said provisions. Power of constables to enforce byelaws as to parks &c.

107.—(1) The Council may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations Power to appoint officers.

A.D. 1936. — made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

11 & 12
Geo. 5. c. 31.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

PART VII.

LANDS.

Further powers for acquisition of lands.

108.—(1) The Council notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Council should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the district.

(2) When any lands purchased or acquired or taken on lease by the Council under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Council and pending such appropriation all expenses incurred by the Council under this section shall be payable out of the general rate fund and general rate.

Retention and disposal of lands.

109.—(1) Notwithstanding anything contained in section 127 of the Lands Clauses Consolidation Act 1845 the Council may retain and hold and use or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district (other than the Housing Acts 1925 to 1935) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or

thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. A.D. 1936.

(2) The Council shall not without the consent of the Minister sell lease exchange or otherwise dispose of any lands under the powers of this section except at the best price or on the best terms which can reasonably be obtained but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(3) Nothing in this section shall be taken to dispense with the necessity of obtaining the consent of any Government department to any sale lease appropriation exchange or other disposition of any lands of the Council in any case in which such consent would have been required if this section had not been enacted.

(4) Nothing in this section shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council 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 the like manner and to the same extent as if this section had not been enacted.

110. The Council on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Reservation of easements &c.

111.—(1) The Council may (with the consent of the Minister) lay out and develop any lands at any time being belonging to the Council and not required for the purposes for which they were acquired and may Power to develop lands.

A.D. 1936. erect and maintain houses shops offices warehouses and
— other buildings and construct sewer pave flag channel
and kerb streets roads and ways on any of such lands.

(2) The Council may use or dispose of the building
or other materials of any houses or premises on any
lands acquired or appropriated by them which they
may deem it necessary or desirable to pull down.

Proceeds of
sale of sur-
plus lands.

112.—(1) The Council may (so far as they consider
necessary) apply subject to the approval of the Minister
any capital moneys received by them on the re-sale
or exchange of or by leasing any lands acquired under
the powers of this Act in the purchase of other lands
but as to capital moneys so received and not so applied
the Council shall (subject to the provisions of the section
of this Act of which the marginal note is “ Consolidated
loans fund ”) apply the same either—

- (a) in or towards the extinguishment of any loan
raised by them under the powers aforesaid
such application being in addition to and
not in substitution for any other mode of
extinguishment of such loan except to such
extent and upon such terms as may be approved
by the Minister; or
- (b) in such other manner as may be approved
by the Minister.

(2) Any capital moneys received by the Council
on the re-sale or exchange of or by leasing any lands
acquired under any public general Act from time to
time in force in the district or under any local enactment
(other than this Act) shall be applied in the same manner
as capital moneys received under such public general
Act or local enactment are applicable or in such other
manner as may be approved by the Minister.

Power to
reinstate
owners of
property.

113. The Council 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 Council under the
provisions of any general or local enactment from time
to time in force in the district 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 Council may pay or receive money for
equality of exchange.

PART VIII.

A.D. 1936.

FINANCIAL.

114.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Council may determine not exceeding five years from the passing of this Act. Power to borrow.

(2) The provisions of Part IX of the Local Government Act 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.

115. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper. Application of Local Government Act 1933 to existing sinking funds.

116.—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds to be called "Solihull Council bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to borrow by issue of bonds.

(2) Where the Council raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Local Government Act 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the schedule to this Act shall have effect with regard to bonds.

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62 & 63 Vict.
c. 9.

7 Edw. 7.
c. 13.

54 & 55 Vict.
c. 39.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

Dividend
warrants by
post.

117.—(1) The Council may give notice to any person being registered as a holder of any authorised security (other than stock) 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 in writing to the Council of such objection the Council may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register. Provided that if such person give notice in writing to the Council that he desires such orders or warrants to be sent to another person at a given address the Council may from time to time send the same by post to such other person at such address.

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

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

45 & 46 Vict.
c. 61.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Closing of
transfer
books.

118.—(1) The Council may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter period next before the

date on which interest upon the authorised securities to which such transfer book or register relates is payable.

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(2) The persons who on the date on which any transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

119. Notwithstanding anything contained in this or any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions :—

Use of
moneys
forming
part of
sinking and
other funds.

- (1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to

A.D. 1936.

the undertaking or purpose with reference to which the moneys are so used :

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Capital
reserve
fund.

120.—(1) The Council may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable to an amount not exceeding three thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Council such sums out of the general rate fund as the Council from time to time deem expedient :

Provided that—

- (a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925 ;
- (b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of ten thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised by the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (b) to subsection (1)

of this section) an amount equivalent to such income shall be credited to the capital reserve fund. A.D. 1936.

121.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-seven the Council may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

Consoli-
dated loans
fund.

- (a) all moneys borrowed by the Council by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

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

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such

A.D. 1936. securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of the said sums and their application.

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation capital reserve contingency or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions :—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved under this section may be altered extended amended or annulled by any other scheme approved in like manner as the original scheme. A.D. 1936.
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122.—(1) The Council may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called "the renewal and repairs fund" (a) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Council in connection with the provision of horses carts mechanically propelled vehicles stables garages depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (b) any sum not exceeding the average annual cost incurred by the Council during the previous three years in connection with the maintenance and repair of buildings (not being buildings in respect of which the Council are required to keep a housing repairs account under the provisions of any general enactment for the time being in force). Renewal
and repairs
fund.

(2) The maximum amount standing to the credit of the renewals and repairs fund shall not at any time exceed an amount equal to one-third part of the cost referred to in subsection (1) of this section.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount

A.D. 1936. — equivalent to such income shall be credited to the renewal and repairs fund.

Subscrip-
tions to
local
government
associations
and other
expenses.

123. The Council may pay out of the general rate fund and general rate—

- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Council at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) the reasonable expenses of the Council in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district;
- (c) the reasonable expenses in connection with the attendance of the members of the fire brigade of the Council at meetings and competitions of fire brigades.

Receipt
in case of
minors.

124. If any money is payable by the Council to any employee creditor or holder of any authorised security and the person entitled to such payment is a minor the receipt of the guardian shall be a sufficient discharge to the Council.

PART IX.

MISCELLANEOUS.

Extension of
section 2 (3)
of Public
Health (In-
terments)
Act 1879.
42 & 43 Vict.
c. 31.

125.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Council 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.

(2) Any such sum shall be invested in statutory securities and the interest thereon applied in maintaining the grave or grave space or monument in such manner as the Council think fit. A.D. 1936.

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

126. The Council may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section. As to operation of section 11 of Rating and Valuation Act 1925.

127. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the district the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons. Recovery of rate from persons removing.

128.—(1) On the death of an employee to whom a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance grant or repayment of contributions to any superannuation or other fund with or without interest if probate of the will of the employee or letters of administration of his estate is or are not produced within such time (not being less than one month after his death) as the Council may think reasonable then at the expiration of that time the Council may pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (v) inclusive of section 46 (1) of the As to payments due to deceased employees.

A.D. 1936. Administration of Estates Act 1925 and section 9 of the
— Legitimacy Act 1926 and in default of any such person
15 & 16 to the Solicitor for the Affairs of His Majesty's Treasury
Geo. 5. c. 23. Provided that—

16 & 17
Geo. 5. c. 60. (a) the Council may if they think fit pay to any
person who has paid the funeral expenses of
the deceased employee such amount (not ex-
ceeding the total amount of such expenses) as
the Council shall deem it reasonable to allow;

(b) if the Council receive notice of any claim of a
creditor of the deceased employee before the
expiration of one month from the death of the
employee they shall retain the whole amount
due to the deceased employee in their hands
or a sufficient sum thereof to satisfy the claim
(whichever amount shall be the less) until the
claim has been satisfied disproved or with-
drawn.

(2) The Council before paying or distributing any
moneys under this section to or among any person or
persons other than the legal personal representative
of the deceased employee shall require—

(a) where the total estate of the deceased employee
including the amount of such moneys does
not after deduction of debts and funeral ex-
penses exceed one hundred pounds a declara-
tion to that effect by the person or one of the
persons to or among whom the Council propose
to pay or distribute such moneys; and

(b) where the total estate of the deceased employee
including the amount of such moneys but
after deduction of debts and funeral expenses
exceeds one hundred pounds the production
of a certificate from the Commissioners of
Inland Revenue of the payment of the estate
duty and of a duly stamped receipt for the
legacy or succession duty payable in respect of
such moneys or of a certificate stating that
no legacy or succession duty is payable.

Noise
nuisance.

129.—(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. A.D. 1936.
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(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes 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 a 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.

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

130. Every person who shall on Sunday in any street or public place call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for street crying on Sunday.

131. As respects any byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister. Byelaws.

132.—(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 Council 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 Council or of or by any officer thereof under the provisions of Part II (Streets and buildings) Part III

A.D. 1936. (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) or Part V (Human food) 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 held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Council and to the clerk of the peace.

Penalty on occupiers refusing execution of Act.

133. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) or Part V (Human food) of this Act or any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Power of entry.

134. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) and Part V (Human food) of this Act as if those purposes had been mentioned in the said section 102.

Evidence of appointments authority &c.

135. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment

[26 GEO. 5. &
1 EDW. 8.]

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or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

A.D. 1936.

136. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Apportionment of expenses in case of joint owners.

137. Whenever the Council the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or the sanitary inspector or any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

In executing works for owner Council liable for negligence only.

138. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Application of section 265 of Public Health Act 1875.

A.D. 1936.

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Expenses
may be
declared
private im-
provement
expenses.

139. The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Application
of Arbitra-
tion Acts
1889 to
1934.

140. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement to be appointed on the application of either party 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 any such arbitration.

As to
breach of
conditions
of consent
of Council.

141. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consents of
Council to
be in
writing.

142. All consents given by the Council under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

Several
sums in one
summons.

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

144. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort. A.D. 1936.
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Recovery of demands.

145. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

146. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the general rate fund or to such other fund as the Council shall direct. Penalties to be paid over to treasurer.

147. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted. Damages and charges to be settled by court.

148.—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Authentication and service of notices.

(2) Notices demand notes orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices demand notes orders

A.D. 1936. — or other documents under the Rating and Valuation Act 1925 are by section 59 of that Act authorised to be served.

Compensation how to be determined.

149. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Powers of Act cumulative.

150. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Saving for indictment &c.

151. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Judges not disqualified.

152. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local Act or Order from time to time in force within the district by reason of his being liable to any rate.

Inquiries by Minister.

153. 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 Local Government Act 1933 shall apply accordingly.

[26 GEO. 5. & Solihull Urban District [Ch. cxiv.]
1 EDW. 8.] Council Act, 1936.

154. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown. A.D. 1936.
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Crown rights.

155. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose. Costs of Act.

A.D. 1936.
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The SCHEDULE referred to in the
foregoing Act.

PROVISIONS AS TO COUNCIL BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Council may determine.

2. (a) Bonds may be issued at such price and at such rate of interest as the Council may from time to time determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Council.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Council (as defined by section 218 of the Local Government Act 1933) on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the council offices Solihull on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

A.D. 1936.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Council on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.....

URBAN DISTRICT COUNCIL OF SOLIHULL.

Solihull Council Bonds.

— per centum Solihull Council bond repayable at par19.....at the council offices Solihull.

This is to certify that.....of..... is the registered holder of a Council bond for..... pounds (£.....) issued by the urban district council of Solihull under the Solihull Urban District Council Act 1936 at.....

In witness whereof the said Council have caused their common seal to be affixed the.....day of..... one thousand nine hundred and.....

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.

A.D. 1936.

7.—(1) The transfer of a Council bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

Solihull Council Bonds.

I.....
in consideration of the sum of.....
paid by.....
(hereinafter called "the transferee") do hereby assign and transfer to the transferee.....
To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof And I the transferee do hereby agree to accept and take the said.....
subject to the conditions aforesaid.

As witness our hands and seals this.....
day of.....in the year of our Lord
one thousand nine hundred and.....

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Council.

(3) The deed of transfer shall be delivered to and retained by the Council and the Council shall enter a note thereof in a book to be called the "Register of transfers of Solihull Council bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Council shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Council as aforesaid the Council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Council before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

[26 GEO. 5. &
1 EDW. 8.]

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8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Council may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Council shall issue a certificate accordingly.

A.D. 1936.

(2) Until such evidence as aforesaid has been furnished to the Council the Council shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Council shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Council for registration.

10. The Council before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

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