CHAPTER lxxxv.

An Act to extend the boundaries of the borough of Sutton Coldfield to make further and better provision for the improvement health and local government of the borough and for other purposes. [4th June 1930.]

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WHEREAS the existing borough of Sutton Coldfield in the county of Warwick (hereinafter referred to as "the existing borough") is a municipal borough under the management and control of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas the existing borough comprises the existing parish of Sutton Coldfield:

And whereas the unrepealed provisions of the local Acts specified in Part I of the First Schedule to this Act and the Orders specified in Part II of that schedule are in force in the existing borough:

And whereas the parish of Great Barr in the rural district of Walsall and the parish of Shenstone in the rural district of Lichfield are situate in the administrative county of Stafford and immediately adjoin the existing borough:

And whereas it is expedient to alter and extend the boundaries of the borough so as to include therein parts of the said parishes:

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

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And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Sutton Coldfield Corporation Act 1930.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Extension of borough.
Part III.—Lands.
Part IV.—Streets and buildings.
Part V.—Infectious disease and sanitary provisions.
Part VI.—Hackney carriage and traffic provisions.
Part VII.—Financial provisions.
Part VIII.—Miscellaneous provisions.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 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 and form part of this Act.

Interpretation.

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 1875 to 1925 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— A.D. 1930.

"The borough" until the appointed day means the existing borough of Sutton Coldfield and as from that date means the existing borough as extended by this Act;

"The existing borough" means the borough of Sutton Coldfield as it exists immediately before the appointed day;

"The parish" means the existing parish of Sutton Coldfield as extended by this Act;

"The Corporation" means as the context requires the mayor aldermen and burgesses of the existing borough or of the borough acting by the council;

"The council" means the council of the borough;

"The mayor" means as the context requires the mayor of the existing borough or of the borough;

"The town clerk" "the treasurer" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively as the context requires the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Corporation of the existing borough or of the borough and respectively include any person duly authorised to discharge temporarily the duties of those officers;

"The general rate fund" and "the general rate" mean respectively the general rate fund and general rate of the borough;

"The county" and "the county council" mean respectively the administrative county of Warwick and the county council of that county;

"The county of Stafford" and "the county council of Stafford" mean respectively the administrative county of Stafford and the county council of that county;

"The Walsall district" "the Lichfield district" "the Walsall Council" and "the Lichfield Council" mean respectively the rural districts of Walsall and Lichfield and the rural district councils of those districts;

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"The rural councils" means the Walsall Council and the Lichfield Council;

"The added part of Great Barr" means that part of the existing parish of Great Barr which is coloured yellow on the borough map;

"The added part of Shenstone" means that part of the existing parish of Shenstone which is coloured orange on the borough map;

"The added areas" means so much of the Walsall district as comprises the added part of Great Barr and so much of the Lichfield district as comprises the added part of Shenstone;

"The borough map" means the map marked "Sutton Coldfield Extension Borough Map" and signed in triplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office;

"The appointed day" means the first day of April one thousand nine hundred and thirty-one;

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

"Officer" includes a servant and a justice's clerk;

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

"The Act of 1888" "the Act of 1894" and "the Act of 1929" mean respectively the Local Government Act 1888 the Local Government Act 1894 and the Local Government Act 1929;

"The Local Government Acts" means the Act of 1888 the Act of 1894 and the Act of 1929;

"The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending the same and the Borough Councillors (Alteration of Number) Act 1925;

"The Rating Act" means the Rating and Valuation Act 1925;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Lands (Assessment of Compensation) Act 1919;

"The local Acts" means the local Acts specified in Part I of the First Schedule to this Act the Orders specified in Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to that Order and each of the Acts and Orders specified in the said schedule is referred to as the Act or Order of the year in which it was passed or confirmed;

"The Act of 1903" "the Act of 1920" and "the Order of 1927" mean respectively the Sutton Coldfield Corporation Act 1903 the Sutton Coldfield Corporation Act 1920 and the Sutton Coldfield (Extension) Order 1927 confirmed by the Ministry of Health Provisional Order Confirmation (Sutton Coldfield Extension) Act 1927;

"The Minister" means the Minister of Health;

"Hackney carriage" has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus;

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

"Infectious disease" means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough;

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"Child" means a person under the age of sixteen years;

"Sunday school" means any school or building in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

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

"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;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

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

"Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the

Corporation and the rates or contributions leviable by or on the order or precept of the Corporation; A.D. 1930.

"Principal moneys" means all moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including the borrowing powers under this Act) and not raised by issue of Corporation stock.

Part II.

Extension of Borough.

Commencement of Part.

5. Save as otherwise expressly provided this Part of this Act shall come into operation on the appointed day:

Provided that for the purposes of—

(*a*) the compilation alteration or re-arrangement of any register of electors made under the Representation of the People Acts;

(*b*) all proceedings preliminary or relating to any election to be held in the year one thousand nine hundred and thirty-one for any area affected by this Act; and

(*c*) the preparation of any precept to be issued or made on or after the appointed day;

this Act shall operate from the date of its passing.

Extension of borough.

6.—(1) The boundary of the existing borough the area whereof is coloured pink on the borough map shall be altered so as to include in addition to that area so much of the Walsall district as comprises the added part of Great Barr and so much of the Lichfield district as comprises the added part of Shenstone.

(2) The boundary of the borough shall be that shown by the inner edge of the dark red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough.

Alterations of parishes.

7. The added areas shall be separated from the existing parishes of which they form part and shall be added to and form part of the existing parish of Sutton Coldfield.

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Borough map.

8.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent as soon as may be after the passing of this Act to the clerks of the county councils of Stafford and Warwick to the clerks to the Walsall Council and the Lichfield Council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Health to the Minister of Transport and to the Minister of Agriculture and Fisheries.

(2) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the map so far as it relates to the boundary of any area altered by this Act.

(3) The borough map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any person shall be entitled to a copy of or extract from the map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Alteration of county boundary.

9.—(1) The boundary between the county and the county of Stafford shall be altered so that the borough and the parish shall be wholly situate in the county and shall for the purposes of the Local Government Acts and for all other purposes including the purposes of any commission of assize oyer and terminer or gaol delivery the service and qualification of jurors the making up of the jurors' book sheriff lieutenant and territorial army be within the county and subject to the provisions of this Act the Stafford County Council and the standing joint committee of that county shall cease to exercise any powers or discharge any duties within any part of the added areas.

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

(3) Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connection with any action or proceeding pending or existing at the appointed day and appertaining to the added areas shall be delivered turned over or transferred and signed in like manner in all respects so nearly as circumstances admit as is required to be done upon a new sheriff coming into office and as if the sheriff of the county were as respects the added areas the new sheriff in succession to the sheriff of the county of Stafford.

Existing mayor and aldermen.

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

Municipal wards.

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

(*a*) For the purposes of the election of councillors the borough shall continue to be divided into six wards;

(*b*) The added areas shall be included in the Hill ward of the borough;

(*c*) Any councillor who represents immediately before the appointed day the Hill ward shall on and after that day represent that ward as extended by this Act and shall remain in office until the day on which he would have retired from office if this Act had not been passed;

(*d*) If immediately before the appointed day a casual vacancy shall exist in the representation of the Hill ward the vacancy shall be deemed to exist in the representation of that ward as extended by this Act.

County electoral divisions.

12. Subject to the provisions of section 54 of the Act of 1888 section 50 of the Act of 1929 and section 2 of the Representation of the People Act 1922—

(1) The added areas shall be separated from the existing Aldridge electoral division of the county of Stafford and shall be added to and form part of the Trinity electoral division of the county :

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(2) The persons who immediately before the appointed day are the county councillors representing the Aldridge electoral division of the county of Stafford and the Trinity division of the county shall continue in office and be deemed to have been elected to represent those divisions respectively as altered by this Act and shall retire on the day on which they would respectively have retired if this Act had not been passed.

Qualification of aldermen and councillors.

13.—(1) For the purposes of the application to the county and to the borough of the provisions of the County and Borough Councils (Qualification) Act 1914 the added areas shall be deemed to have always formed part of the county and of the borough.

(2) Any alderman or councillor who is to continue in office after the appointed day shall not during his present term of office be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of areas made by this Act.

Jurisdiction of borough justices &c. extended.

14.—(1) The powers and duties of the justices of the peace for the existing borough coroner of the northern coroner's district of the county and of the clerks to those justices shall extend to and apply throughout the borough:

Provided that—

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

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

(2) The added areas shall cease to form part of any petty sessional division of the county of Stafford.

Officers of Corporation continued.

15.—(1) The town clerk and all other officers of the Corporation of the existing borough who hold office at the appointed day shall continue to be the town clerk

and officers of the Corporation of the borough and shall hold their offices by the same tenure as on the appointed day.

(2) The auditors of the existing borough who are in office at the appointed day shall continue in office and shall for the purposes of the Municipal Corporations Acts be the borough auditors until the next ordinary day of election of borough auditors.

Corporation property &c.

16. Subject to the provisions of this Act all property vested in the Corporation at the appointed day for the benefit of the existing borough shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers which at the date aforesaid are exerciseable by or vested in the Corporation for the benefit of the existing borough and all liabilities which on the appointed day attach to the Corporation in respect of the existing borough shall from and after that day attach to them in respect of the borough.

Mortgage debts of Corporation.

17. Subject to the provisions of this Act and to any necessary adjustment so much of any sums borrowed by the Corporation as will at the appointed day be owing and charged upon a fund or rate levied within the existing borough shall be charged upon the corresponding fund or rate to be levied within the borough and shall together with the interest to accrue due thereon be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable.

Staffordshire Mental Hospitals District.

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

Birmingham Tame and Rea main sewerage district.

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

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(2) If in any year the average cost calculated per rated tenement of treating and disposing of the sewage from the area of the borough coloured pink upon a map signed for the purposes of identification by the town clerk and the clerk to the Birmingham Tame and Rea District Drainage Board exceeds the average cost calculated per rated tenement of dealing with the sewage of the rest of the main sewerage district the amount of such excess multiplied by the number of rated tenements in the said area in such year shall be borne by the Corporation and shall be repaid on demand by the Corporation to the board.

Local Acts and Orders.

20.—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts and of any other local Act (including any local Act passed or to be passed during the present session of Parliament) or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation (except the provisions (if any) which relate to the supply of water gas or electricity of any of those Acts or Orders) as the same respectively are in force within the existing borough on the appointed day shall extend to the borough and any reference therein to the existing borough and the Corporation shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective section for the benefit of the county council of Stafford or of either of the rural councils (or the predecessors of either of such councils) contained in any local Act confirmation Act or Provisional Order (by whomsoever obtained) in force on the appointed day shall in respect of all matters relating to or affecting any part of the added areas enure to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to such council (or their predecessors) as the case may be.

Adoptive Acts.

21.—(1) The provisions of—

(*a*) the Baths and Washhouses Acts 1846 to 1925;

(*b*) the Infectious Disease (Prevention) Act 1890;

(*c*) Parts II III IV and V of the Public Health Acts Amendment Act 1890;

(*d*) the Private Street Works Act 1892;

(*e*) the Notification of Births Act 1907;

(*f*) the Local Government and other Officers' Superannuation Act 1922;

(*g*) the Public Health Act 1925 Parts II III IV and V (sections 14 15 17 to 28 30 31 32 33 35 to 40 42 to 55);

shall be in force within and apply to the borough.

(2) The provisions of any adoptive Acts adopted by the rural councils or their predecessors shall cease to be in force within and apply to any part of the added areas.

(3) Any order under the Infectious Disease (Notification) Act 1889 or under any other Act mentioned in subsection (1) of this section which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas and any order under the Infectious Disease (Notification) Act 1889 or under any other Act mentioned in subsection (1) of this section in force immediately before that day within the added areas shall cease to be in force within those areas.

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

22. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925:—

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if the said parts or sections were accordingly declared to be in force within the borough:

(2) Any other order under either of those Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas:

(3) The provisions of any order made before the appointed day and declaring to be in force within the added areas any parts or sections of either of those Acts shall cease to apply to the added areas and the parts or sections declared

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by any such order to be in force shall save as hereinbefore provided cease to be in force within the added areas.

Orders under Shops Acts 1912 to 1928.

23. Any order made under the Shop Hours Act 1904 or under the Shops Acts 1912 to 1928 and in force immediately before the appointed day in any area affected by this Act shall subject to the provisions of such Acts remain in force and apply to the area to which it applies immediately before the appointed day.

Orders under Wild Birds Protection Acts.

24. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added areas and any order under those Acts which is then in force in the county of Stafford shall cease to extend to the added areas.

Corporation to be local authority for small dwellings acquisition maternity child welfare &c.

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

Orders under section 33 of Act of 1894.

26.—(1) The orders under section 33 of the Act of 1894 made by the Local Government Board on the sixth day of May eighteen hundred and ninety-six and the third day of November nineteen hundred and three shall have effect as if any reference therein to the existing borough extended and applied to the borough.

(2) Nothing in this clause shall be deemed to substitute a reference to the parish in the said order dated the sixth day of May eighteen hundred and ninety-six (relating to charities) for a reference to the parish as it existed at the date of that order.

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

Byelaws regulations and scales of charges.

27.—(1) All byelaws made under the Public Health Acts and in force within the existing borough or within the added areas immediately before the appointed day shall—

(*a*) if made before the first day of January one thousand nine hundred and nineteen continue

to apply to the existing borough or to the added areas as the case may be for one year after the appointed day (unless previously repealed or altered by the Corporation) but shall on the expiry of one year cease to be in force within the borough;

(*b*) if made on or after the first day of January one thousand nine hundred and nineteen continue to apply to the existing borough or to the added areas as the case may be until repealed or altered by the Corporation.

(2) Any such byelaws in force in the existing borough may by a byelaw made in accordance with sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority be continued and be extended with or without modification to the added areas.

(3) All other byelaws made by the Corporation or by the county council or the standing joint committee of the county and in force in the existing borough immediately before the appointed day shall apply to the borough until repealed or altered and all byelaws made by the county council of Stafford or the standing joint committee of that county shall on that day cease to apply within the added areas.

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

(5) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation the county council or the standing joint committee of the county as the case may require as if such byelaw had remained in force and as if the Corporation the county council or the standing joint committee of the county had been substituted therein for the rural councils the county council of Stafford or the standing joint committee of that county.

(6) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments

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and the phrase "byelaws made under the Public Health Acts" means byelaws which under the Ministry of Health Act 1919 are subject to confirmation by the Minister whether made before or after the passing of that Act.

Insurance committees.

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

(2) An order made under this section may authorise the insurance committee for the county of Stafford to continue to act as insurance committee for the added areas until such date not being later than the thirty-first day of December one thousand nine hundred and thirty-one as may be specified in the order and may for that purpose postpone the operation of this Act so far as it relates to the rights and duties of the respective insurance committees for the county of Stafford and the county until the date so specified and may provide for such financial adjustments and may contain such other consequential and supplementary provisions as may appear to the Minister necessary or expedient.

(3) An order under this section may be revoked revised and amended by an order made in like manner as the original order.

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

Assessment areas and assessment committees.

29.—(1) The added areas shall be respectively separated from the Walsall and Walsall rural assessment area and the Lichfield and Tamworth assessment area as constituted by the County of Stafford (Assessment Areas and Assessment Committees) Scheme 1926 and shall be included in and form part of the Sutton Coldfield assessment area as constituted by the County of Warwick (Assessment Areas and Assessment Committees) Scheme 1926.

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(2) The County of Warwick (Assessment Areas and Assessment Committees) Scheme 1926 as approved by the Minister on the seventh day of July one thousand nine hundred and twenty-six shall be read and have effect as if for references therein to the borough and the town council there were substituted references to the borough as extended by this Act and the town council thereof.

Land Charges Act 1925.

30.—(1) The local registrars for the county of Stafford the Walsall district and the Lichfield district under the Land Charges Act 1925 and the rules made thereunder shall within one calendar month after the appointed day supply to the local registrar for the county or for the borough as the case may be an office copy of every entry in the local land charges register relating to any premises situate within the added areas and shall in respect thereof be paid by the Corporation such fees as are prescribed by the said rules.

(2) The local registrar for the county or for the borough shall within one calendar month after the receipt of the office copy mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the county and the borough respectively.

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

(*a*) The local registrar for the county or for the borough respectively shall give notice to any person desiring to make a personal search that an additional search should be made in the register for the county of Stafford and for the Walsall district or the Lichfield district as the case may be;

(*b*) Where application is made for an official search the local registrar for the county or for the borough as the case may be shall issue free of charge a certificate of official search in the register of the county or of the borough as the case may be and shall forward to the local registrar for the county of Stafford or for the

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Walsall district or the Lichfield district the application received by him together with the fees paid in respect thereof;

(*c*) The local registrar for the county of Stafford the Walsall district or the Lichfield district as the case may be shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;

(*d*) Where a local land charge duly registered in the local land charges register of the county of Stafford or the rural district affected is in pursuance of this Act transferred from the register of the county of Stafford or the rural district to the register of the county or of the borough as the case may be such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the local land charges register of the county or of the borough as the case may be.

Valuation lists.

31.—(1) The valuation lists for the existing borough and the portions of the valuation lists of the Walsall district and the Lichfield district which relate to hereditaments within the added areas shall together form the valuation list of the borough as from the appointed day.

(2) The remaining portions of the valuation lists of the said districts shall be the valuation lists of those districts as from the appointed day.

As to jury service.

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

Duplicate entries in electors lists.

33.—(1) The registration officer of the parliamentary county of Stafford shall supply the registration officer of the parliamentary county of Warwick on publication with a sufficient number of copies of the electors lists the lists of objections to the electors lists the lists of claimants and the lists of objections to claimants for each registration

unit comprising any part of the added areas and shall forthwith notify the registration officer of the parliamentary county of Warwick of his decisions on any objections or claims in separate parts for each area constituting a registration unit before the appointed day.

(2) It shall be the duty of the registration officer of the parliamentary county of Warwick to issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of borough council elections or in the same electoral division of the county of Warwick for the purpose of county council elections.

(3) Where the registration officer of the parliamentary county of Warwick considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for any of the purposes mentioned in subsection (2) of this section should be made in the electors list of any registration unit comprising any part of the added areas he shall forthwith notify the registration officer of the parliamentary county of Stafford and that officer shall make such correction accordingly.

(4) This section shall apply to the preparation of the register of electors in the year one thousand nine hundred and thirty-one and of later registers of electors.

Provisions as to register of electors.

34.—(1) For the purposes of the registers of local government electors of the borough prepared in the year one thousand nine hundred and thirty-one and of later registers and of all matters connected with incidental to or consequent upon those purposes the added areas shall be deemed to have formed part of the borough and of the county as from the twenty-eighth day of February one thousand nine hundred and thirty-one.

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

(*a*) the registration officer of the parliamentary county of Warwick in the case of an election for any voting area within the borough; and

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(*b*) the registration officer of the parliamentary county of Stafford in the case of an election for any voting area outside the borough;

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

(3) It shall be the duty of the town clerk of the borough and of any officer designated under article 3 of the Overseers Order 1927 by the Corporation or by the rural councils for the performance of the duties of overseers in relation to the preparation of the register of electors to render such assistance as may be required by the registration officer of either parliamentary county for the purpose of any alteration or re-arrangement authorised by paragraph (2) of this section.

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

As to registration districts.

35. Any scheme made by the county council or the Registrar-General under the provisions of section 24 of the Act of 1929 shall make provision for dealing with the added areas but until the date on which a scheme affecting the added areas comes into operation nothing in this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in the Births and Deaths Registration Acts 1836 to 1929 as to the alteration thereof.

Settlement and irremovability of poor.

36.—(1) Every person resident in any part of the added areas at the appointed day who has acquired or is in the course of acquiring a settlement in or a status of irremovability from the county of Stafford by reason of residence birth or other qualification therein shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or a status of irremovability from the county.

(2) For the purposes of this section consecutive periods of residence between the thirty-first day of March nineteen hundred and thirty and the appointed day in any portions of the county of Stafford shall be aggregated

and reckoned as continuous residence in that part of the added areas in which the person was residing at the appointed day. A.D. 1930.

37. The Walsall Council and the Lichfield Council shall continue and shall be deemed to have been elected for and shall be the rural district councils for the Walsall district and the Lichfield district respectively as diminished by this Act. Continuing Walsall and Lichfield Councils.

38. Any proceeding taken by either of the rural councils under the Town Planning Act 1925 or any enactment thereby repealed (including any agreement order approval consent or notice under that Act or repealed enactment) shall in so far as it relates to land within any part of the added areas have effect as if it had been taken by the Corporation in respect of that land. Town planning.

39. All the powers duties and liabilities of an urban authority and all the powers in relation to the chargeability of expenses with which either of the rural councils is invested in pursuance of any order made by the Local Government Board or the Minister under the Public Health Acts in respect of either the existing parishes which are altered by this Act shall be deemed to vest in and attach to the rural council in respect of that parish as so altered. Urban powers &c. in excluded parts of parishes.

40. The persons who immediately before the appointed day are the rural district councillors for the existing parishes of Great Barr and Shenstone shall be deemed to have been elected to represent those parishes as altered by this Act and shall continue in office until the date they would have retired if this Act had not been passed. As to rural district councillors.

41. Subject to the provisions of this Act— Powers property &c. of rural councils.

(1) The rural councils shall cease to exercise any powers or discharge any duties within any part of the added areas:

(2) Subject to any necessary adjustment all property or liabilities which immediately before the appointed day are vested in or attach to the rural councils in relation exclusively to any part of the added areas shall by virtue of this Act be transferred to and vest in the Corporation as the urban authority:

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(3) Any property or liabilities vested in or attaching to the rural councils in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

Balances in accounts of rural councils.

42. Any balances standing at the appointed day in the books of the rural councils shall be matters for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888.

Apportionment of balances and sums received under precepts.

43.—(1) As soon as practicable after the appointed day the rural councils shall as regards any cash balance in their hands at the appointed day estimate the proportion thereof derived from contributions paid by the added areas and subject to a deduction on account of undischarged liabilities in respect of the added areas accruing up to the appointed day shall transfer such amount to the Corporation.

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

Powers &c. of parish councils.

44.—(1) The parish councils of the existing parishes of Great Barr and Shenstone shall be deemed to have been elected as and shall be the parish councils of those parishes as altered by this Act.

(2) Subject to the provisions of this Act—

(*a*) Any powers and duties transferred by or under the Act of 1894 to the parish councils of the existing parishes of Great Barr and Shenstone so far as regards the added areas shall be vested in and imposed on the Corporation;

(*b*) Subject to any necessary adjustment any property or liabilities held or incurred by the parish councils of the existing parishes of Great Barr and Shenstone in relation exclusively to the added areas or any portion thereof shall by virtue of this Act be transferred to and vest in or attach to the Corporation;

(*c*) Any property or liabilities held or incurred by the parish councils of the existing parishes of

Great Barr and Shenstone in relation to the added areas or any portion thereof conjointly with any other area shall be a matter for adjustment under section 62 (Adjustment of property and liabilities) of the Act of 1888. A.D. 1930.

As to adjustments with county council of Stafford.

45.—(1) An adjustment within the meaning of section 62 (Adjustment of property and liabilities) of the Act of 1888 shall be made between the county council and the county council of Stafford or between either of them and any county borough and also between the Corporation and the county council of Stafford as the authority for elementary education for the purpose of adjusting any property income debts liabilities and expenses so far as affected by this Act and the provisions of the said section as amended by this Act shall apply accordingly.

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act.

Adjustment for purposes of Licensing (Consolidation) Act 1910.

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

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

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of that Act shall apply accordingly.

Apportionment by Stafford County Council of balances &c.

47.—(1) As soon as practicable after the appointed day the county council of Stafford—

(*a*) as regards any such cash balance in their hands on the appointed day which is derived from funds raised to meet expenditure on elementary

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education shall estimate the proportion thereof derived from contributions paid by the added areas and subject to a deduction on account of undischarged liabilities in respect of those areas accruing up to the appointed day shall transfer that amount to the Corporation;

(*b*) as regards any cash balance in their hands on the appointed day not being a balance of funds raised to meet expenditure on elementary education shall estimate the proportion thereof derived from contributions paid by the added areas and subject to a deduction on account of undischarged liabilities in respect of those areas accruing up to the appointed day shall transfer that amount to the county council.

(2) This section shall apply to any sum received after the appointed day by the county council of Stafford under a precept issued before that day in respect of the added areas as if that sum were a cash balance in the hands of the county council of Stafford on the appointed day.

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

Adaptation of provisions as to adjustment.

48.—(1) Section 62 (Adjustment of property and liabilities) of the Act of 1888 shall apply to any adjustment which may become necessary in consequence of this Act and for the purposes of such application that section shall have effect—

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

(*b*) as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the

consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction.

(2) This section shall not extend to the section of this Act of which the marginal note is "Adjustment for purposes of Licensing (Consolidation) Act 1910."

As to adjustments between Corporation and other authorities.

49. In any adjustment between the Corporation and any council or other authority or between the county council and any council or other authority which may be made in consequence of this Part of this Act regard shall be had to the interest or share (if any) of the added areas in any property which is retained by or transferred to such council or other authority if—

(*a*) such council or other authority will thereby be relieved from providing accommodation; or

(*b*) prior to the appointed day such property was subject to beneficial user by the inhabitants of the added areas; or

(*c*) such property or some part thereof is realisable;

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

Parochial adjustment.

50. For the purposes of the application of section 62 (Adjustment of property and liabilities) of the Act of 1888 to any adjustment which may become necessary in consequence of this Act so far as it relates to the alteration of the area of any existing parish that section shall have effect—

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

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

"(6) If it is necessary for the purpose
" of giving effect to any agreement or
" award for an adjustment that any amount
" shall be charged separately on a part
" only of any rating area the agreement

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" or award may authorise the levying of " that amount on that part of the rating " area as an additional item of the general " rate in accordance with the provisions " of subsection (5) of section 2 of the " Rating Act;

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

Arrears of rates made by rating authorities.

51. Subject to any adjustment all rates not collected at the appointed day and levied by the rating authority upon any hereditaments situate in any parish affected by this Act shall be collected and recovered by the rating authority under the Rating Act in respect of the rating area in which the hereditaments will be situate by virtue of this Act or by other officers of such rating area last mentioned competent in that behalf.

Compensation to existing officers.

52.—(1) Every officer in office on the date of the passing of this Act who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office by determination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

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

Determination of compensation.

53.—(1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Act regard shall be had to the

conditions and circumstances mentioned in the Eighth Schedule to the Local Government Act 1929 and the compensation shall not exceed the limit therein mentioned.

(2) Any compensation payable under this Act to any officer shall be paid out of the general rate fund and the provisions of the said schedule except paragraph eleven shall apply subject to the following and any necessary modifications :—

(*a*) Any reference in that schedule to the council shall be construed as a reference to the Corporation;

(*b*) Any reference in that schedule to the appointed day shall be construed as a reference to the appointed day as defined in this Act.

(3) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors' book or the register of electors under the Representation of the People Acts shall subject to a reasonable deduction for any expenses incurred by the officer be regarded as part of the emoluments of the officer for the purposes of compensation.

(4) The provisions of the section of this Act of which the marginal note is "Compensation to existing officers" and the foregoing provisions of this section shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority Provided that in the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day.

Compensation and superannuation.

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

Savings for legal proceedings contracts &c.

55.—(1) No alteration effected by this Act shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or

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proceeding which immediately before the appointed day is pending or existing by or against the county council of Stafford or the rural councils or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by any such council or their predecessors:

Provided that—

(*a*) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against the rural councils in relation exclusively to the added areas or any portion thereof may be continued prosecuted and enforced by or against the Corporation; and

(*b*) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by the rural councils (or their predecessors) in relation exclusively to the added areas or any portion thereof may be continued and enforced as fully and effectually as if instead of those councils (or their predecessors) the Corporation had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Act.

Precepts.

56. Notwithstanding the alteration of the areas effected by this Act all precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

Saving for South Staffordshire Waterworks Company.

57. Nothing in this Act shall affect the limits for the supply of water by the South Staffordshire Waterworks Company or the powers duties and privileges of that company.

Saving provisions.

58.—(1) Nothing in this Act shall—

(*a*) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the county council of Stafford the county council or the Corporation under the Act of 1888 or the Act of 1894;

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(*b*) affect the limits of the parliamentary counties of Stafford or Warwick or any division thereof or the powers of the county council of Stafford or the county council for the division of a parliamentary county into polling districts for parliamentary elections or for the division of their county into polling districts for the election of county councillors;

(*c*) affect the ecclesiastical divisions of any parish or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment;

(*d*) (save as in this Act expressly provided) affect the provision of the Rating and Valuation Acts 1925 to 1929;

(*e*) affect land tax and for the purposes of imperial taxes or duties other than land tax the provisions of the section in this Part of this Act whereof the marginal note is " Alterations of parishes " shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

(2) The amount of the deduction to be allowed from the net annual value in respect of hereditaments in the added areas belonging to class 3 specified in the first column of Part II of the Second Schedule to the Rating Act shall be thirty per centum.

Part III.

Lands.

Further powers for acquisition of lands.

59.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the

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purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such a period as may be prescribed by the Minister.

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

(3) The Corporation 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 authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act 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.

Retention and disposal of lands.

60.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in 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 borough (other than the Housing Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make

do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange: A.D. 1930.

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister be necessary or has been obtained:

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Powers with reference to leases of lands.

61.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act or any local Act for the time being in force within the borough and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the

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surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion:

Provided that any such lease granted by the Corporation shall be subject to similar conditions and limitations as are prescribed in the last preceding section of this Act with respect to leases granted thereunder.

Power to develop lands &c.

62.—(1) The Corporation may with respect to any lands for the time being belonging to them and not required for the purpose for which they were acquired exercise all or any of the following powers (viz.):—

(*a*) They may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;

(*b*) They may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof.

(2) The Corporation may also sell lease exchange or otherwise dispose of any houses shops offices warehouses or buildings erected or situate on any such lands and subject to such terms conditions and restrictions as they may think fit including conditions and restrictions as to the buildings to be erected and the use to which such buildings may be put.

(3) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the Corporation.

(4) Notwithstanding the foregoing provisions of this section the Corporation shall not under the powers of this section—

(*a*) lay out or develop any lands or erect on any lands any houses shops offices warehouses or

other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands; or

(*b*) except with the consent of the Minister sell lease or dispose of any such houses or other buildings except at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a purchaser or lessee from the Corporation to inquire whether the consent of the Minister is necessary or has been obtained.

(5) Nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Dwelling-houses for persons in Corporation's employment.

63.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Part IV.

Streets and Buildings.

Adjustment of boundaries of streets.

64.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the borough for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

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(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) 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 shall seem just.

(5) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(6) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have 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 such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were " undertakers " within the meaning of the said Act.

(7) Notwithstanding any agreement entered into under this section the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other works belonging to or used by them which remain in under upon over along or across the site of any such street as if the same had continued to be part of the street.

(8) In any case where the adjustment of the boundary of any street under the powers of this section would affect any mains pipes or apparatus of the South Staffordshire Waterworks Company (in this section referred to as "the company") the Corporation shall in addition to the notice required by subsection (2) of this section give notice in writing of their proposals to the company and notwithstanding any agreement entered into under this section the company shall continue to have the same powers and rights in respect of any such mains pipes or apparatus belonging to or used by them which remain in under or upon the land so conveyed by the Corporation as if the same had continued to be part of the street:

Provided that—

(*a*) the Corporation may by such last-mentioned notice require the company to alter and the company when so required shall alter; or

(*b*) the company may if they notify the Corporation within the period of one month after the receipt by them of such last-mentioned notice of their intention so to do alter

the position of any such mains pipes or apparatus so that the same shall be situate in the street as altered under the provisions of this section and any expense reasonably incurred by the company in effecting any such alteration as aforesaid shall be repaid to them by the Corporation.

Adjustment of boundaries of estates.

65.—(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 Corporation for approval the Corporation 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 Corporation and the respective persons interested in such estates or lands be

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determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sum as may be agreed upon or in default of agreement may 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 Corporation.

(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.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation 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 Corporation may think reasonable.

Development scheme

66.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall

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may be required in connection with new streets.

be given to the Corporation of intention to lay out a new street the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of 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 and particulars required as aforesaid shall be so furnished.

(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 the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans 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 and particulars as approved and 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 Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(5) (*a*) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

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(*b*) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court of summary jurisdiction may direct.

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

For protection of Birmingham Corporation.

67. In any case where the adjustment of the boundary of any street or the adjustment or alteration of the boundary of any estate under the powers of either of the sections of this Act of which the marginal notes are "Adjustment of boundaries of streets" and "Adjustment of boundaries of estates" would cause any mains pipes or apparatus (in this section referred to as "apparatus") of the lord mayor aldermen and citizens of the city of Birmingham (in this section referred to as "the Birmingham Corporation") which are under the footway of any street to be under the carriageway thereof or cause any such apparatus which is under the footway or carriageway of any street to cease to be under any such carriageway or footway or would otherwise affect any such apparatus the Corporation shall before any such adjustment or alteration is effected give notice in writing to the Birmingham Corporation of the proposed adjustment or alteration and thereupon the Birmingham Corporation shall continue to have the same powers and rights in respect of such apparatus belonging to or used by them as they had before such adjustment or alteration and that notwithstanding that the lands wherein such apparatus may be has ceased to be part of a street:

Provided that—

(*a*) the Corporation may by such notice require the Birmingham Corporation to alter and that corporation when so required shall alter; or

(*b*) the Birmingham Corporation may if they notify the Corporation within the period of one month after the receipt by them of such notice of their intention so to do alter

the position of any such apparatus so that the same shall be situate in the footway of the street as altered under the provisions of either of the said sections and any expenses reasonably incurred by the Birmingham Corporation in effecting any such adjustment or alteration as aforesaid shall be repaid to them by the Corporation.

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Fire plugs.

68. Any person who shall cover 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.

As to hoardings and similar structures.

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

(i) beyond any building line prescribed by the Corporation under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation 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.

(*b*) Any person who shall offend 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 Corporation 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.

(2) (*a*) The Corporation 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 such 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 Corporation 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 shall neglect or refuse to comply with a notice from the Corporation given in pursuance of

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this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section 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 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.

Restriction on erection of temporary stands &c.

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

(2) Any person acting in contravention of this section or offending against such regulation 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 person who is a roundabout proprietor or travelling showman.

Further amendment of section 157 of Public Health Act 1875.

71.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be altered and construed as if the following sub-paragraphs were added immediately after the sub-paragraph numbered (4) in the said section :—

"(5) For 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: A.D. 1930.

(6) For securing that waterclosets shall be constructed and supplied with water that can be adequately flushed by mechanical means and for protecting waterclosets against frost and preventing the improper use of such closets and of the blocking of the pipes therefrom."

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

(3) Before any byelaws relating to waterclosets are made under this section the Corporation shall furnish a copy thereof to the South Staffordshire Waterworks Company who shall be entitled to submit objections to the Minister to the confirmation thereof.

Erection of retaining walls.

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

(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 Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Closet accommodation in houses occupied by more than one family.

73.—(1) Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall apply to a part of a house occupied by a separate family as it applies to the whole of a house and that section shall with the necessary modifications apply accordingly.

(2) The provisions of subsections (1) (2) and (3) of section 7 (Execution of works to comply with byelaws)

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of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

Removal of dilapidated and neglected buildings.

74.—(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 Corporation may order the owner at his option to take down or repair or rebuild such building (in this section referred to as a "neglected structure") or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation 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 Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the Corporation in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Corporation may remove the materials to a convenient place and (unless the expenses of the Corporation 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.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation 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 Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation 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 to the expenses of repairs.

As to dangerous buildings.

75.—(1) In the case of any building which may appear to the Corporation on the report of the surveyor

to be dangerous to the inmates or to persons working therein the Corporation 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 town 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. A.D. 1930.

(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 Corporation 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 Corporation with respect to dangerous structures.

Elevation of new buildings fronting street.

76.—(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 Corporation to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct a building in a street within the borough of drawings of the elevations of such building (in this section called "elevations").

(2) For the purpose of assisting the Corporation in the exercise of the power of approving or disapproving elevations hereinafter conferred a standing advisory committee of three members (in this section called "the advisory committee") shall be constituted for the borough of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council:

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

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(3) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated The Corporation shall pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit.

(4) Where the elevations of any building proposed to be constructed in any street are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the delivery of the elevations—

(*a*) approve the elevations; or

(*b*) if they shall consider that having regard to the general character of the existing buildings in the street or of the buildings proposed therein to be erected the building to which the elevations relate would seriously disfigure the street whether by reason of the height of the building or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building is considered to be objectionable.

(5) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building.

(6) (*a*) The person by whom the elevations were deposited shall be entitled to send to the advisory committee a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(*b*) The advisory committee may determine the reference in such manner as they in their discretion shall

think fit and they shall within one month after the receipt of the reference decide whether in their opinion the elevations should be approved or disapproved and any such decision shall have effect as if it were an approval or disapproval (as the case may be) of the elevations by the Corporation and in the latter case shall contain a statement of the grounds on which the proposed building is considered to be objectionable.

(7) Every such decision shall forthwith be reported to the Corporation and upon receipt thereof by the Corporation a copy shall forthwith be sent by the Corporation to the person by whom the elevations were deposited.

(8) In the event of a division of opinion among the members of the advisory committee upon reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(9) Where the elevations of a building have been disapproved under this section it shall not be lawful to erect the building until the elevations thereof have been approved by the Corporation and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(10) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct Where such costs or part thereof shall be payable to the person depositing the elevations they shall be recoverable by that person and where such costs or part thereof shall be payable to the Corporation they shall be recoverable by the Corporation and in both cases summarily as a civil debt.

(11) The provisions of this section shall not apply to a building (not being a dwelling-house) belonging to any person or body of persons authorised by virtue of any Act of Parliament or any Order having the force of an Act of Parliament to manufacture gas or to supply electricity or water or to navigate on or use any river canal dock harbour or basin or to demand any tolls or dues in respect of such river canal dock harbour or basin and used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

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Byelaws as to erection of dwelling-houses under continuous roof.

77. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

(i) the number of dwelling-houses which may be erected in one block or in one continuous row;

(ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;

(iii) the situation construction and height of walls or fences upon or across such open space.

Powers on inspection.

78. 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 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.

Saving for railway companies.

79. Nothing in this Part of this Act except the sections whereof the marginal notes are—

"Restriction on erection of temporary stands &c.";

"Removal of dilapidated and neglected buildings";

"As to dangerous buildings":

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any land 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 work or land is used or held by such company primarily for railway purposes.

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Part V.

Infectious Disease and Sanitary Provisions.

Power to close Sunday schools and exclude children from entertainments.

80.—(1) If the Corporation 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 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.

(2) Any person responsible for the conduct or management of any Sunday 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.

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

81.—(1) No person over the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the local education authority with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the 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 place of public entertainment or assembly without undue risk of communicating disease to others.

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

Parents to notify infectious disease.

82.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough 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

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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.

Extended meaning of "infectious disease" for certain purposes.

83.—(1) For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles German measles whooping cough chicken-pox ringworm and influenza as well as infectious disease as defined by the section of this Act of which the marginal note is "Interpretation."

(2) For the purposes 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 covered buildings or public conveyances) measles and whooping cough.

As to filthy premises.

84.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer or sanitary inspector 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 and any such order may be enforced in the manner provided by section 34 (Summary orders) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises. A.D. 1930.

85. The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of food. Byelaws as to transport of food.

At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport of food by a railway company the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

86.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116–119) of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food of man (the proof that the same was not sold for food resting with the party charged) and when so sold was in such condition as to be liable to be so seized and to be condemned under section 117 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he proves that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition. Penalty on original vendor of unsound food.

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

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(3) Before any animal or article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Further powers in relation to unsound food.

87. Sections 116 to 118 (Relating to unsound meat &c.) 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 article of food intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly:

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

Medical practitioners to notify cases of food poisoning.

88.—(1) Every medical practitioner attending on a person 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.

(2) The Corporation shall pay to every 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. A.D. 1930.

Agreements as to slaughter-houses.

89. At any time after the passing of this Act the Corporation may—

(*a*) Acquire by agreement any premises within the borough used for the purpose of slaughtering animals intended for food (hereinafter referred to as a "slaughter-house") and the interest or interests of any owner lessee or occupier of such premises;

(*b*) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

Power to close slaughter-houses if injurious to public health.

90.—(1) (*a*) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(*b*) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(*c*) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the

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ground that the requirements contained therein are unreasonable and unnecessary in the interest of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

Provisions as to tents vans &c.

91.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation 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 repuired 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.

Public notice to be given of

92.—(1) Public notice of the provisions of this Part of this Act shall be given within one month after

the passing of this Act by advertisement in two newspapers circulating in the borough and by a notice affixed outside the council house and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

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(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or servant of the Corporation that the notice required by this section has been affixed outside the council house and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

Part VI.

Hackney Carriage and Traffic Provisions.

Inspection and certification of taximeters.

93.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

Insurance by hackney

94. The Corporation may in their discretion refuse to grant a licence to ply for hire with a hackney carriage

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Carriage proprietors.

or omnibus if the applicant (not being a railway company) fails to satisfy them that he effects and keeps on foot an insurance with a responsible insurance company against or makes adequate financial provision for meeting any liability that may be incurred by him in respect of any injury or damage occasioned by such hackney carriage or omnibus to any person or property but in the event of any licence to ply for hire with an omnibus being refused under this section the applicant shall be entitled to appeal to the Minister of Transport under the provisions of subsection (3) of section 14 of the Roads Act 1920 and all the provisions of that subsection shall apply accordingly:

Provided that this section shall so far as it relates to motor vehicles carrying passengers for hire or reward at separate fares or motor vehicles carrying passengers for hire or reward adapted to carry eight or more persons cease to have effect on the passing during this or next session of any general Act relating to road traffic and containing provisions as to insurance against third party risks.

Regulations for controlling traffic.

95.—(1) The Corporation may from time to time make regulations prescribing within the central area—

(*a*) the streets along which vehicular traffic shall pass in one direction only and the direction in which such traffic shall pass;

(*b*) the places at which by reason of danger to the public or congestion of traffic omnibuses shall not stop to take up or set down passengers.

(2) Before any regulations made under this section shall come into force the Corporation shall submit the same to the Minister of Transport for his approval and shall give notice of the subject-matters of the regulations by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the said Minister may direct The said notice shall name a place where copies of the regulations can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the regulations may make representations thereon to the said Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The said Minister shall consider any regulations submitted to him by the Corporation and any representations thereon which may be duly made and may approve the regulations with or without modifications or may disapprove the same.

(4) Before approving any regulations the said Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held in accordance with the provisions of section 20 of the Ministry of Transport Act 1919 and the Corporation shall pay to the said Minister any expenses incurred by him in relation to any such inquiry including the expenses of any witnesses summoned by the person holding the inquiry and a sum to be fixed by the said Minister for the services of such person.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed regulations by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The regulations shall take effect as approved by the said Minister and shall come into force on a date to be fixed by him.

(7) The Corporation shall cause notice to be given of all regulations approved under this section by advertisement in a newspaper circulating in the borough and otherwise in such manner as may be prescribed by the said Minister and shall also during the continuance of any regulation approved under paragraph (*a*) of subsection (1) of this section cause to be erected and maintained in suitable positions a warning notice in a form approved by the said Minister indicating the effect of the regulation and the street to which it relates.

(8) As respects any regulation made and approved under this section (subject to any modification or extension made by the said Minister as hereinafter provided) any person who—

(*a*) shall drive or cause to be driven any vehicle in any street in relation to which a regulation shall be in force under paragraph (*a*) of the said

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subsection and a warning notice shall have been erected pursuant to subsection (7) of this section in contravention of such regulation; or

(*b*) shall contravene any regulation under paragraph (*b*) of subsection (1) of this section;

shall be liable to a penalty not exceeding forty shillings.

(9) A copy of any regulations approved under this section (with any modifications made by the said Minister as aforesaid) purporting to be signed by the town clerk and certified by him to be a true copy and to have been duly approved shall be evidence (until the contrary is proved) in all legal proceedings of the due making approval and existence of such regulations without further or other proof.

(10) In this section—

"The central area" means any part of the borough which is within a radius of half a mile from the cross roads at the junction of Mill Street and the Parade.

(11) The Minister of Transport on application of any company body or person appearing to him to be sufficiently interested and alleging that any regulation made under this section is unsuitable for the traffic requirements of the borough may be satisfied as to the correctness of such allegation and after considering any representations made to him by the Corporation may modify or extend the regulation to which the application relates.

(12) This section shall cease to have effect on the passing during this or next session of any general Act relating to road traffic and conferring upon the Minister of Transport power to make regulations as to the restriction of the use of vehicles upon specified roads as from the coming into force of such regulations.

Power to make regulations as to traffic on carnival &c. days.

96. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for carnivals or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

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As to street traffic.

97. The Corporation may delegate their powers under section 21 of the Town Police Clauses Act 1847 and under the last preceding section of this Act to a committee consisting of not less than five members of the Corporation and any orders made or directions given by such committee under the said section shall have the same force and effect as if made or given by the Corporation.

Power to stop traffic on occasions of emergency.

98. It shall be lawful for the Corporation at all times of public processions rejoicings or illuminations or on emergency to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

Power of constables to enforce byelaws as to parks &c.

99. From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the Municipal Corporations Acts and the Public Health Acts relating to any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Acts.

Compensation for injuring lamps &c.

100. Every person who negligently or wilfully breaks throws down or otherwise damages any public lamp or lamp-post street danger signal fire alarm or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sandbin being the property of the Corporation shall make full compensation to the Corporation for the damage done and the amount of such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt.

Part VII.

Financial Provisions.

Power to borrow.

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

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shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be "the prescribed period") mentioned in the third column of the same table (namely):—

Purpose.	Amount.	Period for repayment.
(*a*) The purpose of making any payment to any authority under this Act or under any enactment the provisions of which are applied thereby (including the payment or purchase in the name of the Corporation of any annuity payable by them under any provision contained in or applicable to the provisions of this Act which annuity the Corporation are hereby empowered to purchase).	The sum requisite	Forty-five years from date or dates of borrowing.
(*b*) The purpose of making any payment under the provisions of the section of this Act of which the marginal note is "Compensation to existing officers."	The sum requisite	Twenty years from date or dates of borrowing.
(*c*) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (*a*) The Corporation may also with the consent of the Minister or the Electricity Commissioners (as the case may be) borrow such further money as may be necessary for any of the purposes of this Act.

(*b*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(*c*) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister or commissioners with whose consent it is borrowed.

Consolidated loans fund.

102.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-one the Corporation may (if they think fit) establish a

fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

(*a*) all moneys borrowed by the Corporation whether by issue of bonds stock or other security 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 Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;

(*c*) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and

(*d*) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation 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 Corporation—

(*a*) in the redemption of stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation.

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation: and

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(c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all bonds stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Subject as in this section expressly provided all the obligations of the Corporation to the holders of bonds stock or other securities of the Corporation shall continue in force.

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

Use of moneys forming part of reserve or superannuation funds.

103. Notwithstanding anything contained in this or any other Act the Corporation may use for the purposes of any statutory borrowing power exerciseable by them or may pay into the consolidated loans fund established under the provisions of this Act any moneys forming part but not for the time being required for the purposes of a reserve or superannuation fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable Provided that the Corporation shall repay

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

(2) Interest shall be paid to the lending fund on the moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power:

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

Application of revenue and payment of expenses of undertakings.

104.—(1) All moneys received by the Corporation on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived (including the interest on any reserve fund authorised in connection therewith) shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund.

(2) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in subsection (1) of this section in the construction renewal extension and improvement of the works and conveniences for

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the purposes of such undertakings respectively but this subsection shall not apply to the revenue of the electricity undertaking of the Corporation.

(3) All interest received in any year from the investment of any reserve fund shall be carried to and form part of the revenue for that year of the general rate fund but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum.

Application of Electricity (Supply) Act 1926.

105. Nothing contained in this Act shall be deemed to authorise the Corporation to apply or dispose of the net surplus revenue and the annual proceeds of the reserve fund (when amounting to the prescribed limit) of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

Fidelity guarantee fund.

106. The Corporation may if they think fit form a fund (to be called the "fidelity guarantee fund") to provide for making good any loss which they may sustain in consequence of the dishonesty of any person employed by or paid by or through the Corporation or the failure of any such person to perform faithfully the duties of his office and such fund shall be formed by annually appropriating thereto such sums as they from time to time deem expedient out of any revenues of the Corporation which are properly chargeable therewith and such fund and the interest thereon (except to the extent from time to time required to make good any such loss as aforesaid or to defray any expenditure in consequence thereof) shall be invested in statutory securities.

Education accident fund.

107. The Corporation may if they think fit form a fund (to be called the "education accident fund") to provide for meeting claims that may be made upon them as the local education authority for the borough in respect of any accident or injury occurring to any person employed by them or paid by or through them or to any child or person attending the schools in the borough and such fund shall be formed by annually appropriating thereto such sums out of the education account as the Corporation from time to time deem expedient and such fund and the interest thereon

(except to the extent from time to time required to meet any such claims as aforesaid or to defray any expenditure in consequence of any such accident or injury) shall be invested in statutory securities. A.D. 1930.

Application of financial provisions of Acts of 1903 and 1920.

108. The following sections of the Acts of 1903 and 1920 shall so far as they are applicable extend and apply to and for the purposes of this Act as if they were with all necessary modifications re-enacted in this Act (namely) :—

The Act of 1903—

Section 103 (Protection of lender from inquiry).

The Act of 1920—

Section 40 (Section 234 of Public Health Act 1875 not to apply);

Section 41 (Mode of raising money);

Section 42 (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 43 (Mode of payment off of money borrowed);

Section 44 (Sinking fund);

Section 45 (Appointment of receiver);

Section 47 (Application of money borrowed);

Section 53 (Corporation not to regard trusts);

Section 54 (Expenses of execution of Act).

Evidence of transfer or transmission of securities.

109. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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Receipt in case of persons not sui juris.

110. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Investment of and payments into sinking fund.

111. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations (if any) thereof required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):—

The accumulations of the said yearly sums shall be paid and provided out of the general rate fund and general rate and any interest dividends and the proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general rate fund.

Interest on mortgages held jointly.

112. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Power to borrow by issue of bonds.

113.—(1) In addition to any other form of borrowing the Corporation may borrow any sums which they have power to borrow under this Act or any other Act or Order by the issue of bonds to be called "Corporation bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

(3) All bonds issued under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of issue of the bonds or on any other

ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Corporation. A.D. 1930.

(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.

Subscriptions to local government associations and other expenses.

114. The Corporation may pay out of the general rate fund—

(*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 Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(*b*) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

Part VIII.

Miscellaneous Provisions.

Power to expend money on lectures.

115. In addition to any other powers exerciseable by them whether as the local education authority or otherwise the Corporation may expend on the provision of lectures on educational or other subjects such sums as

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they may from time to time think fit not exceeding in any one year the sum of one hundred pounds and may charge for admission to such lectures.

Power to cleanse and improve streams and water courses.

116.—(1) The Corporation may cleanse and scour as they think fit and so far as may be necessary for the purpose of securing the free flow of water therein may excavate the waterway or bed and course or any part or parts thereof respectively of all streams and watercourses in the borough.

(2) (*a*) The Corporation may also for the purposes of preventing the silting up of the waterways of the said streams and watercourses from time to time as they deem fit invert pitch straighten form and improve with such materials as they think fit or cover in and otherwise improve all or any portions of the waterway bed or course and banks of the said streams and watercourses and for preventing interference with the free flow of the waters of the said streams and watercourses they may from time to time construct and maintain all such walls banks arches culverts and other works in over or on the side of the streams and watercourses respectively within the borough as they may deem expedient making compensation to the owner lessee or occupier of the lands upon which any works may be constructed under this subsection for any damage which may be caused in the execution of such works to any roads bridges buildings works plant gardens allotments and fields abutting upon or situate near to the said streams or watercourses.

(*b*) The Corporation shall submit to the owner lessee and occupier of any lands upon which any works are intended to be constructed under this subsection plans and sections of such works for the reasonable approval of the owner lessee and occupier and if within fourteen days from the date when the same shall have been submitted the owner lessee and occupier shall not have signified in writing their approval or disapproval of such plans and sections and in the case of disapproval shall not within such period have stated the reasons for such disapproval and their requirements in relation thereto the Corporation shall be at liberty to proceed with the works without the approval of the plans and sections.

(*c*) Before commencing to execute any works authorised by this subsection the Corporation except in

case of emergency shall give to the owner lessee or occupier of the lands upon which the works are intended to be executed not less than three days' notice in writing of their intention to commence the same and the Corporation shall not without the consent in writing of the occupier of the lands execute any such works before six o'clock in the morning or after five o'clock in the afternoon.

(*d*) The Corporation shall not invert pitch cover in or otherwise deal with any portion of the waterway bed or course or the banks of any stream or watercourse or construct any walls banks arches culverts or other works in or on the side of the same respectively in any manner which will prejudicially affect the drainage of water from lands outside the borough.

(*e*) No buildings shall be erected or placed upon any works constructed by the Corporation in pursuance of this subsection in over or on the side of any of the said streams and watercourses without the consent of the Corporation and then only upon such terms and conditions as the Corporation may prescribe.

(3) If any difference shall arise between the Corporation on the one hand and the owner lessee or occupier on the other hand in relation to the plans and sections hereinbefore in this section referred to or as to the true intent and meaning of this section or as to anything to be done or not to be done thereunder the same shall be referred to and approved by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of the Corporation or other party in difference.

As to baths and bathing pools.

117. Subject to the provisions of this Act—

(1) the Corporation may construct on lands belonging to them and may maintain alter extend enlarge improve repair furnish and equip open or covered swimming baths and bathing pools with all necessary conveniences and appliances:

(2) the Corporation may make and enforce byelaws for the management use and regulation of the said baths and bathing pools and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health

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Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths and bathing pools and the Corporation may demand and take for the use of such baths and bathing pools or for the admission of persons thereto such reasonable charges as they may think fit to make.

Recovery of rate from persons removing.

118. If a justice is satisfied on complaint by any rate collector that any person is quitting or about to quit any premises in the borough 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 borough 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.

Penalty on occupier refusing execution of Act.

119. 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 Corporation under Parts IV or V of this Act or under 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 Corporation 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.

120. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall

extend and apply to the purposes of the provisions of Parts IV and V of this Act as if those purposes had been mentioned in the said section 102.

General provisions as to byelaws.

121. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Corporation under the powers of this Act.

Breach of conditions of consent of Corporation.

122. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation 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.

Appeal.

123. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Parts IV and V of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Recovery of demands.

124. 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 a personal action.

Apportionment of expenses in case of joint owners.

125. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the

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expenses which under those Acts or any of them are recoverable by the Corporation 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.

Expenses may be declared private improvement expenses.

126. The Corporation 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.

Service of summons on members of council.

127. Notwithstanding anything contained in the Second Schedule of the Municipal Corporations Act 1882 the summons to members of the council may be delivered at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Inquiries by Minister.

128.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

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

Several sums in one summons.

129. 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 borough 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.

Inquiries by Minister of Transport.

130. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the

giving by him of any consents under this Act or any existing Act or Order of or applicable to the Corporation the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board." A.D. 1930.

Application of section 265 of Public Health Act 1875.

131. Section 265 (Protection of local authority and their officers from personal liability) 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 existing enactments.

132. The following enactments shall extend and apply to and for the purposes of this Act as if they were with all necessary modifications re-enacted in this Act (namely):—

The Act of 1903—

Section 111 (Informations by whom to be laid);
Section 112 (Evidence of appointments authority &c.);
Section 113 (Authentication and service of notices &c.);
Section 115 (Recovery of penalties);
Section 120 (Saving for indictments &c.);
Section 121 (Judges not disqualified);
Section 122 (Crown rights);
Section 123 (Powers of Act cumulative).

The Act of 1920—

Section 54 (In executing works for owner Corporation liable for negligence only).

For protection of London Midland and Scottish Railway Company.

133. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect in regard to the exercise by the Corporation of the powers of the

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section of this Act of which the marginal note is "Power to cleanse and improve streams and watercourses" (that is to say):—

(*a*) The Corporation shall not carry out any works under the powers of the said section so as in any way to interfere with the waterway or course of any stream or watercourse passing under through or by the side of any work of the company until after twenty-eight days' previous notice in writing shall have been given to the principal engineer for the time being of the company;

(*b*) All such works where situate under through or by the side of any work of the company shall be done under the superintendence if given and to the reasonable satisfaction of such engineer;

(*c*) All works done under the powers of the said section shall be done so as not to cause any injury to any such work of the company and if any injury shall arise to any such work of the company in consequence of any such works of the Corporation the Corporation shall make full compensation to the company in respect of such injury;

(*d*) The provisions of subsection (2) (*e*) of the said section shall not apply to any buildings or works (other than a dwelling-house) which the company may erect or place for the purposes of their undertaking Provided that the company shall before they commence the construction of such buildings or works submit plans sections and specifications to the borough engineer for the reasonable approval of the Corporation;

(*e*) Any dispute or difference which may arise between the company and the Corporation with reference to the provisions of this section or in anywise arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the company or the Corporation and the Arbitration Act 1889 shall apply to such arbitration.

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Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Part I.—Local Acts.

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

Part II.—Confirmation Acts and Orders.

Session and chapter.	Short title.	Order relating to Sutton Coldfield thereby confirmed.
62 & 63 Vict. c. xxxiv.	The Electric Lighting Orders Confirmation (No. 1) Act 1899.	The Sutton Coldfield Electric Lighting Order 1899.
—	—	The Sutton Coldfield Electricity (Extension) Special Order 1927.
17 & 18 Geo. 5. c. cxii.	The Ministry of Health Provisional Order Confirmation (Sutton Coldfield Extension) Act 1927.	The Sutton Coldfield (Extension) Order 1927.

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THE SECOND SCHEDULE.

1. Bonds shall be secured on the rates and revenues of the Corporation and any moneys borrowed by means of bonds shall be principal moneys.

2. 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 Corporation may determine.

3. (*a*) Bonds may be issued at such price and at such rates of interest as the Corporation 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 Corporation.

(*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 Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

4. 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 office of the borough treasurer 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.

5.—(1) The borough 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.

(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.

6.—(1) The Corporation 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 Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation 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..... .

Borough of Sutton Coldfield.

Sutton Coldfield Corporation Bonds.

.....per centum Sutton Coldfield Corporation Bond repayable at par.....19..... at the

This is to certify that.....of..... .....is the registered holder of a Corporation bond for.....pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Sutton Coldfield under the Sutton Coldfield Corporation Act 1930 at.....

Signed.....
Borough Treasurer.

Date.....

7. 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 Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

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

Form of Deed of Transfer.

Sutton Coldfield Corporation Bonds.

I ..... in consideration of the sum of.....paid by..... (hereinafter called "the transferee") do hereby assign and transfer to the said 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 said 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 Corporation.

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

(4) The Corporation shall upon the 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 Corporation as aforesaid the Corporation 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 Corporation 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.

9. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September in any year respectively and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

10.—(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 Corporation 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 Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation 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.

11.—(1) Unless the owner of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

12. The Corporation 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 Corporation for registration.

13. The Corporation 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.

14. Where more persons than one are registered as joint holders of a bond any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation by any other of them.

15. No notice of any trust shall be entered in the register or in any other book kept by the Corporation or be receivable by the Corporation.

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16.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes of this Act.

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