CHAPTER xxxv.

An Act to enable the Local Board for the District of Tipton in the County of Stafford to acquire certain Lands for the purposes of their Gas Undertaking; and for other purposes. [23d May 1879.]

A.D. 1879.

WHEREAS the Local Board for the district of Tipton in the county of Stafford (in this Act called "the Board") is a local board duly constituted under the Public Health Acts in force previously to the passing of the Public Health Act, 1875, and the Board's district consists of and is co-extensive with the parish of Tipton in the said county of Stafford, and the Board is the local authority of such district:

38 & 39 Vict. c. 55.

And whereas in and prior to the year one thousand eight hundred and seventy-five the Birmingham and Staffordshire Gaslight and Coke Company (herein-after called the Staffordshire Company) supplied gas to the parish of Tipton:

And whereas by the Birmingham (Corporation) Gas Act, 1875, (in this Act referred to as the Corporation Act,) the sale and transfer to the mayor, aldermen, and burgesses of the borough of Birmingham (in this Act referred to as the Corporation) of the undertakings respectively of the Birmingham Gaslight and Coke Company and of the Staffordshire Company were authorised, and by virtue of that Act the undertaking and property of those companies respectively were vested in the Corporation:

38 & 39 Vict. c. clxxviii.

And whereas by the Tipton Local Board (Gas) Act, 1876, the Board were authorised to purchase the portion of the undertaking, late of the Staffordshire Company, contained in the district of the Board, and as thereby defined, and to take and use for gasworks purposes certain lands in that Act mentioned and described, and other powers in relation thereto, including the power to borrow money for the purposes of the said Act, were conferred upon the Board:

39 & 40 Vict. c. cxlviii.

A.D. 1879.

And whereas since the passing of the last-mentioned Act it has been found that the lands herein-after mentioned are more suitable for the gasworks purposes of the Board than the lands described in and authorised to be taken and purchased by that Act; and it is expedient that the Board be empowered to enter upon, take, and use the lands described in the schedule to this Act, by agreement or otherwise, and to construct upon those lands works for the manufacture and storage of gas, and the conversion of residual products obtained in the manufacture of gas, in lieu of the lands they are authorised to take and use for those purposes by the Act of 1876; and that the other powers in that behalf herein-after contained be conferred upon the Board:

And whereas an absolute majority of the whole number of the members of the Board, at a meeting held on the 10th day of December 1878, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Birmingham Daily Post, being a local newspaper published or circulating in the district of the Board, such notice being in addition to the ordinary notices required for summoning such meeting, resolved to promote the Bill for this Act, and that the expenses in relation to such promotion should be charged on the public funds and rates under the control of the said Board:

And whereas such resolution was published twice in the said Birmingham Daily Post, and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Board at a further special meeting held in pursuance of a similar notice on the 28th day of January 1879, being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the district of the Board, by resolution in the manner provided in the Public Health Act, 1875, consented to the promotion of the Bill for this Act:

And whereas plans showing the lands to be taken under the powers of this Act for gasworks purposes, and a book of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Stafford, and those plans and book of reference are in this Act respectively referred to as the deposited plans and book of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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:

Short title.

1. This Act may for all purposes be cited as the Tipton Local Board Act, 1879.

Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 10 & 11 Vict. c. 15. 34 & 35 Vict. c. 41.

2. The following enactments; namely,

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Gasworks Clauses Act, 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit),

so far as the same are respectively applicable for the purposes of and are not inconsistent with the provisions of this Act, are hereby incorporated with and form part of this Act; and the Gasworks Clauses Act, 1871, shall apply to the gas undertaking of the Local Board, as if the same were hereby authorised.

Same meaning to words in incorporated Acts and this Act.

3. The several words and expressions to which by the Acts wholly or partially incorporated by this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts wholly or partially incorporated with this Act, for the purposes of this Act, the expressions "the undertakers," "the company," "the commissioners," or any like expression, means the Board.

Interpretation of terms.

4. In this Act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say,

The expression "the additional gasworks" means the gasworks by the Tipton Local Board (Gas) Act, 1876, authorised to be erected, held, and maintained by the Board in connexion with the gas undertaking:

The expression "the Act of 1876" means the Tipton Local Board (Gas) Act, 1876.

Act to be executed by Board.

5. This Act shall be executed by the Board, with the powers and indemnities and according to the provisions of the Public Health Act, 1875, and that Act shall, in relation to the Board and the several objects and purposes of this Act, be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Act, 1875, so far as the same shall be applicable thereto, and except so far as any of the provisions of the said Act are expressly varied or otherwise provided for by this Act.

A.D. 1879.

Power to purchase and use certain lands.

6. Section thirteen of the Act of 1876 is hereby repealed; and for the purpose of the additional gasworks by that Act authorised to be erected, maintained, and used by the Board, the Board may enter upon, purchase, take, hold, and use the lands shown on the deposited plans and described in the deposited book of reference, being the lands mentioned in the schedule to this Act annexed.

Compensation to be made for non-completion of purchase of lands where contracts entered into.

7. Where before the passing of this Act any contract may have been entered into or notice given by the Board for the purchasing of the land secondly mentioned in the second schedule to the Act of 1876 for the purposes of or in relation to the additional gasworks by that Act authorised, the Board shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Board to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to erect and maintain gasworks, &c.

8. The Board may from time to time, in or upon the lands described in the schedule to this Act annexed, or any part or parts thereof, erect, make, maintain, enlarge, alter, improve, extend, and renew or discontinue gasworks, buildings, retorts, gasometers, engines, machinery, and other works for the manufacture and storage of gas or any other means of artificial illumination, and other works for the manufacture of chemicals and for the conversion or utilisation and distribution of materials used in and about the manufacture of gas and of residual products resulting from such manufacture, with all buildings, sewers, drains, quays, wharves, lay-byes, cuts, canals, sidings, approaches, roadways, tramways, and conveniences, and may do all such acts as they think proper for manufacturing and storing gas and for supplying gas within the gas limits, and may convert, manufacture, sell, and dispose of coke, coal, tar, pitch, asphaltum, ammoniacal liquor, oil, and other refuse or residual products arising, remaining, produced by, or obtained from the manufacture of gas by them, or the materials used therein. So far as may be necessary for the purposes of this Act, so much of section fourteen of the Act of 1876 as is inconsistent therewith is hereby repealed and amended accordingly; but nothing in this Act contained shall authorise or empower the Board to supply gas or gas fittings until the vesting period, as defined by section 9 (sub-section 4) of the Act of 1876.

Power to purchase additional lands by agreement.

9. The Board may, for the purposes of their gas undertaking, purchase, take, and hold by agreement, but not otherwise, in addition to the lands described in the schedule to this Act annexed, any lands and hereditaments not exceeding in the whole six acres: Provided always, that the Board shall not erect or use any works for the manufacture of gas or residual products on any lands other than the lands described in the said schedule.

Period for compulsory purchase of lands.

10. The powers by this Act granted to the Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Application of moneys.

11. Nothing in this Act contained shall confer upon the Board any greater or additional powers of raising money by borrowing than were possessed by them before the passing of this Act; but the Board may apply for the purposes of this Act any moneys now belonging to them or which they are by the Act of 1876 authorised to raise by borrowing.

39 & 40 Vict. c. cxlviii. and this Act to be construed together.

12. The Act of 1876 as amended by this Act, and the provisions of this Act, shall be read and have effect together as one Act.

Saving rights, &c. of Board.

13. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudice any of the estates, rights, powers, or privileges of the Board.

Protecting Corporation of Birmingham.

14. Nothing in this Act contained shall prejudice or affect the Corporation under the Corporation Act and the Act of 1876 or either of those Acts.

Protecting London and North-western Railway Company.

15. The following provisions shall take effect for the protection of and with respect to the London and North-western Railway Company (in this section referred to as the company); namely,

(1.) The Board shall not, without the previous consent in writing of the company under their common seal, acquire or in any manner interfere with so much of the lands delineated on the deposited plans and described (B.) in the said schedule as now belong to the company: Provided that nothing in this section contained shall take away, alter, or prejudicially affect the right of the Board to make and maintain a branch railway or sidings from the said lands B. to the adjacent railway of the company, under and subject to the provisions in that behalf contained in the Railways Clauses Consolidation Act, 1845, and for the purpose of making and maintaining such branch railway or sidings the said lands B. shall be taken and deemed to be lands adjoining to the railway:

8 & 9 Vict. c. 20.

A.D. 1879.

(2.) The Board shall not on the land delineated on the deposited plans, and described (A[1].) in the said schedule, erect any gas-holder or gas work:

(3.) No gasometer or work for the storage of gas shall be erected or placed on the lands respectively described (A), (A[1]), and (B.) in the said schedule, within 30 feet of the boundary of the property of the company:

(4.) The provisions contained in the 64th section of the Tipton Local Board (Gas) Act, 1876, shall be deemed to be and be taken as incorporated with this Act:

(5.) Whenever the Board in the exercise of the powers conferred by this Act shall require to lay down, alter, or replace any mains or pipes upon, across, or under any railway belonging to or worked by the company, or upon any land belonging to or used or occupied by the company, such mains or pipes shall be laid to the reasonable satisfaction of the engineer of the company, and according to plans previously approved by such engineer and the engineer or surveyor of the Board, or in the event of their not agreeing, in such manner as shall be settled by arbitration in the manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Expenses of Act.

16. All the costs, charges, and expenses of and incident and preparatory to the applying for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Board in the first instance out of the district fund or general district rate, and ultimately out of the moneys borrowed under the authority of the Act of 1876, and such costs shall include the costs incurred by the Board in complying with the provisions of the Act of the Session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons.

The SCHEDULE referred to in the foregoing Act.

(A.) Lands containing five acres or thereabouts, situate at Ocker Hill, in the parish of Tipton in the county of Stafford, and belonging or reputed to belong to Wyrley Birch, bounded northwardly by the Tipton branch of the London and North-western Railway, eastwardly by the towing-path of the canal of the Company of Proprietors of the Birmingham Canal Navigations, southwardly partly by other land of or reputed to belong to the said Wyrley Birch, and partly by land of or reputed to belong to Messrs. Nock and Taylor, and westwardly partly by land of or reputed to belong to the Toll End Colliery Company, and partly by the lands (A[1].) next herein-after described.

(A[1].) A piece of land, ten yards wide, in the parish aforesaid, and bounded on the north side thereof by the said branch railway, on the east side thereof by the before-described lands (A.), on the south side thereof by lands belonging or reputed to belong to the said Toll End Colliery Company, and on the west side thereof by the public highway called the Toll End Road.

(B.) Lands containing five acres or thereabouts, situate at Tipton Green in the parish aforesaid, and belonging or reputed to belong to the Tipton Green Colliery Company, Limited, bounded northwardly partly by other land of or reputed to belong to the said Tipton Green Colliery Company, Limited, and partly by lands of or reputed to belong to Colonel Thomas William Fletcher, Joseph Underhill, Matthew Davis, and Thomas Neale respectively, eastwardly by other land of or reputed to belong to the said Colonel Thomas William Fletcher, southwardly by the Stour Valley line of the London and North-western Railway, and westwardly by other land of or reputed to belong to the said Tipton Green Colliery Company, Limited.

(B[1].) A piece of land, ten yards wide, in the parish aforesaid, bounded on the north side thereof by the public highway called Workhouse Lane, on the east side thereof by other lands belonging or reputed to belong to the said Tipton Green Colliery Company, Limited, on the south by the lands (B.) lastly herein-before described, and on the west side thereof by other lands of or reputed to belong to the said Tipton Green Colliery Company, Limited.

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