Equal Opportunities Commission v Birmingham City Council

HOUSE OF LORDS

LORD KEITH OF KINKEL, LORD ROSKILL, LORD BRANDON OF OAKBROOK, LORD GRIFFITHS AND LORD GOFF OF CHIEVELEY

11, 12 JANUARY, 23 FEBRUARY 1989

Education – Local education authority – Sex discrimination – Less favourable treatment – Provision of more places for boys than girls at single sex selective secondary schools – Duty of local authority to provide sufficient secondary schools in its area – Duty of local authority not to do any act which constitutes sex discrimination – Whether local education authority unlawfully discriminating against girls by providing more places for boys than girls at selective schools – Education Act 1944, s 8 – Sex Discrimination Act 1975, ss 23(1), 25.

The respondent council, in its capacity as the local education authority, wished to reorganise all selective secondary education in its area on a non-selective basis but had been unable to achieve that, with the result that there were considerably more places available for boys than for girls at selective schools in its area. The council provided 540 places for boys at five single sex grammar schools and 360 places for girls at three equivalent schools and consequently a girl had substantially less chance of obtaining a grammar school education in the council's area than a boy. Local education authorities were required by s 8[a] of the Education Act 1944 to provide sufficient secondary schools having certain specific characteristics in their areas regardless of whether they were selective or non-selective or both. By s 23(1)[b] of the Sex Discrimination Act 1975, in carrying out those functions they were prohibited from doing any act which constituted sex discrimination and by s 25[c] of that Act they were required to see that education facilities were provided without sex discrimination. The council was aware of the disparity in places available for boys and girls at selective schools in its area but took no action to implement the options open to it, such as opening a new selective school for girls, closing two boys schools or changing a boys school to a girls school, because it found those options to be unattractive or difficult to apply. The Equal Opportunities Commission brought an action for judicial review against the council seeking (i) a declaration that the council's arrangements concerning selective education constituted sex discrimination, contrary to s 23(1) of the 1975 Act read with s 8 of the 1944 Act, and (ii) an order of mandamus requiring the council to consider without delay the means by which such discrimination could be removed. The trial judge upheld the commission's complaint and granted the declaration sought. The council appealed to the Court of Appeal, which affirmed the judges decision. The council appealed to the House of Lords, contending (i) that in order to establish that girls had received less favourable treatment than boys the commission had to show that selective education was better than non-selective education, and the commission had produced no evidence to that effect, (ii) that the commission had to show that there was less favourable treatment on grounds of sex because of an intention or motive on the part of the council to discriminate against girls and (iii) that either (a) its failure to provide selective schools was neither an act nor a deliberate omission within s 23(1) of the 1975 Act, since it was not part of the council's duty under s 8 of the 1944 Act to provide selective schools as such because it could perform its functions under s 8 by providing selective or non-selective schools or both,

a Section 8, so far as material, is set out at p 774 *j* to p 775 *b*, post

b Section 23(1) is set out at p 773 *g*, post

c Section 25, so far as material, is set out at p 773 *h* to p 774 *a*, post

or, alternatively, (b) a breach under s 23(1) only occurred where a local education authority did an act which not only resulted in sex discrimination but itself involved discrimination or arose out of a discriminatory policy.

Held – The appeal would be dismissed for the following reasons—

(1) For the purpose of establishing that there had been less favourable treatment of girls in the council's area on grounds of sex it was not necessary for the commission to show that selective education was 'better' than non-selective education since it was enough for the commission to show that the council had deprived the girls of a choice which was valued by them or their parents (see p 771 *c* to *e*, p 774 *c d* and p 776 *h*, post); *Gill v El Vino Co Ltd* [1983] 1 All ER 398 and *R v Secretary of State for Education and Science, ex p Keating* (1985) 84 LGR 469 applied.

(2) Although the intention or motive of the council to discriminate might be relevant so far as remedies were concerned if sex discrimination was established it was not a necessary condition for liability. Whatever might have been the council's motive, it was because of their sex that girls in the council's area had received less favourable treatment than boys in regard to selective education and so were subject to discrimination under the 1975 Act (see p 771 *c* to *e*, p 774 *e* to *g*, p 776 *h*, post); dicta of Lord Denning MR in *Ministry of Defence v Jeremiah* [1979] 3 All ER 833 at 836, of Browne-Wilkinson J in *Jenkins v Kingsgate (Clothing Productions) Ltd* [1981] 1 WLR 1485 at 1494 and of Taylor J in *R v Secretary of State for Education and Science, ex p Keating* (1985) 84 LGR 469 at 475, applied.

(3) A local education authority was in breach of s 23(1) of 1975 Act if its system of selective education was such that fewer places were provided for girls than boys at selective schools, so that girls were required to achieve a higher mark than boys to gain entry to such schools, since a breach of s 23(1) occurred not only where the authority did an act which itself involved sex discrimination but also where it did an act which resulted in sex discrimination. Accordingly, the commission was not required to show that the council was in breach of its duties under s 8 of the 1944 Act but only that in carrying out those duties an act or omission on its part constituted sex discrimination contrary to s 23(1) of the 1975 Act (see p 771 *c* to *e*, p 772 *b c* and p 776 *c* to *e h*, post); *R v Secretary of State for Education and Science, ex p Keating* (1985) 84 LGR 469 applied.

Per curiam. The purpose of s 25 of the 1975 Act is not to outlaw sex discrimination as such but to place on public bodies such as local education authorities a positive role in relation to the elimination of sex discrimination (see p 771 *c* to *e* and p 776 *a*, post).

Notes

For sex discrimination by local education authorities, see 15 Halsbury's Laws (4th edn) para 183.

For the Education Act 1944, s 8, see 15 Halsbury's Statutes (4th edn) 113.

For the Sex Discrimination Act 1975, ss 23, 25, see 6 ibid 716, 717.

Cases referred to in opinions

Gill v El Vino Co Ltd [1983] 1 All ER 398, [1983] QB 425, [1983] 2 WLR 155, CA.

Jenkins v Kingsgate (Clothing Productions) Ltd [1981] 1 WLR 1485, EAT.

Ministry of Defence v Jeremiah [1979] 3 All ER 833, [1980] QB 87, [1979] 3 WLR 857, CA.

R v Secretary of State for Education and Science, ex p Keating (1985) 84 LGR 469.

Appeal

Birmingham City Council appealed, with leave of the Court of Appeal, against the decision of that court (Dillon and Neill LJJ, Woolf LJ dissenting) ([1988] 3 WLR 837) on 13 May 1988 dismissing its appeal from the judgment of McCullough J ([1988] IRLR 96) hearing the Crown Office list on 14 October 1987 whereby, on the application of the Equal Opportunities Commission, he granted judicial review by way of a declaration that the arrangements currently made by the council for the provision of selective

secondary education in its area were unlawful pursuant to s 23 of the Sex Discrimination Act 1975 read with s 8 of the Education Act 1944, but refused to make an order of mandamus requiring the council to consider without delay the means by which such unlawful sex discrimination could be removed. The facts are set out in the opinion of Lord Goff.

Michael Beloff QC and *Richard McManus* for the council.
Anthony Lester QC and *David Pannick* for the commission.

Their Lordships took time for consideration.

23 February. The following opinions were delivered.

LORD KEITH OF KINKEL My Lords, I have had the opportunity of considering in draft the speech to be delivered by my noble and learned friend Lord Goff. I agree with it and for the reasons he gives would dismiss the appeal.

LORD ROSKILL. My Lords, I have had the advantage of reading in draft the speech to be delivered by my noble and learned friend Lord Goff. For the reasons he gives, with which I am in entire agreement, I would dismiss this appeal.

LORD BRANDON OF OAKBROOK. My Lords, for the reasons to be given by my noble and learned friend Lord Goff I would dismiss the appeal.

LORD GRIFFITHS. My Lords, I have had the advantage of reading in draft the speech of my noble and learned friend Lord Goff. I entirely agree with it and, for the reasons given, I too would dismiss this appeal.

LORD GOFF OF CHIEVELEY. My Lords, this case is concerned with proceedings for judicial review brought by the Equal Opportunities Commission against the Birmingham City Council. The subject matter of these proceedings is the provision by the council for selective education in single-sex secondary schools. At all material times there have been available considerably more places for boys at the age of 11 than there have been for girls. As appears from the evidence, there are eight selective schools in the city, all of which are single-sex schools. These are as follows:

Boys schools	*Places*
King Edward's Grammar School for Boys, Aston	90 at age 11
King Edward VI Camp Hill School for Boys	90 ,, ,, 11
King Edward VI Five Ways School	90 ,, ,, 11
Handsworth Grammar School	120 ,, ,, 11
Bishop Vesey's Grammar School	150 ,, ,, 12
Girls schools	
King Edward VI Camp Hill School for Girls	*90 ,, ,, 11*
King Edward's Grammar School for Girls, Handsworth	*120 ,, ,, 11*
Sutton Coldfield County Grammar School for Girls	*150 ,, ,, 12*

Of these schools, all except Sutton Coldfield County Grammar School for Girls are voluntary-aided secondary schools. It will be seen from the table that there are equal numbers of places available for boys and girls at the age of 12; but at the age of 11, whereas there are 390 places available for boys, there are only 210 places available for girls. The total number of places offered for secondary transfer at the age of 11 by selective schools represents only about 5% of the total available secondary places for that age. How this came about is set out in an affidavit sworn in the present proceedings by Mr John Crawford, the director of education of the Birmingham City Council. He has demonstrated how the history of proposals for secondary schools reorganisation in

Birmingham has been a history of changing policies according to the philosophy of the political party in power. I need not rehearse this story. The effect has, however, been that since 1974 when the number of places offered by selective schools represented about 27% of the total number of places available, there has been a substantial reduction in the number of places available in Birmingham. This is the product of a policy to reorganise all selective education in the city on a non-selective basis. But, as a result of successful resistance by voluntary-aided schools and changes in political control (both of the city council and of central government) the voluntary-aided schools I have identified survived as selective schools, with the disparity I have referred to above.

The effect of this disparity is demonstrated in a table, which was placed in evidence, showing the number of places offered by these eight schools to boys and girls respectively over the years 1984 to 1987. The table shows that girls with a test mark near the borderline have a substantially smaller chance of obtaining education at selective schools in Birmingham than do boys with comparable marks. This effect has been known to the council for some years; and since December 1985 the council has known that the Equal Opportunities Commission considered that the arrangements made by the council constitute unlawful sex discrimination contrary to s 23 of the Sex Discrimination Act 1975. Following representations by the commission, a report was prepared by the chief education officer and the city solicitor for the education (policy and finance) sub-committee, in which the whole matter was reviewed in detail. In that report, the options open to the council for remedying the situation were listed as follows:

> '(a) to open a new selective school or schools for girls, providing another 180 places per year group [to this option there was later added the alternative of enlarging girls' selective schools by 180 places per year]; (b) to close one (90 place) boys' school and to reopen it as a girls' school; (c) to close two boys' schools; (d) to reorganise two boys' schools as mixed schools; (e) to reorganise all of the selective schools as mixed schools; (f) to cease to maintain any selective schools at all.'

The officers recommended that the sex discrimination in admissions to selective schools should be recognised and that steps should be taken to remove the discrimination at the earliest opportunity; in particular, it was recommended that discussions regarding the steps to be taken should be entered into with the King Edward Foundation and the governors of Handsworth Grammar School. However, the sub-committee resolved, on 17 March 1987, that consideration of the matter should be referred to a later meeting to enable the various options to be further investigated. At a subsequent meeting on 30 June 1987 the sub-committee considered the various courses of action open to them, and decided to deny the allegation of sex descrimination but nevertheless to consult the governing bodies of the schools in question on possible solutions to eliminate sex discrimination. There is no evidence on the question whether such consultations have taken place.

The various options proposed to the sub-committee by the responsible officers were obviously intended to be a list of options theoretically open to the council: it was not being suggested that any one of them constituted a practical or desirable course of action in the circumstances. Furthermore, the council's powers (under s 12 of the Education Act 1980) are subject to several legal restraints. I need not go into detail; it is enough to record that there are important limitations in connection with voluntary schools, and that implementation of proposals by the council is subject always to the overriding attitude of the Secretary of State. In addition, the falling demand for school places in the area creates of itself a major practical constraint. There is no doubt that the council faces great difficulties in the way of solving the problem of disparity between the sexes in selective secondary schools. However, it has to be said that, whatever the difficulties may be, there is no evidence that the council has sought actively to overcome them.

In these circumstances the commission commenced proceedings for judicial review. They sought (1) a declaration that the arrangements currently made by the council for

the provision of selective secondary education were unlawful pursuant to s 23 of the 1975 Act, read with s 8 of the Education Act 1944 (as amended), and (2) an order of mandamus requiring the council to consider without delay the means by which such unlawful sex discrimination was to be removed. On 14 October 1987 McCullough J upheld the commission's complaint of sex discrimination. He granted the declaration asked for but declined to make an order of mandamus. The council appealed to the Court of Appeal. On 13 May 1988 the Court of Appeal by a majority (Dillon and Neill LJJ, Woolf LJ dissenting) ([1988] 3 WLR 837) dismissed the appeal. The council now appeals to your Lordships' House by leave of the Court of Appeal.

In order to consider the issues in the appeal, it is necessary to set out the terms of the most relevant statutory provisions of the 1975 Act. Section 1 defines sex discrimination against women. Subsection (1) provides:

> 'A person discriminates against a woman in any circumstances relevant for the purposes of any provision of this Act if—(*a*) on the ground of her sex he treats her less favourably than he treats or would treat a man, or (*b*) he applies to her a requirement or condition which applies or would apply equally to a man but—(i) which is such that the proportion of women who can comply with it is considerably smaller than the proportion of men who can comply with it, and (ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and (iii) which is to her detriment because she cannot comply with it.'

Sections 22 to 28 are concerned with discrimination in the field of education. Section 22 deals with discrimination by bodies in charge of particular education authorities (including discrimination in relation to educational establishments maintained by a local education authority); s 23 deals with other discrimination by local education authorities; s 24 with certain designated establishments; and s 25 with a general duty in the public sector of education. Sections 26 to 28 provide for exceptions in certain cases. In particular, s 26 provides for an exemption in the case of single-sex establishments, with the effect that none of the relevant schools in the present case is guilty of unlawful discrimination by reason of offering places to children of one sex only. Because of that exception, s 22 is not relevant in the present case. The two sections which are of direct relevance are ss 23 and 25, it being alleged by the commission that the council is guilty of unlawful discrimination under s 23. Section 23(1) (as amended by the Education Act 1980, s 33(1) and the Education Act 1981, Sch 3, para 11) provides as follows:

> 'It is unlawful for a local education authority, in carrying out such of its functions under the Education Acts 1944 to 1981 as do not fall under section 22, to do any act which constitutes sex discrimination.'

I should add that by s 82(1) an act includes a deliberate omission.

So far as material s 25 provides:

> '(1) Without prejudice to its obligation to comply with any other provision of this Act, a body to which this subsection applies shall be under a general duty to secure that facilities for education provided by it, and any ancillary benefits or services, are provided without sex discrimination.
>
> (2) The following provisions of the Education Act 1944, namely—(*a*) section 68 (power of Secretary of State of State to require duties under that Act to be exercised reasonably), and (*b*) section 99 (powers of Secretary of State where local education authorities etc. are in default), shall apply to the performance by a body to which subsection (1) applies of the duties imposed by sections 22 and 23 and shall also apply to the performance of the general duty imposed by subsection (1), as they apply to the performance by a local education authority of a duty imposed by that Act . . .
>
> (4) The sanctions in subsections (2) and (3) shall be the only sanctions for breach

of the general duty in subsection (1), but without prejudice to the enforcement of sections 22 and 23 under section 66 or otherwise (where the breach is also a contravention of either of those sections) . . .

(6) Subsection (1) applies to—(*a*) local education authorities in England and Wales . . .'

The first argument advanced by the council before your Lordships' House was that there had not been, in the present case, less favourable treatment of the girls on grounds of sex. Here two points were taken. It was submitted (1) that it could not be established that there was less favourable treatment of the girls by reason of their having been denied the same opportunities as the boys for selective education unless it was shown that selective education was better than non-selective education, and that no evidence to that effect was called before McCullough J, and (2) that, if that burden had been discharged, it still had to be shown that there was less favourable treatment on grounds of sex, and that involved establishing an intention or motive on the part of the council to discriminate against the girls. In my opinion, neither of these submissions is well founded.

As to the first, it is not, in my opinion, necessary for the commission to show that selective education is 'better' than non-selective education. It is enough that, by denying the girls the same opportunity as the boys, the council is depriving them of a choice which (as the facts show) is valued by them, or at least by their parents, and which (even though others may take a different view) is a choice obviously valued, on reasonable grounds, by many others. This conclusion has been reached by all the judges involved in the present case; and it is consistent with previous authority (see, in particular, *Gill v El Vino Co Ltd* [1983] 1 All ER 398, [1983] QB 425 and *R v Secretary of State for Education and Science, ex p Keating* (1985) 84 LGR 469). I have no doubt that it is right. As to the second point, it is, in my opinion, contrary to the terms of the statute. There is discrimination under the statute if there is less favourable treatment on the ground of sex, in other words if the relevant girl or girls would have received the same treatment as the boys but for their sex. The intention or motive of the defendant to discriminate, though it may be relevant so far as remedies are concerned (see s 66(3) of the 1975 Act), is not a necessary condition to liability; it is perfectly possible to envisage cases where the defendant had no such motive, and yet did in fact discriminate on the grounds of sex. Indeed, as counsel for the commission pointed out in the course of his argument, if the council's submission were correct it would be a good defence for an employer to show that he discriminated against women not because he intended to do so but (for example) because of customer preference, or to save money, or even to avoid controversy. In the present case, whatever may have been the intention or motive of the council, nevertheless it is because of their sex that the girls in question receive less favourable treatment than the boys, and so are the subject of discrimination under the 1975 Act. This is well established in a long line of authority: see, in particular, *Jenkins v Kingsgate (Clothing Productions) Ltd* [1981] 1 WLR 1485 at 1494 per Browne-Wilkinson J and *R v Secretary of State for Education and Science, ex p Keating* (1985) 84 LGR 469 at 475 per Taylor J; see also *Ministry of Defence v Jeremiah* [1979] 3 All ER 833 at 836, [1980] QB 87 at 98 per Lord Denning MR. I can see no reason to depart from this established view.

I turn then to the most substantial issue in the case. This turns on the true constructon of s 23 of the 1975 Act, and its relationship with s 25.

Counsel for the council fastened on certain words in s 23, which provides that it is unlawful for a local education authority, *in carrying out such of its functions under* the Education Acts 1944 to 1981 as do not fall under s 22, to do any act which constitutes sex discrimination (I have emphasised the words in quesion). The relevant functions of local education authorities are to be found in s 8 of the 1944 Act (as amended by the Education (Miscellaneous Provisions) Act 1948, s 3, the Education Act 1980, Sch 7 and the Education Act 1981, s 21), which, so far as relevant, provides as follows:

'(1) It shall be the duty of every local education authority to secure that there will

> be available for their area sufficient schools . . . (*b*) for providing secondary education, that is to say, full-time education suitable to the requirements of senior pupils, other than such full-time education as may be provided for senior pupils in pursuance of a scheme made under the provisions of this Act relating to further education and full-time education suitable to the requirements of junior pupils who have attained the age of ten years and six months and whom it is expedient to educate together with senior pupils; and the schools available for an area shall not be deemed to be sufficient unless they are sufficient in number, character, and equipment to afford for all pupils opportunities for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities, and aptitudes, and of the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their respective needs . . .'

The functions identified in s 8 relate to the provision of a sufficient number of schools having certain specific characteristics. That function can be performed by the provision of selective schools or non-selective schools or both; but it is no part of the function of the authority to supply selective schools as such. It followed, submitted counsel for the council, that failure to provide selective schools was neither an act nor a deliberate omission within s 23 of the 1975 Act.

In the alternative, counsel for the council sought to support the conclusion of Woolf LJ in his dissenting judgment in the Court of Appeal. Woolf LJ was much concerned with the practical difficulties facing a local education authority when ensuring that facilities for education are provided without sex discrimination. In this connection he was concerned not only with the problem facing the Birmingham City Council in the present case, but also with less important situations, such as, for example, those relating to size of classes, quality of school buildings, pupil to teacher ratio and, indeed, almost every aspect of the educational system. He saw the solution to such problems in a proper identification of the roles of ss 23 and 25 respectively of the 1975 Act. He observed that, whereas a breach of duty under s 23 led to an action lying in tort against the offending establishment, a breach of duty under s 25 (assuming that it was not also a breach of s 22 or s 23) led to the result that the breach would only be remedied by the Secretary of State exercising his powers under s 68 or s 99 of the 1944 Act, whereby he has power to give appropriate directions to remedy the situation, a much more flexible remedy. Woolf LJ concluded that, having regard to the wording of s 23, a breach under that section only occurred where the local education authority did an act which *constituted* sex discrimination, ie not only resulted in sex discrimination but itself involved sex discrimination, or where—

> 'the act complained of amounts to a decision by a local education authority to implement a policy which is discriminatory or where there is a deliberate failure to take a decision because of a policy of sex discrimination.'

(See [1988] 3 WLR 837 at 849.)

Only in those circumstances would an act or deliberate omission be unlawful under s 23. In his opinion, the present was not such a case.

In order to consider these submissions it is necessary to consider the relationship between ss 22, 23, and 25. As I read them, ss 22 and 23 are concerned with unlawful discrimination: in s 22, by bodies (including local education authorities) in charge of particular educational establishments in relation to those establishments, and, in s 23, by local education authorities in other circumstances. I can see no reason why these two sections should not, in the field of education, embrace all cases of unlawful discrimination as such by local education authorities. Section 25, however, is, as I read it, concerned with something different. It is concerned with a positive duty placed on bodies in the public sector, including local education authorities, to secure that 'facilities for education

provided by it, and any ancillary benefits or services, are provided without sex discrimination'. That section is therefore intended, not to outlaw acts of discrimination as such, but to place on such bodies a positive role in relation to the elimination of sex discrimination. The idea appears to have been to see that such bodies are, so to speak, put on their toes to ensure that sex discrimination does not occur in areas within their responsibility. It must not be forgotten that, in the field of education, there must be some reluctance on the part of parents to become entangled in disputes with their children's schools, or with the authorities responsible for them, on this subject. Quite apart from fear of prejudicing their children's prospects, the simple fact is that children pass rapidly on to other things, and a complaint of this kind may soon become irrelevant in relation to them.

Bearing the purposes of s 25 in mind, I feel unable to accept either of the submissions of counsel for the council. First of all, I do not think that it can be right to restrict s 23 as he suggests, so as to exclude discrimination in a case such as the present. On this point, I accept the submission of counsel for the commission, that it is not necessary for the commission to show that the council is in breach of its duties under s 8 of the 1944 Act. All that it is necessary for the commission to show is that the council, in carrying out its functions under the section, did an act (or deliberately omitted to do an act) where such act or omission constituted sex discrimination. Were that not so, there would be a serious gap in the legislation. This conclusion is consistent with the decision of Taylor J in *R v Secretary of State for Education and Science, ex p Keating* (1985) 84 LGR 469, which appears to me to be correctly decided. Nor, with all respect, is it right, in my opinion, to restrict s 23 as Woolf LJ would do, with reference to the word 'constitutes' in the phrase 'to do any act which constitutes sex discrimination'. I myself do not attach such significance to that word. As I read them, the effect of ss 22 and 23 is to render unlawful all cases of particular acts or (deliberate) omissions by local education authorities which are discriminatory in the sense laid down in s 1 (and s 2) of the 1975 Act. Where there is at the same time a failure by an authority to fulfil its general duty under s 25, a person discriminated against by an act or deliberate omission made unlawful by ss 22 or 23 can still bring proceedings against the local education authority.

For these reasons, I find myself in agreement with the conclusion of McCullough J and with the majority of the Court of Appeal. I agree with the general conclusion expressed by Dillon LJ in the following passage ([1988] 3 WLR 837 at 856):

> 'In truth the council's position really is that they are knowingly continuing their acts of maintaining the various boys' and girls' selective schools, which inevitably results in discrimination against girls in the light of the great disparity in the numbers of places available, because the only alternatives open to the council, even with the consent of the Secretary of State, are unattractive or difficult to apply.'

The time has come for the Birmingham City Council to accept that it is in breach of s 23 of the 1975 Act, and that something has got to be done about it. Its proper course must surely be to respond to the proposal of the commission that it should begin the necessary process of consultation, with a view to finding the most practical solution available which accords with the obligations imposed on it by Parliament.

I would dismiss the appeal.

Appeal dismissed.

Solicitors: *Sharpe Pritchard*, agents for *G W T Pitt*, Birmingham (for the council); *Pattinson & Brewer*, agents for *J A Lakin*, Manchester (for the commission).

Mary Rose Plummer Barrister.