



CHAPTER xiv.

An Act to enable the Postmaster-General, for the purpose of the Post Office, to acquire lands in Manchester, Warrington, Ashton-under-Lyne, Denton and Uxbridge, and to make a subway under a disused burial ground in Westminster, and to erect buildings on a disused burial ground in Leeds, and for purposes connected therewith. A.D. 1928.
[2nd July 1928.]

WHEREAS further accommodation for the purpose of the Post Office is required in the City of Manchester, the county borough of Warrington, the borough of Ashton-under-Lyne, the urban district of Denton and the urban district of Uxbridge, and it is expedient that the Postmaster-General should have power to acquire certain lands and buildings in the said City, boroughs and districts for the said purpose and to erect buildings on any lands so acquired:

And whereas it is expedient that the Postmaster-General should have power to make a subway (in this Act referred to as "the subway.") for telegraphic cables, wires and other apparatus for the purpose of the Post Office under the public gardens known as Mount Street Gardens in the City of Westminster and being a disused burial ground within the meaning of the Disused Burial Grounds Act, 1884, as amended by the Open Spaces Act, 1887:

And whereas the Postmaster-General is the owner of certain land in the City of Leeds which is a disused burial ground within the meaning of the said Acts:

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And whereas by an Order in Council dated the eleventh day of December, eighteen hundred and fifty-four, the said burial ground in the City of Leeds was closed, and it is expedient that the Postmaster-General should have power to erect buildings thereon :

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

And whereas plans showing the lands to be acquired by the Postmaster-General under this Act (which lands are in this Act referred to as “the said lands”) and a plan and section showing the line and levels of the subway, and the lands under which the subway passes, with books of reference containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the said lands and the lands under which the subway passes, have been deposited with the clerks of the peace for the several counties in which the said lands and the subway are situated (which plans, plan and section, and books of reference are in this Act respectively referred to as “the deposited plans,” “the deposited plan and section” and “the deposited books of reference”):

Be it therefore 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 :—

Power to
acquire
lands.

1.—(1) Subject to the provisions of this Act, the Postmaster-General may, with the consent of the Treasury, which may be given either generally or in respect of any particular purchase, acquire any of the said lands for the purpose of the Post Office.

(2) A person dealing with the Postmaster-General in respect of any of the said lands or rights in or over them shall not be bound or entitled to inquire whether the consent of the Treasury has been given to that dealing.

(3) The power to purchase lands compulsorily under this Act shall cease on the thirty-first day of October, nineteen hundred and thirty-one.

Power to
make
subway.

2. Subject to the provisions of this Act and notwithstanding anything contained in the Disused Burial Grounds Act, 1884, as amended by the Open Spaces Act,

1887, or in any other Act, the Postmaster-General may make and maintain in the line and according to the levels shown on the deposited plan and section a subway 1·8 chains or thereabouts in length, commencing at the north-east corner of the public gardens known as Mount Street Gardens, in the City of Westminster (being a disused burial ground), and thence passing under the said gardens and terminating in the north-east corner of premises situate between the said public gardens and Farm Street and belonging to or reputed to belong to the Postmaster-General.

A.D. 1928.
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 47 & 48 Vict.
 c. 72.
 50 & 51 Vict.
 c. 32.

3. In making the subway the Postmaster-General may deviate laterally from the line of the subway marked on the deposited plan and section to any extent within the limits of lateral deviation so marked, and vertically from the level so marked to such extent downwards as he may deem expedient.

Power to deviate.

4. The subway may be used for the accommodation of telegraphic cables, wires and other apparatus for the purpose of the Post Office and the Telegraph Acts, 1863 to 1926, shall extend and apply to the subway as if it were a telegraphic line within the meaning of, and placed under those Acts.

Use of subway and application of Telegraph Acts, 1863 to 1926.

5. The Lands Clauses Acts are hereby incorporated with this Act, subject to the provisions of this Act and in particular to the following modifications, that is to say :—

Incorporation of Lands Clauses Acts.

- (a) The provisions relating to the sale of superfluous land and access to the special Act and section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 (relating to land tax and poor rate), shall not be incorporated with this Act :
- (b) In the construction of this Act and the Lands Clauses Acts this Act shall be deemed to be the special Act and the Postmaster-General shall be deemed to be the promoter of the undertaking :
- (c) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, may be given by the Postmaster-General without sureties :
- (d) At any time after notice to treat has been served the Postmaster-General may, notwithstanding

8 & 9 Vict.
 c. 18.

A.D. 1928.

anything in sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845 (which relate to entry on lands), after giving not less than fourteen days', or in the case of a dwelling-house not less than ninety days', notice to the owner, lessee or occupier of the land, enter on and take possession of the land specified in the notice, subject, however, to the payment of the like compensation and interest thereon as would have been payable under those sections.

Restriction
on taking
surface of
certain pro-
perty and
power to
require
owners to
grant ease-
ments only.

9 & 10 Geo. 5.
c. 57.

For pro-
tection of
West-
minster
City
Council.

6. Notwithstanding anything contained in this Act, the Postmaster-General shall not for the purpose of making the subway purchase or take any part of the surface of the said Mount Street Gardens, but the Postmaster-General may purchase and take, and the owners of and any other person having an interest in the lands under which the subway is made as aforesaid shall so far as required sell, an easement or right of using for the purposes of the subway the subsoil and undersurface of those lands and the provisions of the Lands Clauses Acts with respect to lands shall, subject to the provisions of this Act, extend and apply to such easement or right of user except that no such easement or right of user shall be deemed to be part of a house or other building or manufactory within the meaning of section ninety-two of the Lands Clauses Consolidation Act, 1845, and that any question of disputed purchase-money or compensation under this section shall be settled by arbitration in manner prescribed by the Acquisition of Land (Assessment of Compensation) Act, 1919.

7. Notwithstanding anything contained in this Act or shown on the deposited plan and section the following provisions for the protection of the Mayor Aldermen and Councillors of the City of Westminster (in this section hereinafter referred to as "the Council") shall unless otherwise agreed in writing between the Postmaster-General and the Council apply and have effect, that is to say:—

- (1) The subway shall be constructed by tunnelling and the Postmaster-General shall not for the purpose of such construction break open, damage or otherwise interfere with the surface of any part of the said Mount Street Gardens:

(2) The subway shall be constructed in such manner that at no point shall the upper side of the roof of the subway be nearer to the existing surface level of the said Mount Street Gardens than sixteen feet : A.D. 1928.
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(3) At least one month before commencing the construction of the subway the Postmaster-General shall submit to the Council plans, drawings, sections and specifications describing the position and manner in which and the level at which the subway is proposed to be constructed and in constructing the subway shall comply with the reasonable requirements of the Council :

(4) The Postmaster-General shall make good to the Council and indemnify the Council against any costs, charges or expenses which the Council may incur or be put to by reason of any damage to, subsidence of, or interference with the said Mount Street Gardens which may arise from or be caused by or in consequence of the construction or maintenance of the subway :

(5) Any dispute as to whether any requirements of the Council under this section are reasonable shall be referred to an arbitrator to be appointed by the President of the Institution of Civil Engineers and any such reference shall be deemed to be a submission to arbitration under the provisions of the Arbitration Act, 1889.

8. In determining any question of disputed purchase money or compensation under this Act no allowance shall be made on account of any improvement or alteration effected, or any interest created, after the nineteenth day of November, nineteen hundred and twenty-seven, which, in the opinion of the official arbitrator, was not reasonably necessary or was effected or created with a view to obtaining or increasing compensation. Compensation in case of recently altered buildings.

9. The Postmaster-General and any person acting on his behalf may at all reasonable times between ten o'clock in the forenoon and four o'clock in the afternoon, after giving on the first occasion twenty-four hours', and on subsequent occasions twelve hours', notice in writing to the owners or occupiers thereof, enter Power to enter lands for purpose of surveying.

A.D. 1928. — on any of the said lands for the purpose of surveying or valuing the lands.

Power to
erect build-
ings and
form roads.

10. It shall be lawful for the Postmaster-General, on, in, under or over any of the said lands acquired by, or vested in, him to pull down and remove any existing buildings or other works and to construct such other buildings and works, make such approaches and alterations of thoroughfares and do all such other things as in his opinion are necessary or expedient for the purpose of the Post Office.

Power to
make agree-
ments with
local autho-
rities.

11. The Postmaster-General (with the consent of the Treasury) and any local authority of the said City, boroughs, or urban districts may enter into agreements as to the formation, diversion or alteration of streets and highways, as to the sale, lease or exchange of land for those purposes, and as to payments in respect thereof.

Correction
of errors in
deposited
plans or
books of
reference.

12. If there be any omission, mis-statement or wrong description of any lands or of the owners, lessees or occupiers of any lands shown on the deposited plans or the deposited plan and section or specified in the deposited books of reference, the Postmaster-General after giving ten days' notice to the owners, lessees and occupiers of the land in question may apply to a court of summary jurisdiction having jurisdiction in the area in which the said lands are situate for the correction thereof, and if it appear to the court that the omission, mis-statement or wrong description arose from mistake the court shall certify the same accordingly, and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county, and a duplicate thereof shall also be deposited with the town clerk of the city or borough or with the clerk to the urban district in which the said lands are situate, and such certificate and duplicate respectively shall be kept by such clerk respectively with the other documents to which the same relate, and thereupon the deposited plans, the deposited plan and section and books of reference shall be deemed to be corrected according to such certificate.

13. Notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and other persons interested in the properties described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may, if such portions can in the opinion of the tribunal to whom the question of disputed compensation is submitted be severed from the remainder of those properties without material detriment thereto, be required to sell and convey to the Postmaster-General the portions only of the properties so required without the Postmaster-General being obliged or compellable to purchase the whole or any greater portion thereof, the Postmaster-General paying for the portions required by him and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

A.D. 1928.

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As to taking
parts of
certain
properties.

14.—(1) Any land tax assessed on the first day of January, one thousand nine hundred and twenty-eight, on any part of the said lands acquired by the Postmaster-General shall, as from the date of acquisition, be deemed to have been redeemed in accordance with the provisions of the enactments relating to the redemption of land tax, and thereafter no land tax shall be assessed on or charged in respect of those lands.

Land tax.

(2) The Commissioners of Inland Revenue shall grant a certificate of exoneration from assessment to land tax in respect of any lands acquired by the Postmaster-General under this Act, and the certificate shall be registered by the officer appointed for the registry of contracts for the redemption of land tax.

15. Nothing in the Disused Burial Grounds Act, 1884, as amended by the Open Spaces Act, 1887, or in any other Act shall prevent the erection of buildings on any land in Toronto Street in the City of Leeds vested in the Postmaster-General.

Power to
erect build-
ings on land
at Leeds.

16. If, in the making of the subway or in such erection of buildings in the City of Leeds as is mentioned in the last foregoing section, any human remains are found, the Postmaster-General shall (but without being required to obtain any faculty, licence or other authority for the purpose) cause the same to be decently removed and interred in such burial ground or cemetery (in which burials may legally take place) as the Postmaster-

Removal
of human
remains.

A.D. 1928. — General thinks suitable and as in the case of remains found in making the subway is a consecrated burial ground or cemetery and is consented to by the Bishop of London.

Any such removal of human remains as aforesaid shall be carried out under the direction of the Medical Officer of Health for the City of Westminster or the City of Leeds, as the case may be.

Short title
and inter-
pretation.

17.—(1) This Act may be cited as the Post Office (Sites) Act, 1928.

8 Edw. 7.
c. 48.

(2) In this Act the expression "the purpose of the Post Office" has the same meaning as in the Post Office Act, 1908.

SCHEDULE.

Section 13. PROPERTIES OF WHICH PORTIONS MAY BE TAKEN BY THE POSTMASTER-GENERAL.

Situation.	Number on deposited plan.
County Borough of Warrington - -	1
Borough of Ashton-under-Lyne - -	1

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