



CHAPTER cxix.

An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1911 to enable the London County Council to put in force the Lands Clauses Acts. A.D. 1913.
[15th August 1913.]

WHEREAS the Board of Education have made a Provisional Order under the authority of the Education Acts 1870 to 1911 on behalf of the London County Council (herein-after called "the Council") and it is requisite that the same should be confirmed by Parliament:

And whereas the lands required to be purchased under the powers granted by the said Provisional Order and confirmed by this Act are severally described in the schedule to the said Provisional Order as set out in Part II. of the schedule to this Act and are delineated on the plans accompanying the petition referred to in the said Provisional Order and copies of the said plans have been duly deposited in the offices of the two Houses of Parliament:

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:—

1. The following Order as set out in Part II. of the schedule to this Act shall be and is hereby confirmed and from and after the passing of this Act shall have full validity and force. Confirmation of Order in schedule.

2. Nothing herein contained shall be construed to authorise the Council to extinguish any public rights of way without such Saving of public rights of way.
[Price 6d.] A 1

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A.D. 1913. Order being obtained as but for this Act would have been required for that purpose.

Council may appropriate &c. for street widenings portions of land acquired.

3. In the case of any lands which the Council are by this Act authorised to acquire and which abut upon streets or roads which are not in the opinion of the Council sufficiently wide for the accommodation of the present and probable future traffic or for the convenience of the persons using the said streets or roads it shall be lawful for the Council to appropriate take and use for the purpose of widening any such streets or roads so much of the said lands as the Council may determine to be necessary for such purpose. Provided that if the Council appropriate take or use any part of the said lands for the purpose of widening any street or road such part of the cost of the acquisition thereof and of any expenses incidental to such acquisition as the Council may determine shall be deemed to be part of the costs and expenses of the Council in connexion with street improvements.

No compensation to be paid for improvements &c. made since 18th June 1912.

4. In settling any question of disputed purchase money or compensation payable under this Act by the Council the jury arbitrators or other authority settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the eighteenth day of June one thousand nine hundred and twelve if in the opinion of such jury arbitrators or other authority the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view of obtaining or increasing compensation under this Act.

Owners may be required to sell parts only of certain lands and buildings.

5. Notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories shown on the deposited plan and distinguished thereon by the numbers specified in Part I. of the schedule to this Act and whereof parts only are required for the purposes of this Act may if such parts can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such premises without material detriment thereto be required to sell and convey to the Council the parts only of the premises so required without the Council

being obliged or compellable to purchase the whole or any greater part thereof. A.D. 1913.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

7. The jury arbitrators or other authority to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the jury arbitrators or other authority shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the jury arbitrators or other authority shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Acts either contained or was endorsed with a notice of the effect of this section.

Costs of arbitration &c. in certain cases.

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Exemption
from s. 133 of
Lands Clauses
Act 1845.

8. Section one hundred and thirty-three of the Lands Clauses Consolidation Act 1845 (relating to land tax and poor rate) shall not apply in the case of any lands of which the Council become possessed by virtue of this Act.

Tenancies
having not
longer than
18 months
to run.

9. Notwithstanding anything contained in the Lands Clauses Acts any claim for compensation under this Act by any person having or in respect of any interest in the lands in respect of which compensation is claimed not greater than that of a lessee or tenant for any term of which not more than eighteen months remain unexpired at the time when the claim is made shall be determined by justices in the manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act 1845.

Short title.

10. This Act may be cited as the Education Board Provisional Order Confirmation (London No. 2) Act 1913.

SCHEDULE.

A.D. 1913.

PART I.

PARTS OF PREMISES WHICH MAY BE ACQUIRED COMPULSORILY
BY THE COUNCIL.

Metropolitan Borough.	Plan Number.	Distinguishing Numbers on Plan.
Battersea - - - - -	2	9 10 11 12 and 13.

PART II.

EDUCATION ACTS 1870-1911
AND
BOARD OF EDUCATION ACT 1899.

THE LONDON COUNTY COUNCIL.

*Provisional Order (No. 2) for putting in force the
Lands Clauses Acts.*

*London
County
Council.*

WHEREAS the London County Council require to purchase certain lands for the purposes of Part III. of the Education Act 1902 and not having been able to purchase the same by agreement require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the lands so required to be purchased are set forth in the schedule hereto:

And whereas the London County Council have made due publication of the notices and have duly served the same according to the requirements of the Education Acts 1870-1911 and have presented a petition to the Board of Education praying that an Order may be made authorising the said Council to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement in which petition were stated all the matters required by the said Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

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*London
County
Council.*

And whereas the Board of Education having considered the said petition and the proofs of the publication and service of the proper notices have thought fit to proceed with the case and have caused such inquiries as are herein-after referred to to be made in the districts wherein the said lands are situate as to the propriety of the proposed Order :

And whereas the said lands are intended to be used for the sites of new Public Elementary Schools to be provided by the London County Council within the meaning of section 2 (2) of the Education (London) Act 1903 :

And whereas the Councils of the Metropolitan Boroughs of Battersea and Paddington in which Boroughs the said lands are situated do not concur in the proposed compulsory acquisition :

And whereas the Board of Education directed public inquiries to be held with a view to satisfying themselves whether the concurrence of the said Borough Councils ought to be dispensed with and generally as to the propriety of the proposed Order and such public inquiries have been duly held :

And whereas the reports in writing of F. H. Oates Esquire being the person appointed by the said Board for the purpose of holding the said inquiries have been duly made to the Board of Education and have been considered by them and the Board are satisfied that the concurrence of the said Borough Councils should be dispensed with and that the Order asked for may properly be made :

Now therefore the Board of Education do hereby order that the London County Council be authorised to put in force with reference to the lands set forth in the schedule hereto the powers of the said Acts (except the provisions relating to access to the Special Act) for the purchase and taking of lands otherwise than by agreement or any of them.

Given under the seal of office of the Board of Education this
twenty-first day of April one thousand nine hundred and
thirteen.

(L.S.)

H. J. SIMMONDS

One of the Assistant Secretaries of the
Board of Education.

The SCHEDULE herein-before referred to.

A.D. 1913.

*London
County
Council.*

Plan No. 2.

METROPOLITAN BOROUGH OF BATTERSEA.

Land houses and premises known as Nos. 80 81 and 82 Clapham Common North Side Nos. 41 and 43 Forthbridge Road and Nos. 16 18 20 and 22 Meteor Street the pieces of garden ground at the rear of Nos. 2 4 6 8 10 12 14 and 16 Meteor Street two narrow strips of land abutting on Forthbridge Road and separating the gardens respectively of Nos. 80 and 81 Clapham Common North Side from that road a triangular piece of land on the north side of No. 41 Forthbridge Road and abutting on that road and a triangular piece of land on the south side of No. 22 Meteor Street and abutting on that street containing 68,407 square feet or thereabouts as the same are shown on the Plan No. 2 and distinguished thereon by the Nos. 1 to 18 inclusive.

Plan No. 4.

METROPOLITAN BOROUGH OF BATTERSEA.

Land houses and premises known as Nos. 15 to 28 (inclusive) Porson Street Nos. 28 to 37 (inclusive) Patmore Street and Nos. 21 to 35 (inclusive) Power Street containing 50,190 square feet or thereabouts as the same are shown on the Plan No. 4 and distinguished thereon by the numbers 1 to 39 inclusive.

Plan No. 56.

METROPOLITAN BOROUGH OF PADDINGTON.

Land houses and premises known as Nos. 1A 1 2 3 4 5 6 7 8 9 10 11 12 13 and 14 Caroline Place and Nos. 6 9 10 11 12 13 14 15 16 17 18 and 5 Poplar Place a builder's yard and farrier's shop and smithy on the south side of No. 6 Poplar Place and a warehouse and yard on the south side of No. 10 Poplar Place containing 22,160 square feet or thereabouts as the same are shown on the plan No. 56 and distinguished thereon by the numbers 1 to 26 inclusive.

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