

& 10 GEO. 6.

Ministry of Health

Ch. xxxiv.

Provisional Order Confirmation (Wallasey) Act, 1946.



CHAPTER xxxiv.

An Act to Confirm a Provisional Order of the Minister of Health relating to the county borough of Wallasey.
[26th July 1946.]

WHEREAS under the provisions of the Local Government Act 1933 the Minister of Health has made a Provisional Order which needs confirmation by 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 Order of the Minister of Health which is set out in the Order in schedule to this Act is hereby confirmed and shall have full schedule validity and force. confirmed.
2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Wallasey) Act 1946. Short title.

SCHEDULE.

COUNTY BOROUGH OF WALLASEY.

Provisional Order to enable the council of the county borough of Wallasey to purchase certain lands compulsorily.

WHEREAS the mayor aldermen and burgesses of the county borough of Wallasey acting by the council (in this order referred to as "the corporation") require to purchase the lands described in the schedule to this Order for the purposes of an occupation centre for mental defectives under the Mental Deficiency Acts 1913 to 1938 and in pursuance of section 160 of the Local Government Act 1933 have requested the Minister of Health to make a Provisional Order empowering them to purchase the said lands compulsorily:

Now therefore the Minister of Health in pursuance of the powers given to him by section 160 of the Local Government Act 1933 and of all other powers enabling him in that behalf hereby orders as follows:—

Short title
commencement
and interpreta-
tion.

1.—(1) This Order may be cited as the Wallasey Order 1946 and shall come into operation on the date of the Act of Parliament confirming it.

(2) In this Order "the deposited plan" means the plan which has been deposited for the purposes of this Order in the office of the Minister of Health and of which a duplicate copy has been deposited in the office of the Clerk of the Parliaments House of Lords and in the committee and private bill office of the House of Commons.

Powers of
compulsory
purchase.

2. Subject to the provisions of and for the purposes recited in this Order the corporation may purchase compulsorily the lands described in the schedule to this Order which lands are delineated and shown coloured pink on the deposited plan.

Incorporation of
Acts.

3.—(1) Subject to the modifications set out in the next succeeding subsection the provisions of—

(a) the Lands Clauses Acts (except section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845); and

(b) sections 77 to 85 of the Railways Clauses Consolidation Act 1845;

8 & 9 Vict.
c. 18.

are hereby incorporated in this Order and the provisions of those Acts shall apply accordingly.

(2) (a) Section 85 of the Lands Clauses Consolidation Act 1845 shall have effect as if the words "with two sufficient sureties to be approved of by two justices in case the parties differ" were omitted therefrom; and

(b) in lieu of section 92 of the Lands Clauses Consolidation Act 1845 the following provisions shall have effect :—

“ No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the tribunal by whom compensation is to be assessed determine that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the local authority that part of the house building manufactory park or garden.”

SCHEDULE.

COUNTY BOROUGH OF WALLASEY.

Quantity description and situation of the land.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).
Land and buildings situate at the corner of Seabank Road and Hale Road Wallasey in the county of Chester containing in the whole 916 7/9 square yards or thereabouts known as 4 and 6 Hale Road Wallasey aforesaid and formerly known as the Liscard High School for Boys.	Henry Middleton Heslop.	—	—

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