



CHAPTER li.

An Act to enable Her Majesty's Postmaster-General to acquire Lands in Birmingham for the Public Service. A.D. 1886.

[25th June 1886.]

WHEREAS the building used as a post office in Birmingham affords inadequate accommodation for the purposes of the public service :

And whereas by the Post Office (Sites) Act, 1885, (in this Act called the Act of 1885,) Her Majesty's Postmaster-General (in this Act called the Postmaster-General) was empowered to acquire certain lands situate in the parish and borough of Birmingham, and in the Act of 1885 specified or referred to, for the purpose of erecting additional buildings to be used in conjunction with the existing buildings for the purposes of a head post office in Birmingham, but since the passing of the said Act it has been found that even if the said head post office were so enlarged as aforesaid it would in a very short time prove inadequate for the requirements of the public service, and the Postmaster-General has therefore determined not to exercise the power conferred upon him as aforesaid by the Act of 1885, and has so informed the owners of the said lands :

And whereas it is expedient that the Postmaster-General should be empowered to acquire other lands in the parish and borough of Birmingham and to construct buildings thereon for the purpose of erecting a new head post office for Birmingham thereon :

And whereas a plan showing the lands to be acquired by the Postmaster-General under the authority of this Act, with a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands which may be taken for the purposes and under the powers of this Act, have been deposited with the clerk of the peace for the county of Warwick, and are in this Act respectively referred to as the deposited plan and book of reference :

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And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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 be cited as the Post Office (Sites) Act, 1886.

Incorporation of
8 & 9 Vict.
c. 18.,
23 & 24 Vict.
c. 106., and
32 & 33 Vict.
c. 18.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (in this Act called the Lands Clauses Acts,) are, with the exception of the provisions of the Lands Clauses Consolidation Act, 1845, for affording access to the special Act, incorporated with and form part of this Act, subject to the following provisions, viz. :—

(1.) 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.

(2.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the corporate seal of the Postmaster-General, and shall be sufficient without the addition of the sureties in the said section mentioned.

Interpretation.

3. In this Act—

“The Treasury” means the Commissioners of Her Majesty's Treasury:

“Person” includes a body of persons incorporate or unincorporate.

Power to acquire lands.

4. Subject to the provisions of this Act, it shall be lawful for the Postmaster-General to purchase and acquire, for the purposes of this Act, all or any of the lands shown on the deposited plan, and described in the deposited book of reference, or such of the said lands as he may not have acquired by agreement before the passing of the Act.

Any lands acquired by the Postmaster-General under the authority of this Act shall be vested in and be held by him in his corporate capacity, and his successors, on behalf of Her Majesty, Her heirs and successors, for the service of the Post Office.

Correction of errors, &c.

5. If any omission, mis-statement, or erroneous description is found to have been made of any lands, or of any owners, lessees, or occupiers of any lands shown or intended to be shown on the deposited plan, or described or intended to be described in the deposited book of reference, the Postmaster-General may apply to two justices for the correction thereof, after giving ten days

notice to the owners, lessees, or occupiers of the lands affected by the proposed correction; and if it appears to the justices that such omission, mis-statement, or erroneous description arose from mistake, they shall so certify, stating the particulars thereof; and their certificate shall be deposited as if the same had originally formed part of the deposited plan or book of reference (as the case may be), and shall be kept therewith and shall be deemed to be part thereof; and thereupon the deposited plan or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Postmaster-General may enter on, purchase, take, hold, and use the lands to which the certificate relates accordingly.

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6. It shall be lawful for the Postmaster-General and for his surveyors, officers, and workmen, at all reasonable times in the daytime, to enter into and upon any of the lands shown on the deposited plan and described in the book of reference, for the purpose of surveying or valuing such lands, on giving for the first time twenty-four hours notice, and afterwards, from time to time, twelve hours previous notice in writing to the owners or occupiers thereof.

Power to
Postmaster-
General to
enter lands
for the
purpose of
surveying.

7. It shall be lawful for the Postmaster-General, from and after the time of the purchase by him of any lands shown on the deposited plan, to divert, alter, and stop up any street, roadway, passage, and place, situate within the limits of such lands.

Diversion,
&c. of streets
and extinc-
tion of rights
of laying
pipes and
other ease-
ments.

Also on such purchase by the Postmaster-General of any lands, all rights of laying down or continuing any pipes, sewers, or drains on, through, or under such lands or any part thereof, and all other public or private rights or easements in or relating to such lands or any part thereof, shall be extinguished, and the property in such pipes, sewers, or drains shall be vested in the Postmaster-General in such capacity and on such trusts as aforesaid: Provided, that any person may recover from the Postmaster-General such compensation (if any) as he may be entitled to under the provisions of the Lands Clauses Acts for any private rights or private property of which he may be deprived in pursuance of this section, the amount of such compensation to be determined in manner provided by the said Lands Clauses Acts, or the Postmaster-General may, at his discretion, grant rights and easements in lieu of any rights or easements extinguished under this Act, and in substitution for money payments or other considerations, and if any person is dissatisfied with the exercise of such power he may proceed in the manner prescribed by section sixty-eight of the Lands Clauses Consolidation Act, 1845.

8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 13.

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Power to
pull down
buildings on
lands pur-
chased and
build others.

8. It shall be lawful for the Postmaster-General to pull down and remove all or any buildings erected on any lands shown on the deposited plan which are purchased by him, and on the land so purchased to construct buildings and works for the service of the Post Office, and to make such approaches and widening and alteration of thoroughfares, and do all such other things as in his opinion are necessary or expedient for the execution of any of the purposes of this Act.

As to claims
for compen-
sation by
tenants from
year to year.
8 & 9 Vict.
c. 18.

9. Claims for compensation made on the Postmaster-General under the provisions of this Act or any Act incorporated therewith shall, if the person claiming compensation has no greater interest than as tenant for a year or from year to year in the lands in respect of which compensation is claimed, be determined in manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845.

Power to
enter into
agreements.

10. The Postmaster-General (with the sanction of the Treasury) and any person may enter into contracts and agreements with reference to the formation, diversion, or alteration of streets and highways within the town and place to which this Act refers, and with reference to a sale, lease, or exchange of land therein, and may make money payments in respect thereof.

Time for
compulsory
purchase.

11. The limit of time for the compulsory purchase of lands under this Act shall be three years.

Sanction of
Treasury
required to
purchase
under this
Act.

12. (1.) No purchase shall be made by the Postmaster-General under the authority of this Act without the sanction of the Treasury.

(2.) Any sanction of the Treasury required by this Act may be given either generally or in respect of any particular purchase, contract, or agreement, and a vendor to, or purchaser from, or person contracting with the Postmaster-General shall not be bound or entitled to inquire whether such sanction has been given.

Act to be
carried out
by means of
moneys
provided by
Parliament.

13. All moneys payable by the Postmaster-General with respect to the purchase and acquisition of lands under this Act, and all costs, charges, and expenses incurred by the Postmaster-General in or connected with the carrying into effect of the provisions of this Act shall be paid out of moneys provided by Parliament.