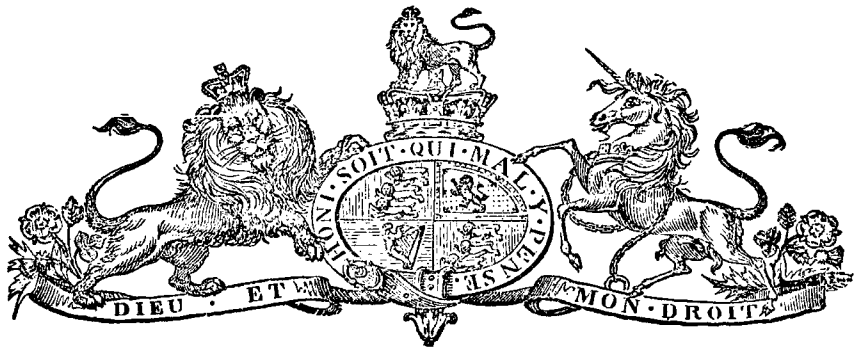


ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XLIX.

An Act to enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same. [19th *June* 1865.]

WHEREAS a Commission was issued in the Year One thousand eight hundred and fifty-eight, under the Sign Manual of Her Majesty, for the Purpose of inquiring into the Expediency of bringing together into One Place or Neighbourhood all the Superior Courts of Law and Equity, the Probate and Divorce Courts, and the Court of Admiralty, and the various Offices belonging to the same, and into the Means which existed or might be supplied for providing a Site or Sites, and for erecting suitable Buildings for carrying out the above Objects: And whereas the said Commission have reported to Her Majesty, that the Concentration of such Courts is expedient, and have recommended as a Site for the said Courts and Offices certain Houses, Buildings, and Lands situate in the Parish of *Saint Clement Danes* and the Liberty of the Rolls in the County of *Middlesex*, and the Parish of *Saint Dunstan in the West* in the City of *London*, but such Houses, Buildings, and Lands cannot be acquired without the Authority of Parliament: And whereas Duplicate Plans, describing

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the Situation of the said Houses, Buildings, and Lands, hereinafter referred to as the prescribed Lands, with a Book of Reference thereto, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers thereof, have been deposited with the Clerk of the Peace for the County of *Middlesex* at his Office at the Sessions House, *Clerkenwell*, and with the Clerk of the Peace for the City of *London* at his Office at the Sessions House in the *Old Bailey*, and it is expedient that Powers should be given to the Commissioners of Her Majesty's Works and Public Buildings to purchase such Lands, and to provide Accommodation for the said Courts and Offices or some of them: 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:

Preliminary.

Short Title.

1. This Act may be cited for all Purposes as "The Courts of Justice Concentration (Site) Act, 1865."

Incorporation of Commissioners.

Incorporation of Commissioners of Works for Purposes of Act.

2. The Commissioners of Her Majesty's Works and Public Buildings for the Time being, herein-after referred to as "the Commissioners," shall be incorporated for the Purposes of this Act by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall have perpetual Succession and a Common Seal, to be by them from Time to Time altered as they think fit, with Power to hold Lands for the Purposes and subject to the Provisions of this Act.

Acquisition of Site.

Description of Purposes of Act.

3. The Purposes of this Act are the Acquisition of a convenient Site for the Accommodation of the Superior Courts of Law and Equity or some of them, the Probate and Divorce Courts, and the Courts of Admiralty, and the various Offices connected with them, and of such other Courts for the Administration of Justice, and Offices connected therewith, or used for any other Purpose of legal Administration, as may from Time to Time be prescribed by the Commissioners of Her Majesty's Treasury, and the providing of convenient Means of Access to the said Courts and Offices.

Power to Commissioners to purchase Lands.

4. The Commissioners may, out of any Monies placed at their Disposal for that Object, purchase, take, and use for the Purposes of this Act all or any of the prescribed Lands.

Lands to continue subject to

5. All Lands purchased by the Commissioners in pursuance of this Act, which were at the Time of such Purchase subject to Land Tax,

Tax, to Poor or other Rates, shall continue liable thereto, but they shall not be assessed to any Tax or Rate on a higher rateable Value than that on which they were assessed on the First Day of *January* One thousand eight hundred and sixty-five. Land Tax and Rates.

6. The Commissioners, their Surveyors, Officers, and Workmen, may at all reasonable Times in the Daytime, upon giving Twenty-four Hours previous Notice in Writing, enter into and upon any of the prescribed Lands for the Purpose of surveying or valuing the same. Power to Commissioners to enter on Lands.

7. "The Lands Clauses Consolidation Act, 1845," and the Act amending the same passed in the Session of the Twenty-third and Twenty-fourth Years of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Act, with the Exceptions and Additions and subject to the Provisions herein-after contained; (that is to say,) 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

(1.) There shall not be incorporated with this Act the Sections and Provisions of the "Lands Clauses Consolidation Act, 1845," herein-after mentioned, that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices shall be Evidence that the Capital has been subscribed; or the Provisions relating to affording Access to the Special Act:

(2.) In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be "the Special Act," and the Commissioners shall be deemed to be "the Promoters of the Undertaking:"

(3.) The Bond required by Section 85 of the Lands Clauses Consolidation Act shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of the Sureties in the said Section mentioned:

(4.) The Term "Sheriff" used in the Provisions of the "Lands Clauses Consolidation Act, 1845," relating to the Reference to a Jury, shall, as regards any Part of the prescribed Lands within the City and Liberty of *Westminster*, be deemed to apply to the High Bailiff of the City and Liberty of *Westminster* or his Deputy.

8. In every Case in which any Question of disputed Compensation may be required to be determined by the Verdict of a Jury, in the City of *London* or the Liberties thereof, the Jury shall be required to appear before the Court of the Lord Mayor and Aldermen of the City of *London* to be holden in the outer Chamber of the *Guildhall* Questions of disputed Compensation in London to be heard in the Lord Mayor's Court.

Guildhall of the said City according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Directions and Provisions contained in "The Lands Clauses Consolidation Act, 1845," in respect to the Settlement of Questions of disputed Compensation by Juries appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under this Act by Juries appearing before the said Court of Mayor and Aldermen as aforesaid; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and a Verdict and Judgment shall be signed by the Registrar of the said Court of Mayor and Aldermen, and entered among the Records of the said Court, and the said Registrar shall settle the Costs of every such Inquiry.

Extinction of Rights of Way and other Easements.

9. Upon the Purchase by the Commissioners of the prescribed Lands or any Part thereof, all Rights of Way, Rights of laying down or of continuing any Pipes, Sewers, or Drains, on, through, or under such Lands or Part thereof, and all other Rights or Easements in or relating to such Land or Part thereof, shall be extinguished, and all the Soil of such Ways, and the Property in the Pipes, Sewers, or Drains, shall vest in the Commissioners, subject to this Provision, that all Persons and Bodies of Persons, corporate or unincorporate, may recover from the Commissioners such Compensation, if any, as they may be entitled to under the Provisions of "The Lands Clauses Consolidation Act, 1845," for any Rights or Property of which they may be deprived in pursuance of this Section, the Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

Commissioners to pay to Incumbents annual Sums for Loss of Fees, &c.

10. The Commissioners shall pay an annual Sum to each of the Persons herein-after mentioned; that is to say,

The Rector of *Saint Clement Danes* in the City of *Westminster;*

The Perpetual Curate of *Saint Thomas*, Liberty of the Rolls, in the County of *Middlesex;*

The Rector of the Parish of *Saint Dunstan in the West* in the City of *London,*

by way of Compensation for the Loss of all such *Easter* Dues, Oblations, Surplice Fees, or other customary Payments that may be taken away in consequence of carrying into effect the Purposes of this Act. Such Payments shall be made half-yearly on the First Day of *January* and the First Day of *July* in each Year. The Amount payable to each such Person shall be calculated on an Average of the Amount received by him in respect of the said customary Payments on an average of the Three Years immediately preceding the passing of this Act, and in the event of Difference shall

shall be definitively settled by an Arbitrator appointed by Her Majesty's Attorney General for the Time being.

The first of the above-mentioned half-yearly Payments shall be made on the First Day of *July* One thousand eight hundred and sixty-seven.

Compensation for Tithes or Rentcharges to be paid by Commissioners.

11. Nothing in this Act contained shall prejudice the Right of any Rector or other Ecclesiastical Person to any Tithe, or Rentcharge in lieu thereof, charged upon or payable out of any Lands purchased by the Commissioners in pursuance of this Act; and the said Commissioners shall from Time to Time pay the said Tithe or Rentcharge, when the same shall become due, out of any Monies that may be in their Hands applicable thereto.

As to Claims for Compensation by yearly Tenants.

12. All Claims for Compensation made upon the Commissioners under the Provisions of this Act or any Act incorporated herewith shall, if the Person claiming to be entitled to Compensation has no greater Interest than as Tenant for a Year or from Year to Year in the Lands in respect of which the Compensation is claimed, be determined in manner provided by the One hundred and twenty-first Section of "The Lands Clauses Consolidation Act, 1845."

Limits for compulsory Purchases.

13. The Limit for the compulsory Purchase of Lands under this Act shall be Five Years.

Power to purchase Lands for Accesses to Courts and Offices by Agreement.

14. The Commissioners may, for the Purpose of improving the Approaches, or of providing convenient Roads, Bridges over, or Tunnels under Streets, or other Modes of Access to the proposed Courts of Justice and the Offices connected therewith, acquire by Purchase or otherwise any Lands or Interest in Lands or Easements, and for the Purposes of such Acquisition the said Lands Clauses Consolidation Act shall be deemed to apply, with the Exception of so much thereof as relates to the Purchase of Lands otherwise than by Agreement.

Powers to Commissioners to execute Works.

15. The Commissioners may pull down and remove any Buildings on the prescribed Lands, and may construct thereon such Buildings and Works, and do all such other Things, as may in their Opinion be necessary or expedient in order to carry into effect the Purposes of this Act or any of them.

For Protection of Sewers of Metropolitan Board of Works.

16. Where any Works to be done under or by virtue of this Act shall or may pass over, under, or by the Side of or so as to interfere with any Main Sewer under the Jurisdiction or Control of the Metropolitan Board of Works, the Commissioners shall not commence such Work until they shall have given to the said Metro-

politan Board Fourteen Days previous Notice in Writing of their Intention to commence the same, by leaving such Notice at the principal Office of such Board, with a Plan and Section showing the Course and Inclination thereof, and other necessary Particulars relating thereto, and until such Board shall have signified their Approval of the same, unless such Board do not signify their Approval, Disapproval, or other Directions within Fourteen Days after Service of the said Plans, Sections, and Particulars as aforesaid; and the Commissioners shall comply with and conform to all Orders, Directions, and Regulations of the said Metropolitan Board in the Execution of the said Works, and shall provide, by new, altered, or substituted Works, in such Manner as such Board may deem necessary, for the proper Protection of and for preventing Injury or Impediment to the Main Sewers herein-before referred to, by or by reason of the said intended Works or any Part thereof, and shall save harmless the said Metropolitan Board against any Expense to be occasioned thereby; and all such last-mentioned Works shall be done by or under the Direction, Superintendence, and Control of the Engineer or other Officer or Officers of the said Metropolitan Board, at the Expense in all respects of the Commissioners; and all Expenses which the said Metropolitan Board may be put to by reason of the Works of the Commissioners, whether in the Execution of Works, the Preparation or Examination of Plans or Designs, Superintendence, or otherwise, shall be paid to such Board by the Commissioners; and when any new, altered, or substituted Works as aforesaid, or any Works connected therewith, shall be completed, by or at the Expense of the Commissioners, under the Provisions of this Act, the same shall thereafter be as fully and completely under the Direction, Jurisdiction, and Control of the said Metropolitan Board as any Sewers or Works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities of the said Metropolitan Board, but all such Rights, Powers, and Authorities shall be as valid and effectual as if this Act had not been passed; provided that no Renewal or Alteration, other than a Change of Site of existing Works, shall be deemed new Works under this Act; and if the Commissioners shall complain of any withholding of Consent on the Part of the said Board, or of any Orders and Directions and Regulations, or of any Charges sought to be imposed by such Board upon the Commissioners, in the Execution of any such Works, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department for the Time being to determine every such Difference, and by Order under his Hand to authorize the Works, and the Manner of executing the same, as he shall think fit; and after the Date of the Application by the Commissioners to the

the said Secretary of State no Penalty shall be incurred by any Default of the Commissioners in respect of or in relation to such Works, or the Matters in difference between the Parties.

Saving Rights of the Commissioners of Sewers.

17. Nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers of the City of *London*, with respect to *Bell Yard, Fleet Street*, in the City of *London*.

Exemption from Building Act.

18. All Buildings erected on the prescribed Lands shall be exempt from the Operation of the First Part of "The Metropolitan Buildings Act, 1855."

No Notice to be given to purchase Property until a Certificate has been received by the Treasury from Persons appointed under 28 Vict. c. 48. to advise, &c. as to Plan.

19. No Notice shall be given of the Intention to take any Property under this Act, nor shall any Contract be entered into for the Purchase of any Property, until a Certificate in Writing shall have been received by the Commissioners of Her Majesty's Treasury, signed by the major Part in Number of the Persons appointed by Her Majesty under "The Courts of Justice Building Act, 1865," to advise and concur with the Commissioners of Her Majesty's Treasury with reference to the Plan and Arrangements of the Buildings to be erected upon the Lands hereby authorized to be taken, stating that they are satisfied that the Lands to be acquired under this Act, of which a Plan has been laid before Parliament, are sufficient for all the Purposes of the intended new Courts and Buildings connected therewith, and that the probable Cost of the said Lands and Buildings will not exceed the Amount of the Funds provided under "The Courts of Justice Building Act, 1865," for those Purposes.

Miscellaneous.

No Purchases to be without the Authority of the Treasury.

20. No Purchase shall be made by the Commissioners for the Purposes of the Act without the Consent in Writing of the Commissioners of Her Majesty's Treasury, but it shall not be necessary for any Vendor or any Purchaser from the said Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent; and any such Assent may be given either generally, or for any particular Purchase or Purchases, as to the said Commissioners of the Treasury may seem meet.

Authentication of Notices.

21. Every Notice, Summons, Writ, or other Document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the Solicitor or Secretary for the Time being of the Commissioners, and need not be under the Common Seal of the Commissioners, and may be in Writing or in Print, or partly in Writing and partly in Print.

22. All

Orders concerning Money paid into Court may be made at Chambers.

22. All Orders which under this Act the Court of Chancery is empowered to make on Motion or Petition, in relation to any Money paid into the Bank of *England* with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, may be made by any Judge of the said Court upon Application to him, while sitting at Chambers, upon Summons, in like Manner as in other Cases in which Proceedings may be so had, subject nevertheless to any General Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court, on any such Applications.

Penalty for obstructing Commissioners in Exercise of Power.

23. If any Person wilfully obstruct any Person acting under the Authority of the Commissioners in the lawful Exercise of the Powers vested in them under this Act, he shall forfeit a Sum not exceeding Five Pounds for every such Offence, to be recovered in a summary Manner.

Deeds not liable to Stamp Duty.

24. No Deed, Bond, or other Instrument made by, to, or with the Commissioners for any of the Purposes of this Act shall be subject to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments are specially charged therewith in such future Act.

Deeds to be enrolled in Court of Exchequer.

25. Every Conveyance, Assignment, or other Deed or Instrument whereby any Land by this Act authorized to be purchased is conveyed or assigned to the Commissioners for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument, when so enrolled, shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Plans to be deposited in the Office of Works, &c., and be open for Inspection.

26. A Copy of the Plans of the prescribed Lands shall be deposited at the Office of the Commissioners, and shall remain at the said Office, to the end that all Persons may at all seasonable Times, on Payment of a Fee of One Shilling, have Liberty to inspect the same.

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