CHAPTER lxxxv.

An Act to confirm certain Provisional Orders made by the Board of Education under the Elementary Education Acts 1870 to 1900 to enable the School Boards for East Ham Lower Michaelstone Manchester and Willesden to put in force the Lands Clauses Acts. [21st July 1903.]

A.D. 1903

WHEREAS the Board of Education have made certain Provisional Orders under the authority of the Elementary Education Acts 1870 to 1900 on behalf of the School Boards for East Ham Lower Michaelstone Manchester and Willesden and it is requisite that the same should be confirmed by Parliament:

And whereas by the Board of Education Act 1899 it is provided that the Board of Education shall take the place of the Education Department and all enactments and documents shall be construed accordingly:

And whereas the lands required to be purchased under the powers granted by the said Provisional Orders and confirmed by this Act are severally described in the schedules to the said Provisional Orders as set out in the schedule to this Act and are delineated on the plans accompanying the respective petitions referred to in the said Provisional Orders and copies of all 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:—

Confirmation of Orders in schedule.

1. The following Orders as set out in the schedule to this Act shall be and are hereby confirmed and from and after the passing of this Act shall have full validity and force.

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Saving of public rights of way.

2. Nothing herein contained shall be construed to authorise a school board to extinguish any public rights of way without such Order being obtained as but for this Act would have been required for that purpose.

Saving with respect to houses of labouring class.

3.—(1) A school board shall not under the powers by this Act granted purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until such school board—

(*a*) shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(*b*) shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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(5) If a school board acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme such school board shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section a school board may appropriate subject to the approval of the Board of Education any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by such school board for the purposes of any scheme under this section in the same manner in all respects as if such school board were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) A school board may subject to such approval as aforesaid on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by a school board in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

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(8) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(9) The school board shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10) Any houses purchased or acquired by a school board for or in connexion with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to such school board shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(11) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does

not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

(12) The school board and the Board of Education and the Local Government Board are hereby respectively authorised and empowered to do all acts matters and things for carrying into full effect every such scheme as aforesaid and the school board and the Board of Education shall for that purpose have the same powers as they have under the Elementary Education Acts 1870 to 1900 for the purpose of providing sufficient school accommodation for their district including the power of borrowing money under section ten of the Elementary Education Act 1873 and the carrying of such scheme into effect shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the Public Works Loans Act 1875.

36 & 37 Vict. c. 86.

38 & 39 Vict. c. 89.

In certain event powers granted to school boards named in this Act to be discharged by local education authority.

4. If at any time before the passing of this Act any of the school boards named therein shall have been abolished in pursuance of the provisions of the Education Act 1902 the powers granted to such school board by the Provisional Order applicable thereto or by this Act and the duties imposed upon the said school board by this Act shall be exerciseable and discharged by the council having the powers and duties of such school board under the Education Act 1902 as fully as if such council had been named therein instead of that school board and in any such case every reference in the said Provisional Order or in this Act to a school board shall be construed as a reference to a Local Education Authority and subsection twelve of section three of this Act shall apply and have effect as if the words and figures "and the purposes of "this Act shall be deemed to be purposes for which a Local "Education Authority may borrow under section nineteen of the "Education Act 1902" were substituted therein for the words and figures "including the power of borrowing money under "section ten of the Elementary Education Act 1873."

Short title.

5. This Act may be cited as the Education Board Provisional Orders Confirmation (East Ham &c.) Act 1903.

A.D. 1903.

SCHEDULE.

THE SCHOOL BOARD FOR EAST HAM COUNTY OF ESSEX.

East Ham. *Provisional Order for putting in force the Lands Clauses Acts.*

WHEREAS the School Board for the parish of East Ham in the county of Essex require to purchase a piece or parcel of land for the purposes of the Elementary Education Acts 1870–1900 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 land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said School Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Acts 1870–1900 and have presented a petition to the Board of Education praying that an Order may be made authorising the said School Board 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 Elementary Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

And whereas the said 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 inquiry to be made in the district of the said School Board wherein the said land is situate as to the propriety of the proposed Order:

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said School Board be authorised to put in force with reference to the land set forth in the schedule hereunder written the powers of the said Acts 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 Third day of March One thousand nine hundred and three.

(L.S.)

C. M. Cowie
One of the Assistant Secretaries of the Board of Education.

SCHEDULE to the foregoing Order.

A.D. 1903.

East Ham.

A piece or parcel of land situate in the parish of East Ham in the county of Essex situate at North Woolwich having a frontage of about 236 feet on the west side to Storey Street a frontage of about 187 feet on the east side to Robert Street a length of about 318 feet on the south side at the rear of houses situate in Elizabeth Street and a length of about 323 feet on the north side and containing 65340 square feet or thereabouts as the same is described in the Plan accompanying the petition herein-before referred to and distinguished by the Number 1 together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon with their appurtenances.

THE SCHOOL BOARD OF LOWER MICHAELSTONE COUNTY OF GLAMORGAN.

Provisional Order for putting in force the Lands Clauses Acts.

Lower Michaelstone.

WHEREAS the School Board for the parish of Michaelstone Lower in the county of Glamorgan require to purchase certain pieces or parcels of land for the purposes of the Elementary Education Acts 1870–1900 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 hereunder written:

And whereas the said School Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Acts 1870–1900 and have presented a petition to the Board of Education praying that an Order may be made authorising the said School Board 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 Elementary Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

And whereas the said 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 inquiry to be made in the district of the said School Board wherein the said lands are situate as to the propriety of the proposed Order:

A.D. 1903.

Lower Michaelstone.

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said School Board be authorised to put in force with reference to the lands set forth in the schedule hereunder written the powers of the said Acts 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 Sixteenth day of April One thousand nine hundred and three.

(L.S.) H. W. HOARE
One of the Assistant Secretaries of the Board of Education.

SCHEDULE to the foregoing Order.

Certain pieces or parcels of land with the buildings thereon which said pieces of land or the greater portion thereof are commonly called or known as the Glebeland and Depôt Yard situate in the parish of Michaelstone Lower in the county of Glamorgan and are bounded on the north-west by houses and yards known as Market Square and the Cwmavon Brick Works on the south-east by land in the occupation of Messrs. Baldwins Limited and Wright Butler & Co. Limited on the north-east by land in the occupation of Messrs. R. B. Byass & Co. Limited and on the south-west by the parish road leading towards High Street Cwmavon all which said pieces or parcels of land are comprised in one and the same site and are more particularly described and delineated in the plan accompanying the petition herein-before referred to and are coloured green blue and edged pink therein and distinguished by the Numbers 1 2 and 3 The said pieces of land contain by admeasurement in the aggregate 2 acres and 27 perches.

THE SCHOOL BOARD FOR MANCHESTER COUNTY OF LANCASTER.

Manchester.

Provisional Order for putting in force the Lands Clauses Acts.

WHEREAS the School Board for the City of Manchester in the county of Lancaster require to purchase certain pieces or parcels of land for the purposes of the Elementary Education Acts 1870–1900 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:

A.D. 1903.

Manchester.

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

And whereas the said School Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Acts 1870–1900 and have presented a petition to the Board of Education praying that an Order may be made authorising the said School Board 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 Elementary Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

And whereas the said 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 inquiry to be made in the district of the said School Board wherein the said lands are situate as to the propriety of the proposed Order:

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said School Board be authorised to put in force with reference to the pieces or parcels of land set forth in the schedule hereunder written the powers of the said Acts 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 Seventh day of March One thousand nine hundred and three.

(L.S.)

C. M. COWIE
One of the Assistant Secretaries of the Board of Education.

SCHEDULE to the foregoing Order.

1. PARISH OF ST. MATTHEW ARDWICK AND TOWNSHIP OF ARDWICK HYDE ROAD.—A piece of land situate on the southerly side of Hyde Road upon which are erected a beerhouse known as the "Star Inn" numbered 162 Hyde Road and six messuages or dwelling-houses numbered 2 to 12 (even numbers both inclusive) in Annan Terrace and a messuage or dwelling-house situate in Annan Terrace on the southerly side of and occupied in connexion with the said beerhouse The said piece of land is bounded on the north by Hyde Road aforesaid on the east by a street or intended street on the south by the centre of Back Tiverton Street and on the west by part of a street called Annan Terrace Area about 674 square yards.

2. PARISH OF ALL SAINTS AND TOWNSHIP OF CHORLTON ON MEDLOCK HIGHER CHATHAM STREET.—A piece of land situate on the north-easterly

A.D. 1903. *Manchester.* side of Higher Chatham Street upon parts of which are erected forty-three messuages or dwelling-houses and five shops numbered 1 to 19 (odd numbers both inclusive) in Higher Chatham Street 27 to 35*a* (odd numbers both inclusive) in Boundary Street West 2 to 18 (even numbers both inclusive) in John Street 32 to 42 (even numbers both inclusive) in Rosamond Street 1 to 15 (odd numbers both inclusive) and 2 to 10 (even numbers both inclusive) in Rogerson's Court and 2 to 6 (even numbers both inclusive) and one unnumbered in Court No. 2. Together with the passages and courts comprising the remainder of the said land. The said piece of land is bounded on the south-westerly side by Higher Chatham Street aforesaid on the north-westerly side by Boundary Street West aforesaid on the north-easterly side by John Street aforesaid and on the south-easterly side by Rosamond Street aforesaid. Area about 1812 square yards. All which said pieces of land are situate in the City of Manchester in the County of Lancaster.

THE SCHOOL BOARD FOR THE PARISH OF WILLESDEN COUNTY OF MIDDLESEX.

Willesden. *Provisional Order for putting in force the Lands Clauses Acts.*

WHEREAS the School Board for the Parish of Willesden in the county of Middlesex require to purchase certain pieces or parcels of land for the purposes of the Elementary Education Acts 1870–1900 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 hereunder written:

And whereas the said School Board have made due publication of the notices and have duly served the same according to the requirements of the Elementary Education Acts 1870–1900 and have presented a petition to the Board of Education praying that an Order may be made authorising the said School Board 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 Elementary Education Acts to be stated therein and the same hath been supported by such evidence as the said Board of Education required:

And whereas the said 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 inquiry to be made in the district of the said School Board wherein the said lands are situate as to the propriety of the proposed Order:

A.D. 1903.

Willesden.

Now therefore the said Board of Education having received a report after such inquiry and having duly considered the same do hereby declare that it is proper and do hereby order accordingly that the said School Board be authorised to put in force with reference to the pieces or parcels of land set forth in the schedule hereunder written the powers of the said Acts 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 Twelfth day of March One thousand nine hundred and three.

(L.S.) C. M. Cowie
One of the Assistant Secretaries of the Board of Education.

SCHEDULE to the foregoing Order.

Parish of Willesden in the County of Middlesex.—A piece or parcel of land belonging (or reputed to belong) to George James Furness situate on the south side of Furness Road and having a frontage thereto of 249 feet or thereabouts a western boundary of 175 feet or thereabouts in length to vacant land a southern boundary 240 feet or thereabouts in length and an eastern boundary 175 feet or thereabouts in length to other vacant land The north-west corner of such piece or parcel of land being situated opposite to the junction of the said Furness Road with Leghorn Road Area about one acre.

Parish of Willesden in the County of Middlesex.—A piece or parcel of land belonging (or reputed to belong) to the Warden and College of the Souls of All Faithful People Deceased of Oxford situate on the south side of College Road having a frontage thereto of 179 feet or thereabouts an eastern frontage of 245 feet or thereabouts to the west side of a new road known as or intended to be called Doyle Gardens a southern boundary 168 feet or thereabouts in length to vacant land and a western boundary 251 feet or thereabouts in length to other vacant land Area about one acre.

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