CHAPTER v.

An Act to empower the Corporation of the city of Liverpool to acquire further lands to extend the powers of the Corporation with respect to the leasing of corporate land and for other purposes. A.D. 1915.

[19th May 1915.]

WHEREAS it is expedient to empower the lord mayor aldermen and citizens of the city of Liverpool (in this Act respectively referred to as "the Corporation" and "the city") to acquire lands for the purposes of street improvements and other purposes in this Act mentioned:

And whereas the Corporation are the owners of corporate estates of great value portions of which are let by them on leases from time to time renewed at the discretion of the Corporation on the payment of fines:

And whereas under the Municipal Corporations Act 1882 except with the approval of the Local Government Board the Corporation are unable to make a lease or agreement for a lease for a term exceeding seventy-five years and the fines payable on renewal of leases are required to be treated as income and paid into the city fund:

And whereas it has been found that a lease for seventy-five years is insufficient to ensure the erection of the highest class of building and in order to facilitate the raising of money for that purpose it is expedient that the term for which the Corporation may grant leases should be extended as by this Act provided:

And whereas the annual amount received by the Corporation for fines on the grant and renewal of leases and carried to the credit of the city fund has in recent years fluctuated between

A.D. 1915.

twenty thousand pounds and thirty-four thousand pounds while the average for the last seven years amounts to about twenty-five thousand pounds and it is expedient that subject to that sum being annually carried to the credit of the city fund the income derived from such fines should be treated as capital and invested as prescribed by this Act:

And whereas the Corporation are the port sanitary authority for the port of Liverpool which port includes docks basins quays wharves and other places in certain boroughs and districts outside the city and it is expedient that the local authorities of those boroughs and districts who contribute towards the expenses incurred by the port sanitary authority should as by this Act provided be represented on the committee appointed from time to time by the Corporation as the port sanitary authority in pursuance of their powers in that behalf:

And whereas estimates have been prepared by the Corporation for the purchase of lands amounting to two hundred and fifty thousand pounds and it is expedient that the cost thereof should be spread over a term of years:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively have been deposited with the clerk of the peace for the county of Lancaster which plans and book of reference are in this Act respectively referred to as the deposited plans and book of reference:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

Short title.

1. This Act may be cited as the Liverpool Corporation Act 1915.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) are incorporated with and form part of this Act.

Execution of Act.

3. This Act shall be carried into execution by the Corporation acting by the council of the city.

Acquisition of lands for street improvements.

4. Subject to the provisions of this Act the Corporation may enter upon take and use certain lands within the city delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say) :—

(1) Certain lands situate at the junction of Brownlow Hill with Mount Pleasant and extending for a distance of about forty yards east thereof :

(2) Certain lands on both sides of and adjoining Sinclair Road and extending between points respectively about thirty-eight yards and one hundred and twenty-five yards east of Mossley Hill Road :

(3) Certain lands lying between Cambridge Street and Egypt Street and extending between points respectively about eighteen yards and sixty yards east of Mulberry Street.

Acquisition of lands for public buildings.

5. Subject to the provisions of this Act the Corporation may enter upon take and use certain lands within the city delineated on the deposited plans and described in the deposited book of reference relating thereto and comprised in the area situate between and bounded by Dale Street Manchester Street and Old Haymarket and the Corporation may exercise upon the said lands all or any of the powers of section 105 of the Municipal Corporations Act 1882 and the provisions of that Act shall apply to any buildings erected under the provisions of this section as fully and completely as if such buildings had been erected under the provisions of the said Act.

Power to stop up Albion Place.

6. The Corporation may stop up Albion Place so soon as they are the owners in possession of all houses and lands on both sides thereof and thereupon all rights of way over that street shall be extinguished and the Corporation may appropriate and use the site and soil thereof :

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights

A.D. 1915.

extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

7. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for compulsory purchase of lands.

8. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Correction of errors in deposited plans and book of reference.

9. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the city for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Lancaster and shall be kept by such clerk of the peace with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

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

10. And whereas in the exercise by the Corporation of the powers of this Act it may happen that a portion only of the property numbered 85 on the deposited plans will be sufficient for the purposes of the Corporation and that such portion or some other portion less than the whole can be severed from the remainder of the said property without material detriment thereto Therefore the following provisions shall have effect:—

A.D. 1915.

(1) The owner of and persons interested in the said property or each or any of them are in this section included in the term "the owner":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of the said property the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

A.D. 1915.

(5) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the said property or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Leases of corporate land.

11. The Corporation may lease or agree to lease corporate land for any term not exceeding ninety-nine years subject to the conditions contained in subsection (2) (b) of section 108 of the

Municipal Corporations Act 1882 and the provisions of that subsection shall apply to the Corporation as if the period of ninety-nine years were therein mentioned instead of seventy-five years.

Application of fines on renewal.

12. From and after the first day of January one thousand nine hundred and fifteen the revenue received by the Corporation by way of fines on the grant and renewal of leases of corporate land shall be invested in statutory securities or in accordance with the provisions of the section of this Act of which the marginal note is "Power to lend to lessees of corporate land" and the income from such investment shall be carried to the credit of the city fund Provided always that in every year there shall be carried to the credit of the city fund such amount (if any) of the revenue received by the Corporation by way of such fines as shall be necessary together with the income derived in that year from—

(A) the said investment; and

(B) ground rents into which the whole or any part of any such fine shall after the said first day of January be commuted;

to make up the sum of twenty-five thousand pounds and if in any year the said revenue shall be insufficient for the purpose there shall also be carried to the credit of the city fund such amount of the revenue received by the Corporation by way of such fines in any previous year as shall be necessary to make up the said sum.

In this section the expression "statutory securities" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation.

Power to lend to lessees of corporate land.

13. Any moneys forming part of the city fund (sales of reversions capital account) and (subject to the proviso to the section of this Act of which the marginal note is "Application of fines on renewal") any portion of the revenue received by

A.D. 1915.

the Corporation by way of fines on the grant and renewal of leases of corporate land may be invested by the Corporation on mortgage of the leasehold interest of any lessee of corporate land Provided that every instrument creating any such mortgage shall contain (inter alia) covenants that the moneys secured thereby shall be expended on the improvement of the premises comprised therein to the satisfaction of the Corporation and that such moneys shall be repaid with interest within a period not exceeding twenty years from the date of the mortgage and that such repayment shall be made either by equal instalments of principal or by an annuity of principal and interest combined.

Application of certain provisions of Lands Clauses Acts to Liverpool Corporation (Streets and Buildings) Act 1908.

14. The provisions of the Lands Clauses Consolidation Act 1845 with respect to the entry upon lands by the promoters of the undertaking (except section 92 of the said Act) shall be deemed to be incorporated with any necessary modifications with the Liverpool Corporation (Streets and Buildings) Act 1908 and shall apply to any lands which any person may hereafter lawfully be required to sell or exchange under or in pursuance of the provisions of the said Act of 1908.

For the purposes of this section and section 24 (Application of purchase money in certain cases) of the said Act of 1908 the expression "the promoters of the undertaking" where used in the said Act of 1845 shall be deemed to mean the Corporation.

Additional members of port sanitary and hospitals committee.

15. It shall be lawful for the mayor aldermen and burgesses of the boroughs of Birkenhead Bootle and Wallasey and the council of the urban districts of Lower Bebington and Bromborough respectively to appoint annually the number hereinafter mentioned of the members of the council of such borough or district respectively to represent such council on the committee appointed from time to time by the Corporation as the port sanitary authority in pursuance of their powers in that behalf and the members so appointed shall be entitled to sit and vote on such committee so far as the proceedings of that committee are the proceedings of the Corporation as the port sanitary authority (that is to say) :—

Birkenhead - - - - - -	Three members.
Bootle - - - - - -	Two members.
Wallasey - - - - - -	One member.
Lower Bebington - - - -	One member.
Bromborough - - - - -	One member.

A.D. 1915.

Power to borrow.

16. The Corporation may borrow for the following purposes the sums following (that is to say):—

(A) For the acquisition of the lands by this Act authorised to be acquired any sum not exceeding two hundred and fifty thousand pounds:

(B) For the payment of the costs charges and expenses of and incidental to obtaining this Act the sums required for the purpose:

And the Corporation shall pay off all moneys so borrowed for the purpose (A) above mentioned within sixty years from the date or dates of borrowing and for the purpose (B) above mentioned within five years from the date of the passing of this Act.

Further power to borrow with consent of Local Government Board.

17. The Corporation may with the sanction of the Local Government Board borrow such further moneys as the Corporation may require for any of the purposes of this Act including the exercise of the powers of section 105 of the Municipal Corporations Act 1882 upon the lands authorised to be acquired by the section of this Act of which the marginal note is "Acquisition of lands for public buildings" and any moneys borrowed under this section shall be paid off within such periods as the said Board may sanction.

Mode of raising moneys and of repayment.

18. Any sum which the Corporation may borrow under or in pursuance of the powers of this Act may be raised by mortgage in manner provided by the Liverpool Corporation Act 1893 or by the issue of stock under the provisions of the Liverpool Corporation Loans Act 1894 and any Act amending the same or by the issue of Liverpool Corporation Bills under the provisions of the Liverpool Corporation Act 1900 and any Act amending the same respectively.

The repayment of the moneys so borrowed shall be provided for by means of an accumulating sinking fund or by the repayment of an equal portion of the principal every year in the case of moneys borrowed for the purposes of street improvements out of the general rate and for the other purposes of this Act out of the city fund or city rate or out of the general rate.

Restriction on exercise of borrowing powers.

19. Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

A.D. 1915.

Costs of Act.

20. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or House of Commons shall be paid by the Corporation out of the city fund and general rate or out of such other funds or rates and in such proportions as the Corporation shall determine.

Printed by EYRE and SPOTTISWOODE, LIMITED,
FOR
FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

To be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LIMITED, 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America and other Foreign Countries of
T. FISHER UNWIN, LIMITED, LONDON, W.C.