CHAPTER clviii.

An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the Borough of Derby. [21st July 1879.]

A.D. 1879.

WHEREAS the Local Government Board have, as regards the borough herein mentioned, made the Provisional Order set forth in the schedule hereunto annexed, under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875:

And whereas it is requisite that the said Order should be confirmed by Parliament, and that the provisions herein contained should be enacted with reference thereto:

Be it therefore 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:

Order in schedule confirmed.

1. The Order set out in the schedule hereunto annexed shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Modification of Provisional Order.

2. The Provisional Order confirmed by this Act shall be modified to the extent and in the manner following; viz.,

(1.) Except as is herein-after provided, the Urban Sanitary Authority for the borough of Derby shall not be authorised to carry into execution so much of the improvement scheme authorised by the said Provisional Order as relates to the parts of the area included in such scheme, marked Block No. 2 and Block No. 3 in the plan referred to in Article 3 of the said Provisional Order:

(2.) Provided, that if within nine months from the passing of this Act the said Urban Sanitary Authority pass a reso-

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lution determining to proceed with so much of the said scheme as relates to the said parts of the said area, or with so much of the said scheme as relates to either of such parts, then the Urban Sanitary Authority shall be authorised to carry into execution, subject to the conditions and modifications contained in the said Provisional Order, so much of the said scheme as relates to the said parts, or, as the case may be, as relates to the one of such parts to which such resolution shall extend:

(3.) At the expiration of nine months from the passing of this Act so much of the said scheme as the said Urban Sanitary Authority shall not under the foregoing provisions be then authorised to carry into execution shall be deemed not to have been confirmed by the said Provisional Order.

Short title.

3. This Act may be cited as the Local Government Board's Provisional Order Confirmation (Artizans and Labourers Dwellings) Act, 1879.

SCHEDULE.

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BOROUGH OF DERBY.

Derby Order.

Provisional Order for confirming an Improvement Scheme under the Artizans and Labourers Dwellings Improvement Act, 1875.

To the Mayor, Aldermen, and Burgesses of the Borough of Derby, in the County of Derby, being the Urban Sanitary Authority for that Borough;—

And to all others whom it may concern.

WHEREAS the Artizans and Labourers Dwellings Improvement Act, 1875, provides for the making of schemes for the improvement of areas in Urban Sanitary Districts in England containing, according to the last published Census, for the time being a population of twenty-five thousand and upwards, and it enacts that where an official representation is made, in accordance with the provisions of that Act, to the Local Authority of any such Urban Sanitary District, that any houses, courts, or alleys within a certain area under the jurisdiction of such Local Authority are unfit for human habitation, or that diseases indicating a generally low condition of health amongst the population have been from time to time prevalent in such area, and that such prevalence may reasonably be attributed to the closeness, narrowness, and bad arrangement or the bad condition of the streets and houses or groups of houses within such area, or to the want of light, air, ventilation, or proper conveniences, or to any other sanitary defects, or to one or more of such causes, and the evils connected with such houses, courts, or alleys, and the sanitary defects in such area, cannot be effectually remedied otherwise than by an Improvement Scheme for the re-arrangement and re-construction of the streets and houses within such area, or of some of such streets or houses, such Local Authority shall take such representation into their consideration, and if satisfied of the truth of such representation, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an Improvement Scheme ought to be made in respect thereof, and shall, after passing such resolution, forthwith proceed to make a scheme for the improvement of such area, and it also provides that, in respect of each Urban Sanitary District, the Urban Sanitary Authority thereof shall be the Local Authority for the purposes of that Act;

And whereas the Borough of Derby, in the County of Derby, is an Urban Sanitary District, containing, according to the last published Census, a population of twenty-five thousand and upwards, and the Mayor, Aldermen,

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and Burgesses, acting by the Council, are the Urban Sanitary Authority for such District;

And whereas an official representation has been made to the said Urban Sanitary Authority, in accordance with the provisions of the said Act, with respect to a certain area within the said Urban Sanitary District, comprising both sides of Walker Lane, both sides of Goodwin Street, the block bounded by Willow Row, part of St. Helen's Street, Goodwin Street, and the lower part of Walker Lane, the west or Brook side of Jury Street, and the triangle at the corner of Willow Row and Ford Street, on the following grounds, viz.:

(*a.*) The general unhealthiness of the inhabitants:

(*b.*) The high death-rate as compared with the death-rate of the rest of the Borough:

(*c.*) The narrowness and want of air and space in the courts and alleys, making ventilation of them practically impossible:

(*d.*) The want of space at back of premises, rendering the proper application of water supply and closet accommodation impossible:

(*e.*) The construction of the interior of the houses, which is such that low and narrow entrances, small, winding, narrow, and in many instances dangerous staircases, and want of sufficient ventilation through the absence of back windows and doors, prevail to such an extent that no means otherwise than demolition can remedy the defects;

And whereas the said Urban Sanitary Authority, being satisfied of the truth of such representation, and of the sufficiency of their resources, resolved that the area described in the said representation is an unhealthy area, and that an Improvement Scheme ought to be made in respect of such area; and after passing such resolution, made an Improvement Scheme, accompanied by maps, particulars, and estimates, which Scheme was as follows:

"BOROUGH OF DERBY.

"SCHEME made by the Mayor, Aldermen, and Burgesses of the Borough of DERBY, " acting by the Council, as the Local Authority under the 'Artizans and " 'Labourers Dwellings Improvement Act, 1875,' 38 and 39 Vict., c. 36., for the " Improvement of an Unhealthy Area within the said Borough.

"This scheme may be cited as 'The Derby Improvement Scheme, 1878.'

"In this scheme 'the Borough' means the Borough of Derby; 'the Local Autho-
" 'rity' means the Mayor, Aldermen, and Burgesses of the Borough, acting by the
" Council as the Sanitary Authority; the 'Clerk' and 'Surveyor' mean respectively
" the Clerk and Surveyor to the said Sanitary Authority; and the 'Map' means the
" Map which accompanies this scheme.

"The unhealthy area included in this scheme is the area delineated and indicated
" upon the plan.

"A duplicate of the map is deposited at the office of the Surveyor; and copies of the
" map, or any other part or parts thereof certified by the Surveyor, shall be received in
" all Courts of Justice, or elsewhere, as evidence of the contents thereof respectively.

"The scheme includes the whole of the area in respect of which the official
" representation has been made, the same being coloured pink and blue on the
" accompanying plan, such district or area comprising both sides of Walker Lane,
" both sides of Goodwin Street, the block bounded by Willow Row, part of St. Helen's

" Street, Goodwin Street, and the lower part of Walker Lane, the west side of Jury " Street, and the triangle at the corner of Willow Row and Ford Street.

" In order to render the scheme efficient for sanitary purposes, and for widening " the existing approach to the unhealthy area, it is proposed to include therein the " land and buildings on the west side of Bold Lane, the same being coloured yellow " on the said plan.

" The total area to which the scheme relates, exclusive of such parts thereof as " are now used as public streets or roads, is thirty-six thousand three hundred and " thirty-nine superficial yards.

" The proposed new streets and the widening of existing streets will absorb five " thousand seven hundred and ninety-two superficial yards.

" The following streets will be made through the area comprised within the " scheme :—

" 1. A street from Willow Row to Goodwin Street in a north-easterly direction " (between the points marked A and B on the said plan); such street to be " forty feet in width, having a roadway of not less than twenty-five feet in " width, and footways on either side not less than seven feet six inches in width.

" 2. A street from Willow Row to Goodwin Street in a north-easterly direction " (between the points marked C and D on the said plan); such street to be " forty feet in width, having a roadway not less than twenty-five feet in " width, and footways on either side not less than seven feet six inches in width.

" 3. The following streets will be widened to at least forty feet, and improved both " as to their roadways and footways; namely, Bold Lane, Jury Street, Willow " Row, Walker Lane, Goodwin Street, part of St. Helen's Street, and part of " Queen Street.

" 4. To close Wright Street, and extinguish all rights, whether public or private, " over the said street.

" It is proposed to acquire compulsorily all the lands, houses, and buildings within " the area, and to pull down and clear away the whole of the houses and buildings " thereon.

" The number of houses in the area in respect of which this scheme is proposed " is five hundred and fifty-five, and the population two thousand five hundred and " three.

" Provision for the accommodation of those persons in suitable dwellings situated " within the limits of the same area, or in the vicinity thereof, will be made by " retaining sufficient land within the area, or by acquiring land in the vicinity, and " securing the erection of suitable dwellings thereon, or in some other manner, for the " accommodation of at least as many persons of the working classes as will, from time " to time, be displaced by the carrying out of this scheme.

" It is proposed in the first instance to set aside the blocks marked E, F, G, and H " on the said plan, and containing ten thousand four hundred and twenty-eight yards " superficial, and to sell or lease the same for the erection thereon of dwellings, in flats " or otherwise, for the accommodation of the working classes displaced, additional areas " being from time to time reserved, as found requisite, during the carrying out of the " scheme.

" For the purpose of providing proper sanitary arrangements, it is intended to " re-sell or lease all lands which shall be acquired under the provisions of the scheme, " subject to the following stipulations; namely,—

" That all dwelling-houses to be erected in accordance with this scheme shall be " well and substantially built, and shall be so situated and constructed as to

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" secure efficient ventilation, and shall be furnished with a proper water supply, " and with proper drainage and other sanitary appliances and apparatus, to the " satisfaction of the Local Authority; and the Local Authority shall enforce the " execution and maintenance of all other proper sanitary arrangements within " the area and site shown upon the maps.

" All the streets within the area shall be efficiently drained, paved, and lighted.

" The Local Authority shall, as soon as practicable after the passing of the Act " authorising the scheme, proceed to carry the same into execution, but they may, from " time to time, purchase and deal with parts of the lands within the unhealthy area " without being required to purchase and deal with the whole of the lands within " that area.

" Notwithstanding anything contained in this scheme the Local Authority may, " where they think it expedient so to do, without themselves acquiring the lands " which they are authorised to take, or after or subject to their acquiring any part " thereof, contract with the person entitled to the first estate of freehold in any land " comprised in this scheme for the carrying out of the scheme in respect of such land " by such persons.

" The expenses of the execution of this scheme (so far as they are not defrayed out " of the receipts of the Local Authority, pursuant to the Artizans and Labourers " Dwellings Act, 1875), and the costs, charges, and expenses preliminary to, and of, " and incidental to the preparation of this scheme, and the application for the order " confirming the same, and obtaining the confirmation by Parliament of such order, " shall be paid by the Local Authority out of all or any of the local rates as defined " by the said Act (Section twenty-one), or out of moneys borrowed in pursuance of " the said Act."

And whereas the estimate of the cost of carrying the said scheme into effect was as follows, viz.:—

" BOROUGH OF DERBY.

" Estimate of Cost of a Scheme made by the Mayor, Aldermen, and Burgesses of " the Borough of Derby, acting by the Council as the Local Authority, under the " 'Artizans and Labourers Dwellings Improvement Act, 1875,' for the Improve- " ment of an Unhealthy Area within the said Borough.

	£	s.	d.
" Total cost of acquiring the lands and buildings for the purposes " of this scheme, clearing the site, constructing new streets, " and widening existing streets - - - -	86,540	0	0
" Estimated value of surplus lands available for re-sale - -	48,766	0	0
" Net cost of improvement scheme - - - -	37,774	0	0

" This deficiency will be considerably reduced by the increased rateable value of " new properties to be built on the area.

" Clement Dunscombe,
Borough Engineer."

" Nov. 1878.

And whereas the said Urban Sanitary Authority, having complied with the provisions contained in Section 6 of the above-recited Act with respect to the publication of an advertisement and the service of notices, presented a petition

to the Local Government Board, who are in that Act referred to as the "Confirming Authority," praying that an Order might be made confirming such scheme, which petition was accompanied by a copy of the said scheme, and a statement of the owners or reputed owners and lessees or reputed lessees who had dissented in respect of the taking of their lands, and was supported by such evidence as the Local Government Board required;

And whereas on consideration of the petition, and on proof of the publication of the proper advertisement, and the service of the proper notices, the Local Government Board thought fit to proceed with the case, and directed local inquiry to be held, in accordance with the provisions of Section 6 of the sid Act;

And whereas upon local inquiry being directed, an Inspector was sent by the Local Government Board to the area to which such inquiry related, for the purpose of making an inquiry into the correctness of the official representation made to the said Urban Sanitary Authority as to such area being an unhealthy area, and into the sufficiency of the scheme provided for its improvement, and into any local objections to such scheme;

And whereas, before commencing such inquiry, the Inspector made public, by advertisement, his intention to make such inquiry, and stated the time and place at which he would be prepared to hear all persons desirous of being heard upon the subject thereof, in accordance with the provisions of Section 17 of the above-recited Act;

And whereas report has been made of the result of such inquiry, and has been received by the Local Government Board;

And whereas the Local Government Board find that the area, which comprises the lands and premises coloured on the maps Nos. 1, 2, 3, and 4 accompanying the said scheme, (duplicates of which maps have been deposited at the office of the surveyor to the said Urban Sanitary Authority, in the Borough of Derby in the vicinity of such area,) except the lands and premises numbered 1 to 32, both inclusive, on map No. 2, Nos. 331 to 381, both inclusive, on map No. 3, and 496 to 510, both inclusive, on map No. 4, is an unhealthy area within the meaning of the said Act; and that the lands and premises numbered 494 and 495 on the said map No. 4 are necessary to be included in the said scheme for making it efficient for sanitary purposes, and for widening the existing approaches to the unhealthy area, or opening out the same for the purposes of ventilation or health:

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, do, subject to the provisions of the said Act and as herein-after provided, hereby confirm the Improvement Scheme made by the said Urban Sanitary Authority for the Borough of Derby as aforesaid, except so far as such scheme would enable the said Urban Sanitary Authority to purchase and deal with parts of the lands within the unhealthy area without being required to purchase and deal with the whole of the lands within that area, and We do hereby declare the area to which the said scheme relates to be as follows; viz.:

The area which comprises the lands and premises coloured on the maps Nos. 1, 2, 3, and 4, accompanying the said scheme, and on the duplicates

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thereof, except the lands and premises numbered 1 to 32, both inclusive, on map No. 2, Nos. 331 to 381, both inclusive, on map No. 3, and 496 to 510, both inclusive, on map No. 4, respectively.

And We do hereby authorise such scheme to be carried into execution as soon as this Order shall have been confirmed by Parliament, subject to the following conditions and modifications; viz.:

Art. I. The area to which the scheme relates as declared by this Order, except the lands and premises numbered 494 and 495 on map No. 4, shall be taken to represent the whole of the unhealthy area, and the lands and premises numbered 494 and 495 on map No. 4 shall be included in the said scheme for the purpose of making it efficient for sanitary purposes, and for widening the existing approaches to the unhealthy area, or for opening out the same for the purposes of ventilation or health.

Art. II. The whole of the area to which the scheme relates, as declared by this Order, may be purchased compulsorily.

Art. III. When so much of that part of the area to which the scheme relates, as declared by this Order, marked Block No. 1, and coloured red on the plan of the said area herein-after mentioned, as will be sufficient to provide accommodation for one-sixth of the persons of the working class who will be displaced by the scheme in the part of the said area marked Block No. 1, shall have been cleared of buildings, no further clearance of buildings in such part shall be made until suitable dwellings for the accommodation of the same number of persons of the working class has been provided in such part, and the same provision shall apply as regards the remainder of such part, and also to the parts of the area to which the scheme relates as declared by this Order, marked Block No. 2 and Block No. 3 respectively, and respectively coloured blue and green on the plan herein-after mentioned.

The plan referred to in this Article bears date the Seventh day of May, One thousand eight hundred and seventy-nine, and is sealed with the seal of the Local Government Board, and deposited in their office, and a copy thereof has been deposited in the office of the said Urban Sanitary Authority.

Given under the Seal of Office of the Local Government Board, this Seventh day of May, in the year One thousand eight hundred and seventy-nine.

G. Sclater-Booth, President.

(L.S.)

John Lambert, Secretary.

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