

Stafford Corporation Act 1964

CHAPTER xii

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SCHEDULE—Obligations of the Corporation in relation to the yellow lands.

ELIZABETH II

1964 CHAPTER xii

An Act to amend the Stafford Corporation Act, 1880; to make further provision with regard to certain allotment gardens formed for the use of the freemen of the borough of Stafford; and for other purposes.

[10th June 1964]

WHEREAS—

(1) The borough of Stafford (hereinafter referred to as " the borough ") is a borough under the local government and management of the mayor, aldermen and burgesses of the borough (hereinafter referred to as " the Corporation "):

(2) In pursuance of the Stafford Corporation Act, 1880 (hereinafter referred to as " the Act of 1880 "), certain land in the borough forming portion of the Coton Field Estate previously owned by the Corporation was vested in a body of trustees incorporated by the Act of 1880 by the name of the Trustees of the Stafford Freemen's Allotments (hereinafter referred to as " the trustees ") to be held and dealt with by them in accordance with the provisions of the Act of 1880:

(3) The trustees were required by the Act of 1880 to divide the said portion of the Coton Field Estate into allotments, as nearly

as might be of equal value, and each containing not less than 700 and not more than 1,000 square yards, suitable for cultivation as gardens (in the Act of 1880 and hereinafter referred to as " allotment gardens ") and to let the allotment gardens to freemen of the borough and to freemen's widows:

(4) The said portion of the Coton Field Estate was duly divided into allotment gardens in accordance with the provisions of the Act of 1880:

(5) Section 35 of the Act of 1880 provides that if and whenever the number of freemen and freemen's widows resident in the borough is less than the number of allotment gardens, the allotment gardens in excess of the number of freemen and freemen's widows so resident shall revert to the Corporation and in pursuance of that section an unspecified part of the allotment gardens has reverted to the Corporation and it is expedient to make further provision with reference thereto and to repeal the said section:

(6) The area of the allotment gardens is much greater than is now required for the provision of allotment gardens for the freemen and freemen's widows resident in the borough and the demand for other allotment gardens in the borough is more than satisfied by those provided by the Corporation under the Allotment Acts, 1908 to 1950. In consequence much of the allotment gardens is neglected and derelict and it would be of public and local advantage to use part thereof for other purposes, freed from all restrictions, rights and trusts which subsist in or over or attach thereto by virtue of the Act of 1880 or otherwise, and that further provision should be made to improve the remainder thereof as by this Act provided:

(7) In 1933 the Corporation and the trustees proposed to enter into a deed of exchange whereby it was intended that the Corporation would convey to the trustees a piece of land adjoining the allotment gardens in exchange for a part of the allotment gardens leading from Corporation Street to Prospect Road on which the Corporation intended to construct a highway and to provide an unclimbable iron fence along the northern and southern boundaries thereof:

(8) The proposed deed of exchange was never executed but the highway was duly constructed as an extension of Prospect Road and the trustees were permitted to use the said piece of land adjoining the allotment gardens so proposed to be exchanged therefor which land is still in the possession of the trustees and has been let by them for grazing purposes:

(9) Owing to the outbreak of hostilities in 1939 it proved impracticable to provide the intended iron fence and such fence has never been provided:

(10) It is expedient to remove doubts which have arisen as to the title of the Corporation to the said piece of land adjoining the allotment gardens which the trustees were permitted to use as aforesaid:

(11) It is expedient to confer and impose further powers or duties on the Corporation with respect to the allotment gardens and with reference to the matters hereinbefore recited:

(12) It is expedient to alter the term of service of apprenticeship for qualification as a freeman of the borough:

(13) It is expedient that the other provisions contained in this Act should be enacted:

(14) A plan showing the land to be compulsorily acquired or used or otherwise dealt with in accordance with the provisions of this Act and a book of reference containing the names of the owners and lessees, or reputed owners and lessees and of the occupiers of such lands and describing the same were in the month of November, 1963, deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of Stafford:

(15) The purposes of this Act cannot be effected without the authority of Parliament:

(16) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed:

May it therefore please Your Majesty that it may be enacted, and 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 Stafford Corporation Act 1964.

Interpretation.

2.—(1) In this Act unless the subject or context otherwise requires—

"the Act of 1880" means the Stafford Corporation Act, 1880;

"the allotment gardens" means the green lands, the pink lands and the yellow lands;

"the borough" means the borough of Stafford;

"the Corporation" means the mayor, aldermen and burgesses of the borough;

"the deposited plan" means the plan referred to in the preamble to this Act;

"enactment" includes an enactment in this Act or in any general or local Act;

" the green lands " means the lands shown coloured green on the deposited plan;

" the pink lands " means the lands shown coloured pink on the deposited plan;

" the yellow lands " means the lands shown coloured yellow on the deposited plan;

and words and expressions to which meanings are assigned by the Act of 1880 have the same respective meanings.

(2) A document purporting to be certified by the town clerk of the borough to be a copy of the deposited plan or of any part thereof shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this Act.

Vesting of allotment gardens.

3.—(1) On the passing of this Act the part of the allotment gardens comprising the green lands and the pink lands shall, by virtue of this Act, vest in the Corporation without any deed, conveyance or other assurance and without payment or other consideration for an estate in fee simple free from incumbrances and from all restrictions, rights and trusts which immediately before the passing of this Act subsisted in or over or attached to the allotment gardens by virtue of the Act of 1880 but subject to the provisions of section 6 (Temporary user of green and pink lands and power of entry) of this Act.

(2) On the passing of this Act any part of the allotment gardens comprised in the yellow lands which before the passing of this Act shall have reverted to the Corporation under the provisions of section 35 (Provision in case of insufficient number of persons qualified to hold allotments) of the Act of 1880 shall (all mines and rights of working and getting minerals excepted and being hereby reserved to the Corporation other than coal as defined in the Coal Act, 1938) by virtue of this Act vest in the trustees without any deed, conveyance or other assurance and without payment or other consideration for an estate in fee simple free from incumbrances.

(3) The Corporation shall convey to the county council of the administrative county of Stafford for educational purposes in connection with the school in the borough known as the John Wheeldon County Primary School the part of the pink lands shown hatched red on the deposited plan for such price or consideration as may be agreed between the Corporation and the said county council or, as failing agreement, shall be determined by the Lands Tribunal under and in accordance with the Land Compensation Act, 1961.

Vesting of certain other land.

4. For the removal of doubt it is hereby declared that the land delineated on the deposited plan and thereon numbered 4 is vested in the Corporation for an estate in fee simple free from incumbrances.

Use of certain lands.

5.—(1) Notwithstanding anything contained in the Act of 1880—

(*a*) the green lands shall be used for public parks, pleasure grounds and recreation grounds;

(*b*) the part of the pink lands shown hatched red on the deposited plan shall be used for educational purposes;

(*c*) the part of the pink lands on the deposited plan on which the Corporation have constructed part of a highway known as Prospect Road shall be a highway maintainable at the public expense;

(*d*) the remainder of the pink lands shall be used for housing purposes.

(2) The powers of the Corporation with regard to public parks, pleasure grounds and recreation grounds under any enactment may be exercised as fully and freely with regard to the green lands as with regard to the other public parks, pleasure grounds and recreation grounds of the Corporation.

(3) The powers of the Corporation under the Housing Act, 1957, may be exercised as fully and freely with regard to the part of the pink lands referred to in paragraph (*d*) of subsection (1) of this section as if that part were land acquired by the Corporation for the purposes of Part V of the said Act of 1957.

(4) Subject to the provisions of this Act the yellow lands shall be held and dealt with by the trustees in accordance with the provisions in that behalf of the Act of 1880 and such provisions shall be read and have effect as if references therein to the allotment gardens were references to the yellow lands.

Temporary user of green and pink lands and power of entry.

6.—(1) The Corporation shall permit the holder of any allotment garden to which this section applies to remain in occupation of that allotment garden until the 29th September, 1964, or such later date as that on which all allotment gardens on the yellow lands which are vacant at the passing of this Act have been put into a condition of good cultivation in accordance with paragraph 3 of the schedule to this Act.

(2) On the 29th September, 1964, or such later date as aforesaid the Corporation shall be entitled to enter upon any allotment garden to which this section applies:

Provided that the holder of such allotment garden shall be entitled to obtain from the Corporation compensation as provided by section 2 of the Allotments Act, 1922, as if the allotment garden was an allotment garden to which that section applied

and as if the tenancy thereof had been terminated by the Corporation as landlord and had been so terminated by re-entry under paragraph (*b*) of subsection (1) of section 1 of the said Act of 1922.

(3) Not less than one month after the passing of this Act the Corporation shall serve on the holder of any allotment garden to which this section applies a notice stating the effect of subsections (1) and (2) of this section.

(4) This section applies to any allotment garden situate either on the green lands or on the pink lands or partly on the green lands and partly on the pink lands.

Provision of substituted allotment gardens for dispossessed holders.

7. The trustees shall provide out of any part of the yellow lands not let to any freeman or freeman's widow a substituted allotment garden to the holder of any allotment garden to which section 6 (Temporary user of green and pink lands and power of entry) of this Act applies who wishes to be provided with a substituted allotment garden and such allotment garden shall be let to him subject to the provisions of the Act of 1880:

Provided that if the yellow lands are not sufficient for that purpose the Corporation shall provide for that holder on lands belonging to them an allotment in accordance with the provisions of Part II of the Small Holdings and Allotments Act, 1908, and shall let such allotment to that holder in substitution for the allotment garden previously let to him by the trustees.

Amendment of section 29 of Act of 1880.

8. Section 29 (Rent of allotments and payment of rates) of the Act of 1880 shall be read and have effect as if for the words "not being less than one shilling and not more than five shillings" there were substituted the words "not being less than five shillings and not more than twenty shillings".

Repeal of section 35 of Act of 1880.

9. Section 35 (Provision in case of insufficient number of persons qualified to hold allotments) of the Act of 1880 is hereby repealed.

Corporation's obligations relating to yellow lands.

10.—(1) Notwithstanding anything contained in the Act of 1880 the Corporation shall fulfil to the reasonable satisfaction of the trustees the obligations set out in the schedule to this Act in relation to the yellow lands subject to such modifications (if any) as may from time to time be agreed between the Corporation and the trustees.

(2) The trustees may convey to the Corporation any part of the yellow lands used or intended to be used for the provision of public sanitary conveniences in accordance with the provisions of paragraph 1 of the schedule to this Act.

(3) Any dispute or difference arising between the Corporation and the trustees in connection with the obligations specified in the schedule to this Act shall be referred to and determined by the arbitration of a single arbitrator who shall be agreed upon between the Corporation and the trustees, or, failing such agreement, shall be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other party.

Freeman's term of service.

11. From and after the passing of this Act the term of service of apprenticeship for qualification as a freeman of the borough shall (notwithstanding any custom or procedure hitherto observed) be five years or such other shorter term (not being less than three years) as the council of the borough may from time to time by resolution determine.

Power to borrow.

12.—(1) The Corporation may borrow without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum requisite:—

(1) Purpose for which money may be borrowed	(2) Maximum period for repayment of loan calculated from the date or dates of borrowing
(*a*) The payment of any sum payable as compensation in pursuance of section 6 (Temporary user of green and pink lands and power of entry) of this Act	Ten years.
(*b*) The payment of any sum payable in pursuance of the obligations of the Corporation set out in the schedule to this Act	Ten years.
(*c*) The costs, charges and expenses of this Act	Five years.

(2) Every sum borrowed under subsection (1) of this section shall be repaid within such period as the Corporation, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the second column of the said table.

(3) Subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part.

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to

pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Application of provisions of Public Health Act, 1936.

13. Sections 271, 288 and 328 of the Public Health Act, 1936, shall have effect as if references therein to that Act included references to this Act.

Saving for town and country planning.

14. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

15. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Corporation.

SCHEDULE

Section 10.

OBLIGATIONS OF THE CORPORATION IN RELATION TO THE YELLOW LANDS

1. Within one year from the passing of this Act the Corporation shall provide—

(*a*) adequate fencing of the yellow lands;

(*b*) public sanitary conveniences on or in the vicinity of the yellow lands which shall be available for use by the holders of allotment gardens on the yellow lands;

(*c*) three entrances to the yellow lands one from Cambridge Street and two from Prospect Road;

(*d*) garden sheds 6 feet long by 5 feet wide for each of the 146 allotment gardens on the yellow lands on application being made by the trustees in respect of individual allotments;

(*e*) a general utility shed 20 feet long by 15 feet wide:

Provided that the Corporation shall not be required to provide a shed for any allotment garden or a general utility shed on more than one occasion.

2. The Corporation shall maintain the fencing provided under sub-paragraph (*a*) of paragraph 1 of this schedule.

3. The Corporation shall put into a condition of good cultivation any allotment gardens on the yellow lands which are vacant at the passing of this Act.

4. The Corporation shall redeem the tithe redemption annuity of £23 19s. 3d. in respect of the allotment gardens and shall indemnify the trustees against any liability in respect thereof arising after the passing of this Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
Stafford Corporation Act, 1880	43 & 44 Vict. c. lxxiii.
Small Holdings and Allotments Act, 1908 ...	8 Edw. 7 c. 36.
Allotments Act, 1922	12 & 13 Geo. 5 c. 51.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Coal Act, 1938	1 & 2 Geo. 6 c. 52.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Housing Act, 1957	5 & 6 Eliz. 2 c. 56.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.
Town and Country Planning Act, 1962 ...	10 & 11 Eliz. 2 c. 38.

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