



CHAPTER clviii.

An Act to enable His Majesty's Postmaster-General to acquire lands in London Southgate Blackpool Leeds and Newcastle-upon-Tyne for the Public Service and for other purposes. A.D. 1904.
[15th August 1904.]

WHEREAS further accommodation for the purposes of the public service is required by the Postmaster-General in the metropolitan boroughs of Holborn Greenwich and Lewisham the urban district of Southgate and the boroughs of Blackpool Leeds and Newcastle-upon-Tyne and it is expedient that he be empowered to acquire certain lands and buildings in such boroughs and district respectively for the purposes aforesaid and to erect buildings on any lands so acquired :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas plans showing the respective lands to be acquired by the Postmaster-General for the purposes of the public service under the authority of this Act with books of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands which may be taken compulsorily under this Act have been deposited with the clerks of the peace for the several counties in which such lands are situated respectively which plans and books of reference are in this Act respectively referred to as "the deposited plans" and "the deposited books of reference" :

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:—

A.D. 1904.

Incorporation of
8 & 9 Vict.
c. 18
23 & 24 Vict.
c. 106 and
32 & 33 Vict.
c. 18 &c.

1. The Lands Clauses Acts are subject to the provisions of this Act incorporated with this Act with the following exceptions and modifications viz. :—

- (a) The provisions relating to the sale of superfluous land and access to the special Act and section one hundred and thirty-three of the Lands Clauses Consolidation Act 1845 (relating to land tax and poor rate) shall not be incorporated with this Act :
- (b) In the construction of this Act and the Lands Clauses Acts this Act shall be deemed to be the special Act and the Postmaster-General shall be deemed to be the promoter of the undertaking :
- (c) The bond required by section eighty-five of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Postmaster-General and shall be sufficient without the addition of the sureties in the said sections mentioned :
- (d) All claims for compensation made upon the Postmaster-General under this Act or any Act incorporated herewith shall if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made be determined in manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act 1845.

Power to
acquire
lands.

2.—(1) Subject to the provisions of this Act it shall be lawful for the Postmaster-General to purchase and acquire for the purposes of this Act all or any of the lands shown on the deposited plans and described in the deposited books of reference.

(2) Any lands acquired by the Postmaster-General for the purposes of the public service under the authority of this Act shall be vested in and be held by him in his corporate capacity on behalf of His Majesty His heirs and successors for the service of the Post Office.

(3) Notwithstanding anything contained in this Act or shown on the deposited plans His Majesty's Postmaster-General shall not enter upon take or use any lands or property belonging to or vested in the Commissioners for executing the office of Lord High Admiral without their consent in writing.

A.D. 1904.

Correction of errors &c.

3. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or intended to be shown on the deposited plans or described in the deposited books of reference the Postmaster-General may apply to two justices for the correction thereof after giving ten days notice to the owners lessees or occupiers of the lands affected by the proposed correction and if it appears to the justices that such omission mis-statement or erroneous description arose from mistake they shall so certify stating the particulars thereof and their certificate shall be deposited as if the same had originally formed part of the deposited plans or deposited books of reference (as the case may be) and shall be kept therewith and shall be deemed to be part thereof and thereupon the deposited plans or deposited books of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Postmaster-General may enter on purchase take hold and use the lands to which the certificate relates accordingly.

4. It shall be lawful for the Postmaster-General and for his surveyors officers and workmen at all reasonable times in the daytime to enter into and upon any of the lands shown on the deposited plans and described in the deposited books of reference for the purpose of surveying or valuing such lands on giving for the first time twenty-four hours and afterwards from time to time twelve hours previous notice in writing to the owners or occupiers thereof.

Power to Postmaster-General to enter lands for purpose of surveying.

5.—(1) It shall be lawful for the Postmaster-General to pull down and remove all or any buildings erected on any lands which are shown on the deposited plans and which are purchased by him and on the lands so purchased to construct buildings and works for the service of the Post Office and to make such approaches and do all such other things as in his opinion are necessary or expedient for the execution of any of the purposes of this Act.

Power to erect buildings and form roads.

(2) The Postmaster-General (with the consent of the Treasury) may enter into contracts and agreements with any local authority within the boroughs and places to which this Act relates with reference to the formation diversion or alteration of streets and highways and with reference to a sale lease or exchange of land for the purposes aforesaid and may make money payments in respect thereof.

6.—(1) The Postmaster-General may divert alter and stop up any street roadway or passage within the limits of any of the

Extinction of rights of laying pipes

A.D. 1904.
and other
easements.

lands shown on the deposited plans so soon as such lands are acquired by him.

(2) All rights of way rights of laying down or continuing pipes sewers or drains on through over or under any of the lands shown on the deposited plans and all other public or private rights or easements in over or relating to such lands or any part thereof shall as from the date of the acquisition by the Postmaster-General of such lands respectively be extinguished and all the soil of those ways and the property in such pipes sewers or drains shall be vested in the Postmaster-General in such capacity and for such purpose as aforesaid.

(3) Where any cellar or vault forming part of any of the lands shown on the deposited plans extends under any public thoroughfare the acquisition by the Postmaster-General under this Act of such vault or cellar shall not be deemed to authorise the Postmaster-General to stop up or except as may be agreed with the local authority to divert or alter such public thoroughfare.

(4) Any person may recover from the Postmaster-General such compensation (if any) as he may be entitled to under the provisions of the Lands Clauses Acts for any private rights or private property of which he may be deprived in pursuance of this section the amount of such compensation to be determined in manner provided by the Lands Clauses Acts or the Postmaster-General may at his discretion grant rights and easements in lieu of any rights or easements extinguished under this Act and in substitution for money payments or other considerations and if any person is dissatisfied with the exercise of such power he may proceed in the manner prescribed by the Lands Clauses Acts in relation to the injurious affecting of lands.

Saving for
local author-
ities.

7. Nothing in this Act shall affect any rights or jurisdiction of the London County Council or the council of any metropolitan or other borough or any urban district in relation to any sewers drains or watercourses.

Time for
compulsory
purchase.

8. The limit of time for the compulsory purchase of lands under this Act shall be three years.

Owner of
certain pro-
perty may be
required to
sell part only
of lands and
buildings.

9. Whereas the land situate partly in the parish and metropolitan borough of Lewisham and partly in the parish of Charlton and metropolitan borough of Greenwich and numbered 1 and 2 on the deposited plan of the lands required for the Blackheath new Branch Post Office and Sorting Office is a portion only of certain lands and houses or other buildings and such portion only is or

may be sufficient for the purposes of the Postmaster-General and the Postmaster-General alleges 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 notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and all other persons interested in the houses or other buildings or manufactories whereof part only is required for the purposes of this Act may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such property without material detriment thereto be required to sell and convey to the Postmaster-General the portion only of the premises so required without the Postmaster-General being obliged or compellable to purchase the whole or any greater portion thereof the Postmaster-General paying for the portion required by him and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

10.—(1) Any land tax assessed on the first day of January one thousand nine hundred and four on any part of any of the lands shown on the deposited plans and described in the deposited books of reference shall as from the date of the purchase or acquisition by the Postmaster-General of the lands on which it is assessed be deemed to have been redeemed at the price and in accordance with the conditions provided by the Finance Act 1896 and the Land Tax Acts therein defined and from and after such date no sum shall be assessed or charged in respect of land tax on any part of such lands.

Land tax.

59 & 60 Vict.
c. 28.

(2) The Commissioners of Inland Revenue shall grant a certificate of exoneration from assessment to land tax of any lands purchased or acquired by the Postmaster-General under this Act and that certificate shall be registered by the officer appointed for the registry of contracts for the redemption of land tax.

11.—(1) No purchase shall be made by the Postmaster-General under the authority of this Act without the sanction of the Treasury.

Sanction of
Treasury
required to
purchase
under this
Act.

(2) Any such sanction may be given either generally or in respect of any particular purchase contract or agreement and a vendor to or purchaser from or person contracting with the Postmaster-General shall not be bound or entitled to inquire whether such sanction has been given.

A.D. 1904.

As to purchase of land from Christ's Hospital.

12. Whereas the mayor and commonalty and citizens of the city of London governors of the possessions revenues and goods of the Hospitals of Edward late King of England the Sixth of Christ Bridewell and St. Thomas the Apostle (herein-after called "Christ's Hospital") have agreed with the Postmaster-General for the sale to the Postmaster-General of a portion of the site formerly occupied by the buildings of Christ's Hospital in the city of London in consideration of the payment in perpetuity by the Postmaster-General to Christ's Hospital of an annual sum of money to be secured by a rentcharge issuing out of the lands sold and it has also been agreed between Christ's Hospital and the Postmaster-General that Christ's Hospital shall not sell the said yearly sum of money or any part thereof without first giving the Postmaster-General the option of redeeming the same on certain terms which have been agreed to by the parties :

And whereas a question has been raised on behalf of Christ's Hospital whether any of the remedies conferred by section forty-four of the Conveyancing Act 1881 are applicable to land in the possession of the Crown and whether such remedies and also the right of purchase or redemption by the Postmaster-General of the said yearly sum can be lawfully conferred by agreement between the parties :

Now it is hereby enacted as follows :—

- (1) The remedies conferred by subsections (2) and (3) of section forty-four of the Conveyancing Act 1881 upon a person entitled to receive out of any land an annual sum by way of rentcharge for recovering and compelling payment of such annual sum shall enure to the benefit of and be enjoyed by Christ's Hospital in relation to recovering and compelling payment of the said annual sum of money forming the consideration for the sale aforesaid and such remedies shall hold good against the Postmaster-General and the said lands conveyed to him and the goods and chattels of the Crown in his possession notwithstanding that the Postmaster-General is an officer of the Crown and holds the said lands and the said goods and chattels as trustee for the Crown and for the service of the Crown :
- (2) Any undertaking or agreement of Christ's Hospital not to sell the said annual sum of money forming the consideration for the said sale or any part thereof

without first giving the Postmaster-General his successors or assigns the option of purchasing or redeeming the same on such terms as have been or may be agreed on between Christ's Hospital and the Postmaster-General shall be valid and binding on Christ's Hospital their successors and assigns in perpetuity any rule of law to the contrary notwithstanding.

A.D. 1904.
—

13. This Act may be cited as the **Post Office (Sites) Act 1904.** Short title.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.