



CHAPTER liii.

An Act to empower the mayor aldermen and burgesses of the borough of Walthamstow to acquire lands in the borough to extinguish certain reputed lammas rights in or over such lands and for other purposes. A.D. 1934.
[12th July 1934.]

WHEREAS the borough of Walthamstow (hereinafter referred to as "the borough") in the county of Essex is a borough under the government of the mayor aldermen and burgesses of the borough acting by the council (hereinafter referred to as "the Corporation") :

And whereas there are within the borough certain lands which are reputed to be subject to lammas rights but it is not known by whom and to what extent such rights are now exerciseable :

And whereas owing to the development of the borough and the change in the character of the neighbourhood and other circumstances such lammas rights as may exist have ceased to be exercised in respect of the said lands :

And whereas it would be of public advantage that the Corporation should be empowered to acquire the said lands as and for a public park or recreation ground and that the future exercise of the said lammas rights should be extinguished as hereinafter provided :

And whereas it is expedient that the provisions contained in this Act relating to the consideration or

A.D. 1934. — compensation (if any) to be paid in respect of the extinguishment of the said lammas rights should be made :

And whereas it is expedient that further powers should be conferred upon the Corporation for regulating and managing the said lands :

And whereas it is expedient that the other powers and provisions contained in this Act should be conferred and enacted :

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

And whereas a plan showing the lands which the Corporation may acquire compulsorily under the powers of this Act and a book of reference to the said plan containing the names of the owners or reputed owners and of the lessees or reputed lessees and of the occupiers of and describing the said lands have been deposited with the clerk of the county council of the administrative county of Essex which plan and book of reference are in this Act respectively referred to as the deposited plan 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 to 1903 have been observed :

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 Walthamstow Corporation Act 1934.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section. A.D. 1934.

3. In this Act unless the subject or context otherwise requires— Inter-pretation.

“the borough” means the borough of Walthamstow;

“the Corporation” means the mayor aldermen and burgesses of the borough acting by the council of the borough;

“the town clerk” means the town clerk of the borough;

“the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

“the Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending that Act;

“the specified lands” means the lands in the borough which are delineated on the deposited plan and described in the deposited book of reference;

“the general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough;

“the tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919.

4. Subject to the provisions of this Act the Corporation may enter upon take use and hold for the purposes of an open space or public walks or as a public park or pleasure ground or recreation ground the specified lands or any part or parts thereof. Power to Corporation to acquire specified lands.

5.—(1) Notwithstanding anything contained in this Act or shown on the deposited plan the Corporation may in respect of the property in the borough numbered 9 on the said plan purchase or acquire for themselves their Power to acquire easements in certain property.

A.D. 1934:

officers servants and agents and all or any persons lawfully resorting to any lands adjoining the said property such easements or rights of way in or over the said property as are not already exerciseable and as may be required for the purpose of passing and repassing thereover with or without horses carts or other vehicles without the Corporation being required to purchase or acquire the said property or any estate or interest therein other than such easements or rights as aforesaid or the whole or any part of any undertaking of which the same may form part.

(2) For the purposes of this section any such easement or right shall be deemed to be lands within the meaning of that expression in the Lands Clauses Acts.

Correction
of errors in
deposited
plan and
book of
reference.

6. If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan 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 having jurisdiction in the borough for the correction thereof and if it appears to the justices that the omission or misstatement 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 misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the Essex County Council and a duplicate thereof shall be deposited with the town clerk and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands in accordance with the certificate.

Power to
enter upon
property
for survey
and
valuation.

7. The Corporation and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice to the occupiers thereof enter upon the lands by this Act authorised to be taken and used as aforesaid or any of

them for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

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8. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of November one thousand nine hundred and thirty-three if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently acquired interest.

9. The powers of the Corporation for the compulsory purchase of lands under the powers of this Act shall cease on the first day of October one thousand nine hundred and thirty-seven.

Limit of time for compulsory purchase of lands.

10. For the protection of Benjamin Cloke or other the owner or owners for the time being of such of the specified lands as at the date of the passing of this Act belong to him (all of whom are in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the Corporation and the owner have effect (that is to say):—

For protection of Benjamin Cloke.

(1) If the Corporation do not serve upon the owner notice to treat in respect of the said lands of the owner before the expiration of six months from the passing of this Act the powers of this Act for the compulsory purchase of those lands shall thereupon cease and determine:

(2) If the Corporation serve upon the owner notice to treat under this Act they shall include in such notice the whole of the said lands and such notice shall not be withdrawn.

11. For the protection of the London and North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless

For protection of London and North

A.D. 1934. otherwise agreed in writing between the Corporation and the company have effect (that is to say) :—

Eastern
Railway
Company.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plan the Corporation shall not acquire the property numbered 10 on that plan or so much of the property numbered 2 on that plan as is vested in the company or any easement or right in the said property numbered 10 or the said part of the property numbered 2 :
- (2) The company shall at all times after the Corporation shall have acquired the lands shown on the deposited plan (other than the property and part of a property referred to in subsection (1) of this section) or any part of those lands have uninterrupted access for their officers servants and agents with or without horses carts or other vehicles over such part of the lands so acquired as shall be necessary for the purpose of repairing maintaining enlarging altering or improving their viaduct over the river Lea and the towing path and lands adjacent thereto or the wall which protects and retains the bank of the said river and towing path :
- (3) The acquisition by the Corporation of any such easements or rights as are referred to in the section of this Act of which the marginal note is "Power to acquire easements in certain property" in respect of the property numbered 9 on the deposited plan shall not prejudice or affect any rights of the company of entering upon or using the said property for any such purpose as is referred to in subsection (2) of this section.

For
protection
of Metro-
politan
Water
Board.

12. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Corporation and the board have effect (that is to say) :—

Notwithstanding anything contained in this Act or shown on the deposited plan the Corporation shall not enter upon take or use the whole or

any part of so much of the property numbered 1 on the said plan as is shown by a red colour on the plan signed on behalf of the Corporation by Francis George Garner and on behalf of the board by Henry Francis Cronin. A.D. 1934.

13. For the protection of the Lee Conservancy Board (hereinafter referred to as "the conservancy board") the following provisions shall unless otherwise agreed in writing between the Corporation and the conservancy board apply and have effect (that is to say) :—

For
protection
of Lee
Conserv-
ancy Board.

(1) (a) If at any time within six months after the acquisition by the Corporation of the specified lands or of so much thereof as comprises the strip of land hereinafter mentioned (of which acquisition the Corporation shall as early as practicable give notice in writing to the conservancy board) the conservancy board by notice in writing to the Corporation so require the Corporation shall sell to the conservancy board and the conservancy board shall purchase free from all lammas rights or other common or commonable rights a strip of land adjoining the eastern bank of the river Lee twenty feet in width extending from the north-westerly point of the specified lands near to the Copper Mill Bridge to the boundary between the borough and the borough of Leyton or so much of such strip as the Corporation shall have acquired together with any part of the bed of the said river acquired by the Corporation opposite the said strip or the said part thereof (as the case may be);

(b) The line of the said eastern bank from which the said width of twenty feet shall be measured shall be such as may be agreed between the conservancy board and the Corporation or as failing such agreement shall be determined by an arbitrator to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 or any

A.D. 1934.
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Act amending the same shall apply to any such determination :

- (2) The consideration to be paid by the conservancy board to the Corporation for such sale shall be such sum as may be agreed between the conservancy board and the Corporation or as in default of agreement shall be determined in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :
- (3) The conservancy board shall not except with the consent in writing of the Corporation erect any wall fence hedge or other structure between the said strip of land and the remainder of the specified lands so long as such remainder shall be held by the Corporation and used by them for the purposes mentioned in the section of this Act of which the marginal note is "Power to Corporation to acquire specified lands."

For
protection
of Lee
Conserv-
ancy
Catchment
Board.

14. For the protection of the Lee Conservancy Catchment Board (hereinafter referred to as "the catchment board") the following provisions shall unless otherwise agreed in writing between the Corporation and the catchment board apply and have effect (that is to say) :—

- (1) If at any time within six months after the acquisition by the Corporation of the specified lands or of so much thereof as comprises the strip of land hereinafter mentioned (of which acquisition the Corporation shall as early as practicable give notice in writing to the catchment board) the catchment board by notice in writing to the Corporation so require the Corporation shall sell and the catchment board shall purchase free from all lammas rights or other common or commonable rights a strip of land ten feet in width abutting on and measured from the top edge of the bank of so much of the Blackmarsh sewer as adjoins the specified lands or so much of such strip as the Corporation shall have acquired :
- (2) The consideration to be paid by the catchment board for such sale shall be such sum as may be

agreed between the catchment board and the Corporation or as in default of agreement shall be determined in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :

A.D. 1934.

- (3) (a) Any fence which the catchment board may at any time after the acquisition by them of the said strip of land erect between the said strip and the remainder of the specified lands shall be of such height character and design as shall be reasonably approved by the Corporation and shall at all times after such erection be maintained by the catchment board to the reasonable satisfaction of the Corporation ;

(b) Any difference between the catchment board and the Corporation under this subsection shall be referred to and determined by an arbitrator to be agreed upon between them or in default of agreement to be appointed upon the application of either of them after notice in writing to the other of them by the President of the Chartered Surveyors' Institution and subject as aforesaid the provisions of the Arbitration Act 1889 or any Act amending the same shall apply to any such reference and determination.

15. Except as expressly provided by the sections of this Act of which the marginal notes are respectively "For protection of Lee Conservancy Board" and "For protection of Lee Conservancy Catchment Board" nothing contained in this Act shall prejudice or affect the powers rights and interests of the Lee Conservancy Board or the Lee Conservancy Catchment Board.

Saving for Lee Conservancy Board and Lee Conservancy Catchment Board.

16.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

Extinction of private rights of way.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in

A.D. 1934. — manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Extinction
of lammas
rights &c.

17.—(1) As from the date of the acquisition by the Corporation of the specified lands or any part thereof all lammas rights or other common or commonable rights (if any) over the specified lands or such part thereof (which rights are in this section referred to as "the said rights") shall by virtue of this Act be extinguished.

(2) The Corporation shall within three months after the date of the passing of this Act convene in manner prescribed by section 102 of the Lands Clauses Consolidation Act 1845 a meeting of the persons entitled to exercise the said rights.

(3) If at such meeting the persons entitled to exercise the said rights so decide or if no person so entitled shall attend such meeting then and in either such case the consideration for the extinction of the said rights shall be the appropriation (subject to the provisions of this Act) of the specified lands for the purposes of a public open space or public park pleasure ground or recreation ground and notwithstanding anything contained in any other Act or otherwise to the contrary no compensation shall be paid by the Corporation in respect of the extinction of the said rights.

(4) If at such meeting the persons entitled to exercise the said rights shall decide otherwise than as mentioned in subsection (3) of this section they may appoint a committee in accordance with section 103 of the Lands Clauses Consolidation Act 1845 and the provisions of sections 104 to 107 of the said Act shall apply with reference to the compensation to be paid by the Corporation for the extinction of the said rights Provided that for the purposes of the said provisions the meeting convened pursuant to subsection (2) of this section shall be deemed to have been convened in pursuance of section 102 of the Lands Clauses Consolidation Act 1845 and it shall not be necessary for the Corporation to convene a second or subsequent meeting of the persons entitled to the said rights.

18.—(1) Subject to the provisions hereinafter contained the specified lands shall as from the date of the acquisition thereof by the Corporation be deemed to be public walks or public parks or pleasure grounds provided by the Corporation within the meaning of the Public Health Acts and the Corporation may exercise with respect to the specified lands the powers exercisable by urban authorities under the Public Health Acts with reference to public walks public parks or pleasure grounds.

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Powers of
Corporation
with respect
to specified
lands.

(2) The Corporation may by resolution appropriate or dedicate any part or parts of the specified lands for the purpose of the construction of new streets or highways or the widening or improvement of existing streets or highways.

(3) The Corporation if they consider such an arrangement is desirable in consequence of changes in the character of the specified lands may enclose the whole or any part thereof in order to promote the use thereof for public resort and recreation.

(4) The Corporation subject to such conditions as the Corporation may think fit may exchange any part of the specified lands for other lands within or in the neighbourhood of the borough or sell any parts of the specified lands which are not in the opinion of the Corporation of substantial use for public resort and recreation and any conveyance from the Corporation expressed to be made in pursuance of this section shall operate as a valid conveyance of the land conveyed and any lands received by the Corporation by way of exchange shall be subject in all respects to the provisions of this Act as if they were part of the specified lands.

(5) The Corporation may from time to time let any rights of grazing in any part of the specified lands subject to such regulations as they may think necessary to prevent the exercise of such rights in any way interfering with the use of the specified lands for the purposes for which they are authorised to be acquired by the Corporation under this Act.

(6) No part of the specified lands shall be exchanged sold or alienated or used by the Corporation for any other purposes than public walks parks or pleasure

A.D. 1934. — grounds without the sanction of the Minister of Agriculture and Fisheries.

As to powers of making byelaws.

19. The powers of the Corporation of making byelaws under section 164 of the Public Health Act 1875 shall extend to enable the Corporation to make byelaws for preventing persons from turning out or permitting horses asses cattle sheep or other animals to graze or feed upon the specified lands and for removing therefrom any horses asses cattle sheep or other animals so turned out or permitted to graze or feed.

Power to borrow.

20.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of that table and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(1) For the acquisition of the specified lands and the extinction of lammas rights.	£ 10,000	Sixty years from the date or respective dates of borrowing.
(2) For paying the costs charges and expenses of obtaining this Act as hereinafter defined.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX (Borrowing) of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend and apply to the borrowing of money under this section and to money so borrowed as if it were borrowed under the said Part IX and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purposes of the said Part IX.

Byelaws.

21. As respects byelaws made under this Act the confirming authority for the purposes of section 250

of the Local Government Act 1933 shall be the Minister of Health. A.D. 1934.

22. All powers rights and remedies given to the Corporation by this Act shall be deemed to be in addition to and not in substitution for or in derogation of any other powers rights and remedies conferred on them or on any committee appointed by them by Act of Parliament law or custom and the Corporation or such committee as the case may be may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not been passed.

Powers of
Act cumu-
lative.

23. The Minister of Health may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Inquiries by
Minister of
Health.

24. All costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the general rate or out of moneys to be borrowed for that purpose under this Act.

Costs of
Act.

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