

[26 GEO. 5. & Ministry of Health [Ch. xci.]  
1 EDW. 8.] Provisional Order Confirmation  
(Essex) Act, 1936.



## CHAPTER xci.

An Act to confirm a Provisional Order of the A.D. 1936.  
Minister of Health relating to the county of —  
Essex. [31st July 1936.]

**W**HEREAS under the provisions of the Local 23 & 24  
Government Act 1933 the Minister of Health has Geo. 5. c. 51.  
made a provisional order which needs confirmation by  
Parliament :

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 :—

1. The order of the Minister of Health which is Order in  
set out in the schedule to this Act is hereby confirmed schedule  
and shall have full validity and force. confirmed.

2. This Act may be cited as the Ministry of Health Short title.  
Provisional Order Confirmation (Essex) Act 1936.

A.D. 1936.

SCHEDULE.

*County of  
Essex Order.*

COUNTY OF ESSEX.

*Provisional order to enable the county council of Essex to put in force the compulsory clauses of the Lands Clauses Acts.*

23 & 24  
Geo. 5. c. 12.

WHEREAS the council of the administrative county of Essex (in this order referred to as "the council") require to purchase and take the lands described in the schedule to this order for the purpose of providing a remand home under the Children and Young Persons Act 1933 and in pursuance of section 160 of the Local Government Act 1933 have requested the Minister of Health to make a provisional order empowering them to purchase the said lands compulsorily :

Now therefore the Minister of Health in pursuance of the powers given to him by section 160 of the Local Government Act 1933 and of all other powers enabling him in that behalf hereby orders as follows :—

Short title  
commence-  
ment and  
interpreta-  
tion.

1.—(1) This order may be cited as the County of Essex Order 1936 and shall come into operation on the date of the Act of Parliament confirming it.

(2) In the schedule to this order "the deposited plan" means the plan which was deposited for the purposes of this order in the office of the Minister of Health on the nineteenth day of December nineteen hundred and thirty-five of which duplicates were on the same day deposited in the office of the Clerk of the Parliaments House of Lords and in the Committee and Private Bill Office of the House of Commons.

Compulsory  
powers of  
purchase.

2. For the purpose recited in this order the council may put in force with reference to the lands described in the schedule to this order (subject to the continuance of existing public rights of highway if any) all or any of the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise

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9 & 10 Geo. 5.  
c. 57.  
8 & 9 Vict.  
c. 18.  
8 & 9 Vict.  
c. 20.

than by agreement as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 other than section 92 and sections 127 to 132 (inclusive) of the Lands Clauses Consolidation Act 1845 together with the powers of sections 77 to 85 (inclusive) of the Railways Clauses Consolidation Act 1845 :

Provided that—

- (a) section 85 of the Lands Clauses Consolidation Act 1845 shall have effect as if the words “with two sufficient sureties to be approved of by two justices in case the parties differ” were omitted therefrom; and
- (b) in lieu of section 92 of the Lands Clauses Consolidation Act 1845 the following provisions shall have effect :—

No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the tribunal by whom compensation is to be assessed determine that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the local authority that part of the house building manufactory park or garden.

[Ch. xci.]

*Ministry of Health*  
*Provisional Order Confirmation*  
*(Essex) Act, 1936.*

[26 GEO. 5. &  
1 EDW. 8.]

A.D. 1936.

*County of*  
*Essex Order.*

**SCHEDULE.**

Parish and Urban District of **HORNCHURCH** in the County of  
**ESSEX.**

Quantity description and situation of the land.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers or reputed occu- piers (other than tenants for a month or less period than a month).
3 roods 8 perches Piece of land situate on the west side of Gubbings Lane in the parish of Horn- church being part of Parcel 69 on the Essex Ordnance Sheet LXXIX-8 together with the messuage known as "Longmoor" which piece of land is shown coloured pink on the deposited plan.	James & George Matthews Ltd. Harold Wood Essex.	None.	James & George Matthews Ltd. Harold Wood Essex.

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