

[1 & 2 GEO. 6.] *Ministry of Health* [Ch. xiv.]
Provisional Order Confirmation
(Scarborough) Act, 1938.



CHAPTER xiv.

An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Scarborough. A.D. 1938.
[17th May 1938.]

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

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 as amended is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Scarborough) Act 1938. Short title.

A.D. 1938.

SCHEDULE.

BOROUGH OF SCARBOROUGH.

Provisional order to enable the council of the borough of Scarborough to purchase certain lands compulsorily.

WHEREAS the mayor aldermen and burgesses of the borough of Scarborough acting by the council (in this order referred to as "the corporation") require to purchase the lands described in the schedule to this order for the purposes of making a new street and of widening opening enlarging or otherwise improving certain streets in the said borough 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 Scarborough Order 1938 and shall come into operation on the date of the Act of Parliament confirming it.

(2) In the schedule to this order "the plans" means the duplicate set of six plans marked "Plans referred to in the Scarborough Order 1938" and sealed with the seal of the Minister of Health which plans are also respectively marked "Plan No. 1" "Plan No. 2" "Plan No. 3" "Plan No. 4" "Plan No. 5" and "Plan No. 6" One set of the plans is deposited in the office of the Minister of Health and the other set shall be deposited in the offices of the corporation within fourteen days from the date of this order.

Powers of
compulsory
purchase.

2. Subject to the provisions of and for the purposes recited in this order the corporation may purchase compulsorily the lands described in the schedule to this order.

Incorporation of Acts.

3.—(1) Subject to the modifications set out in the next succeeding subsection the provisions of—

8 & 9 Vict.
c. 18.

(a) the Lands Clauses Acts (except section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845);
and

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(b) sections 77 to 85 of the Railways Clauses Consolidation Act 1845; A.D. 1938.

are hereby incorporated in this order and the provisions of those Acts shall apply accordingly.

8 & 9 Vict.
c. 20.

(2) (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."

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SCHEDULE.

PARISH AND BOROUGH OF SCARBOROUGH.

Note.--All field numbers quoted in this schedule refer to the Ordnance Survey (1/2500th scale) 1928 edition.

Number on the plans.	Quantity description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).
1	Part of field No. 184 adjoining north end of Edgehill Road approx. area .24 acres.	Joseph Snowden . . .	—	Joseph Snowden.
2	Part of field No. 215 north-west of field 184 approx. area 2.50 acres.	Joseph Snowden . . .	—	Joseph Snowden.
3	Part of field No. 217 approx. area 2.76 acres.	Thomas Kirby Foster . . .	—	Harry Sherwood.
4	Part of field No. 229 approx. area .37 acres south of field No. 231.	Walter Harland . . .	Ernest Gibson Bennisson.	Ernest Gibson Bennisson.
5	Field No. 233 approx. area 6.04 acres.	Frederick Davis . . .	—	—

6	Part of field No. 231 approx. area .14 acres south-east of Springhill Lane.	Walter Harland	Ernest Gibson Bennison.	Ernest Gibson Bennison.
7	Part of field No. 232 approx. area 2.94 acres south-east of Springhill Lane.	Walter Harland	Ernest Gibson Bennison.	Ernest Gibson Bennison.
8	Field No. 276 being at junction of Springhill Lane and Lightfoot's Lane approx. area 6.47 acres.	John Henry Flinton	—	John Henry Flinton.
9	Field No. 216 approx. area 1.83 acres south of the southern end of Lightfoot's Lane.	Frederick Davis	—	—
10	Allotments south of clay pit being part of field No. 212A approx. area 1.43 acres.	The Scarborough United Brickworks Limited.	—	George Buckettt Douglas William Mouser John Bourne George Scotter Robert Foster Fred Baker William Berry John William Cole Henry Howes The Scarborough United Brickworks Limited.
11	Warehouse being 26-28 St. Thomas Street approx. area 80 sq. yds.	George Rowntree Harold Rowntree Charles John Taylor.	—	George Rowntree Harold Rowntree Charles John Taylor.

A.D. 1938.

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SCHEDULE—continued.

Number on the plans.	Quantity description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).
12	Dwelling shop cellar and pavement lights being 30-30A St. Thomas Street approx. area 164 sq. yds.	J. Sinfield Limited	—	J. Sinfield Limited.
13	Private road at rear of Henrietta Court and between site of 32 St. Thomas Street and 30A St. Thomas Street approx. area 299 sq. yds.	Joseph William Hardcastle - Scarborough Theatres Limited.	—	Joseph William Hardcastle Scarborough Theatres Limited J. Sinfield Limited George Dale-Smith The mayor aldermen and burgesses of the borough of Scarborough Frances Annie Locking.
14	Storerooms workshop shop yard and passage being at rear of 34 and 36 St. Thomas Street approx. area 133 sq. yds.	George Dale-Smith	—	George Dale-Smith.
15	Dwelling and shop being 38 St. Thomas Street approx. area 102 sq. yds.	Rebecca Alice Riby	—	Rebecca Alice Riby.

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16	Dwelling bakehouse shops and cellars being 70A-71 Newborough approx. area 408 sq. yds.	Alice Ann Coopland	Johnson Bros. Limited.	Alice Ann Coopland Johnson Bros. Ltd.
17	Dwellings shop café and cellars being 71A-72 Newborough approx. area 208 sq. yds.	Maypole Dairy Co. Ltd.	Grace Todd Hope	Maypole Dairy Co. Ltd. Grace Todd Hope Charles Brierley Hughes.
18	Passage between 72 and 73 Newborough and at rear of 1 3 5 and 7 St. Thomas Street approx. area 37 sq. yds.	J. M. Crosby Ltd. Maypole Dairy Co. Ltd. Walter Brearley Executors of Thomas Wharram Marshall— Barclays Bank Ltd. (Trustee Department) Elizabeth Rachel Marshall.	—	J. M. Crosby Ltd. Maypole Dairy Co. Ltd. Walter Brearley Henry Marshall Wood Charles Henry Moxlow Executors of Thomas Wharram Marshall— Barclays Bank Ltd. (Trustee Department) Elizabeth Rachel Marshall Grace Todd Hope Charles Brierley Hughes. J. M. Crosby Ltd. Mark Day Hick Arthur William Hands Charles Henry Moxlow. Henry Marshall Wood.
19	Dwellings shops offices and cellars being 73 Newborough and 1-3 St. Thomas Street approx. area 91 sq. yds.	J. M. Crosby Ltd.	Charles Henry Moxlow.	J. M. Crosby Ltd. Mark Day Hick Arthur William Hands Charles Henry Moxlow. Henry Marshall Wood.
20	Dwelling shop and cellar being 5 St. Thomas Street approx. area 41 sq. yds.	Executors of Thomas Wharram Marshall— Barclays Bank Ltd. (Trustee Department) Elizabeth Rachel Marshall. Walter Brearley	Henry Marshall Wood.	Executors of Thomas Wharram Marshall— Barclays Bank Ltd. (Trustee Department) Elizabeth Rachel Marshall Walter Brearley
21	Dwelling shop bakehouse cellars and pavement lights being 7-9 St. Thomas Street approx. area 162 sq. yds.	Walter Brearley	—	Walter Brearley.

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SCHEDULE—continued.

Number on the plans.	Quantity description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).
22	Shop storerooms cellars and cellar hatch being 11-13 St. Thomas Street approx. area 206 sq. yds.	Edward Allan Swift	—	Edward Allan Swift.
23	Lean-to store being behind 15 St. Thomas Street approx. area 6 sq. yds.	Edward Allan Swift	—	Edward Allan Swift.
24	Private passage being between 13 and 15 St. Thomas Street approx. area 17 sq. yds.	Edward Allan Swift	—	Edward Allan Swift Walter Briggs Ivor Briggs Sarah Elizabeth Clarkson.
25	Dwelling and shop being 15 St. Thomas Street approx. area 108 sq. yds.	Sarah Elizabeth Clarkson	Walter Briggs Ivor Briggs.	Walter Briggs Ivor Briggs.
26	Sun Inn dwellings shop out-buildings yard and right of way being 21-23 St. Thomas Street approx. area 772 sq. yds.	John Smith's Tadcaster Breweries Limited.	—	John Smith's Tadcaster Breweries Ltd. William James Varley Thomas Holliday Moors' & Robson's Brewery Ltd. Harold Alexander Reussner Walker Studios Ltd. Edward John Naylor George William Burkin.

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27	Dwelling shop and yard being 25 St. Thomas Street approx. area 89 sq. yds.	Jane Ann Richardson	Lionel Francis Loveridge.	Lionel Francis Loveridge.
28	Dwelling shop yard cellar and pavement light in private road being 27 St. Thomas Street approx. area 87 sq. yds.	Maggie Rigby Thomas Prescott.	—	Maggie Rigby Jane Ann Richardson Lionel Francis Loveridge.
29	Part of a private road between 27 and 29 St. Thomas Street approx. area 33 sq. yds.	Harriet Rawling	—	Herbert William Rawling Sidney James Rawling Walter Simpson Rawling Lionel Francis Loveridge Jane Ann Richardson Maggie Rigby Thomas Bateson Knaggs William Edward Hopkins Britannic Assurance Co. Ltd.
30	Dwelling shop cellar cellar hatch and pavement light in private road being 29 St. Thomas Street approx. area 93 sq. yds.	Thomas Bateson Knaggs	—	Thomas Bateson Knaggs.
31	Offices dwelling cellar and pavement lights being 31-35 St. Thomas Street approx. area 266 sq. yds.	William Kipling Moody	—	Christopher William Moody.
32	Area behind 31-35 St. Thomas Street approx. area 25 sq. yds.	The Executors of the late William Vasey—The Midland Bank Executor & Trustee Co. Ltd.	—	—

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SCHEDULE—continued.

Number on the plans.	Quantity description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).
33	Passage adjoining and co-extensive with 9 Elder Street approx. area 31 sq. yds.	George Arthur Cundill - Robert Cundill.	—	George Arthur Cundill Robert Cundill Lucy Clarke Hilda Clarke Sam Clarke Jessie Murphy Ada Ireland Flory Ireland Hannah Jane Bannister E. H. Woodall per Barclays Bank Ltd. (St. Nicholas Street) The Scarborough Council of Social Welfare The mayor aldermen and burgesses of the borough of Scarborough.
34	Dwelling and shop being 47 St. Thomas Street approx. area 79 sq. yds.	James Edward Raine Bowman	—	James Edward Raine Bowman.

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35	Dwelling and shop being 9 Elder Street approx. area 90 sq. yds.	George Arthur Cundill Robert Cundill.	—	—
36	Dwelling and shop being 8 Elder Street approx. area 64 sq. yds.	William Clarke Cappleman	—	William Clarke Cappleman.
37	Passage adjoining and co-extensive with 8 Elder Street approx. area 21 sq. yds.	William Clarke Cappleman Eveline Wainwright Thomas Cole Marshall Fitzwilliam Cole Austin Edward Joplin.	—	Herbert Sutton William Clarke Cappleman Thomas Cole Marshall Fitzwilliam Cole Eveline Wainwright Herbert Wainwright Mary Jane Harrison Alice Webb Florence Wilks Lilian Wilks John Mintoff Edgar Marsh Chapman Executor of John William Chapman—Sarah Annie Chapman Chapman Chapman Nichol Ltd. Charles Vasey Herbert Hunter Annie Hunter George Austin Robert Beckett.

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SCHEDULE—continued.

Number on the plans.	Quantity description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).
38	Dwelling and shop being 49 St. Thomas Street approx. area 85 sq. yds.	Austin Edward Joplin	—	Herbert Sutton Scarborough Theatres Ltd.
39	Dwelling and shop being 51 St. Thomas Street approx. area 89 sq. yds.	Eveline Wainwright	—	Herbert Wainwright.
40	Dwelling shop and yard being 53 St. Thomas Street approx. area 129 sq. yds.	Thomas Cole Marshall Fitzwilliam Cole.	—	Thomas Cole Marshall Fitzwilliam Cole.
41	Pavement lights and part of cellar of No. 33 Aberdeen Walk approx. area 7 sq. yds.	Executors of A. W. Sinclair— Andrew Sinclair George Alexander Sinclair John Robert Sinclair.	—	James Hodgson Swinney.
42	Pavement lights of No. 21 Aberdeen Walk approx. area 3 sq. yds.	Scarborough and District Newspapers Limited.	Royal Insurance Co. Ltd.	Royal Insurance Co. Ltd.

	Forecourt pavement lights and shafts of Nos. 17 and 19 Aberdeen Walk approx. area 14 sq. yds.	Scarborough and District Newspapers Limited.	—	Scarborough and District Newspapers Limited.
43	Billiard hall shops offices and dwellings being 1-9 Aberdeen Walk (odd numbers only) formerly known as the Albert Hall approx. area 438 sq. yds.	John George Nettleton	Alfred Edgar Taylor Charles Percy Heselton Scarborough Towns- men's Association.	John George Nettleton Alfred Edgar Taylor Charles Percy Heselton John Leslie Bond Scarborough Towns- men's Association The Universal Advertising Co. Ltd. The Scarborough & Whitby Breweries Ltd.
44	Part of a private road ad- joining Bar Congrega- tional Church approx. area 12 sq. yds.	John George Nettleton The Scarborough & Whitby Breweries Limited.	—	John George Nettleton The Scarborough & Whitby Breweries Ltd. Bar Congregational Church Trustees— Joseph Hutchinson George William Thompson Carey William Best Reginald William Jowsey Horace Ray Guppy Elizabeth Priscilla Weeks Hetty Cole Harry Bellwood Robert Hemingway Atkinson Herbert Taylor.

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SCHEDULE—continued.

Number on the plans.	Quantity description and situation of the lands.	Owners or reputed owners.	Lessees or reputed lessees.	Occupiers (other than tenants for a month or less period than a month).
46 (part hatched in red).	Part of church approx. area 156 sq. yds.	Bar Congregational Church Trustees— Joseph Hutchinson George William Thompson son Carey William Best Reginald William Jowsey Horace Ray Guppy Elizabeth Priscilla Weeks Hetty Cole Harry Bellwood Robert Hemingway Atkinson Herbert Taylor.	Public Benefit Boot Co. Ltd.	Joseph Young Public Benefit Boot Co. Ltd. Bar Congregational Church Trustees— Joseph Hutchinson George William Thompson Carey William Best Reginald William Jowsey Horace Ray Guppy Elizabeth Priscilla Weeks Hetty Cole Harry Bellwood Robert Hemingway Atkinson Herbert Taylor The Scarborough & Whitby Breweries Ltd.
47	Part of forecourt of private hotel being 29 Esplanade approx. area 1 sq. yd.	Hannah Fletcher	—	Hannah Fletcher.

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48	Part of forecourt of Prince of Wales Hotel being adjacent to Esplanade and Prince of Wales Terrace approx. area 91 sq. yds.	John William Best	—	Hannah Harland Yorke John William Best.
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