

[56 & 57 VICT.] *Education Department Provisional* [Ch. cxcii.]  
*Order Confirmation (London) (No. 2) Act, 1893.*



**CHAPTER cxcii.**

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Acts. [24th August 1893.] A.D. 1893.

**W**HEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for London, and it is requisite that the same should be confirmed by Parliament: 33 & 34 Vict.  
c. 75.

Be it therefore 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:—

1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force. Confirmation  
of Order.

2. Nothing herein contained shall be construed to authorise the said Board to extinguish any public rights of way without such Order being obtained as, but for this Act, would have been required for that purpose. Saving of  
public rights  
of way.

3.—(1.) The Board shall not under the powers of this Act purchase or acquire in any parish in the metropolis twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, unless and until— Saving with  
respect to  
houses of  
labouring  
classes.

(a.) They shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last, or for such

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number of persons as the Secretary of State shall after inquiry deem necessary, having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons, and to all the circumstances of the case; and

(b.) They shall have given security to the satisfaction of the Secretary of State for the carrying out of the scheme.

(2.) The approval of the Secretary of State to any scheme under this section may be given either absolutely or conditionally, and after the Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced: Provided that the Secretary of State may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4.) Any provisions of any scheme under this section, and any conditions subject to which the Secretary of State may have approved of any scheme, or of any modifications of any scheme under this section, or subject to which he may have dispensed with the above-mentioned requirement, shall be enforceable by a writ of mandamus to be obtained by him out of the Queen's Bench Division of the High Court of Justice.

(5.) If the Board acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions, or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of any such house, which penalty shall be recoverable by the Secretary of State by action in the High Court of Justice, and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the Court may, if it think fit, reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Board may, subject to the approval of the Lords of the

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Committee of the Privy Council on Education, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase such further lands as they may require.

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(7.) The Board may, subject to such approval as aforesaid, on any lands belonging to them, or purchased or acquired under this section, erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section, and may sell, demise, or let, or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid.

(8.) All lands on which any buildings have been erected or provided by the Board in pursuance of any scheme under this section shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings, and every conveyance, demise, or lease of such lands and buildings shall be endorsed with notice of this enactment: Provided that the Secretary of State may at any time dispense with all or any of the requirements of this subsection, subject to such conditions (if any) as he may see fit.

(9.) All buildings erected or provided by the Board for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act, 1855, and the Metropolis Management Act, 1855, and any Acts amending those respective Acts.

18 & 19 Vict.  
c. 122.  
18 & 19 Vict.  
c. 120.

(10.) The Secretary of State may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section, and for giving effect to any of the provisions of this section, and may appoint inspectors for the purposes of any such inquiry; and every such inspector shall, for the purposes of any such inquiry, have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act, 1875.

38 & 39 Vict.  
c. 55.

(11.) The Board shall pay to the Secretary of State a sum to be fixed by him in respect of any expenses incurred by him in relation to any inquiries under this section, including the expenses of any witnesses summoned by the inspector holding the inquiry, and a reasonable sum to be fixed by the Secretary of State for the services of such inspector.

(12.) For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others

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except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

(13.) The Board and the Lords of the Committee of the Privy Council on Education and the Secretary of State are hereby respectively authorised and empowered to do all acts, matters, and things for carrying into full effect every such scheme as aforesaid, and the Board and the Lords of the Committee of the Privy Council on Education shall for that purpose have the same powers as they have under the Elementary Education Acts, 1870 to 1880, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of the Elementary Education Act, 1873, and the carrying of such scheme into effect shall be deemed to be a work for which the Board is authorised to borrow within the meaning of the Public Works Loans Act, 1875.

36 & 37 Vict.  
c. 86.

38 & 39 Vict.  
c. 89.

Saving for  
provisions of  
18 & 19 Vict.  
cc. 120, 122.

4. Nothing contained in this Act, or in the order set out in the schedule to this Act, or on the plans therein mentioned, shall be deemed to exempt any of the lands referred to in the said order, or the school board in respect thereof, from any of the provisions of the Metropolis Management Act, 1855, the Metropolitan Building Act, 1855, and any Acts amending or extending the same.

Short title.

5. This Act may be cited as the Education Department Provisional Order Confirmation (London) (No. 2) Act, 1893.

SCHEDULE.

A.D. 1893.

THE SCHOOL BOARD FOR LONDON.

COUNTY OF LONDON.

*Provisional Order for putting in force the Lands Clauses Acts.*

At the Council Chamber, the 20th day of June 1893.

WHEREAS the School Board for London require to purchase a piece or parcel of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Acts which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same have been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order.

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

Signed this 20th day of June 1893.

J. W. J. STEPHENSON,  
One of the Assistant Secretaries of the  
Education Department.

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SCHEDULE to the foregoing Order.

A piece or parcel of land, in the parish of Greenwich, in the county of London, situate in Blackheath Road, abutting north-west on the Blackheath Road Board School, and containing 11,170 square feet or thereabouts, as the same is described in Plan No. 18 and 19, and distinguished by the Nos. 1 to 5, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

*Names.*

Samuel Spill	} owners.
Mrs. Jane Winkfield	
John Winkfield	
Edward James Peterson	} lessees and occupiers.
Mrs. Harriett Wedderburn	
Frederick Wedderburn	
John Cowper Scard	

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