CHAPTER xxi

An Act to empower the urban district council of Cheshunt to acquire lands to provide for the extinguishment of common rights in or over Cheshunt Marsh Thistley Marsh Turners Hill Marsh the Nightleys and Turnford Marsh and for other purposes. [27th July 1955.]

WHEREAS the urban district of Cheshunt (in this Act called "the district") is under the government of the urban district council of Cheshunt (in this Act called "the Council"):

And whereas there are situate in the district certain lands commonly known as Cheshunt Marsh Thistley Marsh Turners Hill Marsh the Nightleys and Turnford Marsh:

And whereas Cheshunt Marsh Thistley Marsh Turners Hill Marsh the Nightleys and Turnford Marsh comprising in all one hundred and ten acres or thereabouts are subject to common rights:

And whereas owing to the diversity of rights appertaining to the said lands it is expedient that the Council should be empowered to purchase the said lands:

And whereas it is expedient to make provision for the extinction of such common rights and any other rights as may exist in relation to the said lands:

And whereas it is expedient that the said lands or part thereof should be made available for the recreation of the public under the control of the Council as provided by this Act:

And whereas by an order of the Inclosure Commissioners for England and Wales dated the twenty-ninth day of March eighteen hundred and sixty it was provided that a sum of three hundred and sixty-five pounds twelve shillings and fivepence paid in pursuance of the provisions of an Act of Parliament passed in the year one thousand eight hundred and thirty-six and intituled "An Act for making a railway to form a communication between London and Cambridge with a view to its being extended hereafter to the northern and eastern counties of England" by the Northern and Eastern Railway Company to the Committee appointed under that Act as compensation for the extinction of the commonable rights over a portion of Turnford Marsh The Nightleys and the Marsh Green should be invested in the names of the trustees appointed by a meeting of the persons interested in the said compensation money and that the interest and annual produce of the said money after payment of the expenses attending the application to the said commissioners should be handed over to the marsh wardens for the time being to be by them applied in aid of the current expenses of keeping such commonable land in order in the following proportions that is to say the Cheshunt Marshes and Hoppetts one-sixth Turnford Marsh one-sixth and The Nightleys four-sixths:

And whereas it is expedient that the said sum of money or the investments for the time being representing the same should be transferred to the Council:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

And whereas a plan showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to that plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of Hertford and are hereinafter respectively referred to as the deposited plan and the deposited book of reference:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Cheshunt Urban District Council Act 1955.

Division of Act into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Lands.

Part III.—As to user of lands and extinguishment of rights.

Part IV.—Finance.

Part V.—Miscellaneous.

Incorporation of Acts.

3. 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 (namely):—

(*a*) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

" the Act of 1933 " means the Local Government Act 1933;

" the Cheshunt Marsh " means the lands in the district which are numbered 12 13 14 and 15 on the deposited plan;

" the clerk " means the clerk of the Council and includes any person duly authorised to discharge temporarily the duties of that office;

" the compensation fund " means the sum of three hundred and sixty-five pounds twelve shillings and fivepence paid in pursuance of the provisions of an Act of Parliament passed in the year 1836 and intituled " An Act for making a railway to form a communication between London and Cambridge with a view to its being

PART I —*cont.*

extended hereafter to the northern and eastern counties of England" by the Northern and Eastern Railway Company to the committee appointed under that Act as compensation for the extinction of the commonable rights over a portion of Turnford Marsh the Nightleys and the Marsh Green and includes the investments for the time being representing the same now standing in the names of Edwin John Woollard Edward George Twyman and George William Lawrence as successors of the trustees appointed in the year 1860 by a meeting of the persons interested in the said compensation money and in accordance with an order of the Inclosure Commissioners for England and Wales dated the Twenty-ninth day of March 1860;

"the Council" means the urban district council of the district;

"the district" means the urban district of Cheshunt;

"the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the district;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;

"the marshes" means Cheshunt Marsh Thistley Marsh Turners Hill Marsh the Nightleys and Turnford Marsh;

"minerals" includes turf loam peat sand gravel ballast shingle pebbles flint stone fuller's earth clay and chalk;

"the Minister" means the Minister of Housing and Local Government;

"the Nightleys" means the lands in the district which are numbered 3 and 4 on the deposited plan;

"the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

"Thistley Marsh" means the lands in the district which are numbered 7 and 8 on the deposited plan;

"Turners Hill Marsh" means the lands in the district which are numbered 5 6 9 10 and 11 on the deposited plan;

"Turnford Marsh" means the lands in the district which are numbered 1 and 2 on the deposited plan.

PART II

LANDS

Power to acquire lands.

5.—(1) Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plan and described in the deposited book of reference which they may require for the purposes of this Act.

(2) Notwithstanding anything contained in sections 164 and 165 of the Act of 1933 the Council shall not except as provided by this Act dispose of any land acquired by them under this section otherwise than with the consent of the Minister and subject to any conditions which he may impose.

(3) The Council shall not under the powers of this section enter upon take or use so much of the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered 2 and 10 in the urban district of Cheshunt as belongs to the British Transport Commission.

Period for compulsory purchase of lands.

6. The powers of the Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-five.

Correction of errors in deposited plan and book of reference.

7.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the district for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the county council of the administrative county of Hertford and a copy thereof shall be deposited with the clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

PART II —*cont.*

Power to expedite entry.

8. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Council may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Council shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

9. Any person acting on behalf of the Council and duly authorised by the clerk may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Council not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land in manner provided by section 285 of the Public Health Act 1936.

Extinction of private rights of way.

10.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the Council so resolve and give notice in writing of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Powers of leasing.

11. With respect to any land acquired under this Act the Council subject to the provisions of this Act may if they think fit—

(*a*) accept a surrender of any lease of the land granted by them or their predecessors in title and grant either to the lessee or tenant under the surrendered lease or to any other person a new lease of all or any of the land leased by the surrendered lease;

PART II —*cont.*

(*b*) grant reversionary leases of all or any of the said land;

(*c*) in any such lease give to the lessee or tenant or intended lessee or tenant on such terms and conditions as the Council think fit an option to purchase the fee simple in reversion or other the reversionary interest of the Council in all or any of the land leased or agreed to be leased.

PART III

AS TO USER OF LANDS AND EXTINGUISHMENT OF RIGHTS

Extinguishment of common rights over certain lands.

12. As from the first day of January nineteen hundred and fifty-six all common commonable or other rights on or over the marshes or any part of such lands which are shown on the deposited plan and described in the deposited book of reference shall be and are hereby respectively extinguished.

Compensation for rights extinguished.

13.—(1) The Council shall pay or make compensation in accordance with the provisions hereinafter contained for the common or other rights extinguished by this Act to the persons who—

(*a*) shall within six months after the passing of this Act deliver to the Council a claim in writing to such compensation; and

(*b*) shall be entitled to the fee simple of the hereditaments to which such rights are appurtenant or appendant or shall be entitled to the fee simple of any rights of common in gross.

(2) If the Council shall dispute the right of any person to compensation under subsection (1) of this section such dispute shall be settled by the Lands Tribunal.

(3) The compensation to be paid by the Council under subsection (1) of this section shall—

(*a*) in the case of all rights of common in gross be determined by the Lands Tribunal under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919;

(*b*) in the case of all rights other than rights of common in gross be settled in manner provided by the Lands Clauses Acts:

Provided that the Council may by resolution passed within one month after the expiration of the period within which claims for compensation are to be delivered to them under subsection (1) of this section determine that all questions of compensation arising under this section other than questions of compensation relating to rights of common in gross shall be settled in accordance with subsection (4) of this section.

PART III —*cont.*

(4) If the Council pass the resolution referred to in subsection (3) of this section the following provisions shall have effect with respect to compensation for rights extinguished by this Act other than rights of common in gross (namely):—

(*a*) The Council shall within six weeks after the expiration of the period within which claims for compensation are to be delivered to them under subsection (1) of this section convene a meeting of the persons who have rights to such compensation and have delivered such claims in the same manner as if the rights extinguished by this Act were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act of 1845;

(*b*) Such meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act 1845 and in the event of such committee and the Council being unable to agree upon a sum of money or other compensation to represent the value of the rights extinguished by this Act other than rights of common in gross the question shall be determined and compensation shall be paid in manner provided by sections 99 and 101 to 107 inclusive of the Lands Clauses Consolidation Act 1845 for the determination and payment of compensation for the commonable and other rights referred to in those sections.

Office of marsh warden to be abolished.

14. Upon the final determination of the compensation (if any) payable in respect of any common rights extinguished by this Act or the date of such extinguishment (whichever shall be the later) the office of marsh warden shall lapse and no further appointment to such office shall be made by the Cheshunt court-leet.

Use of lands as pleasure grounds.

15.—(1) The marshes (except any part or parts thereof closed to the public under the authority of this Act) shall be deemed to be public parks or pleasure grounds or lands acquired by the Council for the purpose of cricket football tennis bowls golf race meetings camping horse riding and athletic sports or other games and recreations or partly the one or partly the other as the Council may from time to time determine and the Council may exercise in regard thereto respectively the powers conferred upon them by the Public Health Acts (other than the power of making byelaws conferred by section 164 of the Public Health Act 1875) in respect of public parks and pleasure grounds:

Provided that the Council may at any time (in addition to any powers conferred upon them by this Act) with the consent of the Minister (after holding a public inquiry if he thinks fit) and subject to such conditions (if any) as he may impose appropriate

PART III —*cont.*

any part or parts of the said lands for purposes other than the purposes hereinbefore referred to.

(2) The provisions of subsections (2) to (5) of section 290 of the Act of 1933 shall apply to an inquiry held by the Minister under this section.

Power to lease or otherwise deal with parts of marshes.

16. The Council shall have the following powers in relation to the marshes:—

(1) The Council may let any part of the marshes not exceeding thirty-two acres for a period not exceeding six weeks in any year for the purposes of circuses and other public entertainments:

(2) The Council may set apart or let for such periods not exceeding three months in any year as they may think fit any part of the marshes not exceeding seventy acres for the purpose of holding fairs agricultural horticultural and other shows and for such periods not exceeding one year as they may think fit for camping grounds athletic sports cricket football lawn tennis and other games and other like purposes and may make agreements as to the control and maintenance of the parts so set apart subject as hereinafter mentioned:

(3) The Council may lay out golf courses upon the marshes and may pay such sum as they think proper to any person or persons who may lay out a golf course thereon and the Council may make such charges as they think fit for the playing of golf upon such course or courses and may let any such course or courses for such periods not exceeding three years as the Council may think fit:

Provided that if the Council lay out such a course or make a payment in respect of the laying out of any course the public shall be entitled (subject to such regulations as may be made by the Council) to use the course laid out or in respect of which the Council shall have made such payment on payment of such reasonable charges as the Council may prescribe:

(4) The Council may let the rights of winning working getting carrying away and disposing of minerals in on or under any part of the marshes or may grant licences therefor to any person on such terms and conditions as the Council think fit:

(5) The Council may subject to the provisions of this Act close to the public any part of the marshes let or in respect of which a licence has been granted under this section during the period of the letting or licence:

Provided that with respect to any parts of the marshes set apart or let for the purpose of playing games only

PART III —*cont.*

such fences shall be erected as shall be reasonably necessary for the protection of such parts for the purposes for which they are so set apart or let:

(6) The Council or their lessees tenants or licensees may make charges for admission to any part of the marshes closed to the public under this Act:

(7) The Council may let the marshes for the grazing of cattle horses or sheep and they may fence off or otherwise enclose the whole or any part or parts so let so as to prevent the straying of cattle but not so as to prevent the access thereto of the public and they may make such charge as they think fit for each head of cattle horses or sheep so grazed:

(8) The Council shall ensure that at all times there shall be not less than thirty acres in the aggregate of the marshes in respect of which the powers conferred by paragraphs (1) to (5) of this section are not being exercised.

Power to make byelaws.

17.—(1) Subject to the provisions of this Act the Council may make byelaws for any of the following purposes relating to such part of the marshes as may be for the time being available to the public for the purposes referred to in section 15 (Use of lands as pleasure grounds) of this Act (that is to say):—

(*a*) for preventing fires and nuisances and for preserving order;

(*b*) for preventing bird catching bird trapping and taking birds eggs or nests and for preventing or regulating the killing taking injuring shooting chasing or disturbance of animals or birds and for preventing or regulating the setting of traps nets snares or other engines for any of those purposes;

(*c*) for preventing persons other than persons entitled so to do under the provisions of this Act from turning out or permitting horses cattle sheep or other animals to graze or feed upon the marshes and for removing therefrom any horses cattle sheep or other animals so turned out or permitted to graze or feed and to regulate the grazing of horses cattle sheep and other animals upon the marshes;

(*d*) for preventing or regulating the firing or discharge of firearms or the throwing or discharge of missiles;

(*e*) for preventing the digging or taking of turf loam stone sand gravel or other substances;

(*f*) for preventing the injuring cutting or felling of ferns gorse timber or other trees shrubs brushwood or other plants;

PART III —*cont.*

(*g*) for preventing injury to or the defacement or removal of seats fences barriers or other things put up by the Council and the disfigurement of seats fences barriers buildings or trees by posting or painting bills placards or notices thereon or otherwise ;

(*h*) for preventing or regulating the deposit upon any part of the marshes of any rubbish manure or other substance ;

(*i*) for regulating the playing of games and preventing the racing of horses or other animals except by the lessees tenants and licensees of the Council ;

(*j*) for regulating the use of the parts of the Marshes upon which persons may play games hold athletic sports exercise or train horses and hold meetings and shows and for prohibiting the use for the purposes aforesaid of other parts of the marshes.

(2) As respects byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Secretary of State.

PART IV

FINANCE

Power to borrow.

18.—(1) Subject to the provisions of this Act the Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow at interest 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 thereof and they shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding the respective periods mentioned in the third column of the said table (namely) :—

Purpose	Amount	Period for repayment
(*a*) The purchase of lands including the payment of compensation.	The sum requisite.	Sixty years from the date or dates of borrowing.
(*b*) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act 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 purpose of the said Part IX.

PART IV —*cont.*

Saving for powers of Treasury.

19. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Expenses in connection with lands acquired.

20. Any expenses incurred by the Council in connection with the lands acquired under the powers of this Act shall be charged to and upon the general rate fund and the general rate.

Transfer of compensation fund to Council.

21.—(1) As from the first day of January nineteen hundred and fifty-six the compensation fund shall be and the same is hereby transferred to and vested in the Council free and discharged from all trusts concerning or affecting the same.

(2) The Council shall apply out of the general rate fund a sum or sums of money not being less in total amount than the market value of the compensation fund immediately prior to the date on which it is transferred to the Council under subsection (1) of this section to all or any of the following purposes (namely) :—

(*a*) the payment of the costs charges and expenses of this Act ;

(*b*) the payment of any compensation payable by them under this Act ; and

(*c*) the development laying out or improvement of any lands acquired by them under this Act.

PART V

MISCELLANEOUS

As to production of stamped copy of Act to Commissioners of Inland Revenue.

22. The Council shall within three months after the final determination of the compensation (if any) payable in respect of any rights extinguished by this Act or the date of such extinguishment (whichever shall be the later) produce to the Commissioners of Inland Revenue a Queen's Printer's copy of this Act duly stamped with the ad valorem stamp duty payable upon an instrument (as defined by the Stamp Act 1891) effecting the release upon sale of such rights and in default of any such production as aforesaid the duty with interest thereon at the rate of five per centum per annum from the date of such final determination of the compensation or of such extinction shall be a debt due from the Council to Her Majesty.

Saving for town and country planning.

23. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

PART V —*cont.*

For protection of Eastern Electricity Board.

24. For the protection of the Eastern Electricity Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Council and the board apply and have effect:—

(1) Notwithstanding anything in this Act or shown on the deposited plans the Council shall not acquire otherwise than by agreement any apparatus:

(2) If the Council in the exercise of the powers of this Act acquire any interest in any lands in under over or across which any apparatus is placed they shall not seek to remove that apparatus or to extinguish any right of the board to maintain repair renew or inspect that apparatus in under over or across those lands until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the board:

(3) If the Council for the purpose of exercising the powers of this Act require the removal of any apparatus and give to the board written notice of such requirement or if in consequence of the exercise of the powers of this Act the board shall require to remove any apparatus the Council shall afford to the board the necessary facilities and rights for the construction of adequate alternative apparatus in on or over other land of the Council and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the Council are unable to afford facilities and rights as aforesaid the board shall on receipt of a written notice to that effect from the Council forthwith use their best endeavours to obtain the necessary facilities and rights over other land:

(4) The Council shall pay to the board the amount by which the costs charges and expenses reasonably incurred by the board in connection with any removal or alteration of any apparatus or the construction of any new apparatus that may be required in consequence of the exercise of the powers of this Act shall exceed the value of any apparatus removed in consequence of alternative apparatus being provided and shall also make compensation to the board for any damage caused to any apparatus in consequence of the exercise of the said powers:

(5) Any difference which may arise between the Council and the board under this section shall be referred to and determined by arbitration:

PART V —*cont.*

(6) In this section "apparatus" means any electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to the board and the expression "adequate alternative apparatus" means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficient than previously.

Costs of Act.

25. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

Table of Statutes referred to in this Act

Title or short title	Session and chapter
An Act for making a railway to form a communication between London and Cambridge with a view to its being extended hereafter to the northern and eastern counties of England.	6 & 7 Will. 4. c. ciii.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Stamp Act 1891	54 & 55 Vict. c. 39.
Acquisition of Land (Assessment of Compensation) Act 1919.	9 & 10 Geo. 5. c. 57.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Borrowing (Control and Guarantees) Act 1946.	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6. c. 51.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6. c. 42.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2. c. 72.

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