time being acting in the execution of those Acts, which commissioners or other body are hereinafter referred to as "such commissioners," shall, before any such bath is used for music or dancing, obtain such licence as may be required for the use of a place for that purpose under any enactment in force in the area for which such commissioners act, or, if no such enactment is in force, obtains a licence from the county council of the county in which the district of such commissioners is situate:

(*b.*) That no portion of the premises in respect of which the licence is granted be let otherwise than occasionally to any person or persons, corporate or otherwise, and that no money for admission be taken at the doors:

(*c.*) That such commissioners be responsible for any breach of the conditions on which the licence is granted, which may occur during any entertainment given on such premises by their permission.

Licence by county council. 25 Geo. 2. c. 36.

**3.** In places in which the Disorderly Houses Act, 1751, is in force, a licence under that Act for music or dancing, or for both purposes, may be granted to such commissioners at any annual licensing meeting of the council authorised to grant such a licence, or at any other meeting of such council duly convened with fourteen days previous notice.

Extent of Act.

**4.** This Act shall not apply to the administrative county of London.

## CHAPTER 30.

An Act to amend the Inclosure Acts, 1845 to 1882, and the Law relating to Commons and Open Spaces.

[9th August 1899.]

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:

### PART I.

### REGULATION OF COMMONS.

Power for district council to make scheme for regulation of common.

**1.**—(1.) The council of an urban or rural district may make a scheme for the regulation and management of any common within their district with a view to the expenditure of money on the drainage, levelling, and improvement of the common, and to the making of byelaws and regulations for the prevention of nuisances and the preservation of order on the common.

39 & 40 Vict. c. 56.

(2.) The scheme may contain any of the statutory provisions for the benefit of the neighbourhood mentioned in section seven of the Commons Act, 1876.

(3.) The scheme shall be in the prescribed form, and shall identify by reference to a plan the common to be thereby regulated, and for this purpose an ordnance survey map shall, if possible, be used.

Procedure for making scheme.

**2.**—(1.) Not less than three months before the making of a scheme under this Part of this Act the council shall give the prescribed notice of their intention to make it, and shall state thereby where copies of the draft of the scheme may be obtained, and where the plan therein referred to may be inspected. They shall also send to the Board of Agriculture as soon as possible a copy of the draft and plan.

(2.) During the three months aforesaid any person may obtain copies of the draft on payment of a sum not exceeding sixpence per copy, and may inspect the plan at the prescribed place, and may make in writing to the Board of Agriculture any objection or suggestion with respect to the scheme or plan.

(3.) After the expiration of the said three months the Board of Agriculture shall take into consideration any objections or suggestions so made, and for that purpose may, if they think fit, direct that an inquiry be held by an officer of the Board.

(4.) The Board of Agriculture may by order approve of the scheme, subject to such modifications, if any, as they may think desirable, and thereupon the scheme shall have full effect.

Provided that if, at any time before the Board have approved of the scheme, they receive a written notice of dissent either—

(*a*) from the person entitled as lord of the manor or otherwise to the soil of the common; or

(*b*) from persons representing at least one-third in value of such interests in the common as are affected by the scheme,

and such notice is not subsequently withdrawn, the Board shall not proceed further in the matter.

Management of regulated common.

**3.** The management of any common regulated by a scheme made by a district council under this Part of this Act shall be vested in the district council.

Provision for delegation of powers of district council to parish council.

**4.** A rural district council may delegate to a parish council any powers of management conferred by this Part of this Act on the district council in relation to any commons within the parish, and thereupon the Public Health Acts shall apply as if the parish council were a parochial committee.

Power for parish council to contribute to expenses.

56 & 57 Vict. c. 73.

**5.** A parish council may agree to contribute the whole or any portion of the expenses of and incidental to the preparation and execution of a scheme for the regulation and management of any common within their parish (including any compensation paid under this Act), and the provisions of section eleven of the Local Government Act, 1894, shall apply to the expenses incurred by the parish council for the purposes of such contribution.

Provision for compensation.

**6.** No estate, interest, or right of a profitable or beneficial nature in, over, or affecting any common shall, except with the consent of the person entitled thereto, be taken away or injuriously affected

by any scheme under this Part of this Act without compensation being made or provided for the same by the council making the scheme, and such compensation shall, in case of difference, be ascertained and provided in the same manner as if it were for the compulsory purchase and taking, or the injurious affecting, of lands under the Lands Clauses Acts.

Power for district council to acquire property in regulated common.

**7.** A district council may acquire the fee simple or any estate in or any rights in or over any common regulated by a scheme under this Part of this Act by gift or by purchase by agreement, and hold the same without licence in mortmain for the purposes of the scheme, and the expenses thereby incurred by the district council shall be part of their expenses of executing the scheme.

Digging of gravel. 39 & 40 Vict. c. 56.

**8.** Section twenty of the Commons Act, 1876 (which relates to the digging of gravel), shall apply to any common regulated by a scheme under this Part of this Act.

Power to amend scheme.

**9.** The power to make a scheme under this Part of this Act shall include power to amend or supplement any such scheme.

Provisions as to byelaws.

**10.** The provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six, both inclusive, of the Public Health Act, 1875, and any enactment amending or extending those sections, shall apply to all byelaws made in pursuance of a scheme under this Part of this Act, and any fine imposed by any such byelaw shall be recoverable summarily and be payable to the council in whom the management of the common is vested.

Expenses.

**11.**—(1.) All expenses incurred by the Board of Agriculture in relation to a scheme under this Part of this Act, and all expenses of and incidental to the preparation and execution of the scheme (including any compensation paid under this Act) shall be paid by the district council.

(2.) All expenses incurred by a district council under this Part of this Act shall be treated as part of the expenses of the district council in the execution of the powers conferred by the Public Health Acts.

(3.) A district council may for the purposes of this Act borrow money in like manner and subject to the like conditions as they may borrow for defraying expenses incurred in the execution of the Public Health Acts, and the said Acts shall apply accordingly.

Power for urban district council to contribute towards expenses.

**12.** The council of any urban district may, with a view to the benefit of the inhabitants of their district, and subject to the approval of the Local Government Board, enter into an undertaking with any other council making or having made a scheme under this Part of this Act to contribute any portion of the expenses incurred by that council in executing the scheme.

Application to county boroughs.

**13.** This Part of this Act shall apply to the council of a county borough in like manner as if that council were the council of an urban district.

Saving for commons regulated under other Acts.

41 & 42 Vict. c. cxxvii.

**14.** A scheme under this Part of this Act shall not apply to any common which is or might be the subject of a scheme made under the Metropolitan Commons Acts, 1866 to 1878, or is regulated by a Provisional Order under the Inclosure Acts, 1845 to 1882, or has been acquired, or managed as an open space, under the powers of the Corporation of London (Open Spaces) Act, 1878, or any Act therein referred to, or is the subject of any private or local and personal Act of Parliament having for its object the preservation of the common as an open space, or is subject to byelaws made by a parish council under section eight of the Local Government Act, 1894.

Definitions.

**15.** In this Part of this Act, unless the context otherwise requires,—

The expression "common" shall include any land subject to be inclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;

The expression "prescribed" shall mean prescribed by regulations made by the Board of Agriculture.

## PART II.

### MISCELLANEOUS.

Surplus rents from field gardens and recreation grounds.

**16.**—(1.) Surplus rents arising from field gardens may, in addition to the purposes for which they are now applicable, be applied for any of the purposes for which surplus rents arising from recreation grounds may be applied.

(2.) Surplus rents arising from any field garden or recreation ground may be applied towards the redemption of any land tax, tithe rentcharge, or other charge on the garden or ground.

Amendment of 50 & 51 Vict. c. 32. as to open spaces.

**17.**—(1.) The powers exerciseable by the district council of a rural district under section five of the Open Spaces Act, 1887, may be exercised whether the council has been invested by an order of the Local Government Board with the powers of the Open Spaces Acts, 1877 to 1890, or not.

(2.) A county council may invest a parish council with the powers of the Open Spaces Acts, 1877 to 1890, and thereupon those Acts shall apply in like manner as if the parish council were a district council, and the parish were the district thereof, except that any expenses incurred by the parish council shall be defrayed as expenses incurred under the Local Government Act, 1894, and be subject to the provisions of section eleven of that Act, and that byelaws made by a parish council need not be under common seal.

(3.) Section seven of the Open Spaces Act, 1887, shall apply to a parish council in like manner as it applies to a district council.

(4.) All the powers exerciseable by the London County Council and other local authorities under the Open Spaces Acts, 1877 to 1890, may also be exercised by the county council of any administrative county, and any expenses incurred by a county

council under the said Acts shall be defrayed as expenses incurred under the Local Government Act, 1888. 51 & 52 Vict. c. 41.

**18.** Any provisions with respect to allotments for recreation grounds, field gardens, or other public or parochial purposes contained in any Act relating to inclosure or in any award or order made in pursuance thereof, and any provisions with respect to the management of any such allotments contained in any such Act, order, or award, may, on the application of any district or parish council interested in any such allotment, be dealt with by a scheme of the Charity Commissioners in the exercise of their ordinary jurisdiction, as if those provisions had been established by the founder in the case of a charity having a founder. Power to modify provisions as to recreation grounds, &c.

**19.** Section one hundred and fifty of the Inclosure Act, 1845, shall have effect as if "two successive weeks" were therein inserted instead of "three successive weeks," and as if "one month" were therein inserted instead of "three calendar months." Amendment of 8 & 9 Vict. c. 118.

**20.** Where notice has been given of any sitting, whether original or by adjournment, to be held by an officer of the Board of Agriculture under the Metropolitan Commons Acts, 1866 to 1878, that officer may, by notice to be published in such manner as the Board direct, adjourn the sitting without attending for the purpose of the adjournment. Amendment of law as to adjournment of meetings.

**21.** Section twenty of the Metropolitan Commons Act, 1866, is hereby repealed, and the Board of Agriculture shall include in an annual report to Parliament a statement of their proceedings under Part I. of this Act and under the Metropolitan Commons Acts, 1866 to 1878, during the year ending the thirty-first day of December then last past, with such particulars as to their proceedings under the last-mentioned Acts as are required by section twenty-one of the Metropolitan Commons Act, 1866. Annual report to Parliament. 29 & 30 Vict. c. 122.

**22.**—(1.) A grant or inclosure of common purporting to be made under the general authority of any of the Acts mentioned in the First Schedule hereto or any Act incorporating the same, or any provisions thereof, shall not be valid unless it is either— Restrictions on inclosures under scheduled Acts.

(*a*) specially authorised by Act of Parliament; or

(*b*) made to or by any Government Department; or

(*c*) made with the consent of the Board of Agriculture.

(2.) The Board of Agriculture, in giving or withholding their consent under this section, shall have regard to the same considerations, and shall, if necessary, hold the same inquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Board before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not. 39 & 40 Vict. c. 56.

**23.** The enactments mentioned in the Second Schedule to this Act (being enactments which either have been made unnecessary by or are inconsistent with subsequent enactments) are hereby repealed. Repeal.

Provided that this repeal shall not affect the construction or effect of any local and personal Act of Parliament passed before the commencement of this Act, whereby any provisions of the said enactments are intended to be incorporated.

Short title.

**24.** This Act may be cited as the Commons Act, 1899, and shall read with the Inclosure Acts, 1845 to 1882.

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# SCHEDULES.

Section 22.

## FIRST SCHEDULE.

ENACTMENTS relating to INCLOSURES subject to restriction under the Act.

| Session and Chapter. | Title or Short Title. |
|---|---|
| 43 Eliz. c. 2. - - | The Poor Relief Act, 1601. |
| 17 Geo. 3. c. 53. - | The Clergy Residences Repair Act, 1776. |
| 51 Geo. 3. c. 115. - | The Gifts for Churches Act, 1811. |
| 58 Geo. 3. c. 45. - | The Church Building Act, 1818. |
| 1 & 2 Will. 4. c. 42. - | The Poor Relief Act, 1831. |
| 1 & 2 Will. 4. c. 59. - | The Crown Lands Allotments Act, 1831. |
| 5 & 6 Will. 4. c. 69. - | The Union and Parish Property Act, 1835. |
| 4 & 5 Vict. c. 38. - | The Schools Sites Act, 1841. |
| 8 & 9 Vict. c. 18. - | The Lands Clauses Consolidation Act, 1845. |
| 17 & 18 Vict. c. 112. - | The Literary and Scientific Institutions Act, 1854. |

Section 23.

## SECOND SCHEDULE.

ENACTMENTS REPEALED.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---|---|---|
| 29 Geo. 2. c. 36. - | The Inclosure Act, 1756 - | The whole Act. |
| 31 Geo. 2. c. 41. - | The Inclosure Act, 1757 - | The whole Act. |
| 41 Geo. 3. c. 109. - | The Inclosure (Consolidation) Act, 1801. | The whole Act. |
| 1 & 2 Geo. 4. c. 23. - | The Inclosure Act, 1821 - | The whole Act. |
| 4 & 5 Will. 4. c. 30. - | The Common Fields Exchange Act, 1834. | The whole Act. |
| 6 & 7 Will. 4. c. 115. | The Inclosure Act, 1836 - | The whole Act. |
| 3 & 4 Vict. c. 31. - | The Inclosure Act, 1840 - | The whole Act. |
| 8 & 9 Vict. c. 118. - | The Inclosure Act, 1845 - | Sections one hundred and twenty-one and one hundred and twenty-two. |