STATUTORY INSTRUMENTS

# 1971 No. 228

# LONDON GOVERNMENT

## The London Authorities (Parks and Open Spaces) Order 1971

*Made* - - - 11*th February* 1971

Whereas section 58(2) of the London Government Act 1963(a) required the Greater London Council to prepare and submit to the Minister of Housing and Local Government a scheme with respect to the retention or transfer of the land (being parks and open spaces) referred to in the said subsection;

And whereas article 8 of the London Authorities (Property etc.) Order 1964(b) and article 5(2) of the London Government Order 1966(c) required the inclusion of certain further lands in the said scheme;

And whereas certain schemes made under article 9 of the said order of 1964 and confirmed by the said Minister made the like requirement in respect of certain lands referred to therein;

And whereas the Greater London Council submitted the said scheme to the said Minister on 8th October 1969;

And whereas the functions of the said Minister were transferred to the Secretary of State by the Secretary of State for the Environment Order 1970(d);

And whereas, under the said section 58(2), the Secretary of State for the Environment is empowered by order, after such consultation as is there specified, to give effect to the said scheme without modification or with such modifications as he thinks fit or to make such other provision for the retention by the Greater London Council, or the transfer to one, or to two or more jointly, of the London borough councils, of any of the land comprised in the scheme as appears to him appropriate;

And whereas the said section 58(2) provides that any reference therein to a London borough council shall be construed as including a reference to the Common Council of the City of London and, in relation to any land outside Greater London, as including a reference to the council of any county or county district in whose area any of the land is situated:

Now therefore the Secretary of State for the Environment, after consultation with the Greater London Council and the other local authorities referred to in section 58(2) of the London Government Act 1963, in exercise of his powers under the said section 58(2) as extended as aforesaid, hereby makes the following order:—

(a) 1963 c. 33.
(b) S.I. 1964/1464 (1964 III, p. 3392).
(c) S.I. 1966/1305 (1966 III, p. 3627).
(d) S.I. 1970/1681 (1970 III, p. 5551).

*Title, commencement and interpretation*

**1.** This order may be cited as the London Authorities (Parks and Open Spaces) Order 1971, and shall come into operation with the London Authorities (Parks and Open Spaces) (Staff) Order 1971(**a**) and the London Authorities (Parks and Open Spaces) (Miscellaneous Property) Order 1971(**b**).

**2.**—(1) The Interpretation Act 1889(**c**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

"article 4" means article 4 of this order ;

"land" includes land covered by water and any interest or right in, to or over land ; and

"transferee authority", in respect of any land transferred by article 4, means the authority to whom that land is so transferred.

(3) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment or by this order.

*Retention of lands by Greater London Council*

**3.** The Greater London Council shall retain the lands described in Schedule 1 to this order, freed henceforth from any obligations created by or in respect of section 58(2) of the London Government Act 1963.

*Transfer of lands*

**4.** Any land described in column (1) of Schedule 2 to this order and all liabilities attaching to the Greater London Council in respect of any such land shall by virtue of this order be transferred to and vest in or attach to the authority described in relation to such land in column (2), and—

(*a*) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given (or have effect as if they had been given) by, or to, the Greater London Council in respect of such land and liabilities shall be of full force and effect in favour of, or against, the authority described as aforesaid ; and

(*b*) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1971, by, or against, the Greater London Council in respect of such land and liabilities shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the authority described as aforesaid.

**5.** Any land or liability transferred by article 4 to the authority for any area shall be held or discharged by them in respect of the area.

**6.** Unless the context otherwise requires, in the application of any enactment to land transferred by article 4, for any reference to the Greater London Council there shall be substituted a reference to the transferee authority.

(**a**) 1971/229(1971 I, p. 681). (**b**) 1971/230(1971 I, p. 685).
(**c**) 1889 c. 63.

**7.** Any byelaws in force for the regulation of any land transferred by article 4 shall have effect as if they had been made by the transferee authority.

**8.** Any legal proceedings pending on 1st April 1971 may be amended in such manner as may be necessary or proper in consequence of this order.

**9.** Where under this order or any adjustment made in consequence hereof any liability or part of a liability charged indifferently on all the revenues of a public body or on any particular revenues or fund of such body is transferred to another public body, the liability or part of the liability shall be charged indifferently on all the revenues of the public body to whom it is transferred and shall cease to be a charge on any revenues or fund of the public body from whom it is transferred.

In this article, 'public body' and 'revenues' have the same meanings as in the Local Government Act 1933(**a**).

**10.** Where by virtue of this order any matter in respect of which, if this order had not been made, sums would have become due and owing to a consolidated loans fund is transferred to an authority other than the authority by whom such fund is maintained on and after 1st April 1971, such sums shall be paid by the first-mentioned authority to the authority by whom the fund is maintained.

*Covenants affecting land*

**11.** Unless the Greater London Council and the transferee authority otherwise agree, section 62 of the Law of Property Act 1925(**b**) (which implies certain words in conveyances of land, subject to the terms of the conveyance and the provisions therein contained) shall have effect—

(*a*) in respect of any land transferred by article 4; and

(*b*) in respect of any land, being land vested in the Greater London Council, which is affected by the said transfer,

as if the land described in (*a*) and (*b*) respectively had been the subject of a conveyance on 1st April 1971.

*Arbitration*

**12.** Any dispute arising under this order or in consequence thereof shall be determined by an arbitrator appointed by agreement between the parties in dispute or, in default of agreement, by the Secretary of State for the Environment and, subject as aforesaid, the provisions of the Arbitration Act 1950(**c**) shall apply to any arbitration under this article.

SCHEDULE 1 Article 3

LANDS RETAINED BY THE GREATER LONDON COUNCIL

PARKS AND OPEN SPACES

Abbey Wood Park

Avery Hill Park and Nursery

Battersea Park

Bostall Heath together with the extension thereof comprising land south of Bostall Heath adjoining Old Park Road

Bostall Woods

(**a**) 1933 c. 51.
(**b**) 1925 c. 20.
(**c**) 1950 c. 27.

Brickfield Gardens together with the extension thereof comprising 240 Burdett Road and 58 Turner's Road

Land at the junction of Brockley Hill and Wood Lane in the London borough of Harrow

Burdett Gardens together with the extension thereof comprising 290 Roman Road Castlewood

Clinton Road Open Space in the London borough of Tower Hamlets comprising—

37, 39 and 99 Clinton Road
22 Longfellow's Road
19 Whitman Road

Cutty Sark Gardens together with the extension thereof comprising 2 to 6 (even) Wood Wharf and other land at Wood Wharf

Daubeney Road Recreation Ground in the London borough of Hackney

Dulwich Park

Eltham Common

Eltham Park North

Eltham Park South

Falconwood Field

Finsbury Park together with the Training Centre therein

Geffrye's Garden together with the extension thereof comprising 63 to 81 (odd) Geffrye Street and 34 Cremer Street

Golders Hill

Grims Dyke Golf Course (part only)

Grims Dyke Mansion and outbuildings

Hackney Marsh

Hainault Forest

Hampstead Heath

Hampstead Heath Extension

The Hill, Hampstead

Holland Park and Holland Park House

Jackwood

Kenwood

King George's Field, Eltham

King George's Fields in the London borough of Tower Hamlets together with the extension thereof comprising—

6 Burdett Road
13, 15, 29 to 33 (odd) and 41 to 49 (odd) Canal Road
1, 3 and 11 to 21 (odd) Ewing Street
2 to 4 (consecutive) 9, 14 and 15 Forester Street
548 to 552 (even) and 558 Mile End Road
5 to 11 (consecutive) and 25 to 27 (consecutive) Maidman Street
2 Rhodeswell Road
5 to 11 (odd) St Paul's Way
57, 59, 59A and 61 to 73 (odd) Solebay Street
123 Timothy Road
Paul's House (Flats 1 to 10) Timothy Road
2 to 20 (even), 1 to 7 (odd) and 11 to 13 (odd) Venour Road

King's Stairs Gardens in the London borough of Southwark together with the extension thereof comprising 43 to 63 (odd), 53A Rotherhithe Street and Yardley's Wharf

Lesnes Abbey Woods

Mabley Green

Marble Hill House and Park

Newdigate Estate, Harefield, in the London borough of Hillingdon

North Camberwell Open Space together with the extension thereof comprising—
3 to 13 (odd) Aboukir Street
27, 36 and part of 25 Addington Square
23, 27, 53 to 61 (odd), 81, 109 to 129 (odd), 195 to 199 (odd), 289 to 315 (odd), 399 and 409 Albany Road
Land at the rear of 385 to 399 (odd) Albany Road and Canal Towpath
52 to 56 (even) and 1 to 39 (odd) Caldew Street
2 to 8 (even), 20 to 38 (even) Calmington Road, and Addington Wharf, Camberwell Road
Land comprising the forecourt of 109 Camberwell Road
39 Chumleigh Street and adjoining stable
18 to 58 (even), 35 to 45 (odd) and 127 Cobourg Road
30 to 42 (even) and 43 to 49 (odd) Cowan Street
9 to 15 (odd) Dartnell Road
9 to 11 (consecutive) Glengall Terrace
59 to 65 (odd) Goldie Street
Land comprising former towpath of Grand Surrey Canal
Land on the north side of Grand Surrey Canal, and west of St George's Bridge
13 to 21 (odd) Herring Street
1 to 7 (odd), 11 to 25 (odd) and 35 Jardin Street
15 Loncroft Road
143 to 177 (odd), 178A to D and 205 to 215 (odd) Neate Street
67 to 81 (odd) New Church Road
Land adjoining 125 to 131 (odd) New Church Road
41 and 43 Odell Street
332 and 334 Old Kent Road
Land lying to the east of St George's Bridge
69, 145 and 171 to 175 (odd) St George's Way
The site of All Saints Church Hall and land adjoining at junction of St George's Way and Trafalgar Avenue
6 and 8 Sumner Road
73 Trafalgar Avenue
Land lying at the junction of Trafalgar Avenue and Canal Place
9 to 13 (odd) Villette Place
Port of London Authority factory on the south side of Willowbrook Grove adjoining the Towpath

Old Oak Common

Part of Oxhey Lane Farm, Hatch End

Oxleas Wood together with the extension thereof comprising—
162 (Flats 1 to 4), 176 and 178 Shooters Hill
Summerscourt
Warren Wood

Parliament Hill Field

The riverside open space between Westminster Bridge and the National Theatre site, known as South Bank, in the London borough of Lambeth

Stanmore Golf Course

Tower Hill Precinct extension comprising part of 93 The Minories and other land in The Minories and Vine Street together with part of the site of a private roadway, Trinity Place

Transport Farm, Stanmore

Warnham Court Nursery, Horsham, Sussex

Warren House Estate, Harrow

Wormwood Scrubs, other than an area of 10 acres or thereabouts on the southern boundary thereof

Part of Youngwood Farm, Northwood

MISCELLANEOUS LANDS

*London borough of Bexley*
Land comprising that part of the open space development at Thamesmead which is included in phases I and II of stage I of the said development

*London borough of Brent*
Approximately 0·1 acre of land fronting the former Harlesden Lane, forming part of Roundwood Park, Brent

*London borough of Camden*
Land surrounding Cranley Buildings forming part of Brookes Market

*London borough of Greenwich*
Land on the north side of Hyde Vale facing 38A to 54 Hyde Vale

*London borough of Hackney*
Land forming part of Clapton Pond Gardens
Land formerly the site of St Augustine's Church

*London borough of Hammersmith*
Land to the north of Australia Road forming part of the White City Estate
Land at the junction of Edith Road and North End Road

*London borough of Hillingdon*
Pelham Clinton Estate

*London borough of Hounslow*
Approximately one acre of land fronting Sunbury Way, forming part of Rectory Meadow, Hounslow

*London borough of Islington*
92 and 94 Pembroke Street
Land at the rear of 86 to 110 (even) Pembroke Street
119 Bemerton Street
45 to 51 (odd) St John's Way

*London borough of Lambeth*
1 Royal Street
16 to 28 (even) and 36 to 50 (even) Carlisle Lane
Land adjoining 22 Carlisle Lane
Land fronting Lambeth Palace Road

*London borough of Lewisham*
Land comprising Sectors F and G of the former Crystal Palace High Level Branch Railway
Boundary wall encroachment at 57 Westwood Park
Land bounded by London Road, Sydenham Hill and Sydenham Rise
75 Horniman Drive
3 and 4 Hill Rise
Land to the east of Hill Rise
Land to the south of 75 Horniman Drive
Land near Downderry Road, forming part of Woodland Walk

*London borough of Southwark*
Land adjoining Gray Street, forming part of Short Street Open Space
The fitted playground, Nelson Recreation Ground
The site of 1 to 15 (odd) Longville Road, Southwark
106 to 110 (consecutive) Snowsfields
Land forming units 9 to 14 (consecutive) at 32 Tyers Gate
Land adjoining the east side of unit 14 Leathermarket Gardens

*London borough of Tower Hamlets*
Land forming part of and held for extension to Commemoration Park
Land forming part of Island Gardens Extension
Prince's Square (otherwise known as Swedenborg Square)

*City of Westminster*
47 to 51 (odd), part of 39 and part of 41 Hampden Crescent
56 and 58 Torquay Street, Westbourne Green

*London boroughs of Bromley and Lewisham*
Land at the western end of Lower Marvel's Wood

## SCHEDULE 2 Article 4

### LANDS TRANSFERRED BY ARTICLE 4

| (1) *Lands transferred* | (2) *Transferee authority* |
|---|---|
| Kennington Park | The corporation of the London borough of Lambeth |
| Little Wormwood Scrubs | The corporation of the London borough of Hammersmith |
| Pepys Park and part of the former Royal Victoria Yard | The corporation of the London borough of Lewisham |
| Land for addition to Dante Road Open Space comprising—<br>134 Brook Drive<br>1A to 1F and 2 to 46 (even) Dante Road<br>1 to 19 (odd), 8 to 72 (even), 76 and 77 Holyoak Road<br>106 to 118 (even) Newington Butts | The corporation of the London borough of Southwark |
| Clapham Common | The corporation of the London borough of Lambeth |
| Tooting Common | The corporation of the London borough of Wandsworth |
| Beckenham Place Park | The corporation of the London borough of Lewisham |
| Dumsey Meadows, Staines<br>Laleham House, Staines<br>Land adjoining the towpath near Laleham House, Staines<br>River Park Estate, Staines | The county council of the administrative county of Surrey |
| Any other land within section 58(2) of the London Government Act 1963 as extended as described in the second and third recitals to this order situated in— | |
| (*a*) the City of London | The corporation of the City of London |
| (*b*) a London borough | The corporation of the London borough |
| (*c*) a county district | The corporation or the council, as may by appropriate, of the county district |

*Peter Walker,*
Secretary of State for the Environment.

11th February 1971.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order gives effect, with minor modifications, to the scheme made by the Greater London Council for the redistribution between local authorities in and near Greater London of the ownership and management of certain parks and open spaces vested in that Council.

This Order is to come into operation with the London Authorities (Parks and Open Spaces) (Staff) Order 1971 and the London Authorities (Parks and Open Spaces) (Miscellaneous Property) Order 1971 for which the operative date is 1st April 1971.