CHAPTER viii.

An Act to enlarge the Powers of the Metropolitan Board of Works with respect to the making of certain Byelaws, to authorise them to contribute towards the Cost of a public Recreation Ground for the districts of Sydenham and Forest Hill, and to confer Powers upon the Board of Works for the Lewisham District with reference to such Recreation Ground. [24th April 1877.] A.D. 1877.

WHEREAS under the powers of the several Acts which are set forth in the schedule to this Act, the control and management of the respective parks, commons, open spaces, embankments, gardens, and places to which those Acts respectively relate are vested in the Metropolitan Board of Works, who have power from time to time to make and enforce byelaws in respect thereof:

And whereas those byelaws have been made in manner and in accordance with the provisions prescribed by the said Acts, but for the most part they vary both in form and matter:

And whereas it is expedient that the powers in this Act contained with respect to the byelaws should be conferred upon the Board with a view to such byelaws being, so far as is practicable, uniform:

And whereas the Board of Works for the Lewisham District have acquired or contracted to accept a grant of a piece of land about seventeen and a half acres in extent for the purposes of a recreation ground for the public benefit of the inhabitants of Sydenham and Forest Hill and the neighbourhood thereof, subject nevertheless to covenants and conditions to the following effect; (that is to say,)

The Board of Works for the Lewisham District shall pay one half the expense from time to time incurred in maintaining so much of the road on the east side of the said recreation ground, and known as Mayo Road, as abuts on the same ground until such time as the said Board shall undertake the repair of the said road under their statutory powers in that behalf;

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The said Board shall plant with evergreen and ornamental trees on the north, south, and west sides of the said piece of land a belt of land not less than twenty feet in width;

The said Board shall at any time within ten years from the date of the said grant, if so required in writing under the hand of the grantor of the said piece of land, his heirs or assigns, or other the owner for the time being of the land abutting on the said west side thereof, yield up to him or them the said belt of land on the west side of the said piece of land, to form part of an intended road to be constructed from Silverdale to Dacre's Road, and will thereupon remove the said trees on that belt of land;

The said Board may at any time, whether such requirement shall or shall not have been made, use and appropriate for the purposes of such road as aforesaid a strip of land on the west side of the said piece of land not exceeding twenty feet wide, including the said belt of twenty feet wide:

And whereas it is expedient that the Metropolitan Board of Works should be empowered to subscribe towards the cost of the said recreation ground, and that the powers in this Act contained should be conferred upon the said District Board of Works with respect to the said recreation ground:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

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,)

Short title.

1. This Act may be cited as "The Metropolitan Board of Works Act, 1877."

Interpretation of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions:

When any matter shall require to be done before justices, the expression "two justices" means two justices acting together in petty sessions or a metropolitan police magistrate sitting alone:

The expression "the Board" means the Metropolitan Board of Works:

The expression "the District Board" means the Board of Works for the Lewisham District:

The expression "the parks" means and includes the several parks, gardens, heaths, commons, embankments, and open

spaces in respect whereof byelaws are by or under the several Acts mentioned in the schedule to this Act authorised to be made by the Board.

General power of Board as to byelaws.

3. The Board may, subject to the provisions of this Act, from time to time make byelaws as regards "the parks" for all or any of the following purposes; (that is to say,)

(1.) Their government, control, and management, and the preservation of order and good conduct among persons frequenting them:

(2.) The exclusion and removal therefrom of gipsies, hawkers, beggars, rogues, and vagabonds:

(3.) The protection of "the parks," and of the walls, railings, fences, lamp-posts, trees, shrubs, plants, flowers, walks, seats, and other things therein:

(4.) The prevention of nuisances, annoyances, obstructions, and encroachments:

(5.) The prevention of the deposit of road sand, rubbish, or other matter:

(6.) The prevention of the illegal taking, cutting, or digging the turf, sods, gravel, clay, sand, gorse, heather, plants, shrubs, trees, and the like:

(7.) The prevention of the posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or marking in any manner of any word or character, or of any representation of any object, on any wall, railing, fence, tree, lamp-post, walk, pavement, or seat, or elsewhere in the parks:

(8.) The prevention of bird catching, bird trapping, and the robbing of birds' eggs or nests:

(9.) Generally the prevention and restraint of acts or things tending to the injury and disfigurement of "the parks," or to interference with the use thereof by the public for purposes of exercise and recreation.

Special byelaws as to heaths and commons.

4. And as regards any heath or common referred to in this Act the Board may, in addition to the several matters mentioned in the immediately preceding section, from time to time, subject to the provisions of this Act, make byelaws for the following or any of the following purposes; (that is to say,)

The prevention of shooting or chasing of game or other animals thereon:

The regulation of assemblages of persons thereon, and of sports and games played there:

The regulation of the use of animals and carriages let out for hire

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thereon, and of the drivers of carriages, and of persons letting out for hire or using animals or carriages thereon:

The prevention of vehicles being driven or horses being exercised by grooms and others on any part of such heath or common not set apart by the Board for the purpose.

Regulations respecting byelaws.

5. The provisions of the Metropolis Management Act, 1855, respecting the making, contents, confirmation, approval, publication, and evidence of byelaws, and of proceedings before justices, and recovery of penalties thereunder, shall extend and apply to byelaws under this Act, and byelaws under this Act shall be deemed byelaws within the Metropolis Management Act, 1855, and Acts amending the same.

Allowance of byelaws.

6. With respect to the byelaws of the Board under this Act the following further provisions shall have effect; (namely,)

(1.) Byelaws shall not have any force unless and until they be allowed by one of Her Majesty's Principal Secretaries of State:

(2.) Byelaws shall not be allowed unless notice of the intention to apply for allowance thereof, and of the effect of this section, has been published by the Board one month at least before the application by advertisement in two morning daily papers published in London or Middlesex:

(3.) During one month at least before the application a copy of the byelaws to be submitted for allowance shall be kept at the office of the Board, open for inspection by persons interested, and the Board shall furnish a printed copy thereof to every person applying for the same on payment of a sum not exceeding one shilling for each copy, and a printed copy of byelaws of the Board under this Act, authenticated by their seal, shall be conclusive evidence of the existence, contents, due making, confirmation, publication, and allowance thereof, without proof of such seal or of any other thing.

Byelaws as to prohibition of drill.

7. No byelaw which shall extend to the prohibition of military drill on any heath or common shall have any force until it has received the sanction of the Secretary of State for War.

Appointment of constables.

8. The Board may from time to time appoint officers for securing the execution of this Act, and byelaws thereunder, and may procure any such officers to be sworn in as constables.

Arrest of transient offenders.

9. Any constable or any officer of the Board, and any person called to the assistance of such constable or officer, may, without other warrant than this Act, seize and detain any person committing

or having committed any offence against this Act, or any byelaw thereunder, whose name or residence is unknown to such constable or officer, and shall convey him with all convenient speed before a justice to be dealt with according to law.

Byelaws under this Act to supersede those already made.

10. When any byelaws are made under this Act those for which they are substituted shall no longer be in force, and the powers of the Acts in relation thereto shall cease to be in operation, or to have any effect, except so far as may be necessary for the completion of any proceedings or the recovery of any penalties thereunder.

Penalties under byelaws to be paid to Board.

11. All penalties which may be recovered under any of the byelaws made by the Board under the powers of this Act shall be paid to the Board, and shall be carried by them to the credit of the funds set apart or appropriated by them towards "the park's" expenses.

Board may contribute towards recreation ground at Sydenham.

12. The Board may, out of any money raised or authorised to be raised by them under any Act, and not required for the purposes of that Act, contribute any sum not exceeding four thousand two hundred and fifty pounds to and towards the providing by the District Board of the recreation ground before referred to, but thereupon the District Board shall be bound at all times to maintain the said ground as a place of recreation, and in a good state of repair, to the satisfaction in all respects of the Board, subject to the herein-before recited covenants and conditions in the said grant contained.

District Board may erect refreshment rooms, &c.

13. The District Board may, with the consent of the Board under their common seal, erect and maintain on any part of the recreation ground one or more lodges for the residence of the keeper or keepers thereof, and also refreshment and retiring rooms and urinals, and such other accommodation as may be necessary for the convenience of the public frequenting the said ground, and may from time to time demise such rooms for any term not exceeding three years upon such terms and conditions as may be approved by the Board.

District Board empowered to pay expenses connected with recreation ground out of general rate, &c.

14. The District Board may from time to time defray all costs and expenses which have been or may be incurred by them in acquiring, laying out, planting, maintaining, and improving the said recreation ground, and in carrying into execution the powers of this Act, so far as they relate to the District Board, out of and by means of the general rate which they have now power to levy within their district, and for the purposes aforesaid the District Board may also exercise the powers of borrowing money, and of mortgaging, charging, and applying the general rate, and otherwise, contained

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in "The Metropolis Management Act, 1855," or in any Act or Acts amending the said Act of 1855.

District Board may make bye-laws as to recreation ground.

15. The District Board may, subject to the provisions of this Act, from time to time make byelaws for all or any of the following purposes; (namely,)

For protection of the said recreation ground, and of the railings and fences thereof, and of the lamp-posts and other things thereon:

For protection of any trees, shrubs, plants, flowers, grass-walks, seats, and other things thereon:

For the prevention of posting of bills or placards, and the writing, stamping, cutting, printing, drawing, or making in any manner of any word or character, or of any representation of any object, on any wall, railing, fence, tree, lamp-post, pavement, or seat, or elsewhere in the said recreation ground:

For preservation of order and good conduct amongst persons frequenting the said recreation ground:

Generally for prevention or restraint of acts or things tending to the injury or disfigurement of the recreation ground or anything in the same, or to interference with the use thereof by the public for the purpose of exercise and recreation.

Extending Act of 1855 to such byelaws.

16. The provisions of the Metropolis Management Act, 1855, as to byelaws made by a District Board, shall extend and apply to the byelaws to be made by the District Board under this Act, and for this purpose section 202 of the said Act of 1855 shall extend and apply to such last-mentioned byelaws.

Expenses of Act.

17. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Board.

The SCHEDULE to which the foregoing Act refers.

Title or short title of Act.	Session and chapter.
The Finsbury Park Act, 1857 - -	20 & 21 Vic. cap. cl.
The Thames Embankment (South Side) Act, 1863 - - - - -	26 & 27 Vic. cap. lxxv.
The Southwark Park Act, 1864 - -	27 Vic. cap. iv.
The Hampstead Heath Act, 1871 - -	34 & 35 Vic. cap. lxxvii.
The Metropolitan Commons Supplemental Act, 1871 (relating to Blackheath) -	34 & 35 Vic. cap. lvii.
The Metropolitan Commons Second Supplemental Act, 1871 (relating to Shepherd's Bush Common) - - - -	34 & 35 Vic. cap. lxiii.
The Metropolitan Commons Supplemental Act, 1872 (relating to Hackney Common)	35 & 36 Vic. cap. xliii.
The Thames Embankment (North) Act, 1872 - - - - -	35 & 36 Vic. cap. lxvi.
The Thames Embankment (South) Act, 1873 - - - - -	36 Vic. cap. vii.
The Metropolitan Commons Supplemental Act, 1873 (relating to Tooting Beck Common)	36 & 37 Vic. cap. lxxxvi.
The Leicester Square Act, 1874 - -	37 Vic. cap. x.
The Metropolitan Board of Works, Various Powers, Act, 1875 (relating to Tooting Graveney Common) - - - -	38 & 39 Vic. cap. clxxix
The Metropolitan Board of Works, Various Powers, Act, 1876 (relating to the Thames Embankment, Chelsea) - - -	39 & 40 Vic. cap. lxxix.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.