CHAPTER lx.

An Act to confirm an amended scheme with respect to Farnborough Common Broad Street Green Leach's Green and Green Street Green. [24th June 1904.]

A.D. 1904.

WHEREAS the Board of Agriculture and Fisheries have in pursuance of the Metropolitan Commons Acts 1866 to 1898 duly certified a scheme amending the existing scheme for the establishment of local management with respect to Farnborough Common Broad Street Green Leach's Green and Green Street Green:

29 & 30 Vict. c. 122. 61 & 62 Vict. c. 43.

And whereas the said amending scheme is set forth in full in the report which was made by the said Board for the year ending the thirty-first day of December one thousand nine hundred and three and which was duly laid before both Houses of Parliament:

And whereas by the said Metropolitan Commons Acts it is provided that any such scheme shall not of itself have any operation but shall have full operation when and as confirmed by Act of Parliament with such modifications if any as to Parliament seem fit:

And whereas it is expedient that the said amending scheme should be confirmed subject to certain modifications:

Be it therefore enacted by the King'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:—

Scheme in schedule confirmed.

1. The scheme amending the existing scheme for the establishment of local management with respect to Farnborough Common Broad Street Green Leach's Green and Green Street

A.D. 1904.

Green certified by the Board of Agriculture and Fisheries under their seal on the thirteenth day of August one thousand nine hundred and three shall be modified so as to be in the terms set forth in the schedule hereto and as so modified is hereby confirmed.

Short title.

2. This Act may be cited for all purposes as the Metropolitan Commons (Farnborough) Supplemental Act 1904.

SCHEDULE.

THE METROPOLITAN COMMONS ACTS 1866 TO 1898.

AMENDED SCHEME with respect to FARNBOROUGH COMMON BROAD STREET GREEN LEACH'S GREEN AND GREEN STREET GREEN.

Description of commons and management by parish council.

1. The pieces of land with the ponds thereon commonly called or known by the names of Farnborough Common Broad Street Green Leach's Green and Green Street Green and certain roadside strips (herein-after collectively called "the commons") situate in the parishes of Farnborough Cudham Orpington and Chelsfield in the county of Kent as the same are delineated in a plan sealed by the Board of Agriculture shall henceforth for all the purposes of this scheme be regulated and managed by the parish council of the said parish of Farnborough herein-after referred to as "the Council."

Protection and improvement of commons.

2. The Council may execute any works of drainage raising levelling or fencing for the protection and improvement of the commons so far only as may be required for the purposes of the Metropolitan Commons Acts 1866 to 1898 and may do any work necessary for the proper cleansing of the ponds on the commons and shall preserve the turf shrubs trees plants and grass and for this purpose may enclose by fences for short periods such portions as may require rest to revive the same and may plant trees or shrubs for shelter or ornament or otherwise make the commons more pleasant as a place for exercise and recreation but shall do nothing that may otherwise vary or alter the natural features or aspect of the commons or interfere with free access to every part thereof.

Against encroachments.

3. The Council shall maintain the commons as delineated in the plan sealed by the Board of Agriculture free of all encroachment and shall not permit any trespass on or partial or other enclosure of any part thereof and no fences posts rails sheds or buildings whether used in connexion with the playing of games or not or other matters or things shall be maintained fixed or erected thereon nor shall ice be taken off the ponds on the commons without the consent in writing of the Council Reserving to the owners of lands adjoining the commons such reasonable right of access from such lands across narrow strips of the commons to the public roads as the Council may from time to time approve of.

Games.

4. The Council may set apart any portion or portions of the commons as they may consider expedient for cricket football or other games and may form any ground or grounds for those purposes and may allow the same to be temporarily enclosed with posts and chains or other open fence so as to prevent cattle or horses straying thereon.

A.D. 1904.

Byelaws.

5. The Council shall frame byelaws and regulations for the prevention of nuisances and the preservation of order upon the commons The byelaws may include all or any of the following purposes namely :—

The prevention of encroachments and of the deposit of road-sand materials for the repair of the roads dung rubbish flints wood or other matter on and of the illegal taking cutting digging and selling the turf sods gravel sand or other substances from the commons and of the illegal cutting felling or injuring the gorse heather timber or other trees shrubs brushwood or other plants for the time being growing thereon and of the removal of ice from the ponds;

The prevention of injury to or the defacing or removing of seats fences or barriers or notice boards or other things put up or maintained by the Council on the commons;

The prevention of injury to or disfigurement of fences or trees on the commons by the posting of bills placards or notices;

The prevention of bird-catching setting of traps or nets or liming trees or laying snares of any description for birds or other animals taking of birds' eggs or nests and illegal shooting or chasing of game or other animals on the commons or brought there for the purpose of being shot or chased;

The regulation of games to be played and other means of recreation on the commons and of assemblages of persons thereon;

The prevention or regulation of vehicles being driven or horses being exercised by grooms and others on or across the commons;

The exclusion removal and apprehension if necessary of gamblers card-sharpers gipsies squatters vagrants sellers and exhibitors of infamous books prints photographs or pictures or persons guilty of brawling fighting or quarrelling or using indecent and improper language or any idle or disorderly persons so that all such persons may be dealt with according to law;

The regulation as to place and mode of digging and taking gravel sand or other substances from and of cutting or felling of trees and underwood growing upon the commons in exercise of any right of common or other right over or upon the commons;

The prevention of unauthorised persons from turning out or knowingly permitting cattle sheep or other animals to graze or feed or remain upon the commons and generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of the commons or to interfere with the use thereof by the public for the purposes of exercise and recreation;

For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under the scheme or under any byelaws made thereunder:

Provided that all byelaws made by the Council shall be in writing under the hands of the chairman and two other members of the Council and the Council may by such byelaws impose upon offenders against the same such

reasonable penalties to be recovered on summary conviction as they shall think fit not exceeding the sum of five pounds for each offence and in the case of a continuing offence a further penalty not exceeding the sum of forty shillings for each day on which the offence is continued after conviction therefor and the Council may alter or repeal any byelaws by other byelaws signed as aforesaid and may make other byelaws as they may from time to time think fit Provided always that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty Provided always that no byelaws shall be repugnant to the laws of England or the provisions of this scheme and no byelaws or any alteration or repeal of any byelaws shall be of any force or effect unless and until the same be confirmed by the Local Government Board Provided that a copy of any byelaws signed and certified by the clerk of the Council to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further proof Provided also that no byelaws shall be confirmed unless notice of intention to apply for confirmation thereof shall have been given in one or more of the London daily morning newspapers and a newspaper circulating in the parishes of Farnborough Cudham Orpington and Chelsfield one calendar month at least before the making of such application and for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the Council and be open during office hours thereat to the inspection of the ratepayers of the parish of Farnborough and other persons interested without fee or reward and the Council shall furnish every such person applying for the same with a copy thereof or any part thereof on payment of sixpence for every one hundred words contained in such copy.

Publication of byelaws.

6. All byelaws made by the Council in pursuance of this scheme shall be printed and shall be sold to any person who may apply for the same at such price not exceeding sixpence per copy as the Council may determine and all byelaws shall be legibly written or printed at length on boards of suitable size and placed on such parts of the commons (not less than three) as to the Council may appear desirable.

Subscriptions &c.

7. The Council shall be at liberty to receive and apply for the purposes of this scheme or any of them any subscriptions or donations applicable thereto that may come to their hands.

Police.

8. For purposes of police the commons shall be deemed a place of public resort and the powers and duties of police constables in relation to public safety and preservation of order and protection of property shall extend thereto.

Apprehension of offenders.

9. Any constable being either a member of the police force or an officer of the Council and being in uniform and any person called by such constable to his assistance may without warrant take into custody any person who within view of such constable shall offend against any byelaw of the Council and whose name and residence shall be unknown to and cannot be ascertained

A.D. 1904.

by such constable If any such offender when required by the constable to give his name and residence gives a false name or a false residence he shall be liable on summary conviction to a penalty not exceeding five pounds.

Proceedings against offenders.

10. Proceedings with a view to the summary conviction of offenders under this scheme or under any byelaws of the Council or to the recovery of any money or expenses authorised to be recovered summarily or to any other order to be made by justices under this scheme or any such byelaws shall be taken before a court of summary jurisdiction according to the provisions of the Summary Jurisdiction Acts Any pecuniary penalty expenses or costs or other money recovered by the Council shall notwithstanding anything in any other Act be paid to the Council and shall be applied by them for the purposes of this scheme.

Proceedings not to be quashed.

11. No proceeding to be had touching the conviction of any offender under this scheme nor any order or other matter or thing whatsoever made done or transacted in or relating to the execution of this scheme shall be vacated quashed or set aside for want of form.

New scheme.

12. The Council may at any time apply for an amended or a new scheme.

Saving of rights.

13. Saving always to all persons and bodies politic and corporate and their respective heirs successors executors and administrators all such estates interests or rights of a profitable or beneficial nature in over or affecting the commons or any part thereof as they or any of them had before the confirmation of this scheme by Act of Parliament or could or might have enjoyed if this scheme had not been confirmed by Act of Parliament.

Rights claimed.

14. The owners and occupiers of lands and tenements in the parish of Farnborough claim rights of common of pasturage and estovers and other rights over the commons.

How rights may be affected.

15. This scheme affects the rights over the commons so claimed as aforesaid only so far as is absolutely necessary for the purposes of this scheme that is to say by conferring on the Council powers of management improvement and control as herein-before provided and for such purposes the power of restricting diminishing or extinguishing such rights or any of them whenever it shall appear to the Council that the continuance of such rights will interfere with the control preservation or improvement of the commons by the Council or with any of the purposes of this scheme upon payment by the Council of compensation to the bodies or persons severally interested in such rights The amount (if any) to be paid by the Council to such bodies or persons as and for compensation in respect of the restriction diminution or extinction of such rights shall be settled by agreement or failing agreement then under the provisions of the Lands Clauses Consolidation Act 1845 and the Acts amending the same so far as the same relate to the purchase and taking of lands otherwise than by agreement including therein the several provisions relating to the compensation for common or waste lands and thereupon the several provisions of such portion of the Lands Clauses Consolidation

Act 1845 and the Acts amending the same shall apply as if in all cases the word "lands" included interests rights and easements.

Consents.

16. Certain of the owners and occupiers of lands and tenements in the parish of Farnborough have consented and others have not consented to their rights being affected in the manner and to the extent herein expressed.

Copies of scheme.

17. Printed copies of this scheme shall at all times be sold at the office of the Council to all persons desiring to buy the same at a price not exceeding sixpence each.

Operation of amended scheme.

18. This amended scheme shall come into operation on the date on which it shall be confirmed by Act of Parliament and on that date the scheme confirmed by the Metropolitan Commons (Farnborough &c.) Supplemental Act 1888 (herein referred to as "the original scheme") shall cease to operate subject to the following provisions:—

(*a*) Nothing herein contained shall invalidate or make unlawful anything done under the original scheme or affect any right title obligation or liability accrued thereunder before such date as aforesaid or interfere with the institution or prosecution of any proceeding in respect of any offence committed against or any penalty incurred under the original scheme; and

(*b*) All byelaws made under the original scheme and in force at such date as aforesaid shall continue in force until altered or revoked by the Council and shall have effect as if they had been made by the Council under this amended scheme.

Local Government Act 1894 s. 67.

19. The provisions of section 67 of the Local Government Act 1894 shall apply in relation to any powers and duties transferred by this amended scheme from the conservators of the commons under the original scheme to the Council in the same manner as if such powers or duties were transferred by that Act.

Costs and expenses.

20. The costs charges and expenses of the Council preliminary to and of and incidental to the preparing applying for obtaining and confirming of this scheme by Act of Parliament and the expenses incurred by the Council in the carrying out of this scheme including the payment of compensation (if any) as herein-before mentioned may be paid by the Council out of any moneys in their hands which under this scheme or otherwise are applicable for such purposes.

The Board of Agriculture pursuant to the Board of Agriculture Act 1889 and the Metropolitan Commons Acts 1866 to 1898 hereby certify the foregoing scheme.

In witness whereof they have hereunto set their official seal this thirteenth day of August one thousand nine hundred and three.

(L.S.) T. H. Elliott Secretary.

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