CHAPTER cxxvi.

An Act to confirm a Scheme under the Metropolitan Commons Acts 1866 to 1898 with respect to Keston Common and Leaves Green in the county of Kent. A.D. 1909.

[16th August 1909.]

WHEREAS the Board of Agriculture and Fisheries have in pursuance of the Metropolitan Commons Acts 1866 to 1898 duly certified a scheme for the establishment of local management with respect to Keston Common and Leaves Green in the county of Kent which scheme is set forth in the schedule hereto: 29 & 30 Vict. c. 122. 61 & 62 Vict. c. 43.

And whereas by the said 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 scheme should be confirmed:

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:

1. The scheme as altered and set forth in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force. Scheme in schedule confirmed.

2. This Act may be cited for all purposes as the Metropolitan Commons Scheme Confirmation Act 1909. Short title.

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SCHEDULE.

THE METROPOLITAN COMMONS ACTS 1866 TO 1898.

Scheme with respect to Keston Common and Leaves Green Kent.

Description of Commons and Management by Parish Council.

1. The pieces of land with the paths roads and ponds thereon commonly called or known by the name of Keston Common and Leaves Green (herein-after called "the Commons") situate in the parishes of Keston and Cudham in the county of Kent as the same are delineated in a plan sealed by the Board of Agriculture and Fisheries and therein coloured green shall henceforth for all the purposes of this Scheme be regulated and managed by the Parish Council of Keston 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 repair of any footpath or cleansing of any pond on the Commons and shall preserve the turf shrubs trees plants and grass thereon and may thin out underwood and top and lop or remove seedlings and other trees not being timber where necessary in the ordinary course of forestry but not for profit or where necessary to preserve or improve the view over or beyond the Commons and may inclose 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 places 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 free from all encroachment and shall not permit any trespass on or partial or other inclosure 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 without the consent in writing of

the Council Provided that the Council may erect and maintain or permit to be erected and maintained on the Commons seats shelters drinking fountains and conveniences at such places as the Council shall from time to time determine.

Games.

4. The Council may set apart any portion or portions of the Commons as they may consider expedient for games and may form cricket grounds and may allow the same to be temporarily inclosed with any open fence so as to prevent cattle and horses from straying thereon but such grounds shall not be laid out so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants thereof.

Byelaws.

5. The Council may for the prevention of nuisances and the preservation of order on the Commons make revoke and alter byelaws for any of the following purposes viz. :—

(*a*) For prohibiting the deposit on the Commons or in any pond thereon of road-sand materials for repair of roads dung rubbish wood or other matter ;

(*b*) For prohibiting any person without lawful authority from digging cutting or taking turf sods gravel sand clay or other substance on or from the Commons and from cutting felling or injuring any gorse heather timber or other tree shrub brushwood or other plant growing on the Commons ;

(*c*) For regulating the place and mode of digging and taking turf sods gravel sand clay or other substance and cutting felling and taking trees or underwood on or from the Commons in exercise of any right of common or other right over the Commons ;

(*d*) For prohibiting the injury defacement or removal of seats fences notice-boards or other things put up or maintained by or with the consent of the Council on the Commons ;

(*e*) For prohibiting or regulating the posting or painting of bills placards advertisements or notices on trees or fences or notice-boards on the Commons ;

(*f*) For prohibiting any person without lawful authority from bird-catching setting traps or nets or liming trees or laying snares for birds or other animals taking birds' eggs or nests and shooting or chasing game or other animals on the Commons ;

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(*g*) For prohibiting or regulating the drawing without lawful authority upon the Commons of any carriage cart caravan truck or other vehicle and the erecting or permitting to remain on the Commons without the consent of the Council or other lawful authority any building shed tent fence post railing or other structure whether used in connexion with the playing of games or not and for authorising an officer of the Council to remove from the Commons any vehicle drawn upon the Commons and any structure erected thereon in contravention of any such byelaw;

(*h*) For prohibiting (except in the case of a fair lawfully held) or regulating the placing on the Commons of any photographic cart or of any show exhibition swing roundabout or other like thing and for authorising an officer of the Council to remove from the Commons any thing placed upon the Commons in contravention of any such byelaw;

(*i*) For prohibiting or regulating the lighting of any fire on the Commons;

(*k*) For prohibiting or regulating the firing or discharge of fire-arms or the throwing or discharge of missiles on the Commons;

(*l*) For regulating games to be played and other means of recreation to be exercised on the Commons and assemblages of persons thereon;

(*m*) For regulating the use of any portion of the Commons temporarily inclosed or set apart under this Scheme for any purpose;

(*n*) For prohibiting or regulating horses being exercised or broken-in without lawful authority by grooms or others on the Commons;

(*o*) For prohibiting any person without lawful authority from turning out or permitting to remain on the Commons any cattle sheep or other animals and for authorising an officer of the Council to remove from the Commons any cattle sheep or other animal being upon the Commons in contravention of any such byelaw;

(*p*) For regulating the use of any pond on the Commons for bathing or any other purpose;

(*q*) Generally for prohibiting or regulating any act or thing tending to injury or disfigurement of the Commons or to interference with the use thereof by the public for the purposes of exercise and recreation;

(*r*) For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaws made thereunder.

6. All byelaws made by the Council under this Scheme 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.

7. No byelaw or any alteration or repeal of any byelaw shall be of any force or effect unless and until the same be confirmed by the Local Government Board.

8. A copy of any byelaw 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 byelaw without further proof.

9. 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 in a newspaper circulating in the parishes of Keston and Cudham one calendar month at least before the making of such application and a copy of the proposed byelaws shall be kept at the office of the Council for one calendar month at least before the making of such application and be open for the same period during office hours thereat to the inspection of the ratepayers of the said parishes 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 of any part thereof on payment of sixpence for every one hundred words contained in such copy.

Publication of Byelaws.

10. 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 two as to the Council may appear desirable.

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Police.

11. 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 against Byelaws.

12. 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 made by the Council in pursuance of this Scheme and whose name and residence shall be unknown to and cannot be ascertained 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.

13. Proceedings with a view to the summary conviction of offenders under this Scheme or under any byelaws of the Council made thereunder 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.

14. 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.

Power to apply for New Scheme.

15. The Council may at any time apply for an amended or new Scheme.

Saving of Rights.

16. 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.

17. The lord of the manor of Keston otherwise Keston South Court claims the soil and freehold of the Commons and all timber and other things growing thereon and the minerals under the same and has consented to his rights being affected in the manner and to the extent herein expressed No other person has in the proceedings relating to this Scheme claimed any right which will be affected by the Scheme.

How Rights may be affected.

18. This Scheme affects the estates interests or rights in over and affecting 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 such powers of management improvement and control as hereinbefore provided and by conferring on the Council for such purposes the power of taking restricting diminishing or extinguishing any such estates interests or rights whenever it shall appear to the Council that the continuance of such estates interests or rights will interfere with the control preservation or improvement of the Commons by the Council or with any of the purposes of this Scheme So far as such estates interests or rights are of a profitable or beneficial nature and are taken away or injuriously affected by this Scheme compensation in respect thereof shall be made by the Council to the bodies or persons entitled thereto The amount of such compensation shall be settled by agreement or failing agreement then under the provisions of the Lands Clauses Acts 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 Acts shall apply as if in all cases the words "lands" included interests rights and easements.

Subscriptions.

19. 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.

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Copies of Scheme.

20. 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.

The Board of Agriculture and Fisheries 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 Twenty-fifth day of May One thousand nine hundred and nine.

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

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