CHAP. lxiii.

An Act to confirm a scheme (Shepherd's Bush) under "The Metropolitan Commons Act, 1866." [29th June 1871.]

A.D. 1871.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Metropolitan Commons Act, 1866," duly certified a scheme for the establishment of local management with respect to Shepherd's Bush Common, situate in the parish of Hammersmith in the county of Middlesex, and it is by the said Act provided that no such scheme shall have any operation until such scheme shall have been confirmed by Parliament, and it is expedient that the said scheme should be so confirmed: 29 & 30 Vict. c. 122.

Be it therefore 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:

Scheme as to Shepherd's Bush Common certified by Inclosure Commissioners confirmed.

1. That the scheme for the establishment of local management with respect to Shepherd's Bush Common, situate in the parish of Hammersmith in the county of Middlesex, certified by the Inclosure Commissioners for England and Wales under their seal on the ninth day of May one thousand eight hundred and seventy-one, and contained in the schedule hereunto annexed, be hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Metropolitan Commons Second Supplemental Act, 1871."

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SCHEDULE.

Scheme with respect to Shepherd's Bush Common.

1. Shepherd's Bush Common, herein-after called "the common," in the county of Middlesex, as the same is delineated in a plan deposited with the Inclosure Commissioners for England and Wales, shall henceforth for all the purposes of this scheme be regulated and managed by the Metropolitan Board of Works, herein-after termed "the board."

2. The powers of the board generally, as to appointing or employing officers and servants, and paying them, under the general Acts applicable to the board, shall apply to all such persons as in the judgment of the board may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the common, and otherwise for the purposes of this scheme; and the board may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed, altering such rules as occasion may require. And all costs and expenses incurred by the board in respect to this scheme and its execution, from time to time and at all times, shall be deemed to be expenses of the board in the execution of the Metropolis Local Management Acts, and be raised accordingly.

3. The board may execute any works of drainage and improvement of the common, so far only as may be required for the purposes of the Metropolitan Commons Act, and shall preserve the turf and grass, and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same, and may plant or otherwise beautify the common.

4. The board shall maintain the common, as delineated in the plan deposited with the Inclosure Commissioners, free of all encroachment, and shall permit no trespass on, or partial or other inclosure of any part thereof, and no fences, posts, rails, or other matters or things shall be maintained, fixed, or erected thereon without the consent in writing of the board.

5. The board shall frame byelaws and regulations against encroachments, for the preservation of order on the common, for the prevention of nuisances, and the deposit of road-sand, rubbish, or other matter on, and the illegal taking, cutting, digging, and selling the turf, sods, gravel, sand, and the like from the common; also for the prevention of vehicles being driven, or horses being exercised by grooms and others, on or across the common, and to remove and apprehend, if necessary, gamblers, cardsharpers, 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, or any person erecting any booth or place of any kind without the consent of the board, so that all such persons may be dealt with according to law: Provided that all such byelaws made by the board shall be in writing under their seal; and the board may by any such byelaws impose upon offenders against the same such reasonable penalties 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 such offence shall continue; and the board may have power to apply at any time for an amended scheme or for a new scheme; and the board may alter or repeal any such byelaws, and may make any other byelaws as may from time to time appear desirable: 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 such byelaws shall be repugnant to the laws of England or the provisions of this scheme, and no such byelaws shall be of any force or effect unless the same shall be sanctioned and confirmed by one of Her Majesty's Secretaries of State, who is hereby empowered to confirm or disallow the same as he may think proper: Provided that any certificate of such confirmation, purporting to be signed by one of Her Majesty's Secretaries of State, shall be primâ facie evidence of such confirmation in all courts of justice and other places whatsoever: Provided also, that no such byelaws shall be confirmed unless notice of intention to apply for confirmation of the same shall have been given in one or more of the London daily morning newspapers 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 board, and be open during office hours thereat to the inspection of any metropolitan ratepayer, without fee or reward, and the clerk of the board shall furnish every such ratepayer who shall apply for the same with a copy thereof or any part thereof, on payment of sixpence for every one hundred words contained in such copy.

6. Except for those persons who now by law are entitled to do so, it shall not be lawful, without the consent of the board in writing, to turn out on the common for grazing any cattle, sheep, or other animal.

7. All byelaws made by the board in pursuance of this scheme shall be legibly written at length on boards of suitable size, and placed on such parts of the common (not less than three) as to the board may appear desirable.

8. Except for the owner or owners for the time being of the soil, it shall not be lawful, without the consent in writing of the board, to form, build, or lay any sewer, drain, pipe, waterway, or other matter of like nature, in, into, or under any part or parts of the common.

9. Nothing herein contained shall be construed as placing any of the public roads or highways on or across the common under the care of the board, or shall prevent the Board of Works for the Fulham district, by their officers and servants, taking such portions of the common as they may now by law be entitled to take for the purpose of widening the said roads or highways to the width they may now be compelled by law to make; but it shall not be lawful for the said board, or any other person or persons, to make or form any new roads over and across the common without the consent in writing of the board.

10. All the powers of the board as to borrowing contained in the Metropolis Local Management Act, 1855, and the Metropolis Management Amendment Act, 1862, as varied by the Metropolitan Board of Works (Loans) Act, 1869, shall apply to this scheme; but no sum to be borrowed shall be considered as

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included in the limit of ten millions sterling referred to in such last-mentioned Act, and no loan for the purposes of this scheme shall be made without the approval of the Lords Commissioners of Her Majesty's Treasury.

11. Any penalty imposed by or under the authority of this scheme or any byelaw made under this scheme may be recovered, together with the costs of the proceedings, in such manner, and with such remedies by distress or otherwise, as are given in the Metropolis Local Management Act, 1855, and the Acts amending the same; but all proceedings for the recovery of a penalty incurred under the provisions of this scheme or any byelaw made under this scheme shall be had or taken by the board, and the penalty recovered shall be paid to the board, and shall be applied for the purposes of this scheme.

12. No proceeding 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.

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 common 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.

14. The lords of the manor of Fulham claim the soil and freehold of the common and the minerals under the same. All the occupiers of property adjoining the common, including the tenants of the manor, claim to exercise rights of common of pasturage over the tract.

This scheme affects the rights over the common, so claimed as aforesaid, only so far as is absolutely necessary for the purposes contemplated by this scheme. The lords of the manor and others who claim rights over the common assent to their rights being affected in the manner and to the extent herein expressed.

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

The Inclosure Commissioners for England and Wales, pursuant to the provisions of "The Metropolitan Commons Act, 1866," hereby certify the above-written scheme.

In witness whereof they (the said Inclosure Commissioners) have caused their official seal to be hereunto affixed, this ninth day of May one thousand eight hundred and seventy-one.

L.S.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1871.