CHAPTER cxlvii.

An Act to confer further Powers on the London County Council as to Streets and Open Spaces and for other purposes. A.D. 1889.

[12th August 1889.]

WHEREAS it is expedient to authorise the London County Council (herein-after called the Council) to purchase and lay out two pieces of land one being a disused burial ground the other a piece of open or waste ground adjoining Whitfield's Tabernacle in Tottenham Court Road in the parish of Saint Pancras and that the vestry of the said parish should contribute towards the cost of purchase and laying out:

And whereas plans were deposited for the purposes of this Act with the clerks of the peace for the counties of Middlesex Kent and Surrey with a book of reference thereto and the said pieces of land are shown on the said plans and described in the said book of reference which are herein-after referred to as the deposited plans and deposited book of reference:

And whereas a piece of land known as Myatt's Fields at Camberwell as described in this Act has been given to the Council with a view to its being preserved and managed by them as a park and it is expedient that the Council should be empowered to hold and manage the same and to exercise the powers in relation thereto herein-after set forth:

And whereas it is expedient to authorise the Council to enclose and lay out for public use two pieces of land at the northern end of Shaftesbury Avenue and to enter into arrangements and agreements with the Board of Works for the Saint Giles district in reference to the said two pieces of land:

And whereas the Council are desirous and it is expedient that they should be empowered to keep and lay out as an ornamental enclosure the piece of ground in Piccadilly Circus shown on the Plan (C) herein-after referred to:

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And whereas it is expedient to grant further powers to the Council in reference to Clissold Park and the expenses to be incurred in the maintenance thereof:

And whereas in the year 1882 the Metropolitan Board of Works acting under the Artizans and Labourers Dwellings Improvement Acts 1875 to 1882 made a scheme for the improvement of an unhealthy area in the parish of Saint George-in-the-East in the county of Middlesex lying between Tench Street and Green Bank near the London Docks:

And whereas by a Provisional Order subsequently confirmed by the Metropolis (Tench Street, Saint George-in-the-East) Provisional Order Confirmation Act 1883 the said scheme was confirmed and authorised to be carried into execution subject to certain conditions and modifications in the said order set forth:

And whereas the Metropolitan Board of Works proceeded under the powers of the said Act to acquire the lands and buildings authorised to be taken for the purposes of the said scheme:

And whereas it was provided by the said scheme and order that dwellings should be built upon lands within the improvement area as therein described so as to afford in the aggregate suitable accommodation for not less than one thousand two hundred and eighty-four persons being the number of persons of the working class who would be displaced in the said area by the said scheme and the said Board having cleared the said area proceeded to offer the same for sale by auction with a view to the erection of dwellings thereon in accordance with the said scheme and order:

And whereas since the date of the said Act a large dock has been completed by the East and West India Dock Company at Tilbury and owing to this and other reasons there is no demand in the neighbourhood of the said improvement area for land for the erection of dwellings for persons of the labouring class and the Metropolitan Board of Works were unable to dispose of the same for the purpose of the erection of such dwellings:

And whereas there are in the neighbourhood a large number of such dwellings many of which have been and are at present unoccupied for want of tenants and ample accommodation exists for such persons in the neighbourhood:

And whereas the said area which includes about two acres is surrounded on all sides by houses buildings and dock premises and it would be to the advantage of the neighbourhood if the said area were preserved as an open space for public use and recreation and it is expedient that the Council should be empowered accordingly:

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And whereas it is expedient that the powers of the Metropolitan Board of Works (Various Powers) Act 1885 and of the Metropolitan Board of Works (Various Powers) Act 1888 for the compulsory purchase of lands for a portion of the new street authorised by the Act of 1885 should be extended:

And whereas under the Metropolitan Board of Works (Various Powers) Act 1886 the Council are completing an improvement thereby authorised and therein described as "the widening of Cold Harbour Lane" and the powers under the said Act for completing the said improvement will expire on the twenty-fifth day of June 1889 and inasmuch as it is impossible to complete the said improvement within the said period it is expedient that the said period should be extended:

And whereas the objects aforesaid cannot be accomplished 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 Improvements Act 1889.

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 construction (that is to say):—

"The Council" means the London County Council as constituted by the Local Government Act 1888;

"The Lands Clauses Acts" means the Lands Clauses Consolidation Acts 1845 1860 and 1869 (except section 133 of the Lands Clauses Consolidation Act 1845) as amended by the Lands Clauses (Umpire) Act 1883;

"The Metropolis Management Act" means the Metropolis Management Act 1855 and any Act amending the same:

And the several words and expressions to which by the Acts incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction:

Provided always that for the purposes of this Act the expression "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Council and that

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for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or other like expression in this Act or any Act incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

Power to purchase disused burial ground and land (Tottenham Court Road).

4. The Council may purchase and acquire two pieces of land adjoining Whitfield's Tabernacle in Tottenham Court Road in the parish of St. Pancras in the county of London shown on the deposited plans and described in the deposited book of reference one being a disused burial ground and the other a piece of open or waste ground and when the Council shall have acquired the same they shall lay out maintain and preserve the same and every part thereof for the perpetual use thereof by the public for exercise and recreation and may from time to time exercise all necessary powers for levelling and improving and for the maintenance and preservation of the same: Provided that the Council may if they think fit enclose the said pieces of land or any part thereof with a view to the better or more effectual preservation thereof for public use.

Contribution by vestry of parish of St. Pancras to expenses.

5. The vestry of the parish of St. Pancras shall and they are hereby required from time to time to contribute towards the costs and expenses of the Council in relation to the purchase and acquisition of the said pieces of land and to the laying out of the same such sums on account of such costs and expenses as the Council may from time to time require to the extent of but not exceeding one half of such costs and expenses and the vestry may for the purpose of paying any such contribution or any part thereof borrow of the Council and the Council may (subject to the provisions of any Act of Parliament for the time being in force relating to loans by the Council to a vestry) lend to the vestry the requisite moneys and for the purpose of securing the repayment with interest of any moneys to be borrowed as aforesaid the vestry may mortgage and assign over to the Council all the moneys or rates authorised to be raised by the vestry under the Metropolis Management Act 1855 and all the provisions of sections 183 to 191 inclusive of the last-mentioned Act shall apply to any borrowing by the vestry under this section of this Act.

Provisions as to Myatt's Fields Camberwell.

6. The Council may and shall hold the piece of ground known as Myatt's Fields Camberwell situate partly in the parish of Camberwell and partly in the parish of Lambeth as shown upon the

plan (A) signed by Leonard Henry Courtney the Chairman of the Committee to whom the Bill for this Act was referred (of which plan one copy has been deposited at the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office of the House of Commons) as the same has been transferred to and vested in the Council and the Council shall lay out maintain and preserve the same as a park or enclosed ground for the perpetual use thereof by the public for exercise and recreation.

Land in Shaftesbury Avenue.

7. The Council may enclose and lay out and plant two pieces of vacant land situate at the northern end of Shaftesbury Avenue in the parish of St. George Bloomsbury in the county of London as the same are described and coloured red upon the Plan (B) signed by Leonard Henry Courtney the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Parliament Office of the House of Lords and one other copy has been deposited at the Private Bill Office of the House of Commons) and the Council may enter into and carry into effect any agreement with the Board of Works for the St. Giles' district providing for the use of the said two pieces of land for public purposes or may sell convey or lease the said two pieces of land or any part thereof to the said Board of Works to be used for public purposes on such terms and conditions and whether with or without consideration as the Council may think fit.

Prohibiting erection of buildings on certain land at Piccadilly Circus.

8. The Council may and shall lay out preserve and keep as an ornamental enclosure the piece of ground at Piccadilly Circus as shown upon the Plan (C) signed and deposited as aforesaid and shall not erect or suffer to be erected any building thereon except such (if any) as may be consistent with the maintenance of the said piece of ground as by this section directed and as shall be in accordance with plans and elevations previously submitted to and approved in writing by the Commissioners of Woods.

Clissold Park.

9. The Council may erect and maintain a fence round Clissold Park and may enclose the said park or any part thereof with a view to the better or more effectual preservation thereof for public use and may lay out and improve the said park and defray the expenses from time to time incurred by them for those purposes and in maintaining and preserving the said park in like manner in every respect as if such expenses were expenses incurred by the Council in carrying into execution the purposes of the Metropolis Management Act.

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Land at Tench Street near London Dock.

10. Notwithstanding anything contained in the Metropolis (Tench Street, Saint George-in-the-East) Provisional Order Confirmation Act 1883 or the Provisional Order and scheme confirmed thereby it shall be lawful for the Council to lay out the improvement area therein referred to as an open space or recreation ground and to preserve and maintain the same or any part thereof for the use by the public for exercise and recreation and the Council may from time to time exercise all necessary powers for levelling improving maintaining and preserving the same and may place and maintain such erections and appliances therein and thereon as they may think expedient for that purpose: Provided that they may (if they think fit) enclose the said piece of land or any part thereof with a view to the better or more effectual preservation thereof for public use.

Byelaws.

11. The Council may from time to time make and enforce with respect to the said lands respectively or any part or parts thereof respectively as they may think fit byelaws for any of the purposes for which the said Council are empowered to make byelaws under the Metropolitan Board of Works Act 1877 and all the provisions of that Act with regard to the making contents confirmation approval allowance publication and evidence of byelaws and to securing the observance of the same and to penalties and proceedings before justices and the recovery and application of penalties shall extend and apply to such byelaws.

Extension of time for compulsory purchase of lands.

12. The powers of the Council for the compulsory purchase of lands and property required for so much of the street from Gray's Inn Road to St. John Street Road authorised by the Metropolitan Board of Works (Various Powers) Act 1885 and the Metropolitan Board of Works (Various Powers) Act 1888 as extends from the Farringdon Road to the St. John Street Road are extended to the sixth day of August 1891.

Extension of time for widening Cold Harbour Lane.

13. The powers of the Council under the Metropolitan Board of Works (Various Powers) Act 1886 for completing the improvement therein described as the widening of Cold Harbour Lane shall be extended until the twenty-fifth day of June 1891 and the provisions of the said Act with reference to the said improvement shall be read and have effect accordingly.

As to houses belonging to persons of the labouring class.

14. Whereas by section 60 of the Metropolitan Board of Works (Various Powers) Act 1885 it was provided that the Metropolitan Board of Works should not without the consent of the Secretary of State for the Home Department complete the purchase of twenty or more houses in any parish in the metropolis which after the

passing of that Act had been or on the fifteenth day of December then last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until they should have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons residing in such houses as the said Secretary of State should after inquiry deem necessary in accordance with the provisions of the said section:

And whereas in pursuance of the said section a scheme for providing new dwellings for persons of the labouring class residing in the parishes of St. Andrew Holborn and St. James and St. John Clerkenwell whose houses were required for the said new street authorised by that Act was submitted to the Secretary of State for the Home Department by the Metropolitan Board of Works and was approved by him on the thirtieth day of October 1886:

And whereas after correspondence between the Metropolitan Board of Works and the Secretary of State for the Home Department the Secretary of State consented in pursuance of the said section on the eleventh day of February 1888 that the said Board should proceed to treat for and complete the purchase of all estates and interests in all or any of the properties lying between the Farringdon Road and St. John Street Road required for the purpose of the said new street on certain conditions therein set forth:

And whereas the obligations imposed on the said Board by the said scheme and consent are in course of fulfilment and the Council are subject to such obligations so far as not already fulfilled:

And whereas there are no houses occupied by persons of the labouring class on the pieces of land which the Council are authorised to acquire under the powers of this Act:

And whereas the powers of the Council under the Metropolitan Board of Works (Various Powers) Act 1886 do not extend to any houses occupied by persons of the labouring class:

Therefore the extension by this Act of the powers of the Council for the compulsory purchase of lands and property for the said portion of the street from Gray's Inn Road to St. John Street Road authorised by the Act of 1885 shall only be exercised subject to and in accordance with the provisions of the said scheme and consent and of the said section 60 of the said Act of 1885.

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Errors and omissions in plans &c. to be corrected by justices who shall certify the same.

15. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Council may after ten days' notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to two justices for the correction thereof and if it shall appear to such justices that such omission misstatement or erroneous description arose from mistake they shall certify the same accordingly and they shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county in which the lands affected thereby shall be situate and such certificate shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands in accordance with such certificate.

Power of Council to defray expenses as if incurred under 18 & 19 Vict. c. 120.

16. The Council may from time to time defray the expenses incurred by them in the execution of this Act and not otherwise provided for by this or any other Act in like manner in every respect as if such expenses were expenses incurred by the Council in carrying into execution the purposes of the Metropolis Management Act.

Expenses of Act.

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

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., the Queen's Printer of Acts of Parliament.

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