The Metropolitan Board of Works (Various Powers) Act, 1884 (Plumstead Common and Hackney Commons), 47 & 48 Vict. c. ccxxiii.

„ Metropolitan Board of Works (Various Powers) Act, 1885 (Highbury Fields, Dulwich Park, and Plumstead Common), 48 & 49 Vict.

„ Metropolitan Board of Works (Various Powers) Act, 1886 (Little Wormwood Scrubs and Dulwich Park), 49 & 50 Vict. c. cxii.

CHAPTER 32.

An Act for extending certain Provisions of the Metropolitan Open Spaces Acts, 1877 and 1881, with Amendments, to Sanitary Districts throughout England, Wales, and Ireland; and for other purposes. [23rd August 1887.]

40 & 41 Vict. c. 35. 44 & 45 Vict. c. 34.

WHEREAS by the Metropolitan Open Spaces Acts, 1877 and 1881 (herein called the principal Acts), certain facilities were provided for making available the open spaces and burial grounds in the Metropolis for the use of the inhabitants thereof for exercise and recreation, and it is expedient to provide facilities for making available open spaces and burial grounds in all sanitary districts in England, Wales, and Ireland, for the like use of the inhabitants thereof, and to make other provisions for the purpose aforesaid, and also to amend the Metropolitan Open Spaces Act, 1881, and the Disused Burial Grounds Act, 1884:

47 & 48 Vict. c. 72.

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:

Interpretation.

1. In this Act, unless the context otherwise requires, the expression "urban sanitary district" and the expression "urban authority" respectively, and the expressions "rural sanitary district" and "rural authority" respectively shall have the meanings assigned to them respectively by the Public Health Act, 1875.

38 & 39 Vict. c. 55.

Amendment of 44 & 45 Vict. c. 34.

2. (1.) The Metropolitan Open Spaces Act, 1881, is hereby repealed to the extent mentioned in the Schedule to this Act, and the second section of the said Act is hereby amended, as follows (that is to say), the purchase money paid for or in respect of the purchase of any open space as therein mentioned shall be held in trust, either as in the said section mentioned, or as the case may be, for the benefit of the objects to which any rates previously imposed in respect of such open space had been applied.

(2.) The playing of any games or sports shall not be allowed in any churchyard, cemetery, or burial ground in or over which any estate, interest, or control is acquired under section five of the Metropolitan Open Spaces Act, 1881.

Provided that—

(*a.*) In the case of consecrated ground, the bishop, by any license or faculty granted under the Metropolitan Open Spaces Act or this Act, and

(*b.*) In the case of any churchyard, cemetery, or burial ground which is not consecrated, the body from which any such estate, interest, or control as aforesaid is acquired

may expressly sanction any such use of the ground, and may specify any conditions as to the extent or manner of such use.

Provision as to removal of tombstones and monuments.

3. In the case of any disused churchyard, cemetery, or burial ground, at least three months before any tombstone or monument is moved, the following steps shall be taken:

(*a.*) A statement shall be prepared sufficiently describing by the name and date appearing thereon the tombstones and monuments standing or being in the ground, and such other particulars as may be necessary;

(*b.*) Such statements shall be deposited with the clerk of the board or vestry, and shall be open to inspection by all persons;

(*c.*) An advertisement of the intention to remove or change the position of such tombstones and monuments shall be inserted three times at least in some newspaper circulating in the neighbourhood of the burial ground, and such advertisement shall give notice of the deposit of such statement as is hereinbefore described, and of the hours within which the same may be inspected;

(*d.*) A notice in terms similar to the advertisement shall be placed on the door of the church (if any) to which such churchyard, cemetery, or burial ground is attached, and shall be delivered or sent by post to any person known or believed by the board or vestry to be a near relative of any person whose death is recorded on any such tombstone or monument.

In the case of any consecrated ground no application for a faculty shall be made until the expiration of one month at least after the appearance of the last of such advertisements as aforesaid.

Provided that on any application for a faculty, nothing shall prevent the bishop from directing or sanctioning the removal of any tombstone or monument if he is of opinion that reasonable steps have been taken to bring the intention to effect such removal to the notice of some person having a family interest in such removal.

Amendment of 47 & 48 Vict. c. 72.

4. In the Disused Burial Grounds Act, 1884, and this Act, the expression "burial ground" shall have the same meaning as in the Metropolitan Open Spaces Act, 1881, as amended by this Act, and the expression "disused burial ground" shall mean any burial ground which is no longer used for interments, whether or not such ground shall have been partially or wholly closed for burials under the provisions of any statute or Order in Council, and the expression "building" shall include any temporary or moveable building.

Extension of certain provisions of Metropolitan Open Spaces Acts to urban and certain rural sanitary districts.

5. All the provisions of the principal Acts as amended by this Act (except sections four, five, six, seven, and eight of the Metropolitan Open Spaces Act, 1877, and so much of section six of the Metropolitan Open Spaces Act, 1881, as begins with the words "byelaws made under this Act" and ends with the figures "1855," and also except sections ten, eleven, twelve, and thirteen of the last-mentioned Act,) shall extend and be applicable to and in respect of any and every urban sanitary district, and any and every rural sanitary district in respect of which the sanitary authority shall have been invested by an order of the Local Government

Board with the powers of this Act, and to the open spaces and burial grounds in such districts respectively; and for the purpose of such extension and application to every such district, every urban authority and every such rural authority shall have and may exercise, and there shall be vested in such authority in and for its district, all and every or any such powers, authorities, and capacities in respect of, or in relation to, open spaces or burial grounds within such district as the Metropolitan Board of Works, herein called the Metropolitan Board, by virtue of the principal Acts as amended by this Act have or may exercise or enjoy with regard to open spaces or burial grounds within the Metropolis, or any of them; and for the purposes of this Act and in respect of any and every open space or burial ground within any such sanitary district, and of any and every such authority, the principal Acts shall be read and take effect as if the word "Metropolis" when used therein meant the same sanitary district, and as if the words "Metropolitan Board" and "Board" when used therein meant the sanitary authority of the same district, and as if the words "any two or more London daily papers," whenever they occur therein, meant "any two or more local newspapers circulating within the sanitary district."

Extension of 40 & 41 Vict. c. 35. to vestries and district boards.

6. All powers and duties conferred upon the Metropolitan Board by the Metropolitan Open Spaces Act, 1877, may, after the passing of this Act, be exercised and performed by any vestry or district board of works for the parishes and districts specified in Schedules A. and B. of the Metropolis Management Act, 1855, as amended by subsequent Acts.

Power of corporation to make free gift of land for open space.

7. Any corporation other than municipal corporations or body of persons having power, either with or without the consent of any other corporation or body of persons, to sell land belonging to such corporation or body may, but with the like consent (if any), convey, for valuable or nominal consideration or by way of gift, to any urban or rural authority such land, or any part thereof, for the purpose of the same being preserved as an open space for the enjoyment of the public, and may so convey the same with or without conditions, and the urban or rural authority may accept such open space, and, if conditions are imposed, subject to such conditions, and such open space shall be deemed to be an open space within the meaning of the principal Acts and this Act.

Where a corporation having power under this section to convey land are themselves the urban or rural authority, this section shall enable such authority to appropriate their land for an open space, and shall, with the necessary modifications, apply to such appropriation in like manner as it applies to the conveyance.

Expenses.

8. (1.) All expenses incurred under this Act by an urban or a rural authority shall be deemed to have been incurred in the execution of the Public Health Act, 1875, and shall be defrayed accordingly, and the purposes of this Act shall be deemed to be the purposes of the Public Health Act, 1875.

(2.) Provided that the expenses incurred by a rural authority shall be deemed to be special expenses under that Act incurred in respect of the contributory place or places for which the powers of this Act are exercised, and all the provisions of the Public

Health Act, 1875, which would be applicable in the case of an apportionment of special expenses for works for the common benefit of two or more contributory places, shall apply to any such expenses.

Saving for Crown lands.

9. This Act shall not extend to any land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or to any garden or ornamental ground for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings.

Byelaws.

10. All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six (both inclusive) of the Public Health Act, 1875, shall apply to all byelaws from time to time made by an urban or rural authority under the powers of this Act, and the penalties imposed by any such byelaws may be recovered in a summary manner.

Power over open spaces already vested in sanitary authority.

11. The Metropolitan Board or the sanitary authority may exercise all the powers given to them by the Metropolitan Open Spaces Act, 1881, or this Act respecting open spaces, churchyards, cemeteries, and burial grounds transferred to them in pursuance of the said Act or of this Act in respect of any open spaces, churchyards, cemeteries, and burial grounds of a similar nature which are or shall be vested in them in pursuance of any other statute, or of which they are otherwise the owners.

Power of Metropolitan Board with respect to public walks or pleasure grounds.

12. The Metropolitan Board may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Extension of Acts to Ireland.

13. The principal Acts and this Act shall apply to Ireland, subject to the following provisions:

In the said Acts—

41 & 42 Vict. c. 52.

References to the Public Health Act, 1875, shall be construed as references to the Public Health (Ireland) Act, 1878, and the reference to sections one hundred and eighty-two to one hundred and eighty-six of the first-mentioned Act shall be construed as referring to sections two hundred and nineteen to two hundred and twenty-three of the latter Act.

Reference to any private or local Act of Parliament shall be construed so as to include any Act of the Parliament of Ireland.

References to a "vestry," "district board," "corporation," or "Metropolitan Board" shall be construed as references to the sanitary authority.

References to the London daily papers shall be construed as references to any newspapers, daily or weekly, circulating within the district of the sanitary authority.

References to Her Majesty's Council shall be construed as references to Her Majesty's Privy Council in Ireland.

References to the Local Government Board shall be construed as references to the Local Government Board for Ireland.

23 & 24 Vict. c. 106. 14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97.

References to the Lands Clauses Act, 1845, shall be construed as references to that Act, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways

27 & 28 Vict. c. 71. 31 & 32 Vict. c. 70.

(Ireland) Act, 1851, the Railways (Ireland) Act, 1860, the Railways (Ireland) Act, 1864, and the Railways Traverse Act.

Nothing contained in the principal Acts or in this Act shall apply to any land for the time being under the management of the Commissioners of Public Works in Ireland, or belonging to the Benchers of the King's Inns in Dublin.

Short title and construction.

14. This Act may be cited as the Open Spaces Act, 1887, and may be read with the principal Acts as one Act.

SCHEDULE.

Portions of the Metropolitan Open Spaces Act, 1881, repealed.

In section one, the following words occurring in the definition of an "open space," viz., "but shall not include any enclosed land which has not a public road or footpath completely round the same."

In the same section, the following words occurring in the definition of a "burial ground," viz., "and in which interments have taken place since the year 1800."

In the second paragraph of section five, the words, "but such metropolitan board, vestry, or district board shall not allow the playing of any games or sports therein."

CHAPTER 33.

An Act to amend the Land Law (Ireland) Act, 1881, and the Purchase of Land (Ireland) Act, 1885, and for other purposes connected therewith. [23rd August 1887.]

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:

PART I.

Amendments of General Application.

Leaseholders.

1. At any time within two years after the passing of this Act on the application in the prescribed manner to the court by the lessee of any holding who at the expiration of his lease existing at the passing of the Land Law (Ireland) Act, 1881, would be deemed to be a tenant of a present ordinary tenancy from year to year within the meaning of the said Act, at the rent and subject to the conditions of the lease, or would be so deemed but for the fact that such lease would not expire within sixty years after the passing of the Land Law (Ireland) Act, 1881, such lessee shall, if bonâ fide in occupation of his holding, be deemed to be a tenant of a present tenancy in like manner and subject to like conditions, and subject to the same right of resumption as if his lease had expired, and his holding shall be subject to all the provisions of the said Act of 1881 with regard to present tenancies as if the tenancy therein were a tenancy from year to year.

44 & 45 Vict. c. 49.

This section shall apply only to leases expiring within ninety-nine years after the passing of the Land Law (Ireland) Act, 1881,