7. Section twenty-one of the principal Act is hereby repealed from the beginning of the section to the words "under this section." Partial repeal of 41 & 42 Vict. c. 74. s. 21.

8.—(1.) This Act may be cited as the Contagious Diseases (Animals) (Pleuro-pneumonia) Act, 1890, and so far as is consistent with the tenor thereof, shall be construed as one with the Contagious Diseases (Animals) Acts, 1878 to 1886. Short title, and construction of Act.

(2.) The Contagious Diseases (Animals) Acts, 1878 to 1886, and this Act may be cited together as the Contagious Diseases (Animals) Acts, 1878 to 1890.

(3.) The Contagious Diseases (Animals) Act, 1878, is in this Act referred to as the principal Act.

9. This Act shall come into operation on the first day of September one thousand eight hundred and ninety. Commencement of Act.

CHAPTER 15.

An Act to amend the Open Spaces Acts.

[25th July 1890.]

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:

1. This Act may be cited as the Open Spaces Act, 1890, and may be read with the Metropolitan Open Spaces Acts, 1877 and 1881, and the Open Spaces Act, 1887 (herein-after called the principal Acts) as one Act, and this Act and the principal Acts may be cited as the Open Spaces Acts, 1877 to 1890. Short title and construction. 40 & 41 Vict. c. 35. 44 & 45 Vict. c. 34. 50 & 51 Vict. c. 32.

2. In this Act— Definitions.

The expression "local authority" shall mean and include any of the public bodies who are empowered by the principal Acts to hold open spaces for the purposes of the Open Spaces Acts, 1877 to 1890:

"The court" shall mean the Chancery Division of the High Court of Justice in England and Ireland, and the county court of the district in which the whole or part of any open space may be situated as herein provided.

3. The trustees of land held upon trust for the purposes of public recreation may, in pursuance of a resolution duly passed as provided by section two of the Metropolitan Open Spaces Act, 1881, transfer by free gift, absolutely or for a limited term, to the local authority of the district in which the whole or the greater part in area of the land is situate, the land so held by them, if such authority is willing to accept such transfer, to be held by the transferees on the trusts and subject to the conditions on which the transferors held the same, or upon such other trusts and subject to such other conditions (so that the land be appropriated to the purposes of public recreation) as may be agreed upon between the Transfer to local authority of spaces held by trustees for purposes of public recreation.

transferors and transferees with the approval of the Charity Commissioners for England and Wales, or, as respects Ireland, of the Commissioners of Charitable Donations and Bequests for Ireland. Subject to the obligation of the land so transferred being used for the purposes of public recreation as aforesaid, the local authority may hold the same as and for the purposes of an open space under the Open Spaces Acts, 1877 to 1890. This section shall not apply to any trustees elected or appointed under any local or special Act of Parliament.

Similar power with respect to trustees of other open spaces.

4. When any open space shall be situate wholly or in part within the district of a local authority, and shall be vested in trustees, other than such trustees as are mentioned in the principal Acts, or in the last preceding section of this Act, for any charitable purpose, and as part of their trust estate, and it shall appear to the majority of such trustees that such open space is no longer required for the purposes of their trust, or that the same may with advantage to the trust be dealt with under the provisions of this section, it shall be lawful for such trustees, in pursuance of a resolution passed by them in the manner prescribed in the last preceding section of this Act, and where the open space is subject to the provisions of the Charitable Trusts Acts, 1883 to 1887, with such authority or approval as is required by those Acts for a sale of the open space, and in other cases in pursuance of an order of the court to be obtained as herein-after provided, to convey or demise such open space to such local authority upon such terms as shall be mutually agreed between them, and the local authority shall thenceforth be entitled to hold the same as an open space upon the terms and under the conditions specified in any such conveyance or demise, or upon such terms and under such conditions as may be so authorised or approved, or as the court shall from time to time order, as the case may be.

Procedure for obtaining order of court.

5. An order of the court may be made upon application by the trustees, and the court, before making any order, may direct such inquiries to be made, such consents to be obtained, and notice to be given to such persons as to the court shall seem expedient, and may make such order thereon as in its discretion appears proper. Rules for carrying out the preceding provisions of this Act may from time to time be made by the same authority as the General Rules or Orders of the High Court of Justice in England and Ireland, and of the county courts in England, Ireland, and Wales respectively are made.

Open Spaces Acts to apply outside district of local authority.

6. The Open Spaces Acts, 1877 to 1890, shall be applicable to the whole of any open space which is wholly or partly situated without the district of a local authority in the same manner to all intents and purposes as if the whole of such open space had been situated within such district.

Buildings on open spaces.

7. Where a portion of an area of land not exceeding a twentieth part is covered with a building or buildings, such land may notwithstanding be deemed to be an open space within the meaning of the Open Spaces Acts, 1877 to 1890.