CHAPTER xliii.

An Act to confer powers upon the Zoological Society of London with reference to certain lands acquired by them in the county of Bedford to provide for the construction of a new bridlepath and the acquisition of land therefor and for other purposes. A.D. 1928.

[2nd July 1928.]

WHEREAS the Zoological Society of London (hereinafter referred to as "the Society") were incorporated by royal charter dated the twenty-seventh day of March one thousand eight hundred and twenty-nine for the advancement of zoology and animal physiology and the introduction of new and curious subjects of the animal kingdom:

And whereas the Society have interpreted their duties as including the instruction of the public by the exhibition of animals under the best conditions at their disposal:

And whereas the collection of animals belonging to or in the custody of the Society is at present housed in the gardens of the Society in Regent's Park in the county of London which comprise an area of approximately thirty-five acres only and of which the Society are tenants or licensees from the Crown:

And whereas the area of the said gardens is inadequate for the increasing needs of the Society for

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space for the housing of animals in a suitable manner and is such as not to make the best possible provision for the health and well being of the animals housed therein:

And whereas the Society have purchased an estate of approximately four hundred and eighty acres in extent in the county of Bedford of which the nature and circumstances are such that it will be possible for the Society to keep animals there under conditions more nearly approximating to those under which such animals live in a wild state and which estate is intended to be developed and used as a zoological park under more favourable conditions for the breeding and exercise of animals and as a sanctuary for British wild fauna and flora and for other purposes of the Society:

And whereas the said estate is traversed by certain footpaths over which there exist or may be claimed to exist public rights of way and parts of the said estate are subject to the exercise of other rights:

And whereas in order to enable the Society to make full and proper use of the said estate for the purposes aforesaid it is expedient that the said rights of way and other rights should be extinguished subject (as to one of the said footpaths) to the provision by the Society of a bridlepath in continuation of an existing bridlepath which traverses part of the said estate and that the Society should be empowered to acquire compulsorily or otherwise the land required for part of such new bridlepath:

And whereas the Society intend to grant to members of the public facilities for admission to the said estate or parts thereof when developed and equipped:

And whereas it is expedient for the advancement of the objects of the Society and in the public interest generally that the powers contained in this Act with reference to the said estate should be granted to the Society and that the other provisions contained in this Act should be made:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas a plan showing the land which may be compulsorily acquired under the powers of this Act and a book of reference to the said plan containing the

names of the owners and lessees or reputed owners and lessees and of the occupiers of and describing the said lands were duly deposited with the clerk of the peace for the county of Bedford and are in this Act referred to as the deposited plan and book of reference:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

Short title.

1. This Act may be cited as the Zoological Society of London Act 1928.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts are hereby incorporated with this Act and for the purposes of such incorporation this Act shall be deemed to be the special Act and the Society shall be deemed to be the promoters of the undertaking.

Interpretation.

3. In and for the purposes of this Act the following expressions have the following respective meanings unless the subject or context otherwise requires:—

"The Society" means the Zoological Society of London;

"The charter" means the royal charter dated the twenty-seventh day of March one thousand eight hundred and twenty-nine whereby the Society were incorporated;

"The council" means the council of the Society appointed pursuant to the charter and as constituted for the time being;

"The Whipsnade Estate" means the lands described in the schedule to this Act and belonging or reputed to belong to the Society;

"The Eaton Bray Award" means the enclosure award dated the twenty-fifth day of January one thousand eight hundred and sixty and sealed by the Enclosure Commissioners on the thirty-first day of January one thousand eight hundred and sixty relating to the parish of Eaton Bray in the rural district of Eaton Bray and county of Bedford;

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"The Ordnance map" means the $\frac{1}{2500}$ Ordnance map (edition of 1924) Bedfordshire;

"The Regent's Park Gardens" means the gardens in Regent's Park in the county of London held by the Society as tenants or licensees of the Crown;

"Footpath" includes bridlepath and carriageway;

"The new bridlepath" means the new bridlepath to be provided by the Society under the provisions of this Act.

Powers of Society with reference to Whipsnade Estate.

4.—(1) The Society may lay out develop and use the whole or any part or parts of the Whipsnade Estate as a zoological park and as a breeding ground and place of exercise for animals and as a sanctuary for British wild fauna and flora or for purposes of afforestation or for any other purpose consistent with the objects of the Society and may for or in connection with any of those purposes—

(*a*) erect construct and maintain on the Whipsnade Estate dwelling-houses buildings sheds structures and erections of such descriptions as they may think fit and drains sewers and sewage disposal works and adapt any existing dwelling-houses buildings sheds structures and erections on the said estate:

(*b*) lay out make up and maintain such roads and footpaths on the Whipsnade Estate as they may think fit which roads and footpaths shall for all purposes be and remain private roads and footpaths:

(*c*) on the Whipsnade Estate—

(i) manufacture or generate gas or electricity;

(ii) sink wells or provide maintain work and use pumps machinery and apparatus for obtaining water from wells or other sources;

(iii) construct erect provide and use gas-holders reservoirs tanks ponds and other apparatus for the storage of gas or water;

(iv) lay down or place mains pipes wires and other works and apparatus for the

transmission to various parts of the said estate or use of gas water or electricity; and

(v) erect construct provide maintain work and use buildings works and machinery for the said purposes or any of them:

Provided that the Society shall not under the powers of this Act construct any gasworks or sewage works or works for the manufacture or conversion of the residual products of gas or any station for generating electrical energy or any sewage farm within three hundred yards of any dwelling-house erected at the passing of this Act on lands not forming part of the Whipsnade Estate:

Provided also that any station for generating electrical energy and any mains pipes wires or other works or apparatus for the supply of electricity constructed laid down or placed under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line:

Provided further that before erecting on the Whipsnade Estate any station for generating electricity the Society shall give to the mayor aldermen and burgesses of the borough of Luton or other the authorised undertakers for the time being under the Luton Electricity Act and Orders 1895 to 1924 (hereinafter referred to as "the Luton Undertakers") notice in writing of their intention so to do and shall not erect any such station if and so long as the Luton Undertakers are able and willing within a reasonable time from the date of such notice to provide and lay down all necessary mains cables and apparatus and to furnish to the Society a supply of electricity sufficient for all the purposes of the Society from time to time at a reasonable price (having regard to the cost at which the Society could themselves generate electricity) and under such conditions as to obviate so far as practicable any risk of interruption in the continuity of such supply and that if any difference shall arise between the Society and the Luton Undertakers under this proviso such difference shall be referred to and determined by an arbitrator to be agreed upon

A.D. 1928. between them or (failing such agreement) an independent person to be appointed as arbitrator by the Electricity Commissioners on the application of either party (after notice in writing to the other of them) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

(2) The Society may if they think fit supply water in bulk or otherwise upon and subject to such terms and conditions as they may from time to time determine to any local authority company body or person in any area in the vicinity of the Whipsnade Estate Provided that the Society shall not under the powers of this section supply water within the area of supply of any local authority company body or person for the time being supplying water under statutory powers except with the consent in writing of such local authority company body or person Provided also that the Society shall not supply water in bulk or otherwise beyond or for use beyond the administrative county of Bedford unless notice in writing of their intention to afford such supply has been given to the county council of that county and if the county council within one month of the receipt of the notice object to such supply the Society shall not afford the same except with the consent of the Minister of Health Provided further that nothing in this section shall entitle the society to open or break up any street or road elsewhere than on the Whipsnade Estate.

Power to dispose of Whipsnade Estate.

5. The Society may as and when they think fit and upon and subject to such terms and conditions as they may determine sell mortgage exchange or let on lease or under tenancy agreements or otherwise dispose of or deal with the Whipsnade Estate or any part or parts thereof.

Enactments and byelaws relating to buildings not to apply to certain buildings of Society.

6. The provisions of any enactment or byelaw relating to or affecting the erection of buildings or structures in the districts in which the Whipsnade Estate is situate shall not apply to any building or structure to be erected by the Society on that estate unless such building or structure is constructed or adapted to be used wholly or principally for human habitation.

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Stopping up of roads and footpaths.

7.—(1) The Society may stop up the whole or any part of—

(*a*) the following footpaths so far as such footpaths are upon any portion of the Whipsnade Estate (that is to say):—

(i) the footpath leading from the village of Dagnall to the village of Whipsnade and traversing (inter alia) the enclosures numbered 25 26 35 and 34 in the parish of Studham and 88 in the parish of Whipsnade on the Ordnance map sheets XXXII 13 and 14;

(ii) the footpath leading from the said village of Dagnall to the said village of Whipsnade and traversing (inter alia) the enclosures numbered 14 14a 13 27 and 34 in the parish of Studham and 88 in the parish of Whipsnade on the Ordnance map sheets XXXII 13 and 14;

(iii) the footpath leading from the main road from Dagnall to Eaton Bray to the road from Eaton Bray to Whipsnade and traversing the enclosures numbered 14 in the parish of Studham and 396 in the parish of Eaton Bray on the Ordnance map sheet XXXII 13;

(iv) the footpath leading from the said main road from Dagnall to Eaton Bray to the said road from Eaton Bray to Whipsnade and traversing the said enclosure numbered 396 on the Ordnance map sheets XXXII 9 and 13; and

(*b*) all or any other footpaths or any roads upon the Whipsnade Estate except the existing bridlepath traversing the eastern portions of the enclosures numbered 42 and 74 in the said parish of Studham on the Ordnance map sheet XXXII 14:

Provided that the footpath referred to under head (i) of the foregoing paragraph (*a*) shall not be stopped up under the powers of this Act until two justices shall have certified that the new bridlepath has been completed to their satisfaction and is open for public use and that

A.D. 1928. before applying to the justices for their certificate the Society shall give to the Luton Rural District Council seven days' notice in writing of their intention to apply for the same.

(2) As from the date of the certificate referred to in the proviso to subsection (1) of this section as respects the existing footpath also referred to in that proviso and as from the date or respective dates of the stopping up under the powers of this section of the other footpaths and roads referred to in this section as respects those footpaths and roads all rights of way over the footpaths or roads or portions thereof stopped up shall be extinguished Provided that the Society shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement Provided also that nothing in this section shall be construed as conferring or implying the existence of a right of way over any of the said footpaths or roads or any portion thereof whether the same be upon the Whipsnade Estate or not.

New bridlepath to be provided.

8. Subject to the provisions of this Act the Society shall before stopping up the footpath referred to under head (i) in paragraph (*a*) of subsection (1) of the section of this Act of which the marginal note is "Stopping up of roads and footpaths" provide in the line and situation shown on the deposited plan and dedicate to the use of the public a bridlepath in the said parish of Studham extending from the existing bridlepath at the south-eastern corner of the enclosure numbered 74 in that parish on the Ordnance map sheet XXXII 14 to the existing footpath extending from Saint Mary's Church Studham to the village of Dagnall but the Society shall not be required to provide or maintain or contribute towards the cost of the provision or maintenance of fences to the said new bridlepath.

Limits of deviation for new bridlepath.

9. In providing the new bridlepath the Society may deviate laterally from the line or situation thereof as shown on the deposited plan to any extent not exceeding the limits of lateral deviation shown on that plan.

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Power to acquire lands for new bridle-path.

10. Subject to the provisions of this Act the Society may enter upon take and use for the purposes of the new bridlepath such of the lands hereinafter described as they may require for those purposes so far as such lands are delineated on the deposited plan and described in the deposited book of reference (that is to say):—

(*a*) A strip of land in the said parish of Studham eighty yards or thereabouts in width comprising the westernmost portions of the enclosures numbered 114 and 115 in that parish on the Ordnance map sheet XXXIV 2 and extending from the north-eastern boundary of the said enclosure numbered 114 to the south-western boundary of the said enclosure numbered 115:

(*b*) A strip of land in the said parish of Studham seven yards or thereabouts in width comprising the south-westernmost portion of so much of the enclosure numbered 85 in that parish on the Ordnance map sheets XXXIV 1 and 2 as is in the county of Bedford and extends from the south-eastern boundary of that enclosure for a distance of eighty yards or thereabouts measured in a north-westerly direction from that boundary.

Society may acquire easements only in certain cases.

11.—(1) The Society may in lieu of acquiring any lands for the purposes of the new bridlepath acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Society have acquired easements only under the provisions of this section the Society shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use the said lands at all times as if this Act had not been passed.

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(3) Provided always that nothing in this section contained shall authorise the Society to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Society to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Limit of time for compulsory purchase of lands.

12. The powers of the Society for the compulsory purchase of lands under or for the purposes of this Act shall cease on the thirty-first day of October One thousand nine hundred and thirty-one.

Extinguishment of rights of taking stone and gravel from part of Whipsnade Estate.

13.—(1) All rights of the Eaton Bray Rural District Council and the parish council of the parish of Eaton Bray or either of them or of any other authority body or person under or by virtue of the Eaton Bray Award to take stone or gravel from so much of the Whipsnade Estate as comprises the piece or parcel of land containing by admeasurement twenty acres which by the said award was set out and allotted and awarded unto Edward James Earl of Powiss and Wilbraham Egerton as trustees under the will of the then late Earl of Bridgewater subject to the same being used as a public quarry by the surveyors of the highways of the parish of Eaton Bray for supplying stone and gravel for the repair of the roads and ways within the said parish (which piece or parcel of land comprises the enclosures numbered 402 403 404 and 405 in the parish of Eaton Bray on the Ordnance map sheets XXXII 13 and 14) are hereby wholly extinguished and the Society may use the said piece or parcel of land for any of the purposes of the Society.

(2) Any authority body or person in and by whom the said rights were immediately before the date of the passing of this Act vested and exerciseable shall be entitled to receive and shall be paid by the Society compensation for such loss (if any) as may have been sustained by them or him by the extinguishment of the said rights provided that within six months from the said date they or he deliver to the Society a notice in writing of their or his claim for compensation stating the exact nature of the interest in respect of which

compensation is claimed and giving details of the compensation claimed and showing how the amount claimed is calculated.

(3) Any compensation payable under the provisions of this section shall be of such amount as may be agreed between the Society and the authority body or person claiming the same or as (failing such agreement) shall be determined by an arbitrator to be agreed upon by the parties in difference or in default of such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Surveyors Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

Extinguishment of rights in relation to pond or watering-place and roadway thereto.

14. All public and other rights to in or in relation to the pond in the said parish of Eaton Bray known as the Ouseley or Coppice Pond which by the Eaton Bray Award was set out and appointed as a public pond or watering place in the allotment referred to in the section of this Act of which the marginal note is "Extinguishment of rights of taking stone and gravel from part of Whipsnade Estate" and all rights of way over the roadway leading to the said pond from the public road from Eaton Bray to Whipsnade which by the said award was set out and appointed as a public carriageway or road (so far as the said roadway is situated on the Whipsnade Estate) are hereby extinguished and the Society may if they think fit discontinue the said pond or watering place and roadway and utilise the sites thereof respectively for any of the purposes of the Society.

Annulment of obligations as to fences.

15. The provisions of the Eaton Bray Award relating to the making and maintaining of the fences which enclose the allotment referred to in the section of this Act of which the marginal note is "Extinguishment of rights of taking stone and gravel from part of Whipsnade Estate" are hereby annulled and the Society shall not be under any obligation to make or maintain any fences enclosing the area comprising the said allotment or any part thereof.

16. Subject as hereinafter provided the Society shall admit members of the public to such parts of the

As to admission of

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members of public to Whipsnade Estate.

Whipsnade Estate as the Society may from time to time determine to be available for such admission on all occasions on which fellows of the Society are for the time being entitled under the byelaws of the Society to admission thereto subject to the payment by members of the public so admitted of such charges (on Sundays as well as on other days) for such admission as the Society may from time to time prescribe and to compliance by such members of the public with the byelaws of the Society and any regulations made by the Society under the powers of this Act Provided that the Society may if they think fit on such occasions as they may from time to time determine exclude members of the public from all or any parts or part of the Whipsnade Estate for the time being so available for the admission of members of the public as aforesaid but the power of exclusion hereby reserved to the Society shall not be exerciseable on more than twelve days in any one year nor on more than four consecutive days.

Regulations as to visitors to Whipsnade Estate or to Regent's Park Gardens.

17.—(1) The Society may from time to time make and may enforce regulations as to the conduct of persons admitted to the Whipsnade Estate or the Regent's Park Gardens or any part or parts thereof respectively and for securing the proper and orderly management of the said estate and gardens.

(2) A regulation made under the powers of this section shall not have any effect until it has been confirmed by the Secretary of State and shall not be so confirmed until after the expiration of thirty days from the date on which the Society publish in such manner as the Secretary of State may direct a notice of the proposed confirmation.

(3) Any person offending against any such regulation shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) Any officer or servant of the Society authorised by the Society in that behalf may after due warning exclude or remove from the Whipsnade Estate or the Regent's Park Gardens any person whom such officer or servant has reasonable ground for believing to have infringed any of the said regulations or behaved in a riotous or disorderly manner or in a manner likely to cause a breach of the peace.

(5) Nothing in this section shall interfere with or affect the powers of the Society of making orders and byelaws under and for the purposes referred to in the charter or any amendment thereof. A.D. 1928.

Provision of means of transport and catering for refreshments.

18.—(1) The Society may provide or enter into agreements or arrangements with any company body or person for the provision of means of conveying members of the public or others to or from the Whipsnade Estate from or to any railway station or place within the distance of six miles from any part of the boundary of the Whipsnade Estate but not within the London traffic area as defined by the London Traffic Act 1924 and may for such conveyance charge or arrange for the charging of such sums as they may from time to time determine:

Provided that—

(*a*) if and so long as an efficient service of omnibuses or other vehicles plying for hire is run by any company or person being a member of the London and Provincial Omnibus Owners' Association between the Whipsnade Estate and any such railway station or place at reasonable fares and (as regards any railway station) in connection with the train service to and from that station from and to London the Society shall not without the consent of such company or person provide or enter into any agreement or arrangement with any other company body or person for the provision of means of conveying members of the public from or to such railway station or place so as to compete with the service run by such company or person;

(*b*) any difference at any time arising between the Society and any such company or person as aforesaid as to whether or not an efficient service of vehicles is being run by such company or person within the meaning and in accordance with the provisions of this proviso or as to whether the fares charged by such company or person are reasonable or as to whether any such competition as

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aforesaid exists or would exist shall be determined by an arbitrator to be agreed upon between the parties in difference or (failing such agreement) to be nominated by the Minister of Transport on the application of either party after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the determination of any such difference.

(2) (*a*) The Society may provide and sell or enter into agreements or arrangements with any company body or person for the provision and sale of refreshments of all kinds at the Whipsnade Estate and the Regent's Park Gardens or either of them on Sundays as well as on other days but otherwise subject to the provisions of all Acts relating to such sale and may also upon such terms and conditions as they may think fit grant to any person the right so to provide and sell refreshments.

(*b*) The Society or any person nominated by them in that behalf may apply for and hold licences for the sale of intoxicating liquor within the meaning of the Licensing (Consolidation) Act 1910 or of tobacco for the purposes of this subsection.

(*c*) As respects the Regent's Park Gardens the Society shall be deemed always to have had the powers of this subsection.

Power to apply funds.

19. The Society may apply their funds for the purposes of this Act.

Act to be carried into execution by Council.

20. The powers and provisions of this Act shall be exercised and carried into effect by the council.

Costs of Act.

21. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Society.

The SCHEDULE referred to in the foregoing Act.

DESCRIPTION OF THE WHIPSNADE ESTATE.

Lands in the parish of Eaton Bray in the rural district of Eaton Bray and in the parishes of Whipsnade and Studham in the rural district of Luton (all in the county of Bedford) containing in the whole an area of 480 acres or thereabouts and comprising the enclosures numbered on the Ordnance map (sheets XXXII 9 13 and 14 and XXXIV 2) 388 395 396 401 402 403 404 405 408 and 409 in the said parish of Eaton Bray 76 77 78 79 80 81 82 83 84 85 86 87 88 and 89 in the said parish of Whipsnade and 12 13 14 14A 18 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 74 76 77 78 79 80 88 and 89 in the said parish of Studham and so much of the enclosure numbered 91 in the last-mentioned parish as is situate westward of a line drawn in a north-easterly direction from the north-eastern corner of the said enclosure numbered 89 to a point in the southern boundary of the said enclosure numbered 76 245 yards or thereabouts measured in a north-westerly direction from the south-eastern corner of that enclosure.

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