

Metropolis Management Act 1855

1855 CHAPTER 120 18 and 19 Vict

Section 239 Special provisions as to inclosed gardens in squares, &c.

Note: the words in italics are a commentary and do not form part of the Section

Part A The below part applies only where the controlling body has control of only the garden and does not control any adjoining or other land. It preserves control over the garden to that body and confirms that the Act leaves intact the arrangements in place before the commencement of the Act.

Where any enclosed garden or ornamental ground is vested in or under the maintenance or management of any commissioners or other body, for the use of the inhabitants of any square, crescent, circus, street, or place surrounding or adjoining such garden or ground, and the powers of such commissioners or other body do not extend beyond such garden or ground, and such square, crescent, circus, street, or place, or any adjoining street, way, or passage, so far as the same may abut upon any part of any house, shop, building, or tenement situate in or fronting any such square, crescent, circus, street, or place, nothing in this Act shall divest such commissioners or body of any property in such garden or ground, or in any railing or footway bounding the same, or of any duties, powers, or authorities now or hereafter vested in any such commissioners or other body for or in relation to the paving, watering, cleansing, improving, or regulating of such enclosed garden or ornamental ground, or in relation to the railing or footway bounding the same, or to levy rates for defraying any expenses incurred in the execution of such duties or powers;

Part B The second part (below) applies where the controlling body also controls areas beyond the garden itself and provides for the creation of a committee to govern the square. The "Commissioners" are now generally the local authority.

and where the maintenance or management of any enclosed garden or ornamental ground is vested in any commissioners or other body, for the use or benefit of the inhabitants of any square, crescent, circus, street, or place surrounding or adjoining the same, who are liable to be assessed for the maintenance thereof, and the powers of such commissioners or other body extend beyond such enclosed garden or ornamental ground, and such square, crescent, circus, street, or place, or such adjoining street, way, or passage as aforesaid, the maintenance and management of such enclosed garden or ornamental ground shall be vested in a committee, consisting of not more than nine nor fewer than three of such inhabitants, and such committee shall be appointed annually in the first week in June by such inhabitants; and the vestry or board shall from time to time cause to be raised the sums required by such committee for defraying the expenses of the maintenance and management of such enclosed garden or ornamental ground, or of such part thereof as is situate within their parish or district, by an addition to the general rate to be assessed on the occupiers of the houses or buildings the occupiers whereof are now liable to be assessed for the same purpose:

Part C The proviso below applies where some limit (normally expressed as shillings or pence in the pound of rateable value) applied

Provided always, that where any such rate which may now be levied for such purpose is limited in amount, the rate to be levied under this provision shall be subject to the like limit.

Note: Only Sections 239 and 240 of the Act remain in force. Section 240 relates only to the Crown Estate Paving Act 1851. The remainder of the Act was repealed in 1965.



Metropolis Management Act 1855

1855 CHAPTER 120

An Act for the better Local Management of the Metropolis.

[14th August 1855]

Annotations:

Modifications etc. (not altering text)

- C1 Short title given by Short Titles Act 1896 (c. 14)
- C2 Preamble omitted under authority of Statute Law Revision Act 1892 (c. 14)

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238.

Annotations:

Amendments (Textual)

- F1 Ss. 1–238, 241–251, Schs. A–F repealed by S.I. 1965/540, Sch. 3

239 Special provisions as to inclosed gardens in squares, &c.

Where any enclosed garden or ornamental ground is vested in or under the maintenance or management of any commissioners or other body, for the use of the inhabitants of any square, crescent, circus, street, or place surrounding or adjoining such garden or ground, and the powers of such commissioners or other body do not extend beyond such garden or ground, and such square, crescent, circus, street, or place, or any adjoining street, way, or passage, so far as the same may abut upon any part of any house, shop, building, or tenement situate in or fronting any such square, crescent, circus, street,

Changes to legislation: There are currently no known outstanding effects for the Metropolis Management Act 1855. (See end of Document for details)

or place, nothing in this Act shall divest such commissioners or body of any property in such garden or ground, or in any railing or footway bounding the same, or of any duties, powers, or authorities now or hereafter vested in any such commissioners or other body for or in relation to the paving, watering, cleansing, improving, or regulating of such enclosed garden or ornamental ground, or in relation to the railing or footway bounding the same, or to levy rates for defraying any expenses incurred in the execution of such duties or powers; and where the maintenance or management of any enclosed garden or ornamental ground is vested in any commissioners or other body, for the use or benefit of the inhabitants of any square, crescent, circus, street, or place surrounding or adjoining the same, who are liable to be assessed for the maintenance thereof, and the powers of such commissioners or other body extend beyond such enclosed garden or ornamental ground, and such square, crescent, circus, street, or place, or such adjoining street, way, or passage as aforesaid, the maintenance and management of such enclosed garden or ornamental ground shall be vested in a committee, consisting of not more than nine nor fewer than three of such inhabitants, and such committee shall be appointed annually in the first week in June by such inhabitants; and the vestry or board shall from time to time cause to be raised the sums required by such committee for defraying the expenses of the maintenance and management of such enclosed garden or ornamental ground, or of such part thereof as is situate within their parish or district, by an addition to the general rate to be assessed on the occupiers of the houses or buildings the occupiers whereof are now liable to be assessed for the same purpose: Provided always, that where any such rate which may now be levied for such purpose is limited in amount, the rate to be levied under this provision shall be subject to the like limit.

240 Saving of powers and property of Commissioners under 14 & 15 Vict. c. 95.

This Act shall not divest the Commissioners for carrying into execution the Crown Estate Paving Act 1851, and the subsisting provisions of the Acts therein recited, or [^{F2}the Secretary of State] of any of the powers, duties, authorities, or property vested in them respectively under the said Acts; and nothing in this Act shall extend to authorise or empower any [^{F3}council of an inner London borough] to exercise any power or control whatsoever in respect of paving, maintaining, lighting, watering, cleansing, and regulating any streets or places in the neighbourhood of the Houses of Parliament, delineated on a plan marked E., referred to by the ^{M1}Crown Estate Paving Act 1851, or any portion of the district now under the management of the Commissioners for carrying into execution the said Crown Estate Paving Act, and the subsisting provisions aforesaid, or to exercise any power or control whatsoever in or over any of the gardens or pleasure grounds the management whereof is now or may for the time being be vested in such last-mentioned Commissioners; nor shall any such street or place, or any portion of such district, as aforesaid, be assessed or rated under this Act for defraying any expenses incurred by any [^{F3}council of an inner London borough] in relation to paving, lighting, watering or cleansing; but such streets, places, and district shall be subject . . . ^{F4} to be assessed or rated for sewerage expenses incurred by any such [^{F3}council of an inner London borough] and for expenses incurred by [^{F3}the Greater London Council] and towards any sums required to be raised by such Board under this Act as by this Act provided.

Annotations:

Amendments (Textual)

- F2 Words substituted by virtue of S.R. & O. 1945/991 (Rev. XV, p. 232: 1945I, p. 1414), arts. 1,2, S.I. 1962/1549 and 1970/1681, arts. 2, 6(3)

Changes to legislation: There are currently no known outstanding effects for the Metropolis Management Act 1855. (See end of Document for details)

- F3 Words substituted by virtue of S.I. 1965/540, Sch. 1 para. 4
- F4 Words repealed by Public Health (London) Act 1936 (c. 50), Sch. 7

Marginal Citations

- M1 1851 c. 95.

241 F5

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251.

Annotations:

Amendments (Textual)

- F5 Ss. 1–238, 241–251, Schs. A–F repealed by S.I. 1965/540, Sch. 3

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^{F6}SCHEDULES (A)—(F)

Annotations:

Amendments (Textual)

F6 Ss. 1–238, 241–251, Schs. A–F repealed by S.I. 1965/540, Sch. 3

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