



Lever Park Act 1969

CHAPTER xxxvi

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ELIZABETH II



1969 CHAPTER XXXVI

Act to transfer to and vest in the county council the administrative county of the county palatine of Lancaster certain land of the lord mayor, aldermen and citizens of the city of Liverpool forming part of Lever Park in the parish of Rivington in the rural district of Chorley; to provide for the extinguishment of public rights in, upon or over the same; to confer power upon the said lord mayor, aldermen and citizens to transfer Lever Park; and for other purposes.

[25th July 1969]

WHEREAS—

By the Liverpool Corporation Act, 1902, there were vested in the lord mayor, aldermen and citizens of the city of Liverpool (after referred to as "the Corporation") the lands in the parish of Rivington more particularly described in subsection (1) of section 21 of that Act and by subsection (2) of the said section 21 it was provided that the Corporation should permit the owner of the said lands to lay out the said lands (or any part thereof described in the said subsection) as a public

park (hereinafter and hereinafter referred to as "Lever Park" for the use and enjoyment of the inhabitants of the borough of Bolton and generally for the public for ever pull down any building or buildings then standing on the lands and to erect any building or buildings thereon or convenient for the use and enjoyment of the park and to make any roads or footpaths thereon for affording public proper access thereto and generally to form, lay out, deal with Lever Park as might appear to him to be desirable in order to secure their free and uninterrupted enjoyment by public:

(2) By subsection (4) of the said section 21 the Corporation are required to maintain and manage Lever Park and are authorised to expend money on waterworks account for those purposes and to exercise in respect thereof all the powers, including the power of making byelaws, which under any public Act or local Act or Order in force in the city of Liverpool they have or can exercise in relation to any park, gardens or place of public resort vested in them, with power also to make byelaws for certain other purposes:

(3) Lever Park was shortly after the passing of the said Act of 1902 laid out as a public park in accordance with the provisions of subsection (2) of the said section 21 and is now vested in the Corporation and maintained and managed by the Corporation in accordance with and subject to the provisions of the said section 21:

(4) It is expedient that land forming part of Lever Park comprising approximately 6.4 acres (hereinafter referred to as "the specified land") should be transferred to and vested in the county council of the administrative county of the county palatine of Lancaster (hereinafter referred to as "the Council") for educational purposes and, subject as in this Act provided, that all public rights over the specified land should be extinguished:

(5) It is expedient that other land now vested in the Corporation adjoining Lever Park and comprising approximately 6.0 acre (hereinafter referred to as "the substituted land"), should be held by the Corporation as part of the said park subject to and in accordance with the provisions of the said section 21:

(6) It is expedient that the Corporation should be empowered to enter into and carry into effect an agreement with any local authority or any combination of two or more local authorities or any joint committee for the transfer to and vesting in such local authority, combination of local authorities or joint committee of Lever Park or any part thereof, subject as in this Act provided:

(7) It is expedient that the other provisions contained in this Act should be enacted:

(8) A plan of the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the County Council, which plan is in this Act referred to as the deposited plan:

(9) The objects of this Act cannot be effected without the authority of Parliament:

(10) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, 1933 c. 51. have been observed:

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:—

This Act may be cited as the Lever Park Act 1969.

Short title.

(1) In this Act, unless the subject or context otherwise requires—

“the Act of 1902” means the Liverpool Corporation Act, 1902 c. cexl. 1902;

“the Corporation” means the lord mayor, aldermen and citizens of the city of Liverpool acting by the council of that city;

“the County Council” means the county council of the administrative county of the county palatine of Lancaster;

“the deposited plan” means the plan referred to in the preamble to this Act;

“Lever Park” has the same meaning as in subsection (2) of section 21 (Appropriation of certain lands as public park to be known as Lever Park) of the Act of 1902;

“the Minister” means the Minister of Housing and Local Government;

“the specified land” means the land within Lever Park delineated on the deposited plan and thereon edged pink;

“ the substituted land ” means the land adjoining Lever Park delineated on the deposited plan and thereon edged yellow;

“ the undertaking ” means the water undertaking of the Corporation as for the time being authorised.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or in consequence of, any subsequent enactment, including this Act.

Exchange of lands.

3.—(1) Notwithstanding anything contained in the Act of 1902 or any other enactment or any rule of law, on the passing of this Act the freehold interest of the Corporation in the specified land shall by virtue of this Act be transferred to and vested in the County Council without any deed of conveyance or other instrument and thereupon all public rights in or upon or over the specified land shall be by virtue of this Act, but subject to the provisions of this Act, wholly extinguished and the provisions of section 21 (Appropriation of certain lands as public park to be known as Lever Park) of the Act of 1902 shall cease to apply to the specified land.

(2) On the passing of this Act the substituted land shall by virtue of this Act be held by the Corporation as a public park subject to and in accordance with the provisions of the said section 21 of the Act of 1902 and the said section and any byelaws made thereunder by the Corporation shall apply to the substituted land in all respects as if it formed part of Lever Park.

(3) After the passing of this Act the County Council shall not without the consent of the Corporation (which shall not be unreasonably withheld) use the specified land for other than educational purposes nor shall they carry out thereon or in connection therewith any development which might adversely affect the undertaking:

Provided that any difference between the County Council and the Corporation as to whether the consent of the Corporation is or is not unreasonably withheld or as to whether any development would or would not adversely affect the undertaking shall be determined by the Minister or, if the Minister thinks fit, by an arbitrator to be appointed by the Minister.

Stopping up and diversion of bridlevays and footpaths.

4.—(1) The County Council may stop up the portions of the bridlevays and footpaths in the parish of Rivington in the rural district of Chorley between the points marked A-B, C-D and E-F on the deposited plan and thereupon all rights of way over or along the said portions of the bridlevays and footpaths shall be extinguished.

(2) Notwithstanding anything in subsection (1) of this section, the County Council shall not stop up any portion of the bridleways or footpaths until a substituted bridleway in the position shown on the deposited plan and thereon coloured green has been constructed and is open for public use.

(3) The substituted bridleway referred to in subsection (2) of this section shall be constructed and repairable by the County Council and shall be subject to the same rights of way as were exercisable over the portions of the bridleways and footpaths referred to in subsection (1) of this section before their stopping up.

(4) In this section "the bridleways and footpaths" means the public bridleways and footpaths in the parish of Rivington numbered respectively 43, 44, 45, 46, 47 and 48 on the definitive map and statement of public rights of way relating to the rural district of Chorley prepared by the County Council under Part IV of the National Parks and Access to the Countryside Act, 1949. 1949 c. 97.

(1) The Corporation on the one hand and any local authority on the other hand may enter into and carry into effect an agreement for the transfer to and vesting in such local authority on such date as may be specified therein of Lever Park or any part thereof.

Power for Corporation to transfer Lever Park.

An agreement entered into under subsection (1) of this section shall not have effect until it has been approved by an order made by the Minister.

(2)(a) Before making application to the Minister for an order under subsection (2) of this section the Corporation shall—

(i) publish a notice of their intention to do so once in each of two successive weeks in a local newspaper circulating in the rural district of Chorley with an interval between the dates of publication of not less than six clear days; and

(ii) display notices thereof in conspicuous positions in Lever Park.

(b) Each of such notices shall—

(i) contain brief particulars of the agreement to which the application relates and specify an address at which a copy of the agreement and of any relevant plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;

(ii) state that, within the said period, any person may by notice to the Minister object to the application.

(4) If before the expiration of the twenty-eight days referred in paragraph (b) of subsection (3) of this section an objection received by the Minister from any person appearing to him to be affected by the application, and the objection is not withdrawn, the Minister may cause a local inquiry to be held before making any order on the application.

(5) (a) The power of the Minister to make an order under subsection (2) of this section shall be exercisable by statutory instrument.

(b) An order made under subsection (2) of this section may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary or expedient.

1933 c. 51.

(6) The provisions of subsections (2) to (5) of section 290 of the Local Government Act, 1933, shall apply to any inquiry which the Minister may cause to be held under this section as if it were an inquiry held in pursuance of subsection (1) of that section.

(7) Upon the coming into effect of any agreement under the provisions of subsection (1) of this section Lever Park or such part thereof as may be specified in such agreement shall by virtue of this Act be transferred to and vested in the local authority party to such agreement without any deed of conveyance or other instrument, and thereupon the provisions of subsection (1) of section 21 (Appropriation of certain lands as public park to be known as Lever Park) of the Act of 1902 shall have effect in respect of Lever Park or so much thereof as may be so transferred and vested as if—

- (a) for references therein to the Corporation there were substituted references to the said local authority;
- (b) the words "on waterworks account" were omitted; and
- (c) for the words "public Act or any local Act or Order in force in the city" there were substituted the words "enactment".

(8) An agreement under this section may contain provisions requiring a local authority to or in whom Lever Park or any part thereof is transferred and vested—

- (a) to exercise at the request of the Corporation the powers contained in the said section 21 of the Act of 1902 to make byelaws for the purposes specified therein, and the like request to enforce such byelaws; and
- (b) not to do or permit or suffer to be done in or upon Lever Park, or such part thereof, anything which might adversely affect the undertaking.

(9) Any byelaws made by the Corporation pursuant to the said section 21 of the Act of 1902 and in force at the time when an agreement under this section takes effect shall continue to

(a) to so much of Lever Park as is transferred to and vested in a local authority pursuant to the provisions of this section until repealed by byelaws made by that authority in respect of that part of Lever Park in accordance with the provisions of subsection (4) of the said section 21 of the Act of 1902 as applied by this section, and may be enforced by that authority and by its officers and servants appointed for the purpose as if they were byelaws made by that authority; and

(b) to so much of Lever Park as remains vested in the Corporation until repealed by byelaws made by the Corporation in accordance with the provisions of the said subsection (4) of section 21 of the Act of 1902.

(10) For the purposes of this section the expression "Lever Park" does not include the specified land but includes the substituted land, and "local authority" means the council of county, county borough, non-county borough, urban district or any combination of two or more such authorities or a joint committee.

For the protection of the North Western Gas Board (in this section referred to as "the board") the following provisions shall, unless otherwise agreed in writing between the County Council and the board, apply and have effect:—

For protection of North Western Gas Board.

(1) In this section—

"apparatus" means mains, pipes, valves, stopcocks or other works or apparatus belonging to, or maintained by, the board;

"in" in a context referring to apparatus includes under, over, across, along or upon;

(2) Notwithstanding anything in this Act or shown on the deposited plans the County Council shall not acquire any apparatus under the powers of this Act otherwise than by agreement;

(3) Where any bridleway or footpath or part thereof in which any apparatus is situated has been permanently stopped up or diverted by the County Council under the powers of section 4 (Stopping up and diversion of bridleways and footpaths) of this Act the board shall, notwithstanding such stopping up or diversion, continue to have the same powers and rights in respect of apparatus remaining in the land which by reason of the stopping up or diversion has ceased to be a bridleway or footpath as it would have had if it had remained a bridleway or footpath.

Saving for town and country planning.

7. The provisions of the Town and Country Planning Act 1962 to 1968, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Costs of Act.

8.—(1) All the costs, charges and expenses preliminary to and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the County Council.

1933 c. 51.

(2) The County Council may borrow without the consent of any sanctioning authority such sums as may be necessary for paying the costs, charges and expenses of this Act, and subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part.

(3) The County Council shall repay sums borrowed under this section within five years from the date of borrowing.

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