



CHAPTER clx.

An Act to provide for the user and regulation of certain Lands at Wormwood Scrubs. A.D. 1879.
[21st July 1879.]

WHEREAS with a view to create a metropolitan exercising ground in pursuance of the Military Forces Localization Act, 1872, one of Her Majesty's Principal Secretaries of State (in this Act referred to as the Secretary of State for War), on behalf of Her Majesty, has purchased, at the expense of the Consolidated Fund, the soil in the common known as Wormwood Scrubs, in the manor of Fulham in the county of Middlesex, containing one hundred and thirty-five acres or thereabouts, subject to certain rights of common over the same, and also certain inclosed lands adjoining the said common, containing respectively fifty-three acres and five acres or thereabouts, free from incumbrances and common and other rights, and the same are now vested in the Secretary of State for War on behalf of Her Majesty: 35 & 36 Vict.
c. 68.

And whereas plans showing the said common coloured light red, and the said inclosed lands coloured dark red and purple respectively, have been deposited at the War Office and at the office of the Metropolitan Board of Works:

And whereas the Secretary of State for War has proposed to the Metropolitan Board of Works that the said common and inclosed lands, amounting to one hundred and ninety-three acres or thereabouts, should be vested in the Metropolitan Board of Works on trust to enable the same to be used for such military purposes as the Secretary of State for War from time to time directs, and subject thereto, upon trust for the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation, and that the said Board should maintain the same and should undertake the compensation of all rights injured by the trusts and purposes aforesaid, and the Metropolitan Board of Works have consented to such proposal,

A.D. 1879. and it is expedient to carry the same into effect, but the same cannot be carried into effect without the authority of Parliament :

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 :

Short title.

1. This Act may be cited as the Wormwood Scrubs Act, 1879.

Vesting of Wormwood Scrubs and of adjoining land in Metropolitan Board of Works.

2. The common known as Wormwood Scrubs, in the manor of Fulham in the county of Middlesex, and containing one hundred and thirty-five acres or thereabouts, and the lands adjoining thereto and containing fifty-three acres and five acres or thereabouts, which common and lands (in this Act referred to as the Scrubs) are shown in plans deposited at the War Office and the office of the Metropolitan Board of Works, and are therein coloured respectively light red, dark red, and purple, shall upon the passing of this Act vest in the Metropolitan Board of Works and their successors, in fee simple in possession upon the trusts declared by this Act, free from all incumbrances.

Use of the Scrubs for military purposes, and for exercise and recreation.

3. The Metropolitan Board of Works shall hold the Scrubs upon trust to enable the same (except the portion or portions excepted as herein-after mentioned) to be used for such military purposes, whether camps, reviews, drills, training, exercising, firing, rifle ranges, or other whatsoever, as the Secretary of State for War from time to time directs, and subject as aforesaid, shall hold the Scrubs upon trust for the perpetual use thereof by the inhabitants of the metropolis for exercise and recreation.

Provided that—

- (1.) No permanent building or erection, except rifle butts, and all necessary appurtenances, shall be constructed on the Scrubs without the consent of the Metropolitan Board of Works and of the Secretary of State for War; and
- (2.) No portion of the Scrubs shall, without the consent of the Metropolitan Board of Works, be used for military purposes or as a rifle range on any day declared to be a holiday either by the Holidays Extension Act, 1875, or by any other Act of Parliament, or by Her Majesty.

38 & 39 Vict.
c. 13.

Subject and without prejudice to the continuance and use thereon of the firing points to the rifle butts there shall be excepted from the said use for military purposes the portion of the Scrubs marked with hatching on the plans thereof deposited as above mentioned, or such portion or portions differing wholly or partly from the portion so marked, as the Secretary of State for War and the

Metropolitan Board of Works from time to time agreed upon; such portion of the Scrubs as is not for the time being excepted from use for military purposes as above mentioned is in this Act referred to as the military portion of the Scrubs.

A.D. 1879.

4. The Metropolitan Board of Works may lay out, drain, level, plant, and improve the Scrubs, in such manner as may be from time to time agreed upon with the Secretary of State for War, as being most expedient for the execution of this Act, but if they shall not agree as to such laying out, draining, levelling, planting, and improvement, it shall be referred from time to time, or as often as necessary, to two arbitrators (one to be chosen by the Secretary of State for War, and the other by the Metropolitan Board of Works), with power to them to appoint an umpire in the usual way, to settle such difference; and the Metropolitan Board of Works shall maintain the Scrubs and the inclosure thereof in such condition as may make the Scrubs most suitable for the trusts and purposes declared by this Act respecting the same.

Laying out
and planting
of the
Scrubs.

5. When the military portion of the Scrubs, or any part of such military portion, is required by the Secretary of State for War to be used for any military purpose, the following provisions shall have effect with respect to the said military portion or part:

Regulation
of Scrubs for
military
purposes.

(1.) The Secretary of State for War and any of Her Majesty's forces, or other persons acting under the authority of the Secretary of State for War, may use the same for the said military purpose, to the exclusion of all persons whomsoever at such time or times and during such period as the Secretary of State for War directs:

(2.) A person shall not without authority from the Secretary of State for War, or some person acting under his authority, enter the same or any part thereof; and if he enters or attempts to enter the same shall be liable to a fine not exceeding forty shillings:

(3.) Any person who obstructs or interferes with the use of the same for any military purpose, or without due authority removes any flag or mark therein, shall be liable to a fine not exceeding five pounds:

(4.) A person committing an act for which he is liable to a fine under this section may be removed by any constable by force from the Scrubs or any part thereof, and may be taken into custody by any constable without warrant:

(5.) The Metropolitan Board of Works shall, so far as is reasonably practicable, cause notice to be given of the portion

A.D. 1879.

of the Scrubs for the time being required to be kept clear, and of the time or times at which and the period during which it is to be so kept clear, but the absence of such notice shall not exempt a person from any fine or liability under this section, nor interfere with the right of the Secretary of State for War, or of Her Majesty's forces, or persons acting under his authority, or of the Metropolitan Board of Works, to use the Scrubs and exercise the powers conferred by this Act.

Power of Board to make byelaws as to the Scrubs. 40 & 41 Vict. c. viii.

6. Whereas by the Metropolitan Board of Works Act, 1877, the Metropolitan Board of Works has power to make byelaws as regards the parks and other open spaces therein mentioned for the purposes particularly mentioned in the said Act, and enactments are made with respect to the enforcement of such byelaws, and it is expedient to extend the said Act to the Scrubs: Be it therefore enacted as follows:

The Metropolitan Board of Works shall have the same power of making byelaws as regards the Scrubs as they have under the Metropolitan Board of Works Act, 1877, as regards the parks and other open spaces therein mentioned, and sections two to eleven, both inclusive, of the said Act shall be construed as if they were herein re-enacted, and in terms made applicable to the Scrubs, with this addition, that byelaws under the said sections may be made (in addition to the purposes therein mentioned) for keeping clear the military portion of the Scrubs, or such part of that military portion as is for the time being required to be used for a military purpose, and for facilitating and regulating the use for a military purpose of the said portion of the Scrubs; provided that such byelaws shall not apply to any member of Her Majesty's forces or persons acting under the authority of the Secretary of State for War, except so far as they are expressed so to apply and are assented to in writing by the Secretary of State for War.

Expenses of Metropolitan Board. 18 & 19 Vict. c. 120.

7. All expenses incurred by the Metropolitan Board of Works in the execution of this Act shall be deemed to be expenses incurred by them in the execution of the Metropolis (Management) Act, 1855, and the Acts amending the same, and may be defrayed accordingly.

Reverter of the Scrubs to Secretary of State for War.

8. If at any time the Scrubs, or any part thereof, ceases, except with the consent of the Secretary of State for War, to be used for exercise and recreation by the inhabitants of the metropolis, or if the Metropolitan Board of Works or their successors fail to comply with the provisions of this Act with respect to the use of the Scrubs for

A.D. 1879.

military purposes, the Scrubs shall vest in the Secretary of State for War on behalf of Her Majesty in fee simple, free from incumbrances, and free from all right, interest, and claim whatsoever of the Metropolitan Board of Works, their successors or assigns, or of any other person or persons whomsoever, and the Secretary of State for War may re-enter and take possession of the Scrubs accordingly, but he shall pay to the Metropolitan Board of Works such sum in respect of their outlay on the Scrubs or otherwise as may be just.

9. Compensation for any estate, interest, or right in, over, or affecting Wormwood Scrubs common which may be taken away or injuriously affected by this Act, or by anything done in pursuance thereof, shall be paid for as the same would be payable if this Act were a scheme under the Metropolitan Commons Act, 1866, and that compensation shall in case of difference be ascertained and provided in the same manner as compensation under that Act, and shall be paid by the Metropolitan Board of Works, but a person claiming any such estate, interest, or right shall not have any right to restrain or interfere with the Secretary of State for War or the Metropolitan Board of Works in the exercise of any rights or powers conferred on him or them by this Act, or to do any act inconsistent with the exercise or to recover any damages for anything done in the exercise of any of such rights or powers as aforesaid. Any compensation to be awarded to the copyholders shall be paid by the Metropolitan Board of Works to the homage jury of the Manor of Fulham on behalf of the copyholders of the said Manor, and the receipt of the treasurers of the said homage jury for the time being shall be a discharge for the said sum to all persons by whom the same or any part thereof shall be due and payable, and the same shall be applied by such jury or by such treasurers under the direction of such jury to charitable purposes within the Manor of Fulham as they think fit.

Compensation for rights injuriously affected.

29 & 30 Vict. c. 122.

