Open Spaces Act 1906

1906 CHAPTER 25 6 Edw 7

SUPPLEMENTAL

19 Savings.

This Act shall not apply to—

(a) the royal parks; nor

(b) any land belonging to His Majesty in right of His Crown or of His Duchy of Lancaster; nor

(c) any garden, ornamental ground, or ornamental land for the time being under the management of **[**[F1]the Secretary of State**]** or of the Commissioners for the time being acting under the [M1]Crown Estate Paving Act 1851; nor

(d) . . . . . [F2]

(e) any land belonging to either of the honourable Societies of the Inner Temple and Middle Temple.

[[F3](2) Nothing in this Act other than section 15 shall apply to any metropolitan common within the meaning of the Metropolitan Commons Acts 1866 to 1898 which does not fall within the provision made by article 32 of the [M2]London Authorities (Property etc.) Order 1964.**]**

Textual Amendments

F1 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)

F2 S. 19(1)(d) repealed by S.I. 1965/654, **art. 3(5)(b)(i)**

F3 S. 19(2) inserted by S.I. 1965/654, **art. 3(5)(b)(ii)**

Marginal Citations

M1 1851 c. 95.

M2 S.I. 1964/1464.

Status: *Point in time view as at 01/02/1991.*
Changes to legislation: *There are currently no known outstanding effects for the Open Spaces Act 1906, Supplemental. (See end of Document for details)*

20 Definitions.

In this Act, unless the context otherwise requires,—

The expression "open space" means any land, whether inclosed or not, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and the whole or the remainder of which is laid out as a garden or is used for purposes of recreation, or lies waste and unoccupied:

The expression "common council of the City of London" means the mayor, aldermen, and commons of the City of London in common council assembled:

The expression "owner"—

(a) used in relation to an open space (not being a burial ground), means any person in whom the open space is vested for an estate in possession during his life or for any larger estate;

(b) used in relation to a house, includes any person entitled to any term of years in the house;

(c) used in relation to a burial ground, means the person in whom the freehold of the burial ground is vested whether as appurtenant or incident to any benefice or cure of souls or otherwise:

The expression "occupier," used in relation to a house, means the person rated to the relief of the poor in respect of the house:

The expression "burial ground" includes any churchyard, cemetery, or other ground, whether consecrated or not, which has been at any time set apart for the purpose of interment:

The expression "disused burial ground" means any burial ground which is no longer used for interments, whether or not the ground has been partially or wholly closed for burials under the provisions of a statute or Order in Council:

The expression "building" includes any temporary or movable building.

21 Application of Act to Ireland.

(1) In the application of this Act to Ireland—

(a) References to the [M3]Public Health Act 1875 shall be construed as references to the [M4]Public Health (Ireland) Act 1878 and the reference to sections one hundred and eighty-two to one hundred and eighty-six of the first-mentioned Act shall be construed as a reference to sections two hundred and nineteen to two hundred and twenty-three of the latter Act;

(b) Reference to any local or private Act of Parliament shall be construed as including any Act of the Parliament of Ireland;

(c) References to the Charity Commissioners shall be construed as references to the Commissioners of Charitable Donations and Bequests for Ireland;

(d) The provisions of this Act so far as they relate to county and parish councils shall not apply.

(2) Nothing in this Act shall apply to any land for the time being under the management of the Commissioners of Public Works in Ireland . . . [F4]

Textual Amendments

F4 Words omitted under authority of Statute Law Revision Act 1927 (c. 42), **s. 3**

Marginal Citations

M3 1875 c. 55.

M4 1878 c. 52.

22 Extent.

This Act shall not extend to Scotland.

23 Repeal.

. . . . . F5

(a) Nothing in this repeal shall affect the validity or operation of any byelaw made under any enactment so repealed, but all such byelaws shall continue in force as if made under that Act, and may be revoked and altered accordingly: and

(b) Nothing in this repeal shall affect any order of a county council under any enactment repealed investing a parish council with the powers of the Open Spaces Acts 1877 to 1890 and every parish council in respect of which such an order has before the commencement of this Act been made, shall be deemed to be a parish council invested with the powers of this Act by an order of the council of the county within which the parish is situate.

Textual Amendments

F5 Words repealed by Statute Law Revision Act 1927 (c. 42)

24 . . . . . F6

Textual Amendments

F6 S. 24, Sch. repealed by Statute Law Revision Act 1927 (c. 42)

25 Short title.

This Act may be cited as the Open Spaces Act 1906.

Status:
Point in time view as at 01/02/1991.

Changes to legislation:
There are currently no known outstanding effects for the Open Spaces Act 1906, Supplemental.