



Metropolis Management Act 1855

1855 CHAPTER 120

Auxiliary Powers common to the Metropolitan Board of Works and to Vestries and District Boards

CXLIX Power to Boards and Vestries to enter into Contracts for carrying Act into execution. Power to compound for Penalties in respect of Breach of Contracts.

The Metropolitan Board of Works, and every District Board and Vestry, may enter into all such Contracts as they may think necessary for carrying this Act into execution; and every such Contract for Works or Materials whereof the Value or Amount exceeds Ten Pounds shall be in Writing or Print, or partly in Writing and partly in Print, sealed with the Seal of the Board or Vestry; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Board or Vestry and their Successors, and upon all other Parties thereto: Provided always, that it shall be lawful for any such Board or Vestry to compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract or in any Bond or otherwise, for such Sum of Money or other Recompense as to the Board or Vestry may seem proper.

CL Power to Boards and Vestries to purchase Lands, &c. for the Purposes of this Act.

It shall be lawful for the Metropolitan Board of Works and every District Board and Vestry to purchase, or to take on Lease for such Term as they may think fit, any Land, or any Right or Easement in or over any Land which they may deem necessary or expedient for the Formation or Protection of any Works which they are authorized to execute under this Act, also any Offices and other Buildings, Yards, Stations, or Places for Deposit of Refuse, Materials, and Things, or any Land for the Erection and Formation of such Offices and other Buildings, Yards, Stations, or Places for Deposit; and also to contract for the Purchase, Removal, or Abatement of any Milldam, Pound, Weir, Bank, Wall, Lock, or other Obstruction to the Flow of Water, whereby Sewerage or Drainage is interrupted or impeded, and for the Purchase of any Land, or any Right or Easement in or over any Land, which it may be necessary or expedient

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to purchase to prevent the Obstruction of Sewerage or Drainage; and also to purchase or take on Lease as aforesaid the whole or any Part of any Streams or Springs of Water, or any Rights therein, which it appears to them necessary to acquire and use for the Purposes of cleansing Sewers and Drains and the other Purposes of this Act, or any Land which is deemed by them advisable to purchase or take on Lease for the Purpose of drawing or obtaining Water from Springs, or by sinking of Wells, and for making and providing Reservoirs, Tanks, Aqueducts, Watercourses, and other Works, or for any other Purpose connected with the Works for obtaining such Supply of Water as aforesaid: Provided always, that nothing herein contained shall authorize the said Metropolitan Board, or any District Board or Vestry, to use or permit to be used any such Works for the Purpose of carrying Water by Supply Pipes into any House or Factory for domestic, manufacturing, or commercial Purposes.

CL I Certain Provisions of 8 & 9 Vict. c.18 incorporated with this Act.

For the Purpose of enabling the said Metropolitan Board, and every District Board and Vestry, to obtain any Land, or any Right or Easement in or over any Land, which they respectively may require for the Purposes of this Act, " The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act with respect to the Recovery of Forfeitures, Penalties, and Costs, shall, subject to the Provisions herein contained, be incorporated with this Act; and the Provisions of the said Act so incorporated with this Act which would be applicable in the Case of a Purchase of any Land shall be applicable in the Case of the Purchase of a Right or Easement in or over any Land; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Board, or the District Board or Vestry, acting under the Provisions of the said Act and this Act, as the Case may be.

CL II Lands not to be taken compulsorily, except by Metropolitan Board with Consent of Secretary of State.

Provided always, That the Provisions of the said Lands Clauses Consolidation Act " with respect to the Purchase and taking of Lands otherwise than by Agreement" shall not be incorporated with this Act, save for enabling the Metropolitan Board of Works to take Land, or any Right or Easement in or over Land, for the Purpose of making any Sewers or Works for preventing the Sewage or any Part of the Sewage within the Metropolis from passing into the *Thames* in or near the Metropolis, or otherwise for the Purpose of the Sewerage or Drainage of the Metropolis: Provided also, that no Land, or Right or Easement in or over Land, for the Purposes aforesaid, shall be taken compulsorily by the said Board, without the previous Consent in Writing of One of Her Majesty's Principal Secretaries of State.

CL III Previous Notice to be given.

The Metropolitan Board of Works, before applying for the Consent of the Secretary of State for taking Land, or any Right or Easement in or over Land, compulsorily, as aforesaid, shall publish, once at the least in each of Four consecutive Weeks, in One of the daily Newspapers published in the Metropolis, an Advertisement describing the Nature of the Works in respect of which the Land, Right or Easement, is proposed to be taken, naming a Place where a Plan of the proposed Works is open for Inspection at all reasonable Hours, and stating the Quantity of Land or the Particulars of the Right or Easement that they require for the Purpose of such Works, and shall serve a

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Notice on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land intended to be taken, or of the Land in or over which such Right or Easement is intended to be taken, such Service to be made Four Weeks previously to the Application to such Secretary of State, and such Notice shall state the Particulars of the Land, Right, or Easement so required, and that the Metropolitan Board are willing to treat for the Purchase thereof, and as to the Compensation to be made for the Damage that may be sustained by reason of the proposed Works.

CLIV Power to dispose of Lands or Property not wanted.

The Metropolitan Board of Works, and any District Board or Vestry, may sell and dispose of any Land purchased by them under this Act, and any Property whatsoever vested in them under this Act, which it may appear to them may be properly sold or disposed of; and for completing and carrying any such Sale of any Land into effect such Board may make and execute a Conveyance of the Land sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the said Board or Vestry; and the Word " grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the said Board or Vestry shall be a sufficient Discharge to the Purchaser of any such Land or any other such Property as aforesaid for the Purchase Money in such Receipt expressed to be received; and the Money arising from such Sale of any Land purchased under this Act, and (except as herein-after otherwise provided) of any such Property, shall be applied in aid of the Rate out of which the Expenses of the Purchase of such Land or providing such Property have been or are authorized to be defrayed under this Act; and the Money arising from the Sale of any Property vested in any such Board or Vestry under this Act, and which, before becoming so vested, was vested in any Commissioners or other Body, or in any Officer of any Commissioners or other Body, or in any Surveyor of Highways, shall be applied in or towards the Discharge of any Debts or Liabilities for the Discharge whereof Rates are by this Act authorized to be raised in the Parish, or Part, to the Commissioners or other Body for the Management of the paving, lighting, or cleansing whereof such Property may have belonged before the Commencement of this Act, and, subject as aforesaid, shall be applied in aid of such Rate to be raised under this Act in such Parish or Part as to the Board or Vestry disposing of such Property may seem just; and any such Board or Vestry may let any Land purchased by or vested in them under this Act, and which for the Time being is not required for the Purposes thereof, in such Manner and on such Terms as such Board or Vestry may see fit.

CLV Owners of Land may on Sale reserve a Right of Pre-emption.

Provided always, That where any Land or any Right or Easement in or over Land is purchased by the said Metropolitan Board, or any District Board or Vestry, under this Act, it shall be lawful for the Owners of or Parties entitled to sell or convey such Land, Right, or Easement to reserve upon the Sale thereof to such Board or Vestry in and by the Conveyance such Right of Pre-emption to the Person for the Time being entitled to the Land (if any) from which the Land so purchased was severed, or in or over which such Right or Easement is granted, as is provided by Sections 128, 129, and 130 of the said Lands Clauses Consolidation Act; but, except where such Right of Pre-emption is so reserved, there shall be no such Right, notwithstanding the Incorporation of the said Lands Clauses Consolidation Act with this Act.

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CLVI Penalty for withholding Property transferred to Metropolitan Board or any Vestry or District Board.

In case any Person having the Charge, Control, or Possession of any Property, Matters, or Things vested in the Metropolitan Board of Works, or the Vestry of any Parish, or any District Board, by or under this Act, neglect or refuse to give up the same, on Demand, to such Board or Vestry, or such Person as they respectively may order, every Person so offending shall, upon being convicted thereof before any Two Justices of the Peace, for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum not exceeding Five Pounds as the said Justices may think fit.

CLVII Regulations as to breaking up Turnpike Roads.

The Metropolitan Board of Works, and any Vestry or District Board, may, where necessary for the Purpose of executing any Work authorized by this Act, open and break up any Turnpike Road, under and subject to the Restrictions and Provisions herein-after contained; that is to say, Seven Days previous Notice, with a full Description of any intended Works, shall be left at the Office of the Commissioners or Trustees of the Road; and, except by the Permission of the said Commissioners or Trustees, the Traffic of the Road shall not at One Time be stopped or hindered along more than Half of its Width, nor, if the Half left open be of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length; and no Alteration shall, except by such Permission as aforesaid, be made in the Inclination of any Part of the Road of more than One Foot in Sixty Feet; and all Work shall be done under the Superintendence of the Surveyor of the said Commissioners or Trustees; and the Party doing the Works shall cause all Openings in the Road to be effectually secured and fenced, and affix and maintain Lights during the Night near to the Place where the Ground is open, so as to prevent Accidents; and the said Commissioners or Trustees are hereby absolved from all Liability in respect of any Accident arising in consequence of such Works; and the Party doing the Works shall restore every Road so opened or broken up to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent on the Subsidence of Materials newly filled in, shall pay to such Commissioners or Trustees, on Demand, such Sum as they shall require for such Purpose, not exceeding One Shilling for every Superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Kerbs of Footpaths, and other Matters and Things connected with the Maintenance of the Road; and in default the Surveyor of the said Commissioners or Trustees may cause the necessary Work to be done; and in all Cases of Expense incurred by any such Surveyor, on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.