



Metropolis Management Act 1855

1855 CHAPTER 120

Special Provisions and Savings

CCXXXV Provision for joint Action of Vestries, and Elections out of Vestries under Local Acts.

Where the Vestries of any Parishes mentioned in either of the Schedules (A.) and (B.) to this Act now act jointly or in union, or exercise any Powers or Privileges jointly or in union, or elect Guardians, Directors, Trustees, or other Persons whomsoever whose Offices are not expressed to be determined by this Act for any joint Purposes, the Vestries of such Parishes elected under this Act may act jointly or in union, and shall have the like Powers and Privileges jointly or in union, and elect for such joint Purposes in like Manner and with the like Effect; and where in any of the said Parishes any Guardians, Directors, Trustees, or other Persons whomsoever whose Offices are not expressed to be determined by this Act are now by Law elected out of the Vestry of any Such Parish, such Guardians, Directors, Trustees, or other Persons as aforesaid may be elected out of or from the Vestrymen and Persons who under this Act are eligible as Vestrymen for the same Parish; and the Office of no such Guardian, Director, Trustee, or other Person shall be determined by reason of his ceasing to be a Vestryman in consequence of the passing of this Act; but every such Guardian, Director, Trustee, or other Person shall continue in Office until such Time as he would otherwise have ceased to hold his Office.

CCXXXVI Agreement, between the London and North-western Railway Company and certain Paving Commissioners confirmed.

And whereas by an Agreement, made on the Tenth Day of *August* One thousand eight hundred and fifty-four, between the *London and North-western* Railway Company of the One Part, and Five of the Commissioners acting under certain Acts of Parliament relating to the paving and improving of certain Streets in the Parish of *Saint Pancras* in the County of *Middlesex* of the other Part, it was agreed that the Commissioners acting under the said Acts should, in consideration of the Payment of the Sums of Three thousand Pounds and Five hundred Pounds to the said Commissioners by the said Company, put into good and complete State of Repair and Condition certain Roads

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therein particularly mentioned, and (except in the event therein mentioned of an Act not being obtained during the then next Session to authorize the Transfer to the said Commissioners of the Management of the said Roads) would maintain the said Roads at their own Charge and Expense: And whereas the said Sums have been paid to the said Commissioners, and it is expedient that the said Agreement should be confirmed, as herein-after mentioned:

The said Agreement shall be confirmed so far as the same relates to the Repair and Maintenance of the said Roads ; and the Maintenance thereof shall be vested in the Vestry of the said Parish of *Saint Pancras* in like Manner as if the said Commissioners had been by Act of Parliament liable to maintain and repair the said Roads at the Time of the Commencement of this Act; and the Sums paid to the said Commissioners as aforesaid, or such Part thereof as may not have been already applied for the Purpose of putting the said Roads into good and complete Repair, shall be paid over to the Vestry of the Parish of *Saint Pancras*, and be applied for the general Benefit of such Parish in aid of any Rates to be raised in such Parish to defray Expenses of paving, anything in this Act or in any Act relating to the said Company to the contrary notwithstanding.

CCXXXV Special Provision as to Powers of Commissioners acting under 5 & 6 Vict. c.xlviii as to paving Ely Place, &c.

This Act shall not divest the Commissioners under an Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Forty-eight (Local), For paving, lighting, watching, cleansing, and improving *Ely Place* and *Ely Mews, Holborn*, in the County " of *Middlesex*," of" any of the Powers or Property vested in them under that Act, nor shall any of the Provisions of this Act in relation to the paving, lighting, watering, and cleansing of Streets apply to the Parts within the Limits of the said Local Act, nor shall such Parts be assessed or rated under this Act for defraying any Expenses incurred by the District Board for the Holbom District in relation to paving, lighting, watering, and cleansing; but such Parts shall be subject to all the Provisions of this Act relating to Sewerage and House Drainage, and to be assessed or rated for Sewerage Expenses incurred by the said District Board, and for Expenses incurred by the Metropolitan Board of Works, and towards any Sums required to be raised by such Board under this Act, in like Manner as other Parts within the said District.

CCXXXVI Special Provision as to Parish of Woolwich.

Notwithstanding anything in this Act contained to the contrary, the Provisions of this Act shall extend and apply to the Parish of *Woolwich* only to the Extent and in manner herein-after mentioned ; (that is to say,)

A Member of the Metropolitan Board of Works shall be from Time to Time elected by the Local Board of Health of *Woolwich*, at a Meeting of such Board, as by this Act directed with respect to the Vestry of each of the Parishes mentioned in the said Schedule (A.):

The said Metropolitan Board shall have and perform, within and in relation to the said Parish, all the Powers and Duties vested in them under this Act, in like Manner as within and in relation to other Parishes mentioned in the said Schedule (A.), save that the said Local Board shall be subject to all Orders of the said Metropolitan Board in relation to Sewerage and otherwise, and to all Precepts requiring Payment of Money, in all respects as the Vestries of other Parishes in the said Schedule (A.) are subject to the same, in lieu of the Vestry of the said Parish; and all Sums required to be paid by such Precepts shall be defrayed out of any Moneys carried to the District Fund

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Account, or by means of a General District Rate to be levied off the whole of the Parish of *Woolwich*, or such Part thereof as may be specified in the Precept of the said Metropolitan Board.

CCXXXIX 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, 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.

CCXL 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 the Commissioners of Her Majesty's Works and Public Buildings, 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 authorize or empower any Vestry or District Board 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 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

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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 Vestry) or District Board in relation to paving, lighting, watering, or cleansing, but such Streets, Places, and District shall be subject to all the Provisions of this Act relating to Sewerage and House Drainage, and; to be assessed or rated for Sewerage Expenses incurred by any such Vestry or Board, and for Expenses incurred by the Metropolitan; Board of Works, and towards any Sums required to be raised by such, Board under this Act as by this Act provided.

CCXLISaving of the Rights of the Commissioners of Works.

Nothing in this Act shall divest the Commissioners for the Time being of Her Majesty's Works and Public Buildings of any Power or Property now or which for the Time being may be vested in them; and nothing in this Act shall extend to authorize or empower any Vestry or District Board to exercise any Power or Control whatsoever in or over any of the Royal or Public Parks; Gardens, or Pleasure Grounds, the Management whereof is now or may be for the Time being vested in such Commissioners ; and nothing in this Act shall abridge, alter, or affect any Right, Power, Exemption, or Remedy of the Queen's most Excellent Majesty, Her Heirs or Successors, or the said Commissioners, in, over, or in relation to the Possessions of the Crown or of the Public.

CCXLISaving of Powers of City Commissioners of Sewers over certain Parts of Parishes in Schedule (B.)

Nothing in this Act shall divest the Commissioners of Sewers of the City of *London* of any Powers or Property vested in them in relation to such Parts of any of the Parishes mentioned in Schedule (B.) to this Act as are within the City of *London*, nor shall such Parts be subject to be rated or assessed by any District Board, but shall be subject to all the Powers of the Metropolitan Board of Works as other Places in the City of *London*.

CCXLISaving Rights of Metropolitan Sewage Manure Company, acting under 9 & 10 Vict. c.cccxcviii and 10 & 11 Vict. c.cxxxviii.

Nothing in this Act shall extend to or affect any of the Rights, Privileges, Powers, or Authorities vested in the Metropolitan Sewage Manure Company by an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, intituled *An Act to incorporate a Company by the Name of the Metropolitan Sewage Manure Company*, or an Act of the Session then next following, intituled *An Act for enabling the Metropolitan Sewage Manure Company to alter the Line of their Works, and for other Purposes*: Provided always, that all Rights, Powers, and Authorities by either of the said Acts vested in the Commissioners of Sewers for the Time being for the City and Liberty of *Westminster* and Part of the County of *Middlesex* shall be vested in the Metropolitan Board of Works, and the Provisions of the said Acts shall be construed as applying to such Board in lieu of such Commissioners, but any Order or Act which might have been made or done by the said Commissioners at a Court of Sewers may be made or done by the said Metropolitan Board at any Meeting of such Board.

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CCXLISaving Rights of Commissioners or Trustees of Turnpike Roads.

Nothing in this Act shall divest the Commissioners or Trustees of any Turnpike Road of any Powers or Property vested in them as such Commissioners or Trustees, save as herein expressly provided with respect to Turnpike Roads, and save that the Footpaths of any such Road shall be under the Care and Management of the Vestries and District Boards of the Parishes or Districts in which the same are situate in like Manner as other Footpaths in such Parishes and Districts: Provided always, that the Provisions of this Act transferring to Vestries and District Boards Powers and Property vested in any Commissioner or other Body in relation to the paving, lighting, watering, cleansing, and Improving of their Parishes and Districts, and all other Provisions of this Act Incident to or consequent upon such Transfer, shall apply to all Powers and Property vested in the Trustees of the *Commercial Road*, so far as regards any Streets or Highways other than such Road, and also so far as regards the Footpaths of such Road.

CCXLVSaving for Metropolitan Police Commissioners.

Nothing in this Act shall interfere with the Powers given by Law to the Commissioners of the Police of the Metropolis.

CCXLVINot to prejudice Dispute between Battersea and Penge.

Nothing in this Act shall be construed to prejudice or affect any Question as to whether the Hamlet of *Penge* is or is not a Part of the Parish of *Battersea*.

CCXLVIRepeal of Acts inconsistent with this Act.

All Acts of Parliament in force in any Parish or Place to which this Act extends, or in any Part of such Parish or Place, shall, so far as the same are inconsistent with the Provisions of this Act, be repealed as regards such Parish or Place, or such Part thereof, notwithstanding any Provisions of this Act continuing and transferring respectively to Vestries of Parishes and transferring to District Boards any Duties, Powers, or Authorities now vested in Vestries, Commissioners, or other Bodies.

CCXLVIIIn Case of Conflict with the Provisions of this Act, Provisions of Local Acts may be varied by Order in Council, on Petition of Boards or Vestries.

Upon the Petition of the Metropolitan Board of Works, or of any District Board or Vestry, representing to Her Majesty in Council that by reason of the Provisions of any Local Act of Parliament relating to any District or Parish, or any Part thereof respectively, Difficulties have arisen in the Execution of this Act and of such Local Act or either of them, and praying for a Suspension or Alteration of all or any of the Provisions of such Local Act, or for the Establishment of other Provisions in lieu thereof under this Enactment, it shall be lawful for Her Majesty, by Order in Council, to suspend or alter all or any of the Provisions of such Local Act, and to make other Provisions in relation to the Matters thereof as Her Majesty, with the Advice of Her Privy Council, may think necessary under the Circumstances of the Case; and every such Order in Council shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or, if Parliament be not sitting, then Within One Month after the next Meeting of Parliament, and shall be

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published in the *London Gazette*: Provided always, that no such Order in Council shall remain in force beyond the Term of One Year from the making thereof.