



Town Gardens Protection Act 1863

1863 CHAPTER 13 26 and 27 Vict

1 Gardens in certain squares, &c. may be freed from neglect, encroachments, &c., and vested in the Metropolitan Board of Works or other corporate authority; or vested in a committee of rated inhabitants.

Where in any city or borough any enclosed garden or ornamental ground has been set apart otherwise than by the revocable permission of the owner thereof in any public square, crescent, circus, street, or other public place, for the use or enjoyment of the inhabitants thereof, and where the trustees, commissioners, or other body appointed for the care of the same have neglected to keep it in proper order, or where such garden or ground has not been vested in or placed under the management of any trustees, commissioners, or other body for the care of the same, and from the want of such care, or from any other cause, has been neglected, . . . ^{F1} the corporate authorities in any . . . ^{F1} city or borough, shall take charge of the same, putting up a notice or notices to that effect in such garden or ornamental ground, and, if after due inquiry the person entitled to any estate of freehold in the same cannot be found, or if it shall be vested in any person by whom it is held, subject to any condition or reservation for keeping the same as and for a garden or pleasure ground, or that the same shall not be built upon, but not otherwise, shall cause any buildings or other encroachment made therein within the period of twenty years before the passing of this Act to be removed, and (if requested by a majority of two-thirds of the owners and of the occupiers of the houses surrounding the same) shall vest such garden or ornamental ground in a committee consisting of not more than nine nor fewer than [^{F2}three of the taxable inhabitants of such houses to be chosen annually] by such inhabitants, in order that the same may be kept as a garden or ornamental ground for the use of such inhabitants; and the vestry or board of any and every parish or district within which the same or any part thereof is situate 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 . . . ^{F3}; or if the said owners and occupiers shall not agree as aforesaid to undertake the charge of such garden or ornamental ground, the . . . ^{F1} corporate authority aforesaid shall, within six months after the notice herein-before mentioned shall have been put up within the same, or within such further time as the said . . . ^{F1} authority may think it expedient to allow for such agreement to be come to, vest the same in such vestries or boards, who shall thenceforth take charge

Changes to legislation: There are currently no known outstanding effects for the Town Gardens Protection Act 1863, Section 1. (See end of Document for details)

of and maintain the same as an open place or street in such manner as shall appear to them most advantageous to the public, subject to the approval of the . . . ^{F1} corporate authority, . . . ^{F1}; saving and always reserving to every person and persons, his and their heirs, executors, administrators, and assigns, all such estate, right, title, and interest as he, she, or they would or ought to have had and enjoyed of, in, to, from, or out of the gardens and grounds aforesaid in case this Act had not passed.

[^{F4}(2) In this section “taxable inhabitants”, in relation to the houses surrounding a garden or ornamental ground, means those persons who, in accordance with Part I of the Local Government Finance Act 1992, are liable to pay council tax in respect of any of those houses which are chargeable dwellings for the purpose of that Part.]

Textual Amendments

- F1** Words repealed by [S.I. 1965/654, art. 3\(1\)\(a\)](#)
- F2** Words in s. 1 substituted (1.4.1993) by [S.I. 1992/3292, art. 2, Sch.](#)
- F3** Words repealed by [S.I. 1990/525, art. 2 Sch.](#)
- F4** [S. 1\(2\)](#) added (1.4.1993) by [S.I. 1992/3292, art. 2, Sch.](#)

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