



# Commons Act 1899

1899 CHAPTER 30 62 and 63 Vict

## PART II

### MISCELLANEOUS

#### **16 Surplus rents from field gardens and recreation grounds.**

- (1) Surplus rents arising from field gardens may, in addition to the purposes for which they are now applicable, be applied for any of the purposes for which surplus rents arising from recreation grounds may be applied.
- (2) Surplus rents arising from any field garden or recreation ground may be applied towards the redemption of any land tax, tithe rentcharge, or other charge on the garden or ground.

#### **17 Amendment of 50 & 51 Vict. c. 32 as to open spaces.**

- (1) The powers exercisable by the district council of a rural district under section five of the Open Spaces Act, 1887, may be exercised whether the council has been invested by an order of the Local Government Board with the powers of the Open Spaces Acts, 1877 to 1890, or not.
- (2) A county council may invest a parish council with the powers of the Open Spaces Acts, 1877 to 1890, and thereupon those Acts shall apply in like manner as if the parish council were a district council, and the parish were the district thereof, except that any expenses incurred by the parish council shall be defrayed as expenses incurred under the Local Government Act, 1894, and be subject to the provisions of section eleven of that Act, and that byelaws made by a parish council need not be under common seal.
- (3) Section seven of the Open Spaces Act, 1887, shall apply to a parish council in like manner as it applies to a district council.
- (4) All the powers exercisable by the London County Council and other local authorities under the Open Spaces Acts, 1877 to 1890, may also be exercised by the county council of any administrative county, and any expenses incurred by a county council under

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the said Acts shall be defrayed as expenses incurred under the <sup>M1</sup>Local Government Act, 1888.

**Modifications etc. (not altering text)**

- C1** The text of ss. 4, 13, 17 and 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M1** 51 & 52 Vict. c. 41.

**18 Power to modify provisions as to recreation grounds, &c.**

Any provisions with respect to allotments for recreation grounds, field gardens, or other public or parochial purposes contained in any Act relating to inclosure or in any award or order made in pursuance thereof, and any provisions with respect to the management of any such allotments contained in any such Act, order, or award, may, on the application of any district or parish council interested in any such allotment, be dealt with by a scheme of the [<sup>F1</sup>Charity Commission] in the exercise of [<sup>F2</sup> its] ordinary jurisdiction, as if those provisions had been established by the founder in the case of a charity having a founder

[<sup>F3</sup>For the purposes of this section the Broads Authority shall be treated as a district council.]

**Textual Amendments**

- F1** Words in s. 18 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 10(a)**; S.I. 2007/309, art. 2, Sch.
- F2** Word in s. 18 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 10(b)**; S.I. 2007/309, art. 2, Sch.
- F3** Paragraph added (E.W.) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 1**

**Modifications etc. (not altering text)**

- C2** S. 18 extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 70, 125(2), **Sch. 9 para.1(4)(5)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

**19 Amendment of 8 & 9 Vict. c. 118.**

Section one hundred and fifty of the Inclosure Act, 1845, shall have effect as if “two successive weeks” were therein inserted instead of “three successive weeks,” and as if “one month” were therein inserted instead of “three calendar months”.

**Modifications etc. (not altering text)**

- C3** The text of ss. 4, 13, 17 and 19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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## 20 Amendment of law as to adjournment of meetings.

Where notice has been given of any sitting, whether original or by adjournment, to be held by an officer of the [<sup>F4</sup>Secretary of State] under the Metropolitan Commons Acts, 1866 to 1878, that officer may, by notice to be published in such manner as the [<sup>F4</sup>Secretary of State] direct, adjourn the sitting without attending for the purpose of the adjournment.

### Textual Amendments

- F4** Words substituted by virtue of Board of Agriculture and Fisheries Act 1903 (c. 31), s. 1(1), Ministry of Agriculture and Fisheries Act 1919 (c. 91), s. 1, S.I. 1955/554 (1955 I, p. 1200), 1965/143, 1967/156 and 1970/1681

## <sup>F5</sup>21 Annual report to Parliament.

[<sup>F5</sup> . . . <sup>F6</sup> The [<sup>F7</sup>Secretary of State] shall include in an annual report to Parliament a statement of [<sup>F7</sup>his] proceedings under Part I. of this Act and under the Metropolitan Commons Acts 1866 to 1878 during the year ending the thirty-first day of December then last past, with such particulars as to [<sup>F7</sup>his] proceedings under the last-mentioned Acts as are required by section twenty-one of the <sup>M2</sup>Metropolitan Commons Acts 1866.]

### Textual Amendments

- F5** S. 21 repealed (E.W.) (1.10.2006 for E., 6.9.2007 for W.) by Commons Act 2006 (c. 26), s. 56, Sch. 6 Pt. 2 (with s. 60); S.I. 2006/2504, art. 2(i); S.I. 2007/2386, art. 3(q)
- F6** Words repealed by Statute Law Revision Act 1908 (c. 49)
- F7** Words substituted by virtue of Board of Agriculture and Fisheries Act 1903 (c. 31), s. 1(1), Ministry of Agriculture and Fisheries Act 1919 (c. 91), s. 1, S.I. 1955/554 (1955 I, p. 1200), 1965/143, 1967/156 and 1970/1681

### Marginal Citations

- M2** 1866 c. 122.

## 22 Restrictions on inclosures under scheduled Acts.

- (1) A grant or inclosure of common purporting to be made under the general authority of any of the Acts mentioned in the First Schedule hereto or any Act incorporating the same, or any provisions thereof, shall not be valid unless it is either—
  - (a) specially authorised by Act of Parliament; or
  - (b) made to or by any Government Department; or
  - (c) made with the consent of the [<sup>F8</sup>Secretary of State.]
- (2) The [<sup>F8</sup>Secretary of State], in giving or withholding [<sup>F8</sup>his consent] under this section, shall have regard to the same considerations, and shall, if necessary, hold the same inquiries as are directed by the <sup>M3</sup>Commons Act 1876 to be taken into consideration and held by the [<sup>F8</sup>Secretary of State] before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not.

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#### Textual Amendments

- F8** Words substituted by virtue of [Board of Agriculture and Fisheries Act 1903 \(c. 31\), s. 1\(1\)](#), [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\), s. 1](#), [S.I. 1955/554 \(1955 I, p. 1200\)](#), [1965/143](#), [1967/156](#) and [1970/1681](#)

#### Modifications etc. (not altering text)

- C4** [S. 22](#) excluded by [Countryside Act 1968 \(c. 41\), s. 9\(4\)](#), [Sch. 2 para. 3\(6\)](#)

#### Marginal Citations

- M3** [1876 c. 56](#).

## 23 Repeal.

...<sup>F9</sup> This repeal shall not affect the construction or effect of any local and personal Act of Parliament passed before the commencement of this Act, whereby any provisions of the said enactments are intended to be incorporated.

#### Textual Amendments

- F9** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

#### Modifications etc. (not altering text)

- C5** “This repeal” means repeal by s. 23 of enactments (made unnecessary by or inconsistent with subsequent enactments) mentioned in Sch. 2 to this Act

## 24 Short title.

This Act may be cited as the Commons Act 1899, and shall read with the Inclosure Acts 1845 to 1882.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A) inserted by [2006 c. 26 s. 50\(2\)\(b\)](#)