

**ELIZABETH II****1990 CHAPTER xxiv**

An Act to empower the Conservators of Epping Forest to grant to the Secretary of State for Transport rights or interests in land for road purposes; to make further provision for the regulation of horse-riding in Epping Forest; to amend provisions relating to Blackfriars Underpass, city walkways, the regulation of highways within the city, traffic in Billingsgate Market, the registration of houseboats and the City of London School; and for other purposes. [26th July 1990]

**W**HEREAS—

(1) The open waste lands of Epping Forest are vested in the Corporation of London as the Conservators of Epping Forest and, under the Epping Forest Act 1878, the Conservators are required, subject to the provisions of that Act, to keep the forest unenclosed and unbuilt on as an open space for the recreation and enjoyment of the public:

1878 c. ccxiii.

(2) For the purposes of a new trunk road, slip roads and side roads forming part of a new road running from the A102(M) special road at Hackney Wick in the London borough of Hackney to the A12 trunk road

in Wanstead in the London borough of Redbridge, to be known as the Hackney Wick to M11 Link Road, and of other associated works which the Secretary of State for Transport has been authorised to construct in the London boroughs of Redbridge and Waltham Forest at locations known as the Green Man Roundabout and George Green, it is expedient to authorise the Conservators, subject to the Secretary of State's being authorised (otherwise than under this Act) to acquire the land required for the new road, to grant to the Secretary of State rights and interests in, over or under land forming part of the open waste lands of the Forest in exchange for other land, to be vested in the Conservators for addition to the Forest:

(3) As an aid to maintaining Epping Forest for the recreation and enjoyment of the public, it is expedient to make further and better provision for the regulation of horse-riding in the Forest:

(4) It is further expedient to make additional provision with respect to the Blackfriars Underpass and city walkways, regulating the deposit of articles on or near highways in the city, regulating traffic in Billingsgate Market, the registration of houseboats and the City of London School:

(5) It is expedient that the other provisions of this Act should be enacted:

(6) The objects of this Act cannot be attained without the authority of Parliament:

(7) Plans showing the land in Epping Forest which may be used for road purposes under the authority of this Act, with a book of reference to those plans containing the names of the owners and occupiers of that land, have been deposited in the office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons, and with the Chief Executives of the London boroughs of Redbridge and Waltham Forest:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART I

### PRELIMINARY

Short title.

1. This Act may be cited as the City of London (Various Powers) Act 1990.

Interpretation.

2.—(1) In this Act, unless the subject or context otherwise requires—  
 “city” means the city of London;  
 “contravention” includes a failure to comply;  
 “Corporation” means the mayor and commonalty and citizens of the city acting by the common council;  
 “enactment” includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation or other instrument made under any Act for the time being in force;  
 “functions” includes powers and duties;  
 “highway” has the meaning given by section 328 of the Highways Act 1980.

1980 c. 66.

(2) Any reference in this Act to a Part not otherwise identified is a reference to that Part of this Act.

PART II  
EPPING FOREST

3. In this Part —

“Conservators” means the Corporation acting as the Conservators of Epping Forest;

“deposited plans” means the plans mentioned in the Preamble to this Act;

“the new road” means the Hackey Wick to M11 Link Road mentioned in the Preamble to this Act;

“open waste” means the open waste lands of Epping Forest as defined in section 10 (Lands forming Epping Forest) of the City of London (Various Powers) Act 1956, as having effect in accordance with section 26 (Lands forming Epping Forest) of the City of London (Various Powers) Act 1967;

“the road works” means the new trunk road, slip roads, side roads and works associated therewith mentioned in the Preamble to this Act;

“Secretary of State” means the Secretary of State for Transport;

and reference to common and public rights in lands forming part of the open waste shall be construed as a reference to all common or commonable rights exercisable in, upon or over those lands and the right of the public to use those lands as an open space for recreation and enjoyment.

Interpretation of Part II.

1956 c. 1.

1967 c. xlii.

*Grant and exchange of lands*

4. —(1) In the event of the Secretary of State’s being authorised (otherwise than under this Act) to acquire the land required for the new road, the Conservators shall have power to grant to the Secretary of State such rights and interests as he may require for the purpose of the construction and maintenance of the road works in, over or under the following land forming part of the open waste shown on the deposited plans within the limits of land required for road works and may permit entry upon that land in advance of the execution of any such grant: —

(a) land so shown coloured red comprising 27,500 square metres or thereabouts, being land in which the unencumbered freehold interest with vacant possession is so required;

(b) land so shown coloured blue comprising 2,500 square metres or thereabouts, being land over which a right of access (additional to existing rights of access) for the purposes of constructing and maintaining structures in the land referred to in paragraph (a) above, and in which a right to construct and maintain foundations for those structures, is so required; and

(c) land so shown hatched black comprising 28,500 square metres or thereabouts, being land in which a right of temporary occupation for the construction of the road works is so required.

(2) In so far as the Conservators have not made any such grant under the preceding provisions of this section, the Conservators shall have power to grant to the Secretary of State such rights and interests as are necessary in, over or under land forming part of the open waste shown on the deposited plans within the limits of land required for road works —

(a) for accommodation works;

(b) to install and maintain drainage systems;

Grants of lands or rights for road works.

PART II  
—cont.

including the right to enter and carry out works from time to time for those purposes.

(3) On entry by the Secretary of State upon the land so shown coloured red, except as provided in section 6 (Dedication of land for forest use) of this Act, that land shall cease to form part of the open waste and all common and public rights in that land shall, by virtue of this Act, be extinguished.

(4) (a) On entry by the Secretary of State in exercise of a right of temporary occupation of any of the land so shown hatched black, during the period of occupation by him of that land in exercise of that right, the exercise of common and public rights in that land shall be suspended and the Secretary of State shall be entitled to enclose that land.

1878 c. ccxiii.

(b) As soon as practicable after the completion of the purpose for which the land referred to in paragraph (a) above is occupied by the Secretary of State the land shall, subject to the provisions of this Act and of the Epping Forest Act 1878, be reinstated by him to the reasonable satisfaction of the Conservators and shall be thrown open and restored for the exercise of the common and public rights previously exercisable in that land.

(5) On entry by the Secretary of State in exercise of a right granted under subsection (2) above, or of a right over or in the land so shown coloured blue, that land shall, subject to the provisions of this Act, continue to form part of the open waste subject to the right granted to the Secretary of State as aforesaid, and subject to the provisions of the Epping Forest Act 1878 the common and public rights previously exercisable in that land shall continue to be exercisable so far as they are consistent with the right so granted.

1980 c. 66.

(6) For the purposes of the Highways Act 1980, the acquisition by the Secretary of State of any right or interest in, over or under land pursuant to the foregoing provisions of this Part shall take effect as an acquisition of that right or interest by agreement under Part XII of that Act.

Vesting of  
exchange land.

5.—(1) As soon as practicable after the passing of this Act and the Secretary of State's being authorised (otherwise than under this Act) to acquire the land required for the new road, the Secretary of State shall grant to the Conservators the unencumbered freehold interest in, with vacant possession of, other land for addition to the open waste (hereafter in this section referred to as "the exchange land") comprising 81,000 square metres or thereabouts being, to the reasonable satisfaction of the Conservators, land the condition and situation of which are no less advantageous to the persons who immediately before the commencement of this Act are entitled to exercise common or commonable rights in, upon or over the open waste and to the public, and the Secretary of State shall permit entry upon that land, so far as he has sufficient rights and interests therein, in advance of the execution of that grant.

(2) On entry by the Conservators on the exchange land, that land shall for all purposes be added to, and form part of, the open waste and be subject to the regulation and management of the Conservators and to the same common and public rights as are at the commencement of this Act exercisable in the land in, over or under which rights or interests are granted to the Secretary of State under this Part.

(3) The acquisition of the exchange land by the Conservators under this section shall be deemed to have been accepted by them and all others interested as compensation for the extinguishment or suspension of, or, as

the case may be, interference with, common and public rights in any of the land in, over or under which interests or rights are granted to the Secretary of State under this Part.

PART II  
—cont.

6. Whereas it is the intention of the Secretary of State to construct a part of the trunk road situated within the land in the London borough of Waltham Forest shown coloured red on sheet 1 of the deposited plans in a tunnel 162 metres or thereabouts in length and similarly to construct that part of the trunk road situated within the land in the London borough of Redbridge coloured red on sheet 2 of the deposited plans in a tunnel 280 metres or thereabouts in length, in each case constructed by the method of cut and cover and, upon completion of the tunnels, to lay out so much of the surface of the land as is not used for road works as an open space for public use to the reasonable satisfaction of the Conservators, and to dedicate the same for public use and the exercise of common rights in connection with the open waste, but subject to such restrictions as may be reasonably required by him for the protection of the tunnels and for the purposes of the maintenance and reconstruction of the tunnels:

Dedication of  
land for forest  
use.

It is hereby declared that, upon the dedication by the Secretary of State of the surface of the said land for public use, the same shall be subject to the regulation and management of the Conservators and to the exercise of common or commonable rights and to the right of the public to use it as an open space for recreation and enjoyment as if it were part of the open waste subject to, and so far as those rights are consistent with, such reservations and restrictions as may be specified in the deed of dedication.

7.—(1) The Secretary of State shall reimburse the Conservators such proportion of all costs, charges and expenses reasonably incurred and properly paid by them under section 18 (Costs of Act) of this Act as is attributable to this head of this Part.

Payments by  
Secretary of State  
to Conservators.

(2) The Secretary of State shall indemnify the Conservators against actions, costs, claims and demands which may be brought or made against the Conservators, or which the Conservators may incur, caused by or arising from or out of the grant by the Conservators to the Secretary of State under this Part of any right over or interest in land forming part of the open waste:

Provided that —

- (a) nothing in this subsection shall impose any liability on the Secretary of State in respect of any such actions, costs, claims and demands in so far as they are attributable to the wrongful act, neglect or default of the Conservators, their contractors, agents, workmen or servants; and
- (b) the Conservators shall give to the Secretary of State immediate notice of any such actions, costs, claims and demands and no settlement or compromise thereof shall be made except with the consent of the Secretary of State who (if he so elects) shall at his expense have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the same.

8.—(1) Except as otherwise provided in this Part, any difference arising between the Conservators and the Secretary of State under this Part (other than a difference as to the construction thereof) shall be determined by arbitration.

Arbitration.

PART II  
—cont.

(2) Where under this head of this Part any difference is to be determined by arbitration then, unless otherwise provided, the difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed, on the application of any party after notice in writing to the other or others of them, by the President of the Royal Institution of Chartered Surveyors.

*Horse-riding*

Regulation of  
horse-riding:  
amendment of  
enactments.  
1878 c. ccxiii.

9.—(1) The following enactments shall have effect subject to the following amendments:—

In the Epping Forest Act 1878, after subsection (viii) of section 36 (Power to make byelaws), there shall be inserted the following subsection:—

“(viiiA) For prescribing the conditions under which (regard being had to the preservation of the Forest, and of the timber and other vegetation thereon, and the enjoyment by all persons interested therein of their respective rights) persons resorting to the Forest for recreation and amusement shall from time to time be allowed to ride horses.”;

1971 c. lxi.

In the City of London (Various Powers) Act 1971, in section 9 (Regulation of horse-riding in Epping Forest)—

(a) after subsection (3), there shall be inserted the following subsection:—

“(3A) Nothing in subsection (1) of this section shall affect the exercise by the Conservators of the power to make byelaws under subsection (viiiA) of section 36 (Power to make byelaws) of the Act of 1878.”;

(b) for subsection (6) there shall be substituted the following subsection:—

“(6) (a) Nothing in this section or in byelaws made under subsection (viiiA) of the said section 36 of the Act of 1878 shall authorise the Conservators to restrict or prohibit the lawful use of any bridleway or byway open to all traffic shown on the definitive map and statement for any area of the county of Essex which includes Epping Forest.

(b) In this subsection ‘bridleway’ and ‘byway open to all traffic’ have the meanings respectively given by section 66 of the Wildlife and Countryside Act 1981 and ‘definitive map and statement’ means the definitive map and statement operative under Part III of that Act.”.

1981 c. 69.

(2) (a) No byelaw made under section 36 (viiiA) of the Epping Forest Act 1878 shall enable the Conservators to refuse to issue any disc or other means of identification which it is by byelaw provided shall be displayed by persons allowed to ride horses in Epping Forest to any person who has not previously held such means of identification, but such byelaws may require the return to the Conservators of such means of identification in such circumstances as may be prescribed by the byelaws.

(b) A person aggrieved by a refusal to issue means of identification or by a requirement made under any byelaw referred to in paragraph (a) above may appeal to the disciplinary committee.

(3) Byelaws made under section 36(viiiA) of the Epping Forest Act 1878 shall not empower the Conservators to make charges in respect of the riding or exercising of horses in Epping Forest otherwise than in accordance with section 10 (Charges) of this Act.

PART II  
—cont.

1878 c. ccxiii.

(4) In subsection (2) above “the disciplinary committee” means the committee of the Common Council constituted to hear appeals under this section.

10.—(1) The charges for which byelaws may make provision shall be reasonable charges for the use of Epping Forest for the riding or exercising of horses, and such charges shall be computed by reference to—

Charges.

(a) the reasonable cost of the maintenance of ways designated for the riding or exercising of horses under section 9 (1) (Regulation of horse-riding in Epping Forest) of the City of London (Various Powers) Act 1971;

1971 c. lxi.

(b) the reasonable cost of the provision of regulation of the riding of horses under byelaws made under section 36 (viiiA) (Power to make byelaws) of the Epping Forest Act 1878.

(2) The amount raised by any charges made under subsection (1) above shall be wholly applied by the Conservators in undertaking the activities referred to in that subsection.

(3) Charges made under subsection (1) above may make different provision for different cases or circumstances.

### PART III

#### MISCELLANEOUS

11. For the purpose of facilitating the movement of vehicular traffic along, or the safety of the public in, that part of Upper Thames Street which is in tunnel, section 24 (Blackfriars Underpass: traffic safety) of the City of London (Various Powers) Act 1977 shall apply to the whole of that part of Upper Thames Street and accordingly the said section 24 shall have effect as if in subsection (1) (b) thereof for “1,200 feet” there were substituted “1,282 feet”.

Blackfriars  
Underpass:  
amendment of  
City of London  
(Various Powers)  
Act 1977.  
1977 c. xv.

12. The City of London (Various Powers) Act 1967 shall be amended as follows:—

City walkways:  
miscellaneous  
amendments.  
1967 c. xlii.

(a) in section 6 (Declaration of city walkways), after subsection (1A) there shall be inserted the following subsection:—

“(1B) A resolution declaring a city walkway may make such provision permitting the passage along the walkway of vehicles of the police, fire, ambulance or other emergency services as the Corporation consider appropriate.”;

(b) after section 11 (Protection and improvement of walkways) there shall be inserted the following section:—

PART III  
—cont.

“Temporary  
restriction  
or  
prohibition  
of  
pedestrian  
access to  
city  
walkways.

11A.—(1) If the Corporation are satisfied that pedestrian access along a city walkway should be restricted or prohibited, by reason that works are being or are proposed to be executed on, in or near the walkway, or by reason of the likelihood of danger to the public, they may by notice restrict or prohibit temporarily the use of the walkway, or any part, to such extent and subject to such conditions or exceptions as they consider necessary.

(2) A copy of any notice under subsection (1) above shall while the notice is in force be posted in a conspicuous position at either end of, and at all intermediate access points to, the length of the walkway to which the notice relates.

(3) A notice under subsection (1) above shall not continue in force for more than three months.

(4) A person who without reasonable excuse contravenes a restriction or prohibition imposed under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.”;

1987 c. xv.

1965 c. xxxix.

- (c) with effect from the day appointed under section 25 (2) of the City of London (Various Powers) Act 1987 (which provides for the replacement of provisions as to street trading), the entry relating to Part III (Street Trading) of the City of London (Various Powers) Act 1965 in Schedule 2 to the said Act of 1967 shall be omitted and the entry in the Schedule to this Act shall be added at the end of the said Schedule 2.

Removal of  
material  
deposited in  
places  
adjoining  
highway.  
1980 c. 66.

13. The Corporation may exercise the powers of section 149 of the Highways Act 1980 in respect of any thing deposited on or in any place to which the public has access and adjoining the highway.

Distribution  
containers for  
free literature,  
etc.

14.—(1) Notwithstanding the provisions of section 143 (3) and section 149 of the said Act of 1980 (which relate to the removal of structures erected or things deposited on a highway), if the Corporation consider that for the good management of the highway or for the purpose of performing any of their functions a distribution container which has been deposited on the highway ought to be removed or repositioned, they may —

- (a) require the owner of the container to remove or reposition it; or  
(b) themselves remove or reposition the container or cause it to be removed or repositioned.

(2) Where the Corporation remove or reposition a distribution container under subsection (1) above they shall where practicable notify the owner, but if the owner cannot be traced, or if within the period specified in any such notice (not being less than one month from the date of the notice) he has not recovered the container, the Corporation may dispose of the container and its contents.



## (3) Where the Corporation acting under this section —

PART III  
—cont.

- (a) exercise powers in relation to a container other than the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (3) (a) of the Highways Act 1980;
- (b) exercise their powers in relation to a container including the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (4) or, where material, (5) of the said Act in a case where an order authorising removal and disposal of the container had been made on a complaint by them under the said section 149 (4);

1980 c. 66.

and in a case falling within paragraph (b) above where they recover their expenses in the manner provided by the said section 149 (4) they shall apply any balance of the proceeds of disposal in the manner so provided.

(4) In this section “distribution container” means any unattended container deposited in the highway for the free distribution of its contents to, or collection of its contents by, the public.

15.—(1) The following enactments shall have effect subject to the following amendments:—

Traffic in  
Billingsgate  
Market:  
amendment of  
enactments.  
1979 c. xxiv.  
1982 c. 48.

In the City of London (Various Powers) Act 1979, in subsection (2) of section 16 (Regulation of traffic in market) for the reference to level 2 on the standard scale (which was substituted by section 46 of the Criminal Justice Act 1982) there shall be substituted a reference to level 3 on the standard scale;

In section 5 (Road traffic offences on market roads) of the City of London (Various Powers) Act 1987—

1987 c. xv.

in subsection (2) (a), at the end there shall be inserted the words “and as though an order without limit of time specifying Billingsgate Market had been made under section 106 of the Act of 1984”;

in subsection (3), after the reference to section 67 of the Road Traffic Regulation Act 1984 there shall be inserted the words “Section 84 (Speed limits on roads other than restricted roads)”; after the reference to section 102 of the said Act of 1984 there shall be inserted the words “Section 104 (Immobilisation of vehicles illegally parked); Section 105 (Exemptions from section 104)”; and in the proviso the references to sections 32, 40, 84, 143, 161 and 166 of the Road Traffic Act 1972 shall be omitted;

1984 c. 27.

1972 c.20.

in subsection (4), at the end there shall be inserted—

“(d) the expression ‘local authority’ means the Corporation in relation to any market road.”.

(2) On the making of any order under section 84 of the Road Traffic Regulation Act 1984, as applied to Billingsgate Market by section 5 of the City of London (Various Powers) Act 1987, so much of any byelaw made by the Corporation as imposes a speed limit on any market road (as defined in the said section 5) shall cease to have effect as respects the length of market road to which the order relates.

PART III  
—cont.

Houseboats:  
amendment of  
City of London  
(Various Powers)  
Act 1933.  
1933 c. xxiii.

16. Section 6 (Byelaws with regard to houseboats) of the City of London (Various Powers) Act 1933, shall have effect subject to the following amendments:—

In subsection (1) (a), for the words “prescribing the charges (not exceeding ten shillings for each certificate) to be paid in respect of certificates of registration and” there shall be substituted the words “enabling the Corporation to charge such reasonable fee as they may determine should be payable in respect of certificates of registration; for prescribing”;

1920 c. clxxiii.

In subsection (1) (d), for the words “of any harbour-master under section 267 (Power of harbour-masters) of the Port of London (Consolidation) Act 1920” there shall be substituted the words “given by the Port Authority, a harbourmaster or a dockmaster under section 111 or section 112 of the Port of London Act 1968 (which provide for the giving of general or special directions to vessels) or contrary to any byelaw made under section 162 (Thames byelaws) of that Act”;

1968 c. xxxii.

In subsection (2), for the words “district of the Port of London Sanitary Authority” there shall be substituted the words “port health district”; for sub-paragraph (ii) there shall be substituted—

“(ii) any craft or boat for hire which is navigating within that district and which is required to be registered by the Port Authority under the Port of London Act 1968; or”;

and sub-paragraph (iv) shall be omitted;

After subsection (4) there shall be inserted the following subsection:—

“(4A) In this section ‘port health district’ means the Port of London, as defined in section 89 (1) of the London Government Act 1963, as amended by section 31 (Extension of port health district for Port of London) of the City of London (Various Powers) Act 1965.”

1963 c. 33.

1965 c. xxxix.

City of London  
School:  
miscellaneous  
amendments.  
1834 c. 35.

17.—(1) The Act 4 & 5 Will. 4 cap. 35 intituled “An Act for establishing a School on the Site of Honey Lane Market in the City of London” shall have effect as if section 6 (The use of the Bible, and Morning and Evening prayers, to be provided for), which provides for the authorised version of the Bible to be read twice daily, were omitted.

1967 c. xlii.

(2) Section 7 (Appointment of the Masters of the School), as it has effect by virtue of section 29 of the City of London (Various Powers) Act 1967, shall have effect as if for the word “Master” where it first occurs there were substituted the words “Headmaster, Second Master and Bursar” and where it secondly occurs there were substituted the words “Headmaster, Second Master or Bursar”, and as if at the end there were inserted the words “, and every other teacher, officer or servant employed at the said School may be appointed, on behalf of the Corporation, by the Headmaster, each such appointment being subject to the same powers of suspension and removal as are applicable to appointments made by the Corporation under this section, and those powers may be exercised by the Headmaster in the case of appointments made by him”.

Costs of Act.

18. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the city’s cash and out of the general rate of the city in such proportions as the Corporation may deem just.

## SCHEDULE

Section 12.

ENTRY TO BE ADDED TO SCHEDULE 2 TO  
CITY OF LONDON (VARIOUS POWERS) ACT 1967

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
1987 c. xv.	City of London (Various Powers) Act 1987.	Part III—Street trading.	In section 6, in the definition of “street trading”, after the words “in a street” there shall be inserted the words “or a city walkway”; in section 19, for the word “street” wherever it occurs there shall be substituted the words “city walkway”; and sections 20 and 21 shall be omitted.

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# City of London (Various Powers) Act 1990

## CHAPTER xxiv

### ARRANGEMENT OF SECTIONS

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*Horse-riding*

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## SCHEDULE—

Entry to be added to Schedule 2 to City of London (Various Powers) Act 1967.