



CHAPTER xxxix.

An Act to provide for the better regulation and management of a piece of ground called Nazeing Wood or Nazeing Park in the parish of Nazeing in the county of Essex and for other purposes.

[6th August 1947.]

WHEREAS in the year one thousand six hundred and fifty-one a piece of pasture ground called Nazeing Wood or Nazeing Park within the manor and parish of Nazeing in the county of Essex was vested in certain persons in fee simple in trust for the common and joint benefit of the freeholders and copyholders for the time being of the said manor of Nazeing and of their heirs and assigns for ever:

And whereas by an Act of the eighteenth year of the reign of King George III (hereinafter referred to as "the Act of 18 Geo. 3. 1778") certain provisions were made for regulating the stock-^{c. 15.}ing of the said piece of ground and for keeping the fences thereof in repair and for the appointment of management trustees:

And whereas the legal estate in fee simple in the said piece of ground was from time to time vested in certain persons as trustees for the said freeholders and copyholders:

And whereas by a deed dated the twentieth day of April one thousand nine hundred and nine the trustees in whom the legal estate in the said piece of ground was then vested conveyed the same to the use of the Public Trustee in fee simple to the intent that the said freeholders and copyholders should at all times thereafter have take receive and enjoy the sole benefit and improvement of the said piece of ground and of the wood growing thereupon in such sort and manner as they should think fit to order and agree amongst themselves:

12 & 13 Geo. 5.
c. 16.

And whereas by virtue of the Law of Property Act 1922 land which was formerly copyhold land was enfranchised and became vested in the former copyholder thereof for an estate in fee simple:

And whereas the legal estate so conveyed as aforesaid to the Public Trustee was shortly before the passing of this Act conveyed by him to another party as trustee for the said freeholders:

And whereas Archdale Palmer Major Ralph Frederic Bury Sir Walter Ernest Hargreaves Edward James Fowler and James Gray are the present management trustees of the said piece of ground under and for the purposes of the Act of 1778:

And whereas for many years past the number of cattle and sheep available for grazing the said piece of ground has not been sufficient to keep down the grasses and at the date when such piece of land was requisitioned as hereinafter recited it was almost derelict:

And whereas the said piece of ground was in the year one thousand nine hundred and forty requisitioned by the Ministry of Agriculture and Fisheries acting through the Essex War Agricultural Executive Committee and is now in a good state of cultivation:

And whereas if the whole of the said piece of ground were seeded with grass there would not be available a sufficient number of cattle and sheep to keep down the grasses and the pasture would rapidly deteriorate:

And whereas it would be of great advantage to all persons interested therein that so much of the said parcel of ground as shall not be required for the exercise of grazing rights should be cultivated by ley farming or let for the playing of games and other purposes:

And whereas it is expedient that the Act of 1778 should be repealed and that new provisions should be enacted in lieu thereof:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the purposes of this Act cannot be attained without the authority of Parliament:

And whereas a plan showing the line of the diversion of a public footpath authorised by this Act and the land in respect of which rights of way are extinguished by this Act and a book of reference containing the names of the owner of the last-mentioned land and of the land affected by the said diversion and of the persons entitled or reputed to be entitled to exercise rights with respect to the said lands were duly deposited with

the clerk of the county council of the administrative county of Essex and the said plan is in this Act referred to as the deposited plan:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

1. This Act may be cited as the Nazeing Wood or Park Act Short title.
1947.

2. In this Act unless the context otherwise requires:— Interpretation.

“ the Act of 1778 ” means the Act of the eighteenth year of the reign of King George III intituled “ An Act for regulating the stocking of a certain piece of inclosed pasture ground called Nazeing Wood or Nazeing Park in the manor and parish of Nazeing in the county of Essex and for keeping the fences thereof in repair ”;

“ the park ” means the area of land in the parish of Nazeing in the rural district of Epping in the county of Essex to which the Act of 1778 and this Act relate and which for the purpose of identification is delineated by the outer edge of the boundaries coloured red on the plan signed in triplicate by the Right Honourable Lord O'Hagan the chairman of the committee of the House of Lords to which the Bill for this Act was referred which plans have respectively been deposited in the Parliament Office House of Lords and the Committee and Private Bill Office of the House of Commons and with the clerk of the parish council of the said parish;

“ the qualifying properties ” means the properties in the said parish of Nazeing named in the schedule to this Act and “ qualifying property ” means any of those properties;

“ freeholder ” means any person for the time being the owner in fee simple of any of the qualifying properties and “ the freeholders ” means all such persons;

“ the existing trustees ” means the following persons:—

Archdale Palmer;
Major Ralph Frederic Bury;
Sir Walter Ernest Hargreaves;
Edward James Fowler; and
James Gray;

being the Trustees elected under and for the purposes of the Act of 1778 and holding office as such immediately before the commencement of this Act;

“ the Trustees ” means the existing trustees or the persons elected under and for the purposes of this Act and for the time being holding office as such;

“ annual general meeting ” means a meeting of the freeholders held pursuant to subsection (1) of the section of this Act of which the marginal note is “ Meetings ”;

“ the main road ” means so much of the county road leading from Waltham Abbey to Harlow as intersects or forms the boundary of the park between the gates across the said road known respectively as Nazeing Gate and Harknett’s Gate;

“ the county council ” means the county council of the administrative county of Essex;

“ the revenues of the Trustees ” means all rents revenues fees and sums of money (other than borrowed money and the proceeds of sale of land) from time to time receivable by the Trustees under this Act.

Repeal of Act of 1778.

3. The Act of 1778 is hereby repealed.

Existing Trustees to be first Trustees for purposes of Act.

4. The existing trustees shall hold office as Trustees for the purposes of this Act until the conclusion of the annual general meeting to be held in the year one thousand nine hundred and forty-eight and shall then retire from office but shall be eligible (if and so long as they continue to be freeholders) for re-election at that meeting or at any subsequent annual general meeting as Trustees in accordance with the provisions of this Act.

Trustees to be elected annually.

5.—(1) At the annual general meeting to be held in the year one thousand nine hundred and forty-eight and at each subsequent annual general meeting five persons (being freeholders or persons nominated by freeholders being corporate bodies) shall be elected as Trustees for the purposes of this Act by a majority of the freeholders present or represented as provided by the section of this Act of which the marginal note is “ Voting rights ” and voting at the meeting. The persons so elected at any annual general meeting shall hold office as Trustees until the conclusion of the next following annual general meeting when they shall retire from office but shall be eligible (if and so long as they continue to be freeholders) for re-election at that meeting or at any subsequent annual general meeting.

(2) A person nominated for election or re-election as a Trustee by a freeholder being a corporate body shall be eligible for such election or re-election and if elected or re-elected to serve as a Trustee.

6. If any of the Trustees shall while holding office as such Casual
cease to be a freeholder or die or resign his office or be ^{vacancies.}
declared by a resolution of the Trustees to be incapacitated
by illness from continuing to hold his office or if in the case
of a Trustee nominated for election as such by a freeholder
being a corporate body such body shall cease to be a free-
holder then and in any of those events the surviving or con-
tinuing Trustees may and (if the happening of any such event
shall cause the number of the Trustees to be reduced to less
than three) shall appoint another person (being a freeholder
or a person nominated by a freeholder being a corporate body)
as a Trustee in his place to continue in office until the conclu-
sion of the next following annual general meeting.

7. The powers and duties by this Act conferred and im- ^{Exercise of}
posed upon the Trustees shall be exerciseable and performed ^{functions of}
by any three or more of them and at all meetings of the ^{Trustees.}
Trustees three Trustees shall constitute a quorum.

8. Notwithstanding anything in this Act if for a consecutive ^{As to}
period of two years— ^{qualifying}
(a) any dwelling-house existing at the date of the passing ^{properties.}
of this Act and being a qualifying property or any
dwelling-house erected in place of any such existing
dwelling-house and wholly or partly on the site
thereof is not occupied as a dwelling-house; or
(b) no dwelling-house exists on the site of any such exist-
ing dwelling-house;

otherwise than for any cause beyond the control of the owner
of the dwelling-house or site the Trustees may at any time after
the expiration of that period by resolution declare that the
property concerned shall cease to be a qualifying property
and as from the date of the passing of any such resolution or
such other date (if any) as may be specified in that behalf in
the resolution the property referred to therein shall for all
purposes of this Act cease to be a qualifying property and
the schedule to this Act shall be deemed to be amended
accordingly.

9.—(1) The Trustees shall keep a register of the persons ^{Register of}
from time to time constituting the freeholders and shall enter ^{freeholders.}
therein the name and address of each such person and the
qualifying property or properties owned by him and also the
name and address of any person for the time being a lessee
or occupier of any such property The Trustees shall from
time to time make any necessary additions to or alterations
of the said register.

(2) The said register shall at all reasonable times on appli-
cation to any one of the Trustees be open to the inspection

of any person being or claiming to be a freeholder and any such person shall be entitled to take copies thereof or extracts therefrom.

Meetings.

10.—(1) An annual general meeting of the freeholders for the transaction of any business required or authorised by this Act to be transacted at an annual general meeting shall be held on a day in the month of June or the month of July in the year one thousand nine hundred and forty-eight and in each subsequent year to be determined from time to time by the Trustees.

(2) The Trustees may whenever they deem it necessary or expedient so to do and (if and when so required by notice in writing signed by not less than ten freeholders specifying the business proposed to be transacted and delivered to any one of the Trustees) shall convene a special meeting of the freeholders to be held within twenty-eight days after the receipt of such notice.

(3) In addition to the matters respectively referred to in subsection (1) and subsection (2) of this section any other business specified in the notice of the meeting in accordance with the section of this Act of which the marginal note is "Notice of meetings" may be transacted at an annual general meeting or at a special meeting of the freeholders (as the case may be).

(4) At each meeting of the freeholders one of the freeholders present thereat to be elected as chairman by a majority of the freeholders then present or represented by a person holding a power of attorney shall preside at the meeting.

(5) The decisions at any annual general meeting or at any special meeting of the freeholders shall be binding on the freeholders and the Trustees.

Notice of meetings.

11. All meetings of the freeholders held under this Act shall be convened by notice in writing to each freeholder and by the posting of notice thereof on the notice boards of the parish church of Nazeing and of the Nazeing Congregational Chapel and of the Nazeing Parish Council not less than ten days before the date of the meeting. Every such notice shall specify the nature of the business to be transacted at the meeting to which it relates and no business shall be transacted at any meeting other than the business so specified.

Quorum of meetings.

12. At all meetings of the freeholders five persons shall constitute a quorum.

Voting rights.

13.—(1) Each freeholder (other than a corporate body) shall be entitled to one vote in respect of each qualifying property of which he is the owner in fee simple and if absent from any meeting of the freeholders his vote may be given at

that meeting by some person acting under the authority of a power of attorney given by him.

(2) Each freeholder being a corporate body shall be entitled to one vote in respect of each qualifying property of which they are the owners in fee simple and at any meeting of the freeholders the vote of such corporate body may be given by any person present at the meeting and acting under the authority of (and if so required by the chairman of the meeting producing for his inspection) a power of attorney given under the common seal of the corporate body.

14. All matters which come up for decision at a meeting of the freeholders shall be decided by a majority of the votes (given on the basis and in the manner prescribed by the section of this Act of which the marginal note is " Voting rights ") of such of the freeholders as shall be present or represented by a person holding a power of attorney and as shall vote at the meeting. In the case of an equality of votes the person presiding at the meeting shall have a second or casting vote. Decisions at meetings.

15.—(1) The persons referred to in this section shall to the extent therein mentioned be entitled subject to the provisions of this Act to keep and depasture on the park (including such parts thereof as are cultivated under the provisions of the section of this Act of which the marginal note is " Power to farm or let for farming ") and are for the time being under grass) such numbers (which shall be the same in respect of each qualifying property) of sheep horses donkeys or neat cattle (hereinafter in this Act referred to as " animals ") of which he is the owner as may from time to time be determined by the Trustees (that is to say):— Grazing rights.

- (a) Every freeholder in respect of each qualifying property of which he is the owner in fee simple other than any such property which is for the time being occupied by a lessee or tenant or in respect of which he has in exercise of the powers conferred by subsection (2) of this section assigned to some other person the right of keeping and depasturing animals;
- (b) Every such lessee or tenant as aforesaid in respect of each qualifying property occupied by him other than any such property in respect of which he has assigned as aforesaid to some other person the right of keeping and depasturing animals;
- (c) Every such assignee as aforesaid in respect of each qualifying property in respect of which he is for the time being the assignee of the right of keeping and depasturing animals:

Provided that lambs which are the progeny of depastured ewes may be depastured on the park in addition to the prescribed number of sheep.

(2) A freeholder or any such lessee or tenant as aforesaid may in respect of any qualifying property or properties owned or occupied by him assign (either temporarily or otherwise) to any person being a resident in the parish of Nazeing (but not to any other person) any right of keeping and depasturing animals exerciseable by him under subsection (1) of this section.

As to
qualifying
properties
jointly held.

16. Notwithstanding any other provision of this Act the following provisions shall apply and have effect in the case of a qualifying property owned by more than one person:—

(a) the vote in respect of that property at any meeting of the freeholders may be given by any one of those owners present at the meeting or (if none of those owners be present) by some person acting under the authority of (and if so required by the chairman of the meeting producing for his inspection) a power of attorney given by such owners or by a majority of them; and

(b) the rights conferred by the section of this Act of which the marginal note is "Grazing rights" shall be exerciseable by those owners acting jointly. Provided that where the property is held by such owners as trustees for some other person or persons the said rights shall be exerciseable by that person or by those persons acting jointly and not by such owners.

Fees for
depasturing.

17.—(1) Every person depasturing animals on the park shall pay to some person appointed by the Trustees for the purpose such annual fees in respect thereof as the Trustees may from time to time determine. Provided that no fee shall be payable in respect of the depasturing of such lambs as are referred to in the proviso to subsection (1) of the section of this Act of which the marginal note is "Grazing rights."

(2) The fee payable in respect of the depasturing of any animal for any calendar year or part thereof shall be payable on the day in such calendar year on which the animal is first depastured.

Maintenance of
pound.

18. The Trustees shall maintain and keep in repair and from time to time when necessary renew the pound provided pursuant to the Act of 1778.

Pindar.

19.—(1) The Trustees may from time to time appoint any person to act as a pindar (either as a permanent officer or otherwise) upon and subject to such terms and conditions as to remuneration and otherwise as they may think fit.

(2) The person for the time being holding the office of pindar shall have the control and management of the said pound and shall have charge of the park and the animals depastured thereon.

(3) The person for the time being holding the office of pindar is in this Act referred to as "the pindar."

20. Every person entitled under this Act to keep and depasture animals on the park shall before turning any of them on to the park present the same to the pindar to be marked by him with a mark distinguishing them as the property of the owner thereof. Animals to be marked by the pindar.

21. The Trustees may at any time within five years from the commencement of this Act divert in the line shown on the deposited plan so much of the public footpath in the parish of Nazeing leading from Epping Long Green past Lodge Farm to a junction with the main road at a point fifty yards or thereabouts southward of Harknett's Gate as is situate northward of the private road leading from Lodge Farm to a junction with the main road near the Golf Club House and may stop up and cause to be discontinued as a footpath so much of the said footpath as will be rendered unnecessary by such diversion and as from the date of such stopping up all rights of way over or along the stopped up portion of the said footpath shall be extinguished. Diversion of footpath.

22. All rights of way (if any) for the carting of wood or timber from the north-eastern boundary of Nazeing Copy Wood on to or over so much of the park as is shown on the deposited plan within the "Limits of land in respect of which rights of way are to be extinguished" marked thereon shall be and are hereby extinguished. Provided that the Trustees shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall in case of difference be determined by a single arbitrator under and in accordance with the provisions of the Lands Clauses Acts. Extinguishment of certain rights of way.

23. The Trustees may remove such of the fences bounding the park or any part or parts thereof as they may from time to time deem it unnecessary to retain and may from time to time erect and maintain such additional or other permanent or temporary fences as they may consider necessary or expedient. Fencing.

24. The Trustees may enter into and carry into effect agreements with the county council for and with respect to— Agreements with county council.

- (a) the erection by the county council of fences on both or either of the sides of the whole or part of the main road;

- (b) the maintenance by the county council or by the Trustees of any fences so erected;
- (c) the conveyance to the county council of land forming part of the park for increasing to not exceeding one hundred feet the width of such parts of the main road as are of less than that width; and
- (d) the removal of the existing gates across the main road or across roads communicating therewith and known respectively as Nazeing Gate Harknett's Gate the Golf Club Gate and the Back Lane Gate or any of them;

or any of those purposes and as to the party by whom the expense incurred in effecting those purposes shall be defrayed.

Power of sale
of parts of
park:

25.—(1) If the Trustees enter into an agreement with the county council under the section of this Act of which the marginal note is "Agreements with county council" for the purpose (a) mentioned in that section or if the Trustees themselves erect fences along the eastern side of the main road they may sell the whole or any portion of so much of the park as is situate on the western side of the main road Provided that—

- (a) before offering for sale any such part of the park to any person other than the owner in fee simple of the land upon which the western side of that part abuts the Trustees shall give to such owner notice in writing of their intention so to do and if within three months from the date of the receipt of such notice any such owner by notice in writing to the Trustees so requires the Trustees shall sell to him for such consideration as may be agreed upon between them or as (failing agreement) shall be determined by arbitration as hereinafter provided the portion of the park which abuts upon the land of such owner;
- (b) every purchaser of any part of the park sold to him under this section shall enter into a covenant with the Trustees (which shall be binding on himself and his successors in title or persons claiming through or under him) that no building structure or erection shall at any time be erected or placed thereon.

(2) Any difference between the Trustees and an owner of land as to the amount of the consideration to be paid by such owner for the sale to him of any part of the park under this section shall be referred to and determined by a single arbitrator to be agreed upon by the Trustees and such owner

or (failing such agreement) to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Royal Institution of Chartered Surveyors and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification of those Acts for the time being in force shall apply to any such reference and determination.

26.—(1) (a) The Trustees may cultivate by ley farming the whole or such parts as they may determine of so much of the park as they may from time to time consider not to be required for the exercise of the rights conferred by this Act of keeping and depasturing animals or may from time to time with the approval of the freeholders to be signified at an annual general meeting or at a special meeting of the freeholders grant leases thereof for such cultivation to other persons for such terms at such rents and subject to such conditions as with such approval as aforesaid they may think fit. Power to farm or let for farming.

(b) Notwithstanding anything contained in section 30 of the Agricultural Holdings Act 1923 any such lease may provide that not less than a specified area of the land comprised therein shall at all times during the term of the lease be under grass and available for grazing by the animals of the persons referred to in the section of this Act of which the marginal note is "Grazing rights."

(2) Whenever and wherever necessary or convenient for such cultivation in an efficient and economical manner the Trustees or their lessees may plough up the sites of all public and private footpaths and bridle-paths traversing the land to be cultivated and may utilise such sites for such cultivation:

Provided that nothing in this subsection or done thereunder shall extinguish permanently or interrupt for a longer period than is necessary any right of way exerciseable over any such footpath or bridle-path.

(3) For any of the purposes of this section the Trustees may with the approval of the freeholders as aforesaid provide erect and equip such houses and buildings as they may deem necessary or expedient and for the purpose of any cultivation conducted by themselves they may from time to time provide plant appliances and articles and things of any description necessary or appropriate for that purpose.

27. The Trustees may from time to time grant leases to any persons for such terms at such rents and subject to such conditions as they may think fit for use as a golf course of any parts of the park which they may consider not to be required for use for any other purpose of this Act. Leases for golf course.

Permits for
use of park
for various
purposes.

28. The Trustees may from time to time grant upon and subject to such terms and conditions as they may think fit permits for the use for the playing of games or for other recreational purposes, or for the holding of fairs shows or exhibitions or for other purposes of entertainment of any parts of the park which are not for the time being the subject of any lease granted under the powers of this Act and which they may consider not to be required for use for any other purpose of this Act.

Title of
Trustees to
convey or
lease land.

29.—(1) In the exercise of any of the powers of selling or leasing conferred by this Act the Trustees shall have power to convey the fee simple of any land so sold or to let any land for any term of years or any shorter period and to give a good and sufficient discharge for any moneys payable by a purchaser or lessee.

(2) Any such conveyance may be made by the Trustees so as to vest the land conveyed in the purchaser free from all or any of the provisions of this Act.

(3) All lands conveyed or sold by the Trustees under either of the sections of this Act of which the marginal notes are respectively "Agreements with county council" and "Power of sale of parts of park" shall as from the date of the conveyance of such lands cease for all purposes to form part of the park.

(4) Nothing in this section shall dispense with the necessity for joining as a party to any deed of conveyance or lease any person in whom the legal estate in the park is for the time being vested as a bare trustee.

Power to
restrict rights
of access and
grazing.

30.—(1) The Trustees may from time to time prohibit the exercise of or impose such restrictions as they may deem necessary or expedient upon the rights of the freeholders as to access to and the depasturing of animals on any parts of the park which are cultivated by the Trustees or any lessee of the Trustees and are not for the time being under grass and any other parts of the park which are for the time being the subject of any lease granted under the powers of this Act or used for any purpose which in the opinion of the Trustees would be interfered with by the exercise of such rights.

(2) The Trustees shall cause notice of any such prohibition or restriction to be posted in such conspicuous position on the part of the park affected thereby as they may consider most suitable for notifying such prohibition or restriction.

(3) Nothing in this section or done thereunder shall affect the exercise of rights of way (if any) over any part of the park to which any such prohibition or restriction as aforesaid applies.

31.—(1) The Trustees may make regulations for and with Regulations.
respect to all or any of the following matters:—

- (a) the enforcement of the provisions of the section of this Act of which the marginal note is "Power to restrict rights of access and grazing";
- (b) the prevention or suppression of nuisances or for keeping order in the park;
- (c) the general management and use of the park in accordance with the rules of good husbandry;

and may by such regulations prescribe for any contravention thereof penalties (not exceeding five pounds for any one offence) to be recoverable on summary conviction on proceedings taken by the Trustees.

(2) Any regulation made in pursuance of this section and any alteration made in any such regulation and any revocation of any such regulation shall not have effect unless and until it shall have been—

- (a) approved by the freeholders at a meeting convened for the purpose; and
- (b) confirmed by the Minister of Agriculture and Fisheries who shall determine the date on which such regulation alteration or revocation shall come into operation.

(3) At least twenty-eight days before application for any such confirmation as aforesaid is made notice of the intention to apply for confirmation shall be given by publication in a newspaper circulating in the said parish of Nazeing and by posting on the notice boards of the parish church of Nazeing and of the Nazeing Congregational Chapel and of the Nazeing Parish Council and such notice shall specify an office at which a copy of the regulation to which the notice relates may be inspected without payment at all reasonable times by persons interested and at which printed copies of such regulation may be obtained on payment of a sum not exceeding one shilling for each copy.

(4) Copies of the regulations when confirmed shall be posted in the park in such conspicuous manner as the Trustees think best calculated to give information to the persons affected thereby.

32. Notwithstanding anything contained in this Act the following provisions for the protection of Barclay Perkins & Co. Limited or other the owners for the time being of the public house known as "the King Harold's Head" Nazeing (in this section called "the owners" and "King Harold's Head" respectively) shall except so far as otherwise agreed

For protection
of Barclay
Perkins & Co.
Ltd.

in writing between the Trustees and the owners apply and have effect (that is to say):—

- (1) Nothing contained in this Act or in any regulations made under this Act shall empower the Trustees or any lessee or other person claiming by through under or in trust for the Trustees to remove or interfere with any property of the owners or their tenants which was at the date of the passing of this Act affixed to or built on or in the land immediately adjoining the King Harold's Head (which land forms part of the park and is shown hatched blue on the plan one copy whereof has been signed by Ralph Frederic Bury on behalf of the Trustees and another copy by Frederick Hugh Bowyer on behalf of the owners and which is hereinafter referred to in this section as "the signed plan") and the owners and their tenants as the case may be may maintain and from time to time repair or renew such property notwithstanding that some part thereof may be within the park:
- (2) The powers conferred on the Trustees by this Act shall not be exercised in such a manner as to prevent the continued use of the land shown on the signed plan in the manner and for the purposes for which such land was customarily used prior to the passing of this Act in connection with the carrying on of the business of the owners or their tenants at the King Harold's Head and in particular nothing in this Act or in any regulations made under this Act shall prevent or restrict the customary use as aforesaid of the said land for the purpose of access to the King Harold's Head by vehicles and the drivers thereof and by the tenants and their servants and by persons visiting or resorting to the King Harold's Head:
- (3) In the event of the King Harold's Head being rebuilt or reconstructed on the existing site thereof or on any enlargement (not comprising land forming part of the park) of such existing site by the owners at any time after the passing of this Act the foregoing provisions of this section shall extend and apply with respect to the King Harold's Head as so rebuilt or reconstructed in the same way and manner as they apply to the King Harold's Head as now existing and nothing contained in this Act or in any regulations made under this Act shall prevent such temporary occupation of the land shown on the signed plan as may be necessary for the purpose of such rebuilding or reconstruction:

- (4) Any question arising between the Trustees and the owners under subsection (2) of this section shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Trustees and the owners) on the application of either party (after notice in writing to the other party) by the President of the Royal Institution of Chartered Surveyors and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 or any statutory modification thereof for the time being in force shall apply to any such reference and determination.

33. The Trustees may from time to time borrow such sums of money as they may require for expenditure on capital account for any purpose of this Act or for payment of the costs charges and expenses of this Act as hereinafter defined and may for securing the payment of interest on and the repayment of moneys so borrowed mortgage or charge the revenues of the Trustees Provided that—

Power to borrow on mortgage of revenues.

- (a) the aggregate amount of moneys borrowed under the powers of this section and outstanding at any time shall not exceed four thousand pounds; and
- (b) all moneys borrowed under the powers of this section shall be repaid (as respects money borrowed for payment of the costs charges and expenses of this Act) within a period not exceeding five years and (as respects money borrowed for any other purpose) within a period not exceeding sixty years from the date or respective dates of the borrowing.

34. The Trustees may from time to time invest in the names of any three or more of them or in the name of the person in whom the legal estate in the park is for the time being vested in such investments as they or he may think fit and as shall be approved in writing by the bankers for the time being of the Trustees all or any moneys received by them on capital account or forming part of the revenues of the Trustees which are not for the time being required for expenditure for purposes to which such moneys are applicable under this Act:

Powers of investment.

Provided that such bankers shall not by approving as aforesaid any investment incur any liability or responsibility to the Trustees or to any other person.

35.—(1) All moneys borrowed by the Trustees under the powers of this Act shall be applied only for purposes of this Act for which capital moneys are properly applicable.

Application of moneys.

(2) The revenues of the Trustees shall be applied as follows:—

First in payment of the expenses properly incurred by them on revenue account in carrying into effect the purposes of this Act;

Secondly in payment of the interest on any moneys borrowed by them under the powers of this Act;

Thirdly in making provision for the repayment of moneys so borrowed;

Fourthly in or towards the formation of a reserve fund:

Provided that any such reserve fund shall not at any time exceed the sum of five thousand pounds but may from time to time be applied to any purpose of this Act to which money received on revenue account under this Act is applicable and if and whenever the said fund is reduced below the said amount of five thousand pounds it may again be increased to that amount.

(3) Subject as aforesaid any moneys which in the opinion of the Trustees are not required for any of the purposes of this Act shall be applied and disposed of in such manner for the improvement of the park or otherwise for the benefit of the general body of the freeholders as a majority of the freeholders shall in general meeting direct.

Audit and approval of accounts.

36.—(1) The accounts of the Trustees shall be made out for the period of twelve months ending on the twenty-fourth day of June one thousand nine hundred and forty-eight and for each period of twelve months ending on any subsequent twenty-fourth day of June.

(2) The accounts relating to any such period shall be audited and shall be available for inspection by any freeholder for a period of fourteen days before and be presented for adoption by the freeholders at the annual general meeting held on or next after the date of the expiration of that period.

Saving for town and country planning.

37.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression “ the Town and Country Planning Acts ” means—

(a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and

(b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

38. All costs charges and expenses of and incident to the **Costs of Act.** preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees and shall be defrayed by them wholly out of the revenues of the Trustees or out of money borrowed for the purpose or partly by one of those modes and partly by the other of them.

The SCHEDULE referred to in the foregoing Act.

QUALIFYING PROPERTIES.

Number in register kept by the Trustees.	PROPERTY.	Family name of occupier at the date of passing of the Act where necessary for purposes of identification.
1	Coachman's House Nazeing Park	
2	Nazeing Park	
4	Garden House Nazeing Park ...	
5	Upper Post Office Upper Town ...	
6	Back Park Nazeing Park... ..	
7	Brewitt's Farm	Hollow.
8	Brook Cottage Middle Street ...	
9	Burnt Hall Middle Street ...	
10	Tey's Farm Belcher's Lane ...	
11	White Hall Farm North Street	
12	Queen's Farm Back Lane ...	
13	Belcher's Farm	
14	Mansion House Farm Middle Street	
15	Cottages Back Lane	Burton and Sams.
16	Cottages Middle Street	Dellar and Mead.
17	Hubbards	
18	Kenner's Lane Cottage Jack's Hatch	
19	Cottages Profits Hill	Starling and Webb.
20	Long Yard Upper Town	
21	Maple Croft, Cottage	
22	Betts Lane Cottages	
23	Cottages Back Lane	Perry and Whay.
24	Ricketts Upper Town	
25	Whiteswood Cottages Back Lane	
26	Cottages Bett's Lane	Ring and Eldred.
27	Back Lane	Flack and Bailey.
28	Kingsmead nr. King's Wood ...	
29	The Rookery St. Leonard's Road	
30	Cottage nr. Harolds Head ...	Mansfield.
31	Cottage Bumbles Green	Hampton.
32	Cottage Bumbles Green	Macdermott.
33	Back Lane	Myson.
34	North Street	King.
35	Northcroft North Street ...	
36	Red Houses Nazeing Common ...	
37	Rose Cottage Back Lane ...	
38	Pond House Upper Recreation Ground	
39	Golf Club Gate Cottages Nazeing Common	
40	Rumbolds (or Raven's) Cottage...	
41	Collyers	
42	St. Leonard's House	
43	The Laundry Laundry Lane ...	
44	Marsh Gate Farm	

Number in register kept by the Trustees.	PROPERTY.	Family name of occupier at the date of passing of the Act where necessary for purposes of identification.
45	Shadwalkers Farm Middle Street	
46	Snows Laundry Lane	
47	Warleys Middle Street	
48	St. Lawrence Farm	
49	Pillar Box Cottage Long Green ...	Salmon.
50	1900 Houses Long Green	
51	Stutsburys Middle Street	
52	Almains	Perry.
53	Almains South	
54	Cutlands Farm	
55	Greenleaves	
56	Darmers Middle Street	
57	Perry Hill	
58	Ninnetts or Ninnings	
59	Little Profits Back Lane	
60	Shottentons	
62	Parker's Farm	
64	Wheelers	
65	The Shop	Ashby.
66	Payne's Farm	
67	Crooked Billet Inn	
68	Old Sun House	
69	Red Lion Inn	
70	Camp's Farm	
71	Mead Gate Farm	
72	Nether Kidlers Farm	
73	Felsteads or Newman's Farm ...	
74	Blacksmith's Shop	
75	Pound House	
76	Carringtons	
77	Gardner's Farm	
78	The Institute	
79	Namelons Farm	
80	Namelons Cottage	
81	Camp's	
82	Camp's Cottages	
83	Langridge Farm	
84	Valley View Coleman's Lane (late Upper Langridge)	
85	Walnut Tree Cottages Middle Street	
86	Goodall's Farm	
87	Callis Bumbles Green	
88	Mulberries Farm	
89	Maple Croft	
90	Jacks Hatch Kenner's Lane ...	
91	The Vicarage	
92	Old House Middle Street	
93	Rose Cottage Old Nazeing Road	
94	Cottage nr. Harold's Head ...	King and Colman.
95	Rookwood Lodge late White House Farm	

Number in register kept by the Trustees.	PROPERTY.	Family name of occupier at the date of passing of the Act where necessary for purposes of identification.
96	Curtis's Farm	
97	The Poplars near Red Lion Middle Street	
98	Byner's Farm Belcher's Lane	
99	Small Drinks	
100	Cottages Long Green	Pallett and Smith.
101	Pindar's House	

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