



### CHAPTER 32.

An Act for extending certain Provisions of the Metropolitan Open Spaces Acts, 1877 and 1881, with Amendments, to Sanitary Districts throughout England, Wales, and Ireland ; and for other purposes. A.D. 1887.

[23rd August 1887.]

**W**HEREAS by the Metropolitan Open Spaces Acts, 1877 and 1881 (herein called the principal Acts), certain facilities were provided for making available the open spaces and burial grounds in the Metropolis for the use of the inhabitants thereof for exercise and recreation, and it is expedient to provide facilities for making available open spaces and burial grounds in all sanitary districts in England, Wales, and Ireland, for the like use of the inhabitants thereof, and to make other provisions for the purpose aforesaid, and also to amend the Metropolitan Open Spaces Act, 1881, and the Disused Burial Grounds Act, 1884 :

40 & 41 Vict. c. 35.  
44 & 45 Vict. c. 34.  
47 & 48 Vict. c. 72.

Be it therefore 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 :

**1.** In this Act, unless the context otherwise requires, the expression "urban sanitary district" and the expression "urban authority" respectively, and the expressions "rural sanitary district" and "rural authority" respectively shall have the meanings assigned to them respectively by the Public Health Act, 1875.

Interpretation.  
38 & 39 Vict. c. 55.  
Amendment of 44 & 45 Vict. c. 34.

**2.** (1.) The Metropolitan Open Spaces Act, 1881, is hereby repealed to the extent mentioned in the Schedule to this Act, and the second section of the said Act is hereby amended, as follows (that is to say), the purchase money paid for or in respect of the purchase of any open space as therein mentioned shall be held in trust, either as in the said section mentioned, or as the case may be, for the benefit of the objects to which any rates previously imposed in respect of such open space had been applied.

(2.) The playing of any games or sports shall not be allowed in any churchyard, cemetery, or burial ground in or over which any estate, interest, or control is acquired under section five of the Metropolitan Open Spaces Act, 1881.

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Provided that—

- (a.) In the case of consecrated ground, the bishop, by any license or faculty granted under the Metropolitan Open Spaces Act or this Act, and
- (b.) In the case of any churchyard, cemetery, or burial ground which is not consecrated, the body from which any such estate, interest, or control as aforesaid is acquired

may expressly sanction any such use of the ground, and may specify any conditions as to the extent or manner of such use.

Provision as to  
removal of  
tombstones and  
monuments.

3. In the case of any disused churchyard, cemetery, or burial ground, at least three months before any tombstone or monument is moved, the following steps shall be taken :

- (a.) A statement shall be prepared sufficiently describing by the name and date appearing thereon the tombstones and monuments standing or being in the ground, and such other particulars as may be necessary ;
- (b.) Such statements shall be deposited with the clerk of the board or vestry, and shall be open to inspection by all persons ;
- (c.) An advertisement of the intention to remove or change the position of such tombstones and monuments shall be inserted three times at least in some newspaper circulating in the neighbourhood of the burial ground, and such advertisement shall give notice of the deposit of such statement as is hereinbefore described, and of the hours within which the same may be inspected ;
- (d.) A notice in terms similar to the advertisement shall be placed on the door of the church (if any) to which such churchyard, cemetery, or burial ground is attached, and shall be delivered or sent by post to any person known or believed by the board or vestry to be a near relative of any person whose death is recorded on any such tombstone or monument.

In the case of any consecrated ground no application for a faculty shall be made until the expiration of one month at least after the appearance of the last of such advertisements as aforesaid.

Provided that on any application for a faculty, nothing shall prevent the bishop from directing or sanctioning the removal of any tombstone or monument if he is of opinion that reasonable steps have been taken to bring the intention to effect such removal to the notice of some person having a family interest in such removal.

Amendment of  
47 & 48 Vict.  
c. 72.

4. In the Disused Burial Grounds Act, 1884, and this Act, the expression "burial ground" shall have the same meaning as in the Metropolitan Open Spaces Act, 1881, as amended by this Act, and the expression "disused burial ground" shall mean any burial ground which is no longer used for interments, whether or not such ground shall have been partially or wholly closed for burials under the provisions of any statute or Order in Council, and the expression "building" shall include any temporary or moveable building.

Extension of  
certain pro-  
visions of  
Metropolitan

5. All the provisions of the principal Acts as amended by this Act (except sections four, five, six, seven, and eight of the Metropolitan Open Spaces Act, 1877, and so much of section six of the

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execution of the Public Health Act, 1875, and shall be defrayed accordingly, and the purposes of this Act shall be deemed to be the purposes of the Public Health Act, 1875.

(2.) Provided that the expenses incurred by a rural authority shall be deemed to be special expenses under that Act incurred in respect of the contributory place or places for which the powers of this Act are exercised, and all the provisions of the Public Health Act, 1875, which would be applicable in the case of an apportionment of special expenses for works for the common benefit of two or more contributory places, shall apply to any such expenses.

Saving for  
Crown lands.

9. This Act shall not extend to any land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or to any garden or ornamental ground for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings.

Byelaws.

10. All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six (both inclusive) of the Public Health Act, 1875, shall apply to all byelaws from time to time made by an urban or rural authority under the powers of this Act, and the penalties imposed by any such byelaws may be recovered in a summary manner.

Power over  
open spaces  
already vested  
in sanitary  
authority.

11. The Metropolitan Board or the sanitary authority may exercise all the powers given to them by the Metropolitan Open Spaces Act, 1881, or this Act respecting open spaces, churchyards, cemeteries, and burial grounds transferred to them in pursuance of the said Act or of this Act in respect of any open spaces, churchyards, cemeteries, and burial grounds of a similar nature which are or shall be vested in them in pursuance of any other statute, or of which they are otherwise the owners.

Power of  
Metropolitan  
Board with  
respect to  
public walks or  
pleasure  
grounds.

12. The Metropolitan Board may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Extension of  
Acts to  
Ireland.  
41 & 42 Vict.  
c. 52.

13. The principal Acts and this Act shall apply to Ireland, subject to the following provisions:

In the said Acts—

References to the Public Health Act, 1875, shall be construed as references to the Public Health (Ireland) Act, 1878, and the reference to sections one hundred and eighty-two to one hundred and eighty-six of the first-mentioned Act shall be construed as referring to sections two hundred and nineteen to two hundred and twenty-three of the latter Act.

Reference to any private or local Act of Parliament shall be construed so as to include any Act of the Parliament of Ireland.

References to a "vestry," "district board," "corporation," or "Metropolitan Board" shall be construed as references to the sanitary authority.

References to the London daily papers shall be construed as references to any newspapers, daily or weekly, circulating within the district of the sanitary authority.

References to Her Majesty's Council shall be construed as A.D. 1887.  
 references to Her Majesty's Privy Council in Ireland.

References to the Local Government Board shall be construed  
 as references to the Local Government Board for Ireland.

References to the Lands Clauses Act, 1845, shall be construed  
 as references to that Act, as amended by the Lands Clauses  
 Consolidation Acts Amendment Act, 1860, the Railways  
 (Ireland) Act, 1851, the Railways (Ireland) Act, 1860, the  
 Railways (Ireland) Act, 1864, and the Railways Traverse  
 Act.

23 & 24 Vict.  
 c. 106.  
 14 & 15 Vict. c. 70.  
 23 & 24 Vict. c. 97.  
 27 & 28 Vict. c. 71.  
 31 & 32 Vict. c. 70.

Nothing contained in the principal Acts or in this Act shall  
 apply to any land for the time being under the management of  
 the Commissioners of Public Works in Ireland, or belonging to  
 the Benchers of the King's Inns in Dublin.

14. This Act may be cited as the Open Spaces Act, 1887, and may  
 be read with the principal Acts as one Act.

Short title and  
 construction.

## SCHEDULE.

Portions of the Metropolitan Open Spaces Act, 1881, repealed.

In section one, the following words occurring in the definition of an  
 "open space," viz., "but shall not include any enclosed land which has  
 not a public road or footpath completely round the same."

In the same section, the following words occurring in the definition of a  
 "burial ground," viz., "and in which interments have taken place since the  
 year 1800."

In the second paragraph of section five, the words, "but such metropolitan  
 board, vestry, or district board shall not allow the playing of any games or  
 sports therein."