



**Law
Commission**
Reforming the law

Statute Law Repeals: Consultation Paper London

SLR 01/11: Closing date for responses – 30 September 2011

ABOUT THIS CONSULTATION

The Law Commission: The Law Commission for England and Wales was set up by section 1 of the Law Commissions Act 1965 for the purpose of promoting reform of the law.

The Law Commissioners are: The Rt Hon Lord Justice Munby (*Chairman*), Professor Elizabeth Cooke, Mr David Hertzell, Professor David Ormerod and Frances Patterson QC.

The Chief Executive is Mr Mark Ormerod CB.

Topic of this consultation: The Consultation Paper has been produced by the Law Commission's Statute Law Repeals team. It reviews the statute law relating to London and proposes the repeal of a number of obsolete Acts.

Duration of the consultation: 16 June 2011 to 30 September 2011.

How to respond

Please send your responses either-

By email to: john.saunders@lawcommission.gsi.gov.uk or

By post to: John Saunders, Law Commission, Steel House, 11 Tothill Street, London SW1H 9LJ
Tel: 020 3334 0240

If you send your comments by post, it would be helpful if, where possible, you could also send them electronically (for example, by email to the above address, in any commonly used format).

After the consultation: In the light of the responses received the Commission will publish its repeal recommendations in its next statute law repeals report. This report is likely to be published in early 2012 and will be presented to Parliament. It will be for Parliament to decide whether to implement these recommendations.

Availability of this Consultation Paper: You can view or download the paper free of charge from our website at www.lawcom.gov.uk via the link to Consultations > A-Z of consultations.

Freedom of Information Statement

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

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The Law Commission will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

LONDON REPEAL PROPOSALS

Introduction

1. These repeal notes propose the repeal of some 94 obsolete Acts relating to London. These Acts reflect London's social and economic history from Tudor times through to the early 20th century. Most of the Acts were passed to raise money to pay for particular projects. The money was usually raised either by local parish rates or by increasing existing taxes, especially taxes on the import of coal into the City of London. Once raised the money would be used for funding projects such as building or repairing churches or making local improvements by paving and lighting the streets or providing for a night-watch.
2. A significant number of the Acts were passed to authorise the construction of markets (especially in south London) that never actually came to fruition.
3. Most of the Acts have become obsolete either because they authorised a one-off event (like the holding of a lottery or the building of a church) or because the funding arrangements which they authorised have been superseded by changes in central and local government finance. The proposals include the repeal of-
 - ◆ a 1696 Act to raise money to re-build St Paul's Cathedral after the Great Fire of 1666
 - ◆ a 1710 Act to raise coal duty to pay for the building of fifty new churches in London
 - ◆ a 1776 Act to support sick and elderly performers at the Theatre Royal, Covent Garden (now the Royal Opera House)
 - ◆ a 1799 Act to fund regular lectures at the Church of St Mary-le-Bow in the City of London
 - ◆ four 19th century Acts relating to the London Gaslight Company.
4. The Acts span the period 1536 to 1907. They relate only to London and surrounding areas.

Comments are invited by **30 September 2011**

BACKGROUND NOTES ON STATUTE LAW REPEALS (SLR)

What is it?

1. Our SLR work involves repealing statutes that are no longer of practical utility. The purpose is to modernise and simplify the statute book, thereby reducing its size and thus saving the time of lawyers and others who use it. This in turn helps to avoid unnecessary costs. It also stops people being misled by obsolete laws that masquerade as live law. If an Act features still in the statute book and is referred to in text-books, people reasonably enough assume that it must mean something.

Who does it?

2. Our SLR work is carried out by the Law Commission and the Scottish Law Commission pursuant to section 3(1) of the Law Commissions Act 1965. Section 3(1) imposes a duty on both Commissions to keep the law under review “with a view to its systematic development and reform, including in particular ... the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law”.

Statute Law (Repeals) Bill

3. Implementation of the Commissions’ SLR proposals is by means of special Statute Law (Repeals) Bills. 18 such Bills have been enacted since 1965 repealing more than 2000 whole Acts and achieving partial repeals in thousands of others. Broadly speaking the remit of a Statute Law (Repeals) Bill extends to any enactment passed at Westminster. Accordingly it is capable of repealing obsolete statutory text throughout the United Kingdom (i.e. England, Wales, Scotland and Northern Ireland) as well as extending where appropriate to the Isle of Man.

Consultation

4. The Law Commission consults widely before finalising its repeal proposals. The purpose of consulting is to secure as wide a range of views on the proposals as is practicable from all categories of persons who may be affected by the proposals. So the consultation may be with central or local government, organisations, trade bodies, individuals or anyone else who appears to have an interest in a proposal.
5. So far as consulting central government is concerned, any Department or agency with an interest in the subject matter of the repeal proposal will be invited to comment. Because obsolete legislation often extends throughout the United Kingdom it may be necessary to invite comments from several different Departments. So the following will routinely be consulted-
 - ◆ The English Department or Departments with policy responsibility for the subject matter of the proposed repeal (this responsibility will extend to Scotland in appropriate cases)
 - ◆ The Welsh Assembly Government and the Wales Office (unless the proposed repeal relates only to England)
 - ◆ SLR colleagues at the Scottish Law Commission (if the proposed repeal extends to Scotland)
 - ◆ Northern Ireland officials (if the proposed repeal extends to Northern Ireland).

Selection of repeal candidates

6. Candidates for repeal are selected on the basis that they are no longer of practical utility. Usually this is because they no longer have any legal effect on technical grounds - because they are spent, unnecessary or obsolete. But sometimes they are selected because, although they strictly speaking do continue to have legal effect, the purposes for which they were enacted either no longer exist or are nowadays being met by some other means.
7. Provisions commonly repealed by Statute Law (Repeals) Acts include the following-
 - (a) references to bodies, organisations, etc. that have been dissolved or wound up or which have otherwise ceased to serve any purpose;
 - (b) references to issues that are no longer relevant as a result of changes in social or economic conditions (e.g. legislation about tithes or tin mines);
 - (c) references to Acts that have been superseded by more modern (or EU) legislation or by international Convention;
 - (d) references to statutory provisions (i.e. sections, schedules, orders, etc.) that have been repealed;
 - (e) repealing provisions e.g. "Section 33 is repealed/shall cease to have effect";
 - (f) commencement provisions once the whole of an Act is in force;
 - (g) transitional or savings provisions that are spent;
 - (h) provisions that are self-evidently spent - e.g. a one-off statutory obligation to do something becomes spent once the required act has duly been done;
 - (i) powers that have never been exercised over a period of many years or where any previous exercise is now spent.

General savings

8. Much SLR work is possible because of the general savings provisions of section 16(1) of the Interpretation Act 1978. This provides that where an Act repeals an enactment, the repeal does not (unless the contrary intention appears) -
 - “(a) revive anything not in force or existing at the time at which the repeal takes effect;
 - (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under that enactment;
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment;
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed”.

Gradual obsolescence

9. The obsolescence of statutes tends to be a gradual process. Usually there is no single identifiable event that makes a statute obsolete. The Statute Law (Repeals) Act 2008 contained several examples of legislation being overtaken by social and economic changes. A scheme to provide farming work for ex-servicemen after the First World War had long fallen into disuse. Changes in agriculture during the second half of the 20th century had greatly reduced the numbers of persons seeking employment in farming. An Act of 1792 that criminalised the giving of false character references to servants seeking domestic employment had become superseded by changes in the civil law. And a Victorian Act requiring noisy street musicians to leave the area on pain of a forty shilling fine had long become obsolete.
10. Even within individual statutes, the obsolescence tends to be gradual. Some provisions fade away more quickly than others. These include commencement and transitory provisions and ‘pump-priming’ provisions (e.g. initial funding and initial appointments to a Committee) to implement the new legislation. Next to go may be order-making powers that are no longer needed. Then the Committee established by the Act no longer meets and can be abolished. However, other provisions may be unrepealable for generations, particularly if they confer pensions rights or confer security of tenure or employment rights. Other provisions may be virtually unrepealable ever. Much of English property law relies on medieval statutes such as Quia Emptores (1290) which is regarded as one of the pillars of the law of real property. This last example usefully shows that just because a statute is ancient it is not necessarily obsolete.

Help from consultees

11. Sometimes it is impossible to tell whether a provision is repealable without factual information that is not readily ascertainable without ‘inside’ knowledge of a Department or other organisation. Examples of this include savings or transitional provisions which are there to preserve the status quo until an office-holder ceases to hold office or until repayment of a loan has been made. In cases like these the repeal notes drafted by the Law Commissions often invite the organisation being consulted to supply the necessary information. Any help that can be given to fill in the gaps is much appreciated.

LONDON REPEAL PROPOSALS

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Temple Bar from the Strand
Around 1850

LONDON REPEAL PROPOSALS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
28 Hen.8 c.27 (1536) (Church of Elsing Spytte, Parish Church of St Alphes Act)	The whole Act.

Church of Elsing Spytte, Parish Church of St Alphes Act (1536)

1. This note proposes the repeal of an obsolete 1536 Act relating to a parish church in or near the City of London which was finally demolished in 1962.

2. The parish church of St Alphage Cripplegate¹ owed its origins to a merchant called William Elsing who around 1330 founded a hospital (known as St Mary Elsing Spital) by London Wall on the edge of the City of London. Originally a secular establishment but with an existing priory church,² the hospital was in 1340 taken over by Augustinian priors. Together with its priory church, the hospital was seized by Henry VIII in 1536 as part of the dissolution of the monasteries.³

3. Although the hospital was closed,⁴ the priory church was granted by the Crown as the new parish church of St Alphage Cripplegate to replace the existing parish church. Legislation, in the form of the Act now proposed for repeal, was required to give effect to these arrangements.

4. According to its long title, the purpose of the *Church of Elsing Spytte, Parish Church of St Alphes Act* of 1536 ("the 1536 Act") was-

declaryng the Churche of Elsyng Spytell, lately belongyng to the Pryorye of Elsyng Spitell within the Cytie of London, fromhensforthe to be reputed demyd and taken the Paryshe Churche of Seynct Alphes wythin the Warde of Crypulgate yn London.

¹ Alternative spellings of "Alphage" included "Alphe" and "Alphege".

² The priory church probably formed part of a Benedictine nunnery called St Mary-within-Cripplegate which had been founded centuries earlier.

³ The Act of Supremacy of 1534 declared Henry VIII supreme head of the Church in England, granting him the power to appoint Bishops and to collect taxes previously paid to the Vatican. During the dissolution of the monasteries, 1536-40, more than 800 religious houses in England and Wales were disbanded and their assets seized by the Crown.

⁴ The remainder of the hospital site was sold to Sir John Williams who built a private house in its grounds.

5. The 1536 Act provided as follows-
- (a) the Church of Elsing Spital (lately belonging to the priory of Elsing Spital) was granted by the King to the parson, churchwardens and parishioners of St Alphage in Cripplegate (*section 1*)
 - (b) the church should become the parish church of St Alphage in Cripplegate in place of the previous parish church of St Alphage in Cripplegate (*section 2*)
 - (c) the Abbot of Westminster and his successors should retain their rights of patronage (ie right to appoint the parson) over the church; authority for the demolition of the old parish church (*section 3*)
 - (d) the parson was obliged to repair the chancel of the new parish church as and when required, and to perform divine service there; bounds of the parish to continue as before (*section 4*)
 - (e) general saving provision to preserve existing rights and interests (*section 5*)
 - (f) the Abbot of the Monastery of St Peter's Westminster⁵ (and the Convent therein) was to continue to enjoy all such pensions and yearly income from the church as they had previously enjoyed (*section 6*).

6. The church continued in use for nearly another four centuries. It was substantially re-built in the late 18th century and again following damage during the First World War. However in 1917 the parish was amalgamated with that of St Mary Aldermanbury and the church became redundant. Most of the building was demolished in 1923, the tower and porch being spared until 1962 when they too were demolished (to make way for the new alignment of traffic along London Wall).

7. The closure of the church and its subsequent demolition mean that the 1536 Act can no longer serve any useful purpose. Its repeal is proposed on that basis.

Extent

8. The 1536 Act had no effect outside the area that is today the parish of St Mary Aldermanbury on the northern boundary of the City of London.

⁵ This refers to the monastery of Westminster Abbey. Henry VIII assumed direct royal control over the Abbey in or around 1539 and later granted it Cathedral status. Elizabeth I by royal charter re-established the Abbey as a "Royal Peculiar" (a church responsible directly to the Sovereign) with the title of Collegiate Church of St Peter at Westminster.

9. The Bishop of London, the Dean and Chapter of Westminster Abbey, the Legal Office of the Church of England, the City of London Corporation, the London Borough of Islington and the Local Government Association have been consulted about these proposals.

LAW/005/007/06
13 June 2011

5 & 6 Will. & Mar. c.10 (1694)
(Orphans, London Act)

The whole Act.

Orphans, London Act (1694)

Introduction

1. This note proposes the repeal of an obsolete 1694 Act passed to pay off huge debts of the City of London. The Act became obsolete in 1832 when the debts were finally cleared.

2. According to its long title, the *Orphans, London Act* of 1694 (“the 1694 Act”) was enacted for the *Relief of the Orphans and other Creditors of the City of London*.

Background

3. Some background to the 1694 Act is provided by its *preamble* which records as follows-

Whereas the Mayor, Commonalty, and Citizens of the City of London, have been, and are answerable for, and chargeable with, all Monies of the Orphans of the said City from Time to Time paid into the Chamber of the said City; but by reason of sundry Accidents and publick Calamities, are now become indebted to the said Orphans and other Creditors, for principal Money and Interest thereof, in a much greater Sum of Money than they are able to satisfy and pay, unless some Assistance be given them for the same

4. The *attached note* gives a brief account of the circumstances giving rise to the 1694 Act. However the essence of the 1694 Act was a package of measures to raise a fund (“the Fund”) to pay the interest due on the City’s debts which amounted to £747,472. Most of the debts were in respect of the money with which the City was entrusted to provide for the needs of orphan children of Freemen of the City. This money had not been ring-fenced for the needs of the orphans but had instead been spent by the City in meeting its routine running costs. The money-raising provisions in the 1694 Act were designed to raise sufficient income for the Fund to pay interest at 4% on the £747,472 debt. This amounted to nearly £30,000 per annum.

The 1694 Act

5. The 1694 Act provided as follows:
- (a) the lands of the City were charged from 24 June 1694 with the raising of £8000 annually, the money to be used to establish the Fund (*section 2*)⁶
 - (b) the aqueducts bringing water into the City and the rents and profits arising from them were to be appropriated to the Fund as from 24 June 1694 (*section 3*)
 - (c) from 24 June 1694 the annual sum of £2000 would be raised from the personal estates of City inhabitants, the sum to be assessed on a proportionate basis and paid into the Fund (*section 4*)
 - (d) on or before 24 June 1694 the City would grant to the *Convex Lights Company*⁷ a 21 year licence over the public lights in the City at a yearly rent of £600 (the money to be paid into the Fund) (*section 5*)
 - (e) from 24 June 1694 a twice yearly tax of two shillings and six pence was to be paid for the benefit of the Fund by any person who was bound as apprentice to any master being a member of a City Company (*section 6*)
 - (f) every new Freeman of the City admitted as from 24 June 1694 was required to pay the sum of five shillings to the City for the benefit of the Fund (*section 7*)
 - (g) a duty of four shillings per tun⁸ was levied on all wines imported into the City as from 24 June 1694, such duty to be for the benefit of the Fund and in addition to existing wine import taxes; appointment of collectors of this duty (*sections 8 and 9*)
 - (h) all imports of coal into the City were chargeable (for the benefit of the Fund) with duties in addition to existing coal import duties; the additional duty was four pence on every chaldron⁹ of coal or culm¹⁰ as from 24 June 1694 and (in addition to this) a further duty of six pence on every chaldron of coal or culm imported as from 29 September 1700; a further duty of six pence per ton was chargeable “for such Sort of Coals as are sold by the Tun” for a period of 50 years from 29 September 1700 (*section 10*)

⁶ Section 1 contains the preamble to the Act.

⁷ The Convex Lights Company was an unincorporated body who installed, lit and maintained oil lamps to illuminate the streets of London by night. Householders paid an annual fee for the lighting. Before this innovation there was no public street lighting in London and pedestrians had to carry their own methods of illumination. The 21 year licence was renewed by the City on similar terms for a further 21 years in 1715. The licence was not renewed when it expired in 1736.

⁸ A tun amounts to 252 wine gallons.

⁹ A chaldron was a coal measure of about 36 bushels.

¹⁰ Culm is coal dust.

- (i) officers receiving moneys under this Act were required to give security (*section 11*)
- (j) for 50 years from 1750, the City's lands were charged with the annual payment of £6000 in addition to the £8000 charged under *section 2* (*section 12*)
- (k) the moneys raised under this Act were to be paid by way of interest to the orphans in proportion to their respective interests; such payments to be made twice yearly starting in July 1694 (*section 13*)
- (l) the interest payments to the orphans and other creditors authorised by this Act were to be in full satisfaction and discharge of the debts owed by the City to the orphans and other creditors; payment of fees by the orphans and other creditors (*section 14*)
- (m) keeping and inspection of books of account; accounts to be audited annually; penalty for misapplication of moneys; City Chamberlain to provide orphans and other creditors with a note of the moneys owed to them; Orphans' debt to be transferable (*sections 15 to 17*)
- (n) no person was to be under any future obligation to pay Orphans' money to the Chamber of the City; saving in respect of earlier such payments (*sections 18 and 19*)
- (o) the City was to be accountable for any misapplication of moneys raised under this Act; penalties imposed upon the City were not to be discharged (*sections 20 and 21*)
- (p) provision for repayment of moneys due to orphans and other persons out of new moneys paid in to the City Treasury (*section 22*)
- (q) provision for redemption within three years of Orphan debt that had already been assigned by or on behalf of an orphan; agreements made by persons pretending to be an agent authorised to recover Orphan debt were made unenforceable (*sections 23 and 24*)
- (r) this Act was not to affect certain businesses and interests relating to water supply; provisions as to the business assets of Convex Lights (*sections 25 to 28*)
- (s) civil procedure issues and status of this Act (*sections 29 and 30*)
- (t) for 7 years from 29 September 1693 the City was authorised to retain (from the moneys otherwise payable by it to the Fund) an annual sum not exceeding £2000 to cover the City's operational expenses; provision for such retention to be repaid; City's estates to be charged with this repayment (*sections 31 and 32*).

Subsequent history

6. Although the 1694 Act has never been formally repealed, it will be clear from the *attached note* that it no longer serves any useful purpose. The City of London's debts to the orphans and other creditors were cleared by the early 1830s. All the taxes and duties imposed by the 1694 Act had been abolished by then (with the exception of the import duties on coal and wine).¹¹ The money flowing into the Fund by the 1750s (especially from the duties on coal) together with the surpluses from the use of the Fund to support the finance of large public projects from the 1760s onwards enabled the final debt to be cleared by 1832. The Fund was then effectively wound up when it was merged with the London Bridge Approaches Fund.¹² At that point the purposes of the 1694 Act had been met in full with the result that it had become unnecessary. Its repeal is proposed on that basis.

Consultation

7. The City of London Corporation, HM Revenue and Customs and the Greater London Authority have been consulted about these repeal proposals.

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¹¹ The duty on coal was finally abolished on 5 July 1889 by the London Coal Duties Abolition Act 1889 (c.17), s 1. The duty on wine was abolished on the same day by virtue of London Coal and Wine Duties Continuance Act 1863 (c.46), s 1.

¹² The merger was effected by an Act of 1829: 10 Geo.4 c.cxxxvi (London Bridge Approaches), s 76. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Fund pursuant to the London Coal and Wine Duties Continuance Act 1861 (c.42), s 9. This latter fund was established by the 1861 Act (s 5) and its assets were later transferred to the Metropolitan Board of Works pursuant to the Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45.

CITY OF LONDON ORPHANS FUND: A NOTE

1. This note is a brief account of the City of London Orphans Fund that was established by an Act of 1694 (“the 1694 Act”) to replenish an ancient fund run to support orphan children of Freemen of the City of London.

Background

2. The City of London has long made financial provision for the orphan children of Freemen of the City.¹³ From the 13th century until 1693 this took the form of the Court of Orphans. The Lord Mayor and Aldermen of the City were entrusted with the care and guardianship of all orphan children of Freemen while they were minors and unmarried. They also had charge of the management of the assets of deceased Freemen: these were commonly deposited in the City’s treasury or Chamber.

3. The Chamber also held other deposits. During their lifetime Freemen enjoyed the privilege of investing money in the Chamber and receiving interest at between 4 and 5 per cent (which provided a higher return than was available elsewhere).

4. Although the Chamber’s funds grew steadily over the years with income from Freemen and their estates, by the late 17th century the funds had been largely spent. The political and economic turmoil in England following the overthrow of Charles I and the losses caused by the Great Fire of 1666 were contributory causes. Moreover the City had been raiding the orphans’ trust moneys to cover the City’s yearly running costs. The result was that the City’s debts by 1694 had reached the enormous sum of £747,472, two-thirds of which was money belonging to the orphans.

5. The City was unable to pay its debts. In 1689 the Lord Mayor and Aldermen and Commonalty presented a petition to Parliament setting out their losses and debts and seeking Parliamentary assistance in raising money to pay off their debts. After much debate and controversy, Parliament in 1694 agreed to sanction a series of measures whereby the debts could gradually be cleared and the orphans’ trust money replenished.

¹³ Freemen of the City were (and remain) persons who have been granted the Freedom of the City. Freemen were commonly members of the City Livery Companies.

The 1694 Act

6. The long title to the 1694 Act simply described itself as *An Act for the Relief of the Orphans and other Creditors of the City of London*.¹⁴

7. The main provision of the 1694 Act was to raise a fund (“the Fund”) to pay the interest due on the City’s debts. The rate of interest was to be 4% which, given that the debt amounted to £747,472, meant raising £30,000 per annum.

The money was to be raised by a number of measures including:

- An annual payment of £8000 from the City’s estates
- An annual tax of £2000 on City residents¹⁵
- Duty of four shillings per tun¹⁶ on all wine imported into the City
- Duty of four pence on every chaldron¹⁷ of coal and culm¹⁸ imported into the City.
- An additional duty on coal and culm of six pence per chaldron for 50 years from 1700
- From 1750 a further annual payment of £6000 from the City’s estates.

The changing nature of the Fund

8. Although in the early years of the Fund insufficient money was raised to meet the annual £30,000 interest payments, after 1710 the Fund’s receipts easily exceeded this figure. The increased level of coal duties as from 1700 was the main cause of this. Indeed so valuable was this increased level of coal duty that the City persuaded Parliament in 1747¹⁹ to extend the six pence per chaldron levy for a further 35 years from 1750.²⁰ Moreover the 1747 Act went further and reduced from £6000 to £2000 the further annual payment from the City’s estates that was due to start in 1750.

¹⁴ The 1694 Act has no short title. Its citation is 5 & 6 Will. & Mar. c.10.

¹⁵ This tax was finally abolished by the Temple Bar etc Act of 1795 (35 Geo.3 c.126), s 46.

¹⁶ A tun amounts to 252 wine gallons.

¹⁷ A chaldron was a coal measure of about 36 bushels.

¹⁸ Culm is coal dust.

¹⁹ 21 Geo.2 c.29 (Orphans, London).

²⁰ Indeed by an Act of 1766 (7 Geo.3 c.37: Thames Embankment), this levy was extended for a further 46 years from 1785 (ie until 1831). A series of subsequent Acts extended the levy until the late nineteenth century. These Acts included an Act of 1804 (44 Geo.3 c.xxvii), an Act of 1829 (10 Geo.4 c.cxxxvi); an Act of 1831 (1 & 2 Will.4 c.lxxvi); an Act of 1838 (1 & 2 Vict. c.ci); an Act of 1845 (8 & 9 Vict. c.101); an Act of 1851 (14 & 15 Vict. c.cxlvi); the London Coal and Wine Duties Continuance Act 1861 (24 & 25 Vict. c.42); the London Coal and Wine Duties Continuance Act 1863 (26 & 27 Vict. c.46); and the London Coal and Wine Duties Continuance Act 1868 (31 & 32 Vict. c.17). Duties on coal imports were finally abolished by the London Coal Duties Abolition Act 1889 (c.17), s 1.

9. The 1694 Act was concerned only with raising money to pay the 4% interest on the City's debts. It made no provision for repayment of the capital of the debts themselves. It was left to the 1747 Act to provide that the surplus monies arising each year as a result of the various taxes and duties levied by the 1694 Act should be used for paying off the City's debts including the debts owed to the orphans.

10. So healthy had the Fund's income become by 1760 that the City was able to use the Fund as security for raising substantial loans to finance public building works in the City. These included the construction of Blackfriars Bridge (which opened in 1769), the reconstruction of parts of the Thames Embankment (1767-1784), the rebuilding of Newgate Gaol (1767-1781), the redemption of the tolls for using London Bridge (1768) and the repair of the Royal Exchange (1767). A total of £300,000 was raised on the security of the Fund, Parliament in each case passing legislation approving the arrangement. Surpluses from the execution of these projects were credited to the Fund.

The winding-up of the Fund

11. By the early 1830s all the City's debt to the orphans had been cleared by the surpluses paid into the Fund. The final debt was paid in 1832 and the Fund was effectively wound up when it was merged with the London Bridge Approaches Fund pursuant to the *London Bridge Approaches Fund Act of 1829*.²¹ The final credit balance of the Fund, by that stage standing at £2420, thereby became a credit of the London Bridge Approaches Fund in 1834.²²

12. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Improvement Fund pursuant to the *London Coal and Wine Duties Continuance Act 1861*.²³ The assets of this latter fund were transferred to the Metropolitan Board of Works shortly afterwards.²⁴

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²¹ 10 Geo.4 c.cxxxvi, s 76.

²² This was effected by the 1829 Act. This sum of £2420 represented balances due to investors in the fund who could not be traced (so the balances were put towards the improvements authorised by the 1829 Act).

²³ 24 & 25 Vict. c.42, s 9.

²⁴ Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45. The Metropolitan Board of Works was abolished by the Local Government Act 1888 and its powers were taken over by the London County Council.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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8 & 9 Will.3 c.14 (1696) (Rebuilding of St Paul's and Westminster Abbey Act)	The whole Act.
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Rebuilding of St Paul's and Westminster Abbey Act (1696)

1. This note proposes the repeal of an obsolete 1696 Act relating to the raising of money to rebuild St Paul's Cathedral (after the Great Fire of 1666) and to carry out repairs to Westminster Abbey.

2. According to its long title, the purpose of the *Rebuilding of St Paul's and Westminster Abbey Act* of 1696 ("the 1696 Act") was for-

the compleating the building and adorning the Cathedral Church of Saint Paul London and for repaireing the Collegiate Church of Saint Peter Westminster.

3. The *preamble* to the 1696 Act recorded that an Act passed in 1685²⁵ to raise money to pay for the rebuilding of St Paul's Cathedral²⁶ had raised less money than was actually needed. The 1685 Act imposed duties on coal imported into the City of London between 29 September 1687 and 29 September 1700. However the rebuilding costs were greater than expected, partly due to the high cost of shipping in building materials, with the result that the coal duties needed to be continued for a longer period. Additional funds were also needed for repairing other London churches including Westminster Abbey.

4. Accordingly the 1696 Act provided as follows-

- (a) the duty on the import of coal was extended from 29 September 1700 to 29 September 1716, albeit at a lower rate than before (*section 1*)
- (b) the funds raised under this Act would be disposed of using the powers given by the 1685 Act in accordance with directions given by the Archbishop of Canterbury, the Bishop of London and the Lord Mayor of London (*section 2*)
- (c) one-sixth of the funds raised under this Act would be used to repair Westminster Abbey which "is now in great decay and (in case the same be not speedily repaired) will become wholly ruinous" (*section 3*)

²⁵ 1 Ja.2 c.15 (coal duties for rebuilding St Pauls). This Act was repealed by the Statute Law Revision Act 1863.

²⁶ A cathedral dedicated to St Paul has stood on the current site of St Paul's Cathedral since 640AD. The Cathedral was destroyed in the Great Fire of 1666 and the current cathedral (the fourth to occupy this site) was designed by the court architect St Christopher Wren and built between 1675 and 1710.

- (d) the Archbishop of Canterbury, the Bishop of London and the Lord Mayor of London were entitled to an allowance to meet their administrative expenses in collecting and receiving the funds raised under this Act (*section 4*)
- (e) provision to give security for moneys borrowed for the repair of Westminster Abbey (*section 5*)
- (f) authority to use up to £3000 of the funds raised under this Act to be used towards the cost of rebuilding the parish church of St Thomas in Southwark (*section 6*)
- (g) provision about the remuneration of the surveyor general of St Pauls as from 1697²⁷ (*section 7*).

5. The main purpose of the 1696 Act was to complete the rebuilding of St Paul's Cathedral and to provide the necessary funds for this work. The Cathedral rebuilding works were completed in 1710 and the provisions for raising funds ended in September 1716. The 1696 Act thereupon ceased to serve any useful purpose and its repeal is proposed on that basis.

Consultation

6. The Bishop of London, the Dean and Chapter of St Paul's Cathedral, the Dean and Chapter of Westminster Abbey and the City of London Corporation have been consulted about these repeal proposals.

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²⁷ This provision suspended payment of part of the surveyor general's remuneration until after completion of the building works. In the event the suspended payment was payable by 25 December 1711: 9 Ann. c.17 (1710), s 8.

Reference	Extent of repeal or revocation
8 & 9 Will.3 c.37 (1696) (Streets (London) Act)	The whole Act.
<i>Streets (London) Act (1696)</i>	
1. This note proposes the repeal of an obsolete 1696 Act relating to the paving and cleansing of the streets in the City of London, Westminster and surrounding areas.	
2. According to its long title, the purpose of the <i>Streets (London) Act</i> of 1696 (“the 1696 Act”) was for-	
<i>explaining and enforcing the Act for paving and cleansing the Streets within the Cities of London and Westminster and Borough of Southwark and weekly Bills of Mortality²⁸ and Streets adjoining thereunto and for widening the Street at the South end of London-Bridge.</i>	
3. The <i>preamble</i> to the 1696 Act recorded that it was necessary to remedy several omissions contained in an Act of 1690 ²⁹ relating to the paving and cleansing of London streets.	
4. The 1696 Act provided as follows-	
(a) from 10 April 1697 everyone living in the parishes of Middlesex and Westminster (and in the Liberties thereof), in the borough of Southwark, in any of the streets, lanes or alleys comprised within the weekly Bills of Mortality, and in Kensington was to sweep and cleanse the street and public areas in front of their houses every Wednesday and Saturday between 6 and 9 AM upon pain of a 10 shilling fine (<i>section 1</i>)	
(b) the fines imposed under this Act (or the Act of 1690) were to be applied as to half for the relief of the poor and as to half for repairing, paving and cleansing the streets (<i>section 2</i>)	

²⁸ Bills of Mortality used to be the main source of mortality statistics. They began in London after an outbreak of plague in 1592. From 1603 they were issued on a weekly basis to give authorities and inhabitants information as to the causes and number of deaths on a parish by parish basis. Bills of Mortality later included baptisms. They were superseded in 1836 by the Registrar General’s returns under the Births and Deaths Registration Act of that year. The areas covered by the Bills of Mortality were the City of London, parts of Middlesex (including the City and Liberty of Westminster) and parts of Surrey (including Southwark, Rotherhithe, Bermondsey, Newington Butts and Lambeth).

²⁹ 2 Will. & Mar. Sess.2 c.8 (London Streets etc). This Act was finally repealed by the Statute Law Revision Act 1948.

- (c) power for Justices of the Peace to order the paving of a street outside the Bills of Mortality if the other side of that street was within the Bills of Mortality and ordered to be paved (*section 3*)
- (d) enforcement of a provision in the Act of 1690 to prevent the breeding, feeding or keeping of pigs in any house or front garden (*section 4*)
- (e) provision to balance any conflicting liabilities to repair highways within the Bills of Mortality (*section 5*)
- (f) this Act was not to affect the existing liability to pave or repair the highway from Tottenham Court to Tyburn (*section 6*)
- (g) with a view to the widening of London Bridge at its southern end, Commissioners were to be appointed with power to negotiate with owners of houses on London Bridge for the removal of such houses upon payment of compensation (*section 7*)
- (h) provision for each such Commissioner to take an oath for the proper execution of his power under this Act (*section 8*).

5. The duties imposed by the 1696 Act have long ceased to be necessary, responsibilities for paving, cleansing and repairing the streets and highways having passed from JPs and inhabitants to local and county councils and the London boroughs.³⁰ Accordingly the 1696 Act has become obsolete and its repeal is proposed on that basis.

Consultation

6. The Department for Communities and Local Government, the City of London Corporation, Westminster City Council, the London Borough of Southwark and the Local Government Association have been consulted about these repeal proposals.

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³⁰ The cost of such work is today met by local taxation levied pursuant to the Local Government Finance Acts 1988 and 1992.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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9 Ann. c.17 (1710) (New Churches in London and Westminster Act)	The whole Act.
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New Churches in London and Westminster Act (1710)

1. This note proposes the repeal of an obsolete 1710 Act relating to the raising of money to build fifty new churches in and around the cities of London and Westminster. The Act established the *Commission for Building Fifty New Churches* to cater for the rapidly growing conurbation of London.³¹

2. According to its long title, the purpose of the *New Churches in London and Westminster Act* of 1710 (“the 1710 Act”) was for-

granting to Her Majesty several Duties upon Coals for building Fifty new Churches in and about the Cities of London and Westminster and Suburbs thereof and other Purposes therein mentioned.

3. The *preamble* to the 1710 Act recorded the Queen’s wish to increase the number of churches in and around London for the better instruction of the inhabitants “in the true Christian Religion as it is now professed in the Church of England and established by the Laws of this Realm”.

4. The 1710 Act provided as follows-

- (a) imposition of additional duty on the import of coal into the City of London for the period 14 May 1716 to 29 September 1724 (*section 1*)
- (b) all money raised by this Act was to be paid into the Exchequer and used for building fifty churches; for purchasing the necessary sites (including sites for churchyards and homes for the Ministers) in or near the cities of London and Westminster and the suburbs; for converting existing chapels and churches; for paying £4000 annually for repairing Westminster Abbey; and for paying £6000 annually towards finishing work on Greenwich Hospital and its chapel (*section 2*)
- (c) the fifty new churches were to be built of stone and other proper materials, each to have a tower or steeple; one such church was to be erected in the parish of East Greenwich (*section 3*)
- (d) provision for converting existing chapels to parish churches (*section 4*)

³¹ In the event around a dozen new churches were actually built, though a number of others were financially assisted by the Commission. In most cases the architect was Nicholas Hawksmoor.

- (e) appointment of Commissioners to advise on the parishes in which the new churches should be built and the appropriate sites to be purchased in those parishes; advice to be submitted to Parliament by 24 December 1711 (*section 5*)
- (f) provision for the Exchequer to borrow money to achieve the purposes of the Act; payment of interest on such borrowings (*sections 6 and 7*)
- (g) exemption from the payment of coal duty under this Act in respect of coal used for the Royal Hospital at Chelsea (*section 8*)
- (h) the part of the salary due to the surveyor general at St Paul's Cathedral that was suspended pending completion of the building works should be paid by 25 December 1711³²; other salaries payable to officers engaged in the building work were to cease on that day (*section 9*).

5. The principal purpose of the 1710 Act was to raise money for the building of fifty new churches in and around London. The 1710 Act became spent when the duty-raising power in it expired on 29 September 1724. Accordingly the 1710 Act has long been obsolete and it is proposed for repeal on that basis.

Consultation

6. The Bishop of London, the Dean and Chapter of St Paul's Cathedral, the Dean and Chapter at Westminster Abbey, Greenwich Hospital, the Royal Hospital Chelsea, the Legal Office of the Church of England and the City of London Corporation have been consulted about these repeal proposals.

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³² The suspension was provided for by an Act of 1696 (8 & 9 Will.3 c.14) (Rebuilding of St Paul's and Westminster Abbey).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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1 Geo.1 St.2 c.23 (1714) (Building of Churches, London and Westminster Act)	The whole Act.
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Building of Churches, London and Westminster Act (1714)

1. This note proposes the repeal of an obsolete 1714 Act passed to raise money to provide for Ministers in the fifty new churches to be built in and around the Cities of London and Westminster.

2. According to its long title, the purpose of the *Building of Churches, London and Westminster Act of 1714* (“the 1714 Act”) was for-

making Provision for the Ministers of the fifty New Churches, which are to be built in and about the Cities of London and Westminster, and Suburbs thereof; and for rebuilding and finishing the Parish Church of Saint Mary Woolnoth³³ in the said City of London.

3. The *preamble* to the 1714 Act recorded the arrangements in an Act of 1710³⁴ for the erection of these fifty new churches and the need to raise money to “provide for the Maintenance of the Ministers who are to attend the Service of God in the new Churches”.

4. The 1714 Act provided as follows-

- (a) Imposition of an additional duty on the import of coal into the City of London for the period 27 September 1724 to 27 September 1725 (*section 1*)
- (b) All money raised by this Act was to be paid into the Exchequer and used for the maintenance of the Ministers of the new churches (*section 2*)
- (c) Exemption from the payment of coal duty under this Act in respect of coal used for the Royal Hospital at Chelsea (*section 3*)
- (d) Appointment of Commissioners to (1) carry out the functions set out in earlier Acts (including the Act of 1710) (2) consider how best the maintenance for the Ministers should be provided and to report their findings to His Majesty and to Parliament by 25 March 1716 (*section 4*)
- (e) The rebuilding work in respect of the parish church of St Mary Woolnoth (which was authorised by the Act of 1710 but not completed because of

³³ St Mary Woolnoth is located on the corner of Lombard Street and King William Street near the Bank of England. The rebuilding of this church was completed in 1716.

³⁴ 9 Ann. c.17 (New Churches in London and Westminster).

insufficient funds) should be completed using funds made available by an Act of 1711³⁵ (*section 5*)

5. The principal purpose of the 1714 Act was to raise money to provide for the Ministers in the new churches proposed by the Act of 1710, and for completing the rebuilding work at St Mary Woolnoth. The 1714 Act became spent when the duty-raising powers in it expired on 27 September 1725, the rebuilding of St Mary Woolnoth having been completed in 1716. Accordingly the 1714 Act has long been obsolete and it is proposed for repeal on that basis.

Consultation

6. The Bishop of London, St Mary Woolnoth, the Royal Hospital Chelsea, the Legal Office of the Church of England and the City of London Corporation have been consulted about these repeal proposals.

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³⁵ 10 Ann c.20 (Churches in London and Westminster).

4 Geo.1 c.5 (1717) (St Michael, Cornhill Building Act)	The whole Act.
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St Michael, Cornhill Building Act (1717)

1. This note proposes the repeal of an obsolete 1717 Act passed to authorise completion of the rebuilding works to the parish church of St Michael’s, Cornhill in the City of London.

2. According to its long title, the purpose of the *St Michael, Cornhill Building Act* of 1717 (“the 1717 Act”) was-

for Finishing the Tower of the Parish-Church of St Michael Cornhill, London, out of the Duties of arising pursuant to the Act of the Ninth Year of the late Queen, for Building Fifty New Churches in and about the Cities of London and Westminster, and the Suburbs thereof.

3. The parish church of St Michael’s, Cornhill was largely destroyed in the Great Fire of London of 1666. It was rebuilt by Sir Christopher Wren between 1669 and 1672. Wren’s tower was subsequently replaced by a pinnacled structure, the work being completed in 1722. The 1717 Act provided the finance for completing this new tower.

4. The Act of Queen Anne referred to in the long title to the 1717 Act was an Act of 1710³⁶ passed to raise money to build fifty new churches in and around London. In the event only a dozen or so new churches were actually built. However, as in the case of St Michael’s, Cornhill, money from that 1710 Act was also used to fund the partial construction of a number of other churches.

5. The *preamble* to the 1717 Act recorded that the church tower of St Michael’s, Cornhill had not been completed out of moneys made available from earlier enactments (prior to the 1710 Act). As a result the exposure to the weather was damaging the church fabric.

6. The 1717 Act provided that the Commissioners appointed pursuant to the 1710 Act and an Act of 1714³⁷ should pay the sum of £6126, one shilling and five pence

³⁶ 9 Ann. c.17 (New Churches in London and Westminster).

³⁷ 1 Geo.1 St.2 c.23 (Building of Churches, London and Westminster).

out of the funds raised pursuant to the 1710 Act to complete the rebuilding of the church tower.

7. The rebuilding of the tower having been duly completed in 1722, the 1717 Act is now unnecessary. Its repeal is proposed on that basis.

Consultation

8. The Bishop of London, St Michael's, Cornhill and the Legal Office of the Church of England have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
4 Geo.1 c.14 (1717) (St Giles in the Fields Rebuilding Act)	The whole Act.

St Giles in the Fields Rebuilding Act (1717)

1. This note proposes the repeal of an obsolete 1717 Act passed to authorise the rebuilding of the parish church of St Giles-in-the-Fields in central London (to the south of New Oxford Street).

2. According to its long title, the purpose of the *St Giles in the Fields Rebuilding Act* of 1717 (“the 1717 Act”) was-

to Impower the Commissioners appointed to put in Execution the Acts of the Ninth and Tenth Years of Her late Majesties Reign, for Building Fifty New Churches in and about the Cities of London and Westminster, and Suburbs thereof, to Direct the Parish-Church of St.Giles in the Fields in the County of Middlesex to be Rebuilt, instead of One of the said Fifty New Churches.

3. The Acts of Queen Anne referred to in the long title to the 1717 Act were Acts of 1710³⁸ and 1711³⁹ passed to raise money to build fifty new churches in and around London. In the event only a dozen or so new churches were actually built. However, as in the case of St Giles-in-the-Fields, money from those Acts was also used to fund the reconstruction of a number of existing churches.

4. The *preamble* to the 1717 Act recorded that the parish church of St Giles-in-the-Fields was suffering from more subsidence and damp than could be remedied by repair works. If, on the other hand, the church could be re-built out of the funds raised by the 1710 and 1711 Acts, this would be cheaper than building a new church from scratch because there would be no need to buy a new site.

5. Accordingly the 1717 Act authorised the Commissioners appointed under the 1710 and 1711 Acts to use the funds raised by those Acts for the rebuilding of St Giles as if St Giles were one of the fifty new churches authorised by those Acts. The 1717 Act also provided that, once St Giles had been rebuilt, a south gallery should be constructed to replace the existing south gallery, the profits from the new gallery to be applied for the benefit of the poor of the parish.⁴⁰

³⁸ 9 Ann. c.17 (New Churches in London and Westminster).

³⁹ 10 Ann. c.20 (Churches in London and Westminster).

⁴⁰ The existing gallery had been erected pursuant to a gift made by William Baynbrigg in 1672. The profits referred to would come from the pew rental charged in respect of the seating installed in the gallery.

6. Sufficient funds were made available for the re-building of St Giles pursuant to the 1717 Act. The re-building took place during the period 1730 to 1734 under the supervision of the architect Henry Flitcroft.

7. The completion of the re-building works in 1734 meant that the 1717 Act had served its purpose and became unnecessary.⁴¹ Its formal repeal is now proposed on that basis.

Consultation

8. The Bishop of London, the Rector of St Giles-in-the-Fields and the Legal Office of the Church of England have been consulted about these repeal proposals.

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⁴¹ The practice of renting pews in the south gallery appears to have ceased during the nineteenth century. Accordingly the provision in the 1717 Act for profits from such rental to be applied for the parish poor has long been inoperative.

12 Geo.1 c.37 (1725) (Kensington, Chelsea and Fulham Roads (Tolls) Act)	The whole Act.
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Kensington, Chelsea and Fulham Roads (Tolls) Act (1725)

1. This note proposes the repeal of an obsolete 1725 turnpike Act passed to secure the repair of certain roads in central and south-west London. The Act became obsolete in 1747.

2. According to its long title, the purpose of the *Kensington, Chelsea and Fulham Roads (Tolls) Act* of 1725 (“the 1725 Act”) was-

*for Repairing the Roads in the Parishes of Kensington, Chelsea and Fulham, and other Parishes therein mentioned, in the County of Middlesex.*⁴²

3. The *preamble* to the 1725 Act recorded that certain roads in central and south-west London⁴³ “are become so ruinous and bad (in the Winter Season) that the same cannot, by the ordinary Course appointed by the Laws and Statutes of this Realm, be sufficiently repaired and amended”.

4. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

5. Turnpikes were an alternative method of road administration and were first used in 1663.⁴⁴ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

⁴² The 1725 Act was extended by an Act of 1813 (53 Geo.3 c.xxxviii, s 3: St George Hanover Square Improvement). However this 1813 Act was repealed by the St George Hanover Square Improvement Act of 1826 (7 Geo.4 c.cxxi, s 1).

⁴³ The roads specified in the preamble ran from Counters Bridge in Kensington to the Stones End near Piccadilly; from Chelsea Ferry to the Stones End at James Street Westminster; from Kensington to Chelsea Church; from the junction of North End and the Hammersmith Road to Wansdown Green; and from Hyde Park Corner to the lower road from Chelsea to Westminster.

⁴⁴ This turnpike was in Wadesmill in Hertfordshire : 15 Cha.2 c.1 (1663).

6. The 1725 Act was accordingly passed to authorise the charging of tolls at turnpikes along specified roads in London to secure the repair of those roads.

7. The 1725 Act provided as follows-

- (a) appointment of Trustees to carry out the Act
- (b) authorised the Trustees to erect turnpike gates to the east of Hyde Park (near Hay-Hill⁴⁵); to the east of William Green's Brewhouse⁴⁶ (leading to Chelsea); and between Kensington and Chelsea
- (c) for settling of tolls depending on the type of vehicle⁴⁷
- (d) penalties for non-payment of tolls or for assisting its evasion by means of a diversion road
- (e) exemptions from liability for tolls
- (f) Trustees' power to appoint officers including receivers, collectors and surveyors; penalty for any receiver failing to account for toll moneys received
- (g) surveyors authorised to take steps to collect from neighbouring land any building materials necessary to repair the roads and to remove obstructions from the roadways; surveyors authorised to widen roads, make pavements and lay drains and pay compensation to adjoining owners
- (h) Trustees authorised to borrow money on the security of the tolls; only one toll to be paid per road despite the number of turnpikes to be passed on that road; anti-avoidance provisions; exemptions from tolls
- (i) continuance of any existing liability to repair the roads; position as to liability for statute labour; recovery of penalties imposed under this Act
- (j) *the tolls imposed by this Act to continue for 21 years from 1 June 1726 (unless the roads were sufficiently repaired before then)*
- (k) appointment of replacement Trustees; first meeting of Trustees to be on or before 26 May 1726
- (l) provision for the watering of the road from Piccadilly to Hyde Park Gate to settle the dust in dry weather
- (m) civil procedure issues and status of this Act.

⁴⁵ In Mayfair (off Berkeley Street).

⁴⁶ In the King's Road (near Sloane Square).

⁴⁷ For example, four pence for a carriage drawn by six horses, but only one penny for a cart drawn by just one horse.

8. Under the terms of the 1725 Act, the provisions for collecting tolls pursuant to the Act ceased on or before 31 May 1747. Since the repair of the roads pursuant to the 1725 Act was dependent upon the receipt of the tolls chargeable under that Act, it follows that the 1725 Act has served no useful purpose for at least 260 years. Its repeal can now be safely recommended.

Consultation

9. The Royal Borough of Kensington and Chelsea, Westminster City Council, the London Borough of Hammersmith and Fulham and the Department for Transport have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
4 Geo.2 c.34 (1730) (Fulham Roads Act)	The whole Act.
23 Geo.2 c.10 (1749) (Fulham Roads Act)	The whole Act.

Fulham Roads Acts of 1730 and 1749

1. This note proposes the repeal of two obsolete eighteenth century turnpike Acts relating to the repair of the road between Fulham and Hammersmith.

Background

2. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.⁴⁸ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Fulham Roads Act (1730)

4. According to its long title, the purpose of the *Fulham Roads Act* of 1730 (“the 1730 Act”) was-

for repairing the Road leading from the Town of Fulham, in the County of Middlesex, through Fulham Fields, to the great Road near the Pound at Hammersmith, in the said County.

5. The *preamble* to the 1730 Act recorded that the road (“the Road”) leading from Fulham through Fulham Fields to the great road near the pound at Hammersmith “is become so ruinous and bad, in the Winter Season, that the same cannot ... be sufficiently repaired and amended”.

⁴⁸ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

6. The 1730 Act accordingly provided as follows-
 - (a) appointment of Trustees to carry out this Act with power to erect turnpikes along the Road
 - (b) Trustees authorised to charge tolls for using the Road; penalties for avoiding the toll; exemptions from tolls
 - (c) Trustees authorised to appoint toll collectors and surveyors; accounting for the tolls; powers of surveyors to repair the Road, remove obstructions and construct drains and ditches
 - (d) Trustees authorised to borrow using the tolls as security; continuing liabilities on individuals to repair the Road
 - (e) the tolls imposed by this Act were to continue for 21 years from 20 May 1731 (ie until May 1752)
 - (f) appointment of replacement Trustees; meetings of the Trustees; civil procedure issues; status of this Act.

Fulham Roads Act (1749)

7. According to its long title, the purpose of the *Fulham Roads Act* of 1749 was “for enlarging the Terms and Powers granted by [the 1730] Act”.

8. The *preamble* to the 1749 Act recorded that the Trustees appointed under the 1730 Act had borrowed £550 for the purpose of repairing the Road. However “such Road is at present far from being sufficiently repaired; nor can the same be effectually amended, and kept in repair, for the future, or the aforesaid Debt of Five hundred and fifty Pounds be paid off, unless the said Term granted by the [1730 Act], and the Powers given thereby, be enlarged”.

9. The 1749 Act accordingly provided as follows-
 - (a) the 1730 Act (and the powers it contained) was to continue for a further 21 years from the expiry of the term granted by that Act ie 21 years from May 1752
 - (b) the tolls chargeable under this extended term were to cease before the end of the term (ie before May 1773) in the event of the Road being repaired and the £550 debt repaid before then
 - (c) expenses and status of this Act.

10. Under the terms of the 1749 Act, both that Act and the 1730 Act expired on or before May 1773 when the continuation of the 1730 Act came to an end. It follows

that both the 1730 Act and the 1749 Act have served no useful purpose for about 240 years. Their repeal can now be safely recommended on that basis.

Consultation

11. The London Borough of Hammersmith and Fulham and the Department for Transport have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
5 Geo.2 c.4 (1731) (Church at Woolwich Act)	The whole Act.
12 Geo.2 c.9 (1738) (Woolwich Church Act)	The whole Act.

Church at Woolwich Act (1731)

Woolwich Church Act (1738)

1. This note proposes the repeal of an obsolete 1731 Act passed to authorise the re-building of the parish church of St Mary Magdalen in Woolwich in south-east London. The note also proposes the repeal of an obsolete 1738 Act passed to provide financial support for that rebuilding.

Church at Woolwich Act (1731)

2. According to its long title, the purpose of the *Church at Woolwich Act* of 1731 (“the 1731 Act”) was-

for Rebuilding the Parish Church of Woolwich in the County of Kent,⁴⁹ as One of the Fifty New Churches directed to be built by Two Acts of Parliament, one made in the Ninth and the other made in the Tenth Year of the Reign of Her late Majesty Queen Anne.

3. The Acts of Queen Anne referred to in the long title were Acts of 1710⁵⁰ and 1711⁵¹ passed to raise money to build fifty new churches in and around London. In the event only a dozen or so were actually built. However, as in the case of St Mary Magdalen in Woolwich, money from those Acts was also used to fund the reconstruction of a number of existing churches.

4. The *preamble* to the 1731 Act recorded that the existing parish church was in a “ruinous condition” and that, following contributions by parishioners and others, a site for a new church had been purchased in May 1726 and the foundations had now been constructed. However, more money was still needed to complete the building work.

⁴⁹ Woolwich is now within the London Borough of Greenwich.

⁵⁰ 9 Ann. c.17 (New Churches in London and Westminster).

⁵¹ 10 Ann. c.20 (Churches in London and Westminster).

5. Accordingly the 1731 Act provided as follows-
 - (a) the Commissioners appointed under the 1710 and 1711 Act were authorised to use £3000 of the funds raised by those Acts for the building of St Mary Magdalen in Woolwich as if St Mary Magdalen had been one of the fifty new churches authorised by those Acts
 - (b) the £3000 was to be handed over to parish trustees on or before 24 June 1732; the trustees were required to apply the money to the re-building work
 - (c) expenses of this Act; demolition and disposal of the old existing church; surplus moneys already collected to be transferred to the parish trustees for the rebuilding work.

6. The building work was duly completed by Matthew Spray in 1739 and the church dedication took place on 9 May 1740. The church remains in use to this day.

7. The completion of the building works in 1739 meant that the 1731 Act had served its purpose and had become unnecessary. Its formal repeal is now proposed on that basis.

Woolwich Church Act (1738)

8. According to its long title, the purpose of the *Woolwich Church Act* of 1738 (“the 1738 Act”) was-

for applying a Sum of Money, given by the Will of Daniel Wiseman Esquire, deceased, for finishing the new Church at Woolwich in the County of Kent; and for raising an Annuity by an Assessment on the Parish of Woolwich, during the Lives of Mary Wiseman and Elizabeth Crouch, and the Life of the Survivor of them, pursuant to the said Will.

9. The *preamble* to the 1738 Act explained that, although much of the re-building work authorised by the 1731 Act had been carried out using the funds provided by that Act, the work had now stopped because the funds were exhausted. However, as the preamble continued, the will of one Daniel Wiseman⁵² had provided for a sum of up to £1000 to be made available for completing the building work in the event of the work not being completed at the date of his death (1 February 1738).

10. Legislation was required to vary this gift of Daniel Wiseman. Under the terms of his will, the £1000 would become available for completing the building work only after

⁵² Daniel Wiseman had been a senior official in HM Dockyards at Deptford.

the death of his wife Mary Wiseman and his mother-in-law Elizabeth Crouch. An alternative arrangement set out in the will to allow the gift to be made available before their respective deaths proved impractical. Nevertheless since both women were willing that the gift should be made available immediately, the 1738 Act was passed to facilitate the necessary arrangements.

11. The 1738 Act provided as follows-

- (a) the estate of Daniel Wiseman was authorised to make an immediate gift of £1000 to the trustees appointed under the 1731 Act for use in completing the re-building of the church
- (b) the churchwardens were required to pay Mary Wiseman and Elizabeth Crouch an annuity of £50 during their respective lifetimes⁵³
- (c) to pay for this annuity the churchwardens were authorised to levy rates on the parish each year so long as the annuity remained payable
- (d) provisions in the event of non-payment of the annuity; civil procedure issues; status of this Act.

12. The gift was duly made pursuant to the 1738 Act and the re-building work was completed the following year. The Act ceased to serve any useful purpose upon the death of Mary Wiseman in 1758.⁵⁴ The 1738 Act has accordingly long been obsolete and its repeal is now proposed on that basis.

Consultation

13. The Diocese of Southwark, the church of St Mary Magdalen, Woolwich, the Legal Office of the Church of England and the London Borough of Greenwich have been consulted about these repeal proposals.

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⁵³ The churchwardens were also required to make a single payment of £25 to the executor of the survivor of the two women (within 6 weeks after the death of that survivor).

⁵⁴ Elizabeth Crouch died in Deptford in April 1739.

6 Geo.2 c.8 (1732) (Church of St George, Southwark Act)	The whole Act.
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Church of St George, Southwark Act (1732)

1. This note proposes the repeal of an obsolete 1732 Act passed to authorise the re-building of the parish church of St George the Martyr in Southwark.

2. According to its long title, the purpose of the *Church of St George, Southwark Act of 1732* (“the 1732 Act”) was-

for rebuilding the Parish Church of Saint George the Martyr, in the Borough of Southwark, in the County of Surrey, as one of the Fifty new Churches directed to be built by two Acts of Parliament, one made in the Ninth, the other in the Tenth Year of the Reign of Her late Majesty Queen Anne.

3. The Acts of Queen Anne referred to in the long title were Acts of 1710⁵⁵ and 1711⁵⁶ passed to raise money to build fifty new churches in and around London. In the event only a dozen or so new churches were actually built. However, as in the case of St George the Martyr in Southwark, money from those Acts was also used to fund the construction of a number of existing churches.

4. The *preamble* to the 1732 Act recorded that the parish church of St George the Martyr in Southwark “is very old, and in such a ruinous Condition, that it is dangerous for the Inhabitants of the said Parish to attend the Worship of God therein”.

5. The 1732 Act provided as follows-

- (a) the Commissioners appointed under the 1710 and 1711 Acts were authorised to use £6000 of the funds raised by those Acts for the re-building of St George the Martyr in Southwark as if that church had been one of the fifty new churches authorised by those Acts
- (b) the £6000 was to be handed over on or before 24 June 1733 to the Trustees appointed under the 1732 Act, the money to be used for the purpose of re-building the church
- (c) the Trustees were required to provide accounts to show how the money had been disposed of; the church to be constructed with brick as well as stone; expenses provisions.

⁵⁵ 9 Ann. c.17 (New Churches in London and Westminster).

⁵⁶ 10 Ann. c.20 (Churches in London and Westminster).

6. The building works were duly carried out between 1734 and 1736. The old church was demolished and the new church was designed by John Price. The new church was opened in 1736 and remains in use today.

7. The completion of the building works in 1736 meant that the 1732 Act had served its purpose and became unnecessary. Its formal repeal is now proposed on that basis.

Consultation

8. The Diocese of Southwark, the church of St George the Martyr, Southwark, the Legal Office of the Church of England and the London Borough of Greenwich have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
10 Geo.2 c.18 (1736) (Church of St Olave, Southwark Act)	The whole Act.
57 Geo.3 c.vii (1817) (St Olave Southwark Rectory Act)	The whole Act.

Church of St Olave, Southwark Act (1736)
St Olave Southwark Rectory Act (1817)

1. This note proposes the repeal of an obsolete 1736 Act passed to authorise the rebuilding of the parish church of St Olave in Southwark. This note also proposes the repeal of an obsolete 1817 Act passed to provide support and maintenance to the Rector of the parish of St Olave. The church was declared redundant in or around 1928.

Church of St Olave, Southwark Act (1736)

2. According to its long title, the purpose of the *Church of St Olave, Southwark Act* of 1736 (“the 1736 Act”) was-

*for rebuilding the Church of the Parish of Saint Olave, in the City of London, and in the Borough of Southwark, in the County of Surrey.*⁵⁷

3. The *preamble* to the 1736 Act recorded that the parish church of St Olave (“the Church”) was “in a very ruinous Condition”. Part of the Church had already fallen down.

4. The 1736 Act provided as follows:

- (a) the Trustees to be appointed under this Act should pull down the Church and re-build it
- (b) to raise money for the re-building work, additional fees would be charged for tolling bells at funerals and for the use of palls⁵⁸ at funerals
- (c) Trustees were appointed to carry out this Act and to collect all moneys to be raised under this Act; powers of enforcing payment
- (d) appointment of collectors and receivers of moneys raised under this Act; penalties for neglect or fraud

⁵⁷ St Olave’s Church was situated in Southwark, close to London Bridge. It is today the location of St Olaf House which houses part of the London Bridge Hospital. From 1550 to 1899 Southwark was incorporated into the City of London as *The Ward of Bridge Without*.

⁵⁸ Palls were coverings (usually coloured velvet) spread across coffins during funerals.

- (e) authority for the purchase of annuities from the Trustees; such annuities to be a charge on the rates to be levied by the Trustees
- (f) Trustees authorised to levy rates to pay the annuities; rates to be assessed on the property and rental values in the parish (not to exceed six pence in the pound); special provisions for collecting rates from rented properties; rates to cease once the annuities ended
- (g) Trustees authorised to dispose of the materials of the Church once demolished; Trustees required to keep books of account; meetings of Trustees; no burials allowed within the Church
- (h) civil procedure issues and status of this Act.

St Olave Southwark Rectory Act (1817)

5. According to its long title, the purpose of the *St Olave Southwark Rectory Act* of 1817 (“the 1817 Act”) was-

for making better Provision for the Support and Maintenance of the Rector of the Parish of Saint Olave, in the Town and Borough of Southwark; and for providing a more convenient Rectory or Parsonage House for the said Rector.

6. The *preamble* to the 1817 Act recorded that the income of the Rector of the parish of St Olave was made up of tithes or payments in lieu of tithes, Easter offerings and surplice fees.⁵⁹ All this provided an uncertain income for the Rector. Moreover the Rector’s house was dilapidated and out of repair.

7. The 1817 Act accordingly provided-

- (a) for £600 to be paid annually to the Rector and his successors to provide for his/ their support and maintenance
- (b) for the building of a new Rectory House in place of the old
- (c) financial arrangements to raise the necessary funding for (a) and (b).

8. Both the 1736 Act and the 1817 Act have been superseded by the *Saint Olave’s Southwark Church Act* 1918 (“the 1918 Act”),⁶⁰ which authorised the closure and sale of the Church,⁶¹ the sale of the Rectory House,⁶² the extinction of the ecclesiastical parish of St Olave Southwark and its merger in neighbouring

⁵⁹ Surplice fees were fees paid to the clergy for occasional duties.

⁶⁰ 8 & 9 Geo.5 c.xxxix.

⁶¹ The 1918 Act, ss 6 and 7. However the Church’s tower was not to be sold.

⁶² The 1918 Act, s 15.

parishes.⁶³ Changes in the locality had prompted these developments. As the *preamble* to the 1918 Act recorded-

by the conversion of dwelling-houses into shops and warehouses and otherwise the resident population of the said parish of Saint Olave has greatly diminished and the population of other parishes in the diocese of Southwark has greatly increased and is insufficiently accommodated by existing churches.

9. The 1918 Act also repealed much of the 1817 Act including the provisions relating to the purchase of the new Rectory House and its funding by means of the sale of annuities.⁶⁴

10. The only provisions in the 1817 Act remaining (other than the preamble) are-

- ◆ *section 1* (appointment of trustees to carry out the 1817 Act)
- ◆ *section 7* (trustees' powers to appoint officers to collect the rates levied under the 1817 Act)
- ◆ *sections 8 and 9* (£600 p.a. to be paid to the Rector out of the rates levied under the 1817 Act, but preserving the Rector's right to the surplice fees)
- ◆ *section 25* (trustees to keep accounts)
- ◆ *sections 27 to 43* (trustees powers to levy rates; civil procedure etc).

11. Accordingly these surviving 1817 Act provisions relate to (i) the payment of the Rectory's annual £600 stipend and (ii) the powers of the trustees appointed under that Act to levy and collect rates from the parish inhabitants. The payment to the Rector appears to have ended in or around 1930 when the parish of St Olave Southwark ceased to exist.⁶⁵ The powers to levy and collect rates also ended in or around 1930 after which no further rates were levied.

Conclusion

12. The closure of the Church in or around 1928 taken together with the ending of the levying of rates around the same time means that both the 1736 Act and the 1817 Act are now obsolete. Their repeal is proposed on that basis.

⁶³ The 1918 Act, s 16.

⁶⁴ The 1918 Act, s 25. The provisions repealed were sections 2 to 6, 10 to 24 and 26.

⁶⁵ The provisions of the 1918 Act do however provide for annual payments of £150 to the Rector for the time being of the parish of St Olave and St John Southwark: the 1918 Act, s 23(4). The payments were to be made by the Ecclesiastical Commissioners (now the Church Commissioners).

Consultation

13. The City of London Corporation, the Diocese of Southwark, the Church Commissioners and the London Borough of Southwark have been consulted about these repeal proposals.

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12 Geo.2 c.7 (1738)
(Ealing Church Act)

Ealing Church Act (1738)

1. This note proposes the repeal of an obsolete 1738 Act passed for the purpose of building St Mary's Church in Ealing, West London. St Mary's is still in active use today, albeit in re-constructed form.

2. According to its long title, the purpose of the *Ealing Church Act* of 1738 ("the 1738 Act") was-

to enable the Parishioners of the Parish of Ealing, in the County of Middlesex, to raise Money by Rates upon themselves for finishing the Church of the said Parish.

3. The medieval church of St Mary's, Ealing had suffered severe damage in 1642 during the Civil War and was in a state of ruin by the early eighteenth century. The *preamble* to the 1738 Act described it as "becoming ruinous and irreparable". Both the steeple and the roof had collapsed and, although the parishioners had raised about £1500 to start re-building the church,⁶⁶ more money would be needed to finish the job.

4. The 1738 Act accordingly provided as follows-

- (a) appointment of Trustees with authority to complete the re-building work and raise funds not exceeding £1500; power to levy and enforce the payment of rates
- (b) appointment of rates collectors who were obliged to account for and hand over all rates money received by them; penalties for defaulting collectors
- (c) the Trustees were authorised to raise up to £120 per annum by selling annuities; annuities to be recorded, assignable and charged on the rates
- (d) the rates to be levied each year were not to exceed six pence for each pound of rateable value of property and rents in the parish of Ealing; special provision for rented properties
- (e) appointment of new Trustees; disqualification of Trustees

⁶⁶ According to the preamble, this money had been used to erect a shell of the new church and to rebuild the steeple.

- (f) rates to cease once the last annuity sold had come to an end; keeping of books and records; meetings of Trustees
- (g) civil procedure matters and status of this Act.

5. The re-building was duly completed and the new church was opened on Trinity Sunday 1740. Subsequently the church was again re-built, this time to enlarge it to accommodate the ever-increasing local population. This new church was consecrated in May 1866.

6. The purpose of the 1738 Act, to complete the re-building of St Mary's Church, was met in 1740. The Act ceased to serve any useful purpose once the final annuity had come to an end, which would have been no later than 1780 or thereabouts. The 1738 Act is accordingly obsolete and its repeal is proposed on that basis.

Consultation

7. St Mary's Church, Ealing, the Bishop of Willesden and the Legal Office of the Church of England have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
12 Geo.2 c.17 (1738) (St Catherine Coleman Act)	The whole Act.
15 Geo.2 c.12 (1741) (St Catherine Coleman Act)	The whole Act.

St Catherine Coleman Act (1738)

1. This note proposes the repeal of two obsolete eighteenth century Acts to provide for the re-building of the parish church of St Catherine Coleman in the City of London. The church was demolished in 1926.

2. The church of St Catherine Coleman was also known as “St Katherine Coleman” and “All Hallows Coleman”.⁶⁷ It was situated in Magpie Alley on the south side of Fenchurch Street in Aldgate ward.

The 1738 Act

3. According to its long title, the purpose of the *St Catherine Coleman Act* of 1738 (“the 1738 Act”) was-

to enable the Parishioners of the Parish of Saint Catherine Coleman in Fenchurch Street in the City of London, to rebuild the Church of the said Parish.

4. The *preamble* to the 1738 Act recorded that the church was “so decayed in the Walls and Pillars, and several other Parts thereof, that the whole Building, and also the Steeple belonging to the said Church, are in a ruinous Condition”.

5. The 1738 Act accordingly provided as follows-

- (a) appointment of Trustees to carry out this Act; Trustees authorised to demolish the old church and steeple and to build a new church
- (b) fees charged for funerals, bell-ringing and the use of palls⁶⁸ at funerals were to be used for the re-building works
- (c) appointment of collectors and receivers of the rates and duties to be raised under this Act; duties of collectors and penalties for default
- (d) Trustees authorised to raise up to £2700 by selling annuities; annuities to be charged on the rates; assignment of annuities

⁶⁷ *Coleman* derives from a large garden in the parish known as *Coleman Haw*.

⁶⁸ Palls were coverings (usually in coloured velvet) spread across coffins during funerals.

- (e) Trustees authorised to levy rates on all land in the parish to provide security for the annuities; rates not to exceed one shilling and six pence⁶⁹ in the pound; provisions for properties let out; appointment of new Trustees; rates to commence on 24 June 1939 and to cease when all the annuities had been paid off
- (f) Trustees authorised to sell and dispose of the remains of the old church; Trustees required to keep records of all payments and receipts; compensation to be paid for any damage caused to neighbouring houses
- (g) purchase by the Trustees of land in Fenchurch Street in return for grant of annuities to persons having an interest in such land; preservation of existing graves, grave-stones and vaults; Act not to affect the rights of the Bishop of London or the rector of St Catherine Coleman
- (h) civil procedure issues and status of Act.

6. The 1738 Act no longer serves any useful purpose. It was passed to facilitate the re-building of the church of St Catherine Coleman. This objective was achieved in 1741 when the building works were completed. The provisions in the 1738 Act for raising local rates ended when the final annuity secured by the rates had come to an end. This would have been no later than 1780 or thereabouts. The 1738 Act is accordingly obsolete and its repeal is proposed on that basis.

The 1741 Act

7. According to its long title, the purpose of the *St Catherine Coleman Act* of 1741 ("the 1741 Act") was-

to explain and amend [the 1738 Act]; and for making the said Act more effectual for the Purposes thereby intended.

8. The *preamble* to the 1741 Act recorded that the Trustees had raised £2700 pursuant to the 1738 Act and had applied this money towards the entire re-building of the church. The building costs, however, had exceeded the sum raised by at least £650. Moreover the provisions in the 1738 Act for the collection of rates and duties were proving unsatisfactory.

9. The 1741 Act accordingly provided as follows-

- (a) in future, two (rather than four) parishioners would be appointed as collectors of the rates and duties

⁶⁹ This was equivalent to 7.5 pence in modern currency.

- (b) the Trustees were authorised to raise up to £900 by the sale of annuities
- (c) the Trustees were authorised to levy an additional annual rate (not exceeding six pence in the pound) as security for the payment of these annuities, the rate to continue only for as long as was necessary
- (d) the money raised by the sale of these annuities was to be used only for paying off the £650 debt owing from the building works.

10. The 1741 Act was passed as a temporary measure to pay off the £650 overspend arising from the church re-building works. The provision in the 1741 Act for levying an additional rate became unnecessary when the final annuity secured by the additional rate had come to an end. This would have been no later than 1780 or thereabouts. The 1741 Act is accordingly obsolete and its repeal is proposed on that basis.

Consultation

11. The Bishop of London, the City of London Corporation and the Legal Office of the Church of England have been consulted about these repeal proposals.

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16 Geo.2 c.6 (1742)
(Charterhouse Square Rates Act)

The whole Act.

Charterhouse Square Rates Act (1742)

1. This note proposes the repeal of an obsolete 1742 Act passed to enable the residents of Charterhouse Square⁷⁰ in London to levy rates to maintain the appearance of the square and make improvements. The Act dates back to a time when local taxes were commonly raised on a parish basis.

2. According to its long title, the purpose of the *Charterhouse Square Rates Act* of 1742 (“the 1742 Act”) was-

to enable the present and future Proprietors and Inhabitants of the Houses in Charterhouse Square, in the County of Middlesex, to make a Rate for raising Money effectually to inclose, pave, watch, clean, and improve the said Square, and to continue the same in Repair.

3. The *preamble* to the 1742 Act recorded that the wooden fencing that used to enclose Charterhouse Square (“the Square”) had fallen into decay and that the Square was liable to be frequented by “common Beggars, Vagabonds, and other disorderly Persons, for the Exercise of their idle Diversions, and other unwarrantable Purposes, so as to be unfit for the Habitation of Persons of Character and Condition”. The preamble also recorded that the cleaning, watching⁷¹ and paving of the Square had been greatly neglected. Accordingly the owners and residents had agreed that they should raise funds by way of rates to maintain the appearance of the Square.

4. The 1742 Act provided as follows-

(a) the owners and residents were to meet on 12 May 1743 at the Charterhouse to elect a representative group of ten who, together with the Master, Registrar and Receiver of the Charterhouse, would be the Trustees under this Act

(b) the Trustees (or any seven of them) were authorised to decide in what manner the Square should be enclosed, paved, watched, cleaned, improved and kept in repair

⁷⁰ Charterhouse Square is an historic square in the London Borough of Islington, just north of the City of London. The Charterhouse today is an almshouse run by the charity known as Sutton’s Hospital in Charterhouse.

⁷¹ This meant policing especially during the hours of darkness.

- (c) the Trustees were authorised to clear away the existing fences and rubbish; penalty for anyone who left rubbish in the Square, brought cattle, sheep or pigs into the Square or damaged the new fencing enclosing the Square
- (d) from 12 May 1743 the Trustees were authorised to levy and collect rates from the owners and residents of the Square to meet the costs of enclosing, paving, watching, cleaning and improving the Square and keep it in repair; provision for payment by landlords and tenants in particular circumstances
- (e) the Trustees were authorised to meet quarterly, appoint a rate collector (who had to keep accounts – and enforce non-payment of rates by the seizure of goods)
- (f) the Square was deemed to be a separate ward in relation to liability for rates for paving, watching and cleaning, with the result that the residents of the Square should be exempt from all other rates or assessments in respect of paving, watching and cleaning; corresponding exemption from liability for the parishes of St Sepulchre and St Botolphe Aldersgate in respect of paving, watching or cleaning the Square
- (g) authority for the Trustees to borrow money, including money from the residents, in return for granting them annuities
- (h) any resident Trustee who moved from the Square would cease to be a Trustee; arrangements for electing replacement Trustees
- (i) application of penalties received; civil procedure issues; status of this Act.

5. Responsibility for providing public street cleaning, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.⁷² Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

⁷² Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1. So far as highways maintenance is concerned, the parish remained the body responsible for highways until 1894, when section 25 of the Local Government Act 1894 transferred the powers of the highways authority to the district council. Today the cost of maintaining public highways is governed by the Highways Act 1980, Pt 4.

Conclusion

6. Since none of the services for which the 1742 Act was passed are today provided or funded by the residents of the Square or by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1742 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Extent

7. The 1742 Act had no effect outside the area that is today within the London Borough of Islington.

Consultation

8. The Department for Communities and Local Government, the London Borough of Islington, Sutton's Hospital in Charterhouse and the Local Government Association have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
21 Geo.2 c.29 (1747) (Orphans, London Act)	The whole Act.

Orphans, London Act (1747)

1. This note proposes the repeal of an obsolete 1747 Act passed in connection with repaying debts owed by the City of London.

2. According to its long title, the *Orphans, London Act* of 1747 (“the 1747 Act”) was passed *for the further Relief of the Orphans and other Creditors of the City of London and for other Purposes therein mentioned*.

Background

3. The 1747 Act is consequential upon the *Orphans, London Act* of 1694 (“the 1694 Act”)⁷³ which was passed to give effect to a package of measures to raise a fund (“the Fund”) to pay the interest due on the debts owed by the City of London (“the City”). Most of the debts were in respect of the money with which the City had been entrusted to provide for the needs of orphan children of Freemen of the City. Instead of using the money for this purpose, the City had spent it in meeting its routine running costs.

4. The *attached note* provides a brief account of the circumstances giving rise to the 1694 Act. Suffice it to say that the 1694 Act contained money-raising provisions including annual taxes on the City and coal duties on coal imported into the City.

5. The *preamble* to the 1747 Act recorded that the 1694 Act provides for (1) an additional coal duty of six pence per chaldron⁷⁴ for 50 years from September 1700, and (2) from September 1750 (i.e. from the end of the additional coal duty) an additional annual payment of £6000 by the City from its estates. The preamble also recorded that a fall in rents in the City meant that the City could not afford to pay the increased annual sum of £6000. However, the loss of this £6000 taken together with the loss of income from the additional coal duty as from 1750 would mean that the Fund would be unable to pay the interest due on the City’s debts.

⁷³ 5 & 6 Will. & Mar. c.10. This Act is also proposed for repeal: see separate note.

⁷⁴ A chaldron was a coal measure of about 36 bushels.

The 1747 Act

6. The 1747 Act accordingly provided as follows-
- (a) the additional coal duty of six pence per chaldron was continued for a further 35 years from September 1750⁷⁵
 - (b) the additional annual payment payable by the City from September 1750 was reduced from £6000 to £2000
 - (c) provision for the City to use surpluses in the Fund to pay off creditors
 - (d) payment of orphans under 21; annual accounts; civil procedure issues and status of this Act.
7. The 1747 Act has long been obsolete. The additional coal duty, though subsequently extended by later enactments,⁷⁶ ceased to be payable in 1889.⁷⁷ The additional annual City payments of £2000 ceased to be payable in 1832 when the City's debts (including the debts owing to the orphans) were finally paid off and the Fund was effectively wound up.⁷⁸ Accordingly the 1747 Act is obsolete and its repeal is proposed on that basis.

Consultation

8. The City of London Corporation, HM Revenue and Customs and the Greater London Authority have been consulted about these repeal proposals.

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⁷⁵ Part of the proceeds from this duty was to be paid to the Mercers Company, the residue being used to pay the interest on the City's debts to the orphans and other creditors.

⁷⁶ For example, an Act of 1766 (7 Geo.3 c.37) extended the duty for 46 years from September 1785 to September 1831, and an Act of 1804 (44 Geo.3 c.xxvii), s11 extended the duty for 5 $\frac{3}{4}$ years from September 1831 to June 1837.

⁷⁷ London Coal Duties Abolition Act 1889 (c.17), s1.

⁷⁸ The Fund was in fact merged with the London Bridge Approaches Fund pursuant to an Act of 1829: 10 Geo.4 c.cxxxvi, s 76.

CITY OF LONDON ORPHANS FUND: A NOTE

1. This note is a brief account of the City of London Orphans Fund that was established by an Act of 1694 (“the 1694 Act”) to replenish an ancient fund run to support orphan children of Freemen of the City of London.

Background

2. The City of London has long made financial provision for the orphan children of Freemen of the City.⁷⁹ From the 13th century until 1693 this took the form of the Court of Orphans. The Lord Mayor and Aldermen of the City were entrusted with the care and guardianship of all orphan children of Freemen while they were minors and unmarried. They also had charge of the management of the assets of deceased Freemen: these were commonly deposited in the City’s treasury or Chamber.

3. The Chamber also held other deposits. During their lifetime Freemen enjoyed the privilege of investing money in the Chamber and receiving interest at between 4 and 5 per cent (which provided a higher return than was available elsewhere).

4. Although the Chamber’s funds grew steadily over the years with income from Freemen and their estates, by the late 17th century the funds had been largely spent. The political and economic turmoil in England following the overthrow of Charles I and the losses caused by the Great Fire of 1666 were contributory causes. Moreover the City had been raiding the orphans’ trust moneys to cover the City’s yearly running costs. The result was that the City’s debts by 1694 had reached the enormous sum of £747,472, two-thirds of which was money belonging to the orphans.

5. The City was unable to pay its debts. In 1689 the Lord Mayor and Aldermen and Commonalty presented a petition to Parliament setting out their losses and debts and seeking Parliamentary assistance in raising money to pay off their debts. After much debate and controversy, Parliament in 1694 agreed to sanction a series of measures whereby the debts could gradually be cleared and the orphans’ trust money replenished.

⁷⁹ Freemen of the City were (and remain) persons who have been granted the Freedom of the City. Freemen were commonly members of the City Livery Companies.

The 1694 Act

6. The long title to the 1694 Act simply described itself as *An Act for the Relief of the Orphans and other Creditors of the City of London*.⁸⁰

7. The main provision of the 1694 Act was to raise a fund (“the Fund”) to pay the interest due on the City’s debts. The rate of interest was to be 4% which, given that the debt amounted to £747,472, meant raising £30,000 per annum.

The money was to be raised by a number of measures including:

- An annual payment of £8000 from the City’s estates
- An annual tax of £2000 on City residents⁸¹
- Duty of four shillings per tun⁸² on all wine imported into the City
- Duty of four pence on every chaldron⁸³ of coal and culm⁸⁴ imported into the City.
- An additional duty on coal and culm of six pence per chaldron for 50 years from 1700
- From 1750 a further annual payment of £6000 from the City’s estates.

The changing nature of the Fund

8. Although in the early years of the Fund insufficient money was raised to meet the annual £30,000 interest payments, after 1710 the Fund’s receipts easily exceeded this figure. The increased level of coal duties as from 1700 was the main cause of this. Indeed so valuable was this increased level of coal duty that the City persuaded Parliament in 1747⁸⁵ to extend the six pence per chaldron levy for a further 35 years from 1750.⁸⁶ Moreover the 1747 Act went further and reduced from £6000 to £2000 the further annual payment from the City’s estates that was due to start in 1750.

⁸⁰ The 1694 Act has no short title. Its citation is 5 & 6 Will. & Mar. c.10.

⁸¹ This tax was finally abolished by the Temple Bar etc Act of 1795 (35 Geo.3 c.126), s 46.

⁸² A tun amounts to 252 wine gallons.

⁸³ A chaldron was a coal measure of about 36 bushels.

⁸⁴ Culm is coal dust.

⁸⁵ 21 Geo.2 c.29 (Orphans, London).

⁸⁶ Indeed by an Act of 1766 (7 Geo.3 c.37: Thames Embankment), this levy was extended for a further 46 years from 1785 (ie until 1831). A series of subsequent Acts extended the levy until the late nineteenth century. These Acts included an Act of 1804 (44 Geo.3 c.xxvii), an Act of 1829 (10 Geo.4 c.cxxxvi); an Act of 1831 (1 & 2 Will.4 c.lxxvi); an Act of 1838 (1 & 2 Vict. c.ci); an Act of 1845 (8 & 9 Vict. c.101); an Act of 1851 (14 & 15 Vict. c.cxlvi); the London Coal and Wine Duties Continuance Act 1861 (24 & 25 Vict. c.42); the London Coal and Wine Duties Continuance Act 1863 (26 & 27 Vict. c.46); and the London Coal and Wine Duties Continuance Act 1868 (31 & 32 Vict. c.17). Duties on coal imports were finally abolished by the London Coal Duties Abolition Act 1889 (c.17), s 1.

9. The 1694 Act was concerned only with raising money to pay the 4% interest on the City's debts. It made no provision for repayment of the capital of the debts themselves. It was left to the 1747 Act to provide that the surplus monies arising each year as a result of the various taxes and duties levied by the 1694 Act should be used for paying off the City's debts including the debts owed to the orphans.

10. So healthy had the Fund's income become by 1760 that the City was able to use the Fund as security for raising substantial loans to finance public building works in the City. These included the construction of Blackfriars Bridge (which opened in 1769), the reconstruction of parts of the Thames Embankment (1767-1784), the rebuilding of Newgate Gaol (1767-1781), the redemption of the tolls for using London Bridge (1768) and the repair of the Royal Exchange (1767). A total of £300,000 was raised on the security of the Fund, Parliament in each case passing legislation approving the arrangement. Surpluses from the execution of these projects were credited to the Fund.

The winding-up of the Fund

11. By the early 1830s all the City's debt to the orphans had been cleared by the surpluses paid into the Fund. The final debt was paid in 1832 and the Fund was effectively wound up when it was merged with the London Bridge Approaches Fund pursuant to the *London Bridge Approaches Fund Act of 1829*.⁸⁷ The final credit balance of the Fund, by that stage standing at £2420, thereby became a credit of the London Bridge Approaches Fund in 1834.⁸⁸

12. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Improvement Fund pursuant to the *London Coal and Wine Duties Continuance Act 1861*.⁸⁹ The assets of this latter fund were transferred to the Metropolitan Board of Works shortly afterwards.⁹⁰

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⁸⁷ 10 Geo.4 c.cxxxvi, s 76.

⁸⁸ This was effected by the 1829 Act. This sum of £2420 represented balances due to investors in the fund who could not be traced (so the balances were put towards the improvements authorised by the 1829 Act).

⁸⁹ 24 & 25 Vict. c.42, s 9.

⁹⁰ Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45. The Metropolitan Board of Works was abolished by the Local Government Act 1888 and its powers were taken over by the London County Council.

23 Geo.2 c.18 (1749) (Southwark Streets Act)	The whole Act.
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Southwark Streets Act (1749)

1. This note proposes the repeal of an obsolete 1749 Act passed to improve the security in the parish of St John in Southwark.⁹¹

2. According to its long title, the purpose of the *Southwark Streets Act* of 1749 (“the 1749 Act”) was-
 - for enlightening the open Places, Streets, Lanes, Passages, and Courts; and for the better regulating the Nightly Watch, within the Parish of Saint John Southwark in the County of Surry.

3. The *preamble* to the 1749 Act recorded that access to the newly-built road (to London Bridge) that passed through the parish of St John “is now very dangerous in the Night-time, for want of proper Lights, and a well regulated Watch; and ... a proper Provision for that Purpose would ... be a great Security to the Persons and Properties of all His Majesty’s Subjects.”

4. The 1749 Act accordingly provided as follows-
 - (a) meeting of the parish Vestry⁹² in June 1750 to decide on the number of street lamps to be set up in the parish and where they should be situated; power to contract for the supply and maintenance of lamps
 - (b) the Vestry was authorised to appoint and remunerate officers to be employed as watchmen; to appoint replacement officers and to make regulations for executing this Act
 - (c) parish constables and watchmen had to keep watch within the parish each night and were empowered to arrest suspected offenders; supervision of watchmen; penalty for neglect by constables
 - (d) the Vestry was authorised to levy a rate (twice yearly) on all parish inhabitants (and on all public buildings) to meet the costs of lighting and watching; penalties for non-payment of rates and for persons refusing to act as rate-collectors; exemptions from rate-collecting duties

⁹¹ The parish of St John in Southwark was created in 1733 when it separated from St Olave’s parish. At that time the parish was called Southwark St John Horsleydown.

⁹² A vestry was an administrative committee of a parish. In England, until the nineteenth century, the parish vestry was in effect what would today be known as a parochial church council. Vestries were responsible not only for the ecclesiastical affairs of a parish but also for a range of civil or lay issues including the support of the poor.

- (e) appeals against rates; rate-collectors to keep accounts and hand over their rate-moneys; penalty for failure to do this; power for Vestry to borrow against the security of the rates up to a maximum of £200
- (f) costs and expenses of this Act; provision for rates deficiencies and surpluses; keeping of accounts
- (g) penalties for damaging or extinguishing street lamps or misappropriating rates moneys; exemption from liability under earlier legislation requiring residents to provide street lighting or keep watch
- (h) civil procedure issues and status of this Act.

Conclusion

5. The 1749 Act has long ceased to serve any useful purpose. Responsibility for providing public street lighting and policing has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.⁹³ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

6. Since none of the services for which the 1749 Act was passed are now provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1749 Act has become obsolete and its repeal is proposed on that basis.

Consultation

7. The Department for Communities and Local Government, the Diocese of Southwark and the London Borough of Southwark have been consulted about these repeal proposals.

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⁹³ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
24 Geo.2 c.15 (1750) (Islington Church Act)	The whole Act.

Islington Church Act (1750)

1. This note proposes the repeal of an obsolete 1750 Act passed to authorise the re-building of St Mary’s Church, Islington.

2. According to its long title, the purpose of the *Islington Church Act* of 1750 (“the 1750 Act”) was-

to enable the Parishioners of the Parish of Saint Mary, Islington, in the County of Middlesex, to rebuild the Church of the said Parish.

3. The church of St Mary the Virgin is situated in Upper Street, Islington. A church has stood on this site since the twelfth century. The original church was re-built in 1483, 1754 and finally in 1956.⁹⁴

4. The *preamble* to the 1750 Act recorded that the whole of the church “is now in a very ruinous Condition”.

5. The 1750 Act provided as follows-
 - (a) authorised the Trustees appointed under the Act to pull down the old church and steeple and re-build the same
 - (b) fees charged for funerals, bell-ringing and the use of palls⁹⁵ at funerals were to be used for the re-building works
 - (c) appointment of Trustees to carry out this Act; Trustees authorised to levy and enforce payment of the rates and duties authorised by this Act
 - (d) appointment of collectors and receivers of the rates and duties to be raised under this Act; duties of collectors and penalties for default
 - (e) the Trustees were authorised to raise up to £7000 by selling annuities; annuities to be charged on the rates; assignment of annuities
 - (f) the Trustees were authorised to levy and collect rates to meet any short fall in the rates and duties chargeable under this Act resulting in insufficient moneys with which to pay the annuities; such rates to be payable by owners and occupiers of parish land; special provisions for properties let out

⁹⁴ The re-build in 1956 was necessitated by bomb damage during the Second World War.

⁹⁵ Palls were coverings (usually in coloured velvet) spread across coffins during funerals.

- (g) appointment of replacement trustees; disqualification of Trustees
- (h) rates chargeable under this Act to commence on 24 June 1751 and to cease when all the annuities had been paid off
- (i) Trustees authorised to sell and dispose of the remains of the old church; temporary tabernacle to be built to serve as a place of worship during the church re-building
- (j) Trustees required to keep records of all payments and receipts and to make such records available for inspection
- (k) Act not to affect private graves, gravestones or vaults, or the rights of the vicar and his successors in relation to the chancel of the old or the new church
- (l) civil procedure issues and status of this Act.

6. The 1750 Act no longer serves any useful purpose. It was passed to facilitate the re-building of St Mary's Church, Islington. That objective was achieved in 1754 when the building works were completed and the new church was opened. The provisions in the Act for raising local rates ended when the final annuity secured by the rates had come to an end. That would have been no later than 1790 or thereabouts. The 1750 Act is accordingly obsolete and its repeal is proposed on that basis.

Consultation

7. The Bishop of London, St Mary's Church, Islington, the Legal Office of the Church of England and the London Borough of Islington have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
24 Geo.2 c.58 (1750) (Southwark Roads Act)	The whole Act.
4 Geo.3 c.54 (1764) (South London Roads Act)	The whole Act.

Southwark Roads Act (1750)/ South London Roads Act (1764)

1. This note proposes the repeal of two obsolete eighteenth century turnpike Acts relating to the construction and repair of roads in south London.

Background

2. Until the late 19th century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid statute labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.⁹⁶ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Southwark Roads Act (1750)

4. According to its long title, the purpose of the *Southwark Roads Act* of 1750 (“the 1750 Act”) was-

for making, widening, and keeping in Repair, several Roads in the several Parishes of Lambeth, Newington, Saint George’s Southwark, and Bermondsey, in the County of Surrey; and Lewisham in the County of Kent.

5. The *preamble* to the 1750 Act recorded that the road leading from the Stones End at Lambeth to the almshouses at Newington was “in many Parts thereof, narrow, inconvenient, and ill-repaired”. The preamble also stated that the widening and extending of this road as well as the making of a number of new roads for improving links between Westminster, Southwark, Kent, Surrey and Sussex “will be of publick Utility”.

⁹⁶ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

6. The 1750 Act provided as follows-
- (a) the Trustees referred to in the Act were authorised to carry out the following works-
 - ◆ opening and widening the road from the Stones End at Lambeth to the Almshouses at Newington
 - ◆ construct a new road from Symond's Corner, across St George's Fields to the Stones End in Blackman Street, Southwark
 - ◆ construct a new road from the Almshouses at Newington to the Kentish Road near the Lock Hospital (at the end of Kent Street), and extend the road to the Grange Road in the parish of St Mary Magdalen Bermondsey
 - ◆ construct a new road from the end of the last-mentioned new road to Kennington Common
 - (b) the Trustees were authorised to erect a toll-gate on the new road near Symond's Corner and charge tolls for the use of the road.
7. The 1750 Act also provided that the powers arising under it should last for 31 years (ie until 1781). In the event the 1750 Act was extended by the Act of 1764 described below, expiring eventually in 1802.

South London Roads Act (1764)

8. According to its long title, the purpose of the *South London Roads Act* of 1764 ("the 1764 Act") was-
- for enlarging the Term and Powers granted by [the 1750 Act]; and for repairing Lambeth Back Lane; and for Lighting and Watching the said Roads.
9. The *preamble* to the 1764 Act recorded that the roads covered by the 1750 Act were in constant use by carriages and pedestrians "as well by Night as by Day, and are thereby exposed to great Danger and Frequent Outrages and Violences; the said Roads being, in the Night-time, greatly infested with Robbers; which Evil might, in a great Measure, be prevented if the said Roads were enlightened, and a proper Guard were kept thereon". However, as the preamble then explained, the 31 year term of the 1750 Act and the tolls permitted under it were insufficient to provide both for road maintenance and for lighting and security.

10. Accordingly the 1764 Act provided as follows-
- (a) the 1750 Act was to be continued at the end of its term (1781) for a further 21 years (ie until 1802)
 - (b) the Trustees were authorised, as from 24 June 1764, to increase the toll charges for using the roads; the toll receipts were to be used not only for building and repairing the roads but also for providing lighting and security along them
 - (c) the Trustees were authorised to install lamps along the roads and appoint watchmen to guard the roads at night and convey miscreants to a constable
 - (d) penalties for damaging the lamps; compensation in the case of accidental damage to the lamps
 - (e) surveyors appointed by the Trustees were authorised to prevent and remove obstructions blocking the roads and to clear ditches and drains
 - (f) the Trustees were authorised to repair, light and guard the Lambeth Marsh Back Lane (the lane between Symond's Corner to Lambeth Town); the lane to be widened to 42 feet; no new building to be erected within 15 feet of either side of the lane
 - (g) the Trustees were authorised to reduce the tolls chargeable
 - (h) civil procedure issues and status of this Act.

11. Under the provisions of the 1764 Act, the 1750 Act together with the 1764 Act expired in 1802 when the 21 year extension granted by the 1764 Act came to an end. Accordingly both Acts have ceased to be operable for more than two centuries. Their repeal is now proposed on that basis.

Consultation

12. The London Boroughs of Lambeth and Southwark and the Department for Transport have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
26 Geo.2 c.94 (1753) (St Botolph Church Aldersgate Act)	The whole Act.
32 Geo.3 c.39 (1792) (St Botolph Church Aldersgate Act)	The whole Act.

St Botoiph Church Aldersgate Acts (1753 and 1792)

1. This note proposes the repeal of two eighteenth century Acts passed to raise money in connection with the repairing and rebuilding of the parish church of St Botolph's without Aldersgate in the City of London).⁹⁷

St Botolph Church Aldersgate Act (1753)

2. According to its long title, the purpose of the *St Botoiph Church Aldersgate Act* of 1753 ("the 1753 Act') was-

to enable the Owners of Houses and Lands in the Parish of Saint Botolph without Alders gate, and the Inhabitants thereof to repair the Church and Steeple belonging to the said Parish.

3. The preamble to the 1753 Act recorded that although the parish church of St Botolph without Aldersgate was "now very much decayed and out of Repair" the local property owners were willing to contribute to the cost of repairs.

4. The 1753 Act provided as follows-

- (a) appointment of Trustees to implement this Act for the purpose of repairing the church and steeple; appointment of replacement trustees
- (b) the Trustees were authorised to sell annuities up to a maximum value of £1500; annuities to be recorded and assignable
- (c) the Trustees were authorised to levy rates on property in the parish to secure payment of the annuities; rates not to exceed six pence in the pound; special provisions for rented property and for houses in multiple occupation
- (d) appointment of rates collectors; enforcement of rates; penalty for defaulting collectors
- (e) rates to be payable from 21 June 1753 and to cease once all the annuities granted under this Act had ceased to be payable

⁹⁷ The church of St Botolph's Aldersgate remains in use to this day. The first church on the site was built during the early 11th century as a Cluniac priory. The present church was built in 1788-91.

- (f) the Trustees were required to keep records of all receipts, payments and contracts arising in connection with the repair of the church and steeple; accounts to be drawn up annually
- (g) making good of damage done to private houses by the church repair works; preservation of grave-stones, monuments and vaults; civil procedure issues; status of this Act.

5. The necessary repair and re-building works to St Botoiph's were duly carried out between 1754 and 1757, and financed by means of moneys raised through the sale of annuities in accordance with the 1753 Act. Subsequently, however, doubts were expressed as to the extent to which the Trustees' liability to make annuity payments was legally binding on their successors as Trustees. To resolve the doubts further legislation was promoted in the form of an Act of 1792.

St Botolph Church Aldersgate Act (1792)

6. According to its long title, the purpose of the *St Botolph Church Aldersgate Act* of 1792 ("the 1792 Act") was-

to enable the Inhabitants of the Parish of Saint Botolph without Aldersgate, in the City of London, to raise Money for paying and discharging the Debts that have been contracted in repairing their Parish Church, and building a new Workhouse.

7. The preamble to the 1792 Act recorded that the sum of £16,275 had been spent in repairing the parish church and in building a new workhouse. The money had been raised by the purchase of annuities by parishioners and other individuals. The payment of these annuities had been secured by the income from parish rates and by certain bonds entered into by the Trustees. Since, however, the liability to make the regular annuity payments was not legally binding on future such Trustees, legislation was needed to put matters right so that the payments could continue.

8. Accordingly the 1792 Act provided as follows-

- (a) new Trustees were appointed for carrying out this Act and for paying off the debts outstanding
- (b) the Trustees were authorised to levy rates on the inhabitants of the parish and to appoint a collector to receive the rates money; appeals against such rates

- (c) procedure for appointing the rates collector; remuneration of collector (three pence for every pound collected⁹⁸); collector to keep accounts and hand over the moneys received; penalty for failure to account for the money
- (d) the Trustees were authorised to raise money by selling annuities or issuing bonds up to a maximum of £17,200, the money to be secured upon the rates received and to be used to repay the existing debts; record-keeping of the borrowings
- (e) the rates to be levied by the Trustees to repay the existing debts were to be allocated into separate funds, one for the money spent on the church repairs and the other for the money spent on the new workhouse
- (f) provisions for levying rates on properties in multiple occupation; exemptions from payment of rates; rates to be charged with the existing debts
- (g) appointment of new Trustees; first meeting of Trustees to be on 14 June 1792; rates to cease to be levied after all the existing debts and expenses had been repaid
- (h) costs and status of this Act; civil procedure issues.

Conclusion

9. The 1753 and 1792 Acts have long been obsolete. Rates have long ceased to be levied pursuant to the Acts.⁹⁹ The annuities sold by the Trustees would have expired upon the death of the final annuitant, probably well before 1830. Accordingly neither Act can now serve any useful purpose and their repeal is proposed on that basis.

Consultation

10. The Bishop of London, the City of London Corporation, the Legal Office of the Church of England and St Botolph's Aldersgate have been consulted about these repeal proposals.

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⁹⁸ This is equivalent to 1.25 pence in today's currency.

⁹⁹ Parish records indicate that 1821 may have been the last year when rates were levied pursuant to the 1753 and 1792 Acts.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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27 Geo.2 c.25 (1754) (St Luke’s, Middlesex (Lighting and Watching) Act)	The whole Act.
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St Luke’s, Middlesex (Lighting and Watching) Act (1754)

1. This note proposes the repeal of an obsolete 1754 Act relating to the lighting, cleaning and policing of the parish of St Luke’s¹⁰⁰, Middlesex¹⁰¹ (now in the London Borough of Islington) and the repair of highways within the parish. The Act dates back to a time when local taxes were commonly raised on a parish basis.

2. According to its long title, the purpose of the *St Luke’s, Middlesex (Lighting and Watching) Act (1754)* (“the 1754 Act”) was-

for the better enlightening and cleansing the open Places, Squares, Streets, Lanes, Alleys, Passages, and Courts, within the Parish of Saint Luke in the County of Middlesex; and regulating the Nightly Watch and Bedels; and for repairing the Highways within the said Parish.

3. The *preamble* to the 1754 Act recorded that “it would greatly tend to the Benefit and Safety of the Inhabitants of the Parish of Saint Luke in the County of Middlesex, and other Persons resorting thereto, if Provision was made for enlightening and cleansing the open Places, Squares, Streets, Lanes, Alleys, and other Passages and Courts within the said Parish, and maintaining an able and regular Nightly Watch therein; and that the Highways of the said Parish should be kept in good Repair”.

4. The 1754 Act provided as follows-

- (a) appointment of the present rector, churchwardens, overseers of the poor and clergymen of the parish as *Trustees* to carry out the powers of this Act; Trustees to meet on 25 March 1754 in the vestry room; provision for future meetings

¹⁰⁰ The parish of St Luke’s was created when the church of St Luke’s (in Old Street) was constructed in 1733 from the part of the existing parish of St Giles Cripplegate that lay outside the City of London. The church was closed in 1964, the parish having been re-united in 1959 with the parish of St Giles-without-Cripplegate.

¹⁰¹ The county of Middlesex dated back to the 10th century. Much of the area became part of the county of London with the passing of the Local Government Act 1888. Middlesex ceased to exist as a separate administrative area on 31 March 1965 when, as a result of the London Government Act 1963, the new county of Greater London was formed from the counties of London and Middlesex and parts of the counties of Essex, Hertfordshire, Kent and Surrey.

- (b) the Trustees were empowered to (i) contract for the erection of lamps in the parish (ii) nominate watchmen and bedels¹⁰² to be employed in the service of the parish (iii) determine the duties and remuneration of these officials (iv) determine the number of constables to be on duty each night
- (c) constables were to keep watch every night within each ward as directed by the Trustees; constables' powers to detain; procedure for misbehaviour of watchmen or neglect of duty by constables and bedels
- (d) functions of the churchwardens in relation to the lamps; penalty for extinguishing or damaging a lamp
- (e) the Trustees were empowered to contract for the repair of the parish roads and for the cleaning of the public areas in the parish
- (f) all inhabitants of the parish were required to sweep and clean the streets in front of their houses every Tuesday and Friday (between 7 and 10 AM or between 2 and 5 PM) upon pain of a five shilling fine; penalty for throwing rubbish into the street
- (g) the Trustees were empowered to levy an annual rate, not exceeding one shilling and four pence in the pound,¹⁰³ to meet the costs of the lighting, the night watching, the street cleaning and the road repairs; power to mitigate this burden; appointment of rate collectors; penalty for non-payment of rates
- (h) provisions to combat rate evasion; provision for owners rather than tenants to be liable; collection of arrears; appeals; collectors to account for the rate money received by them; penalties for failure to account; provision for additional rate
- (i) provision for the raising of money required under this Act by means of the grant and sale of annuities
- (j) appointment of new collectors to replace collectors who have moved out of the parish, died or neglected their duties
- (k) JPs for the County of Middlesex were authorised to determine criminal issues arising under this Act even if they were also Trustees. JPs' powers to order seizure of goods and impose financial penalties; appeals to the Quarter Sessions

¹⁰² A bedel or beadle was a parish officer appointed by the parish Vestry. His duties included giving parishioners notice of meetings and summoning jurors to coroners inquests. In some wards of the City of London a beadle would be sworn in as a constable.

¹⁰³ One shilling and four pence was one-fifteenth of a pound.

- (l) books were to be kept recording all the Trustees' proceedings under this Act
- (m) apportionment of moneys raised under this Act for the repair of roads between the parish of St Luke's, Middlesex and the parish of St Giles Cripplegate
- (n) payment of rates due under this Act would discharge any liability imposed by earlier legislation in relation to lighting, cleaning the streets, keeping night watch or repairing highways
- (o) civil procedure issues and status of this Act.

5. Responsibility for providing public street lighting and cleaning, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.¹⁰⁴ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

6. Since none of the services for which the 1754 Act was passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1754 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Extent

7. The 1754 Act had no effect outside the area that is today within the London Borough of Islington.

Consultation

8. The Department for Communities and Local Government, the London Borough of Islington and the Local Government Association have been consulted about these proposals.

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¹⁰⁴ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1. So far as highways maintenance is concerned, the parish remained the body responsible for highways until 1894, when section 25 of the Local Government Act 1894 transferred the powers of the highways authority to the district council. Today the cost of maintaining public highways is governed by the Highways Act 1980, Pt 4.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
29 Geo.2 c.43 (1756) (Bethnal Green Road Act)	The whole Act.
7 Geo.3 c.105 (1767) (Bethnal Green Road Act)	The whole Act.
45 Geo.3 c.vi (1805) (Bethnal Green Road Act)	The whole Act.

Bethnal Green Road Acts of 1756, 1767 and 1805

1. This note proposes the repeal of three obsolete turnpike Acts relating to the construction and repair of roads in the Bethnal Green area of east London. Bethnal Green today forms part of the London Borough of Tower Hamlets.

Background

2. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid statute labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.¹⁰⁵ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Bethnal Green Road Act (1756)

4. According to its long title, the purpose of the *Bethnal Green Road Act* of 1756 (“the 1756 Act”) was-

for making and widening a Road from the East Side of the Parish of Saint Matthew Bethnal Green in the County of Middlesex, to the East End of Church Street in the said Parish; and to open a Way or Road into Shoreditch, and keeping the same in Repair.

5. The *preamble* to the 1756 Act recorded that “the several Parishes of Saint Matthew Bethnal Green, Christ Church, Saint Leonard Shoreditch, and the Hamlet of

¹⁰⁵ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

Mile End New Town ... are large and populous” and that it would be “of great Benefit and Utility to the Publick” if certain roads in the area were made or widened.

6. The 1756 Act provided as follows-
 - (a) Trustees were appointed to execute this Act
 - (b) the works authorised by this Act were-
 - ◆ to widen the footpath leading from a public house known as “The Salmon and Ball” on Bethnal Green to the east end of Church Street and to New Cock Lane (all in the parish of St Matthew Bethnal Green)
 - ◆ to make a road from the west end of Old Cock Lane to Shoreditch
 - (c) powers for the Trustees to purchase land (including compulsorily), demolish buildings, erect turnpikes, impose tolls and borrow on the security of the tolls
 - (d) penalties; appeals; meetings and replacement of the Trustees; civil procedure issues; status of this Act.

7. The 1756 Act also provided that the powers arising under the Act should last for 21 years from 1 May 1756 (ie until May 1777). In the event the 1756 Act was extended by the Acts of 1767 and 1805 described below, expiring eventually in March 1826.

Bethnal Green Road Act (1767)

8. According to its long title, the purpose of the *Bethnal Green Road Act* of 1767 (“the 1767 Act”) was-

to enlarge the Terms and Powers of [the 1756 Act]; and for repairing, paving, and regulating Old Cock Lane, New Cock Lane, Church Street, and the Road on the West Side of the Opening into Shoreditch; and for removing Nuisances and Obstructions therefrom, and preventing the same for the future.

9. The *preamble* to the 1767 Act recorded that the debts incurred in carrying out the 1756 Act amounted to £3000 and that, although the road had been laid out as required by that Act, some parts of the road were “in a ruinous Condition, and dangerous for Passengers”. The preamble also recorded that, in order to repay the debts and complete the repair works, the 1756 Act needed to be extended beyond the term allowed by that Act (ie May 1777).

10. The 1767 Act accordingly provided as follows-
 - (a) the 1756 Act was continued for a further 21 years from May 1777 (i.e. until May 1798)
 - (b) the Trustees were authorised to order the repair and paving of Church Street, Old Cock Lane, New Cock Lane and the road from Old Cock Lane to Shoreditch
 - (c) provisions relating to paving, pipes and penalties
 - (d) preventing of nuisances and obstructions
 - (e) the Trustees were empowered to levy rates and sell annuities to cover the cost of paving and regulating the streets; provisions for collecting rates and assigning annuities
 - (f) civil procedure issues; expenses and status of this Act.

Bethnal Green Road Act (1805)

11. According to its long title, the purpose of the *Bethnal Green Road Act* of 1805 (“the 1805 Act”) was “to enlarge the Terms and Powers of [the 1756 Act and the 1767 Act]”.

12. The *preamble* to the 1805 Act recorded that the Trustees appointed under the 1756 and 1767 Acts still owed “considerable Sums of Money” from loans raised under those Acts. Moreover such sums could not be repaid nor could the road be improved and repaired unless the term granted by the Acts was extended and the tolls increased.¹⁰⁶

13. The 1805 Act accordingly provided as follows-
 - (a) the term granted and continued by the 1756 and 1767 Acts should cease; both Acts (and this Act) were to run for 21 years from the passing of this Act i.e. 21 years from 12 March 1805
 - (b) additional powers for the Trustees including powers to increase tolls.

Conclusion

14. Under the provisions of the 1805 Act, the term of that Act together with the terms of the 1756 and 1767 Acts expired in March 1826. Accordingly all three Acts

¹⁰⁶ The preamble also recorded that the provisions in the 1756 Act and the 1767 Act relating to the rating, paving and repair of pavements in Old Cock Lane, New Cock Lane and Church Street had been repealed by an Act of 1793: 33 Geo.3 c.88, s 1.

have ceased to serve any useful purpose for nearly two centuries. Their formal repeal is now proposed on that basis.

Consultation

15. The London Borough of Tower Hamlets and the Department for Transport have been consulted about these repeal proposals

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31 Geo.2 c.36 (1757) (Passage from Charing Cross Act)	The whole Act.
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Passage from Charing Cross Act (1757)

1. This note proposes the repeal of the remains of an obsolete 1757 Act relating to the widening of the road from Charing Cross to St James’s Park in central London.

2. Most of the provisions of the *Passage from Charing Cross Act (1757)* (“the 1757 Act”) have already been repealed.¹⁰⁷ These repealed provisions were concerned with tax and duties to be charged on the import and export of goods such as gunpowder, sugar and alcohol.

3. The only provisions in the 1757 Act that have not been repealed (*sections 10 and 11*) provided for the widening of the roadway known as “The New Passage” running from Charing Cross to St James’ Park.¹⁰⁸

4. *Section 10* recorded that The New Passage “is very narrow, inconvenient, and dangerous, and it would be of Publick Convenience to widen and render the same commodious”. To this end section 10 provided that The New Passage should be deemed to be one of the roads authorised for widening pursuant to an Act of 1756.¹⁰⁹ This Act authorised certain Commissioners to build a new bridge across the Thames at Westminster and to widen the streets between Charing Cross and the Houses of Parliament. Section 10 accordingly authorised the Commissioners to widen The New Passage as if that roadway had been originally included in the Act of 1756.

5. *Section 11* authorised the Commissioners, after the completion of the works authorised by the Act of 1756, to use any remaining funds for the widening of The New Passage authorised by section 10.

6. The works authorised by section 10 were completed no later than early 1765 and The New Passage (now running from Charing Cross along the east end of The Mall) was widened from 12 feet to 30 feet. The completion of the works made

¹⁰⁷ Statute Law Revision Act 1876, s 1, Sch. The 1876 Act repealed all of the 1757 Act other than sections 10 and 11.

¹⁰⁸ The New Passage was a narrow roadway formed about 1729 leading from Charing Cross to Spring Gardens on the site of the present Mall approach. The roadway was a mere 12 feet wide.

¹⁰⁹ 29 Geo.2 c.38 (Westminster Bridge). This Act was repealed by the Westminster Bridge Act 1853 (16 & 17 Vict. c.46).

sections 10 and 11 obsolete and their repeal is proposed on that basis. There being no other substantive provisions remaining, the repeal of these two provisions will permit the formal repeal of the 1757 Act as a whole.

Consultation

7. Westminster City Council have been consulted about these repeal proposals.

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1 Geo.3 c.38 (1760) (Croydon Parish Church Act)	The whole Act.
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Croydon Parish Church Act (1760)

1. This note proposes the repeal of an obsolete eighteenth century statute passed to authorise repairs to the parish church in Croydon. The church today is situated within the London Borough of Croydon.¹¹⁰

2. The long title to the Croydon Parish Church Act of 1760 (“the 1760 Act”) describes the purpose of the enactment as “An Act for repairing the Parish Church of Croydon, in the County of Surrey”.

3. The *preamble* to the 1760 Act recorded that the church roof and chancels were “so much decayed, and in so ruinous a Condition, as to deter several of the Parishioners from attending Divine Service therein.” The preamble also recorded that the repairs to the north aisle had already cost £280, an expense that had yet to be paid off.

4. The 1760 Act provided as follows-

- (a) authority for the Trustees appointed under this Act to enter agreements with workmen for the repair of the church
- (b) the Trustees were authorised to levy rates on the owners and occupiers of all property in the parish to help meet the cost of church repairs; special rates provisions for tenanted properties and those in multiple occupation; appeals; penalty for non-payment of rates
- (c) appointment of Trustees to implement this Act; appointment of rates collectors; penalties for neglect by collectors
- (d) the Trustees were authorised to raise up to £2500 by the sale of annuities; records of annuities and their assignment; annuities to be secured against the rates
- (e) appointment of replacement Trustees; first meeting of Trustees to be on 23 March 1761; subsequent meetings
- (f) rates to be levied from 25 March 1761 and to cease once the last annuity had been paid off

¹¹⁰ The church is dedicated to St John the Baptist.

(g) record-keeping; civil procedure issues and status of this Act.

5. It appears that the repair works were duly carried out in accordance with the 1760 Act. Rates ceased to be levied pursuant to the 1760 Act upon the death of the final annuitant, probably by 1800 or thereabouts. The 1760 Act thereupon ceased to serve any useful purpose and its repeal is proposed on that basis.¹¹¹

Consultation

6. The Croydon Parish Church, the Legal Office of the Church of England and the London Borough of Croydon have been consulted about these repeal proposals.

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¹¹¹ The church was severely damaged by fire in 1867. The church was rebuilt under the direction of Sir George Gilbert Scott and reconsecrated in 1870.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
8 Geo.3 c.33 (1768) (Shoreditch Streets Act)	The whole Act.
16 Geo.3 c.60 (1776) (Shoreditch Streets Act)	The whole Act.
25 Geo.3 c.96 (1785) (Shoreditch Streets Act)	The whole Act.

Shoreditch Streets Acts 1768, 1776 and 1785

1. This note proposes the repeal of three obsolete eighteenth century Acts passed to authorise improvements to the streets of Shoreditch, an area that is today within the London Borough of Hackney.

Shoreditch Streets Act (1768)

2. According to its long title, the purpose of the *Shoreditch Streets Act* of 1768 (“the 1768 Act”) was-

for opening certain Passages, and for paving the Streets and other Places, in the Parish of Saint Leonard Shoreditch, in the County of Middlesex, and for preventing Annoyances therein.

3. The *preamble* to the 1768 Act recorded that certain highways in Shoreditch called Holywell Street, Church End, part of Kingsland Road (leading from Norton-Falgate to the Cherry Tree in Kingsland Road), Hog-Lane and Holywell Lane (“the Streets”) were “extremely ill paved, and the Passage through the same greatly obstructed by Posts and Projections, and annoyed by Spouts, Signs, and Gutters”.

4. The 1768 Act provided as follows:

- (a) appointment of Commissioners to implement the Act; qualification to be a Commissioner; meetings of Commissioners
- (b) Commissioners authorised to appoint clerks, surveyors and other officers; officers to account for moneys received by them; penalty for defaulting officers
- (c) Commissioners authorised to arrange for the paving and repair of the Streets and to enter into contracts for the work to be carried out
- (d) Commissioners authorised to pay for the cost of moving water pipes; provisions for repairing damaged water pipes; Commissioners

- empowered to alter the course of gutters or channels and to repair or replace sewers and drains
- (e) penalty for leaving rubbish in the Streets; for obstructing the Streets with carts and carriages; and for driving wheelbarrows on the pavements
 - (f) pavements to be swept daily between 6AM and 9AM by property residents; houses to be numbered; obstructions (signs, gutters, steps etc) to be removed
 - (g) Commissioners authorised to levy annual rates to cover the costs incurred by this Act; rates to be payable by all residents of properties along the Streets; provisions for properties that were tenanted, in multiple occupation or unoccupied
 - (h) Commissioners authorised to erect a turnpike gate in Holywell Street and charge tolls for use of that street, the toll receipts to be used for meeting the costs incurred by this Act; enforcement of the tolls
 - (i) Commissioners authorised to raise up to £14,000 by the sale of annuities; annuities to be secured against the rates; annuities to be assignable
 - (j) Commissioners authorised to purchase compulsorily certain houses in order to widen the Streets; provisions for assessing compensation; conveyancing provisions
 - (k) appeals; application of penalties arising under this Act; record-keeping; civil procedure issues; status of this Act.

Shoreditch Streets Act (1776)

5. According to its long title, the purpose of the *Shoreditch Streets Act* of 1776 ("the 1776 Act") was-

to amend and render more effectual [the 1768 Act]; and for extending the Powers of the said Act to such Part of a Lane, called Hog-Lane, as lies within the Liberty of Norton-Falgate, in the said County.

6. The *preamble* to the 1776 Act recorded that doubts had arisen as to whether the powers given to the Commissioners by the 1768 Act extended to paving that part of Hog-Lane that was situated not within the parish of St Leonard Shoreditch (which clearly fell within the 1768 Act powers) but within the Liberty of Norton-Falgate.¹¹² The preamble also recorded other difficulties raised by the 1768 Act.

¹¹² Norton Folgate formerly Norton *Falgate* connects Bishopsgate with Shoreditch High Street. Until its absorption into the borough of Stepney in 1900, Norton Folgate was an enclave outside the normal parochial administrative system.

7. The 1776 Act provided as follows-
 - (a) the Commissioners were authorised to raise a further £4,000 by the sale of annuities
 - (b) the whole of Hog-Lane was brought within the Commissioners' jurisdiction and powers as provided by the 1768 Act
 - (c) penalty for obstructing the Streets, selling goods on the pavements or driving carriages on the pavements; Commissioners authorised to regulate the stands of hackney carriages
 - (d) civil and criminal procedure issues; expenses and status of this Act.

Shoreditch Streets Act (1785)

8. According to its long title, the purpose of the *Shoreditch Streets Act* of 1785 ("the 1785 Act") was to amend the 1768 and 1776 Acts.

9. The *preamble* to the 1785 Act recorded that the Commissioners had "caused the greatest Part of the said Streets and Places to be paved; but the Monies by the said Acts directed to be raised have been found insufficient ... and the said Acts have, in other Respects, been found ineffectual".

10. The 1785 Act accordingly provided as follows-
 - (a) the Commissioners were authorised to raise a further £5,000 by the sale of annuities
 - (b) the Commissioners were authorised to charge an additional halfpenny toll on the turnpikes authorised by the 1768 Act; power to vary the tolls; power to contract-out the collection of the tolls
 - (c) power to adjourn Commissioners' meetings; costs and status of this Act.

The present position

11. The Commissioners' powers under the 1768, 1776 and 1785 Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolitan Local Management Act 1855.¹¹³ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.¹¹⁴ In the case of the parish of St Leonard Shoreditch, the Commissioners' functions passed to the Vestry of that

¹¹³ 18 & 19 Vict. c. 120.

¹¹⁴ The 1855 Act, s 90.

parish.¹¹⁵ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹¹⁶ and now mostly vest in the London Borough of Hackney, although responsibility for maintaining the streets of Hackney is shared between the borough and Transport for London.

12. Accordingly responsibility for paving and maintaining public streets has long ceased to vest in the parish but has passed to local and county councils and the London boroughs. Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

13. Since none of the highway services for which the 1768, 1776 or 1785 Acts were passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, all three Acts have become obsolete in their entirety. Their repeal is proposed on that basis.

Consultation

14. The Department for Communities and Local Government, Transport for London, the London Borough of Hackney, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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¹¹⁵ The 1855 Act, Sch A, Pt 1. The Vestry was an administrative committee of a parish. In England, until the nineteenth century, the parish Vestry was in effect what would today be known as a parochial church council. Vestries were responsible not only for the ecclesiastical affairs of a parish but also for a range of civil or lay issues including the support of the poor.

¹¹⁶ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
12 Geo.3 c.38 (1772) (Christchurch, Middlesex Act)	The whole Act.
28 Geo.3 c.60 (1788) (Christchurch, Middlesex Improvement Act)	The whole Act.

Christchurch, Middlesex Act (1772)
Christchurch, Middlesex Improvement Act (1788)

1. This note proposes the repeal of two obsolete late 18th century Acts passed to improve an area that is today within the London Borough of Tower Hamlets.

Christchurch, Middlesex Act (1772)

2. According to its long title, the purpose of the *Christchurch, Middlesex Act* of 1772 (“the 1772 Act”) was-

for paving, cleansing, lighting, watching, and regulating the Squares, Streets, Rows, Lanes, Alleys, and other publick Passages and Places, within the Parish of Christ Church, in Middlesex; and for removing Nuisances and Obstructions therefrom, and preventing the like for the future; and for paving and regulating such Parts of Brick Lane as are not within the said Parish.

3. The *preamble* to the 1772 Act recorded that the public passages and places within the parish of Christ Church were “not properly paved, nor sufficiently cleansed, and are in general greatly obstructed by sundry Nuisances.” The preamble also recorded that, whilst Brick Lane was a major thoroughfare for carriages, it needed repair and paving.

4. The 1772 Act provided as follows-

- (a) repeal of an earlier Act passed for lighting and policing the parish¹¹⁷
- (b) appointment of Commissioners (“the Commissioners”) to carry out the 1772 Act; election and qualification of replacement Commissioners; meetings of the Commissioners; written record of their proceedings to be kept
- (c) Commissioners’ powers to appoint officers including clerks and treasurers; officers to deliver accounts; penalty for failure to account or for taking unauthorised fees
- (d) the Commissioners were authorised to procure the repair of certain streets in the parish of Christ Church, i.e. Raven Row, Crispin Street,

¹¹⁷ (1737) 11 Geo.2 c.35 (Christchurch, Middlesex: lights and watch).

Lamb Street, Vine Court, Wheeler Street, White Lyon Yard (east end), White Row, Dorset Street, Paternoster Row, Red Lyon Street, Fossan Street, Church Street, Wood Street, Princes Street, Brown's Lane, Lolsworth Street, Pelham Street, Montague Street, Booth Street, East Street, West Street, North Street, South Street and Brick Lane (and the connecting courts and passages)

- (e) the repairs of these streets included paving, taking up and re-laying existing water pipes and removing all items obstructing the streets; penalty for obstructing workmen engaged in this work
- (f) procedure for householders to give the Commissioners notice of pavements in need of repair; contractors to carry out necessary repairs if justified
- (g) the Commissioners were empowered to buy and hire equipment and to enter into contracts for the carrying out of the works authorised by this Act; all works to be inspected by inspectors or surveyors
- (h) the Commissioners were authorised to procure the watering of the parish streets (and the provision of wells and pumps) and the provision of lamps for the public areas; penalty for damaging any lamp
- (i) the Commissioners were authorised to build watch-houses and appoint watchmen to guard the parish; regulations and terms and conditions governing the watchmen; arrest of criminals by constables; penalty for neglect of duty by watchmen
- (j) property of the pavements, watch-houses and lamps to be vested in the Commissioners; the Commissioners authorised to remove all trees, signposts, gutters and other obstacles projecting over the highways; street names to be displayed; houses to be numbered; penalty for obstructing streets with carriages, carts or other obstructions or for driving a carriage on any pavement
- (k) all residents to sweep the pavement in front of their houses each day between 6 and 9 AM (except Sundays) upon pain of a five shilling fine; Commissioners were empowered to regulate Hackney coach and carriage stands
- (l) any person wishing to take up any pavement for making, repairing or cleaning any sewer, drain or water pipe to give notice to the Commissioners' surveyor and meet all costs and expenses; Commissioners to meet the cost of moving or altering water pipes; if any water pipe in any of the streets paved pursuant to this Act should break,

the water company was required to repair the break and make good the damage to the paving; penalty for delays in re-laying paving, paviors and turncocks employed by the water companies required to supply details of their places of abode;¹¹⁸ Commissioner's powers about grates covering sewers

- (m) the Commissioners were authorised to levy on the parish inhabitants an annual rate (not to exceed one shilling and four pence in the pound)¹¹⁹ to cover the cost of cleansing, lighting and watering the parish streets; further authority to levy upon the parish inhabitants a separate annual rate to cover the cost of paving the parish streets; lower rate charged in the case of lower standard paving or in the case of houses adjoining the paved streets
- (n) provisions for rating of property that was empty or in multiple occupation; rating of landlords, occupiers, public buildings and unfurnished houses; collection and enforcement of rates; provisions to avoid double liability for paving expenses
- (o) the Commissioners were authorised to borrow money against the security of the rates and to borrow money by means of granting annuities; the maximum sum to be raised from these forms of borrowing was not to exceed £14,000
- (p) expenses of passing this Act; provision for other streets in the parish to be paved at the request of two-thirds of the property owners; recovery of penalties levied under this Act; appeals; civil procedures issues and status of this Act.

Christchurch, Middlesex Improvement Act (1788)

5. According to its long title, the purpose of the *Christchurch, Middlesex Improvement Act (1788)* ("the 1788 Act") was to explain and amend the 1772 Act.

6. The *preamble* to the 1788 Act recorded that the Commissioners had caused most of the streets identified in the 1772 Act to be paved "but find that the Money authorised to be borrowed by the said Act as aforesaid is insufficient to answer the several Purposes thereby intended". Debts of £1513 or more had arisen. Moreover the 1772 Act had been found to need amendment in certain respects.

¹¹⁸ Paviors and turncocks were officials entrusted with the laying of pavements (paviors) and the turning on of water from the mains to supply pipes (turncocks).

¹¹⁹ In today's currency, this amounted to approximately seven pence in the pound.

7. Accordingly the 1788 Act provided as follows-
- (a) the Commissioners were authorised, for the purposes of the 1772 Act, to borrow additional moneys on the security of the rates and by means of granting annuities; the maximum amount of such additional moneys was £2000
 - (b) new procedures for adjourning meetings of the Commissioners
 - (c) replacing the provisions in the 1772 Act about the levying of rates for paving works
 - (d) penalty for slaughtering livestock in the street or allowing it to wander round the streets; penalty for anti-social activities in the streets (including leaving building materials or rubbish there) and creating obstructions
 - (e) penalty for driving carriages or cattle on the pavements; leaving hoardings or other obstructions in the streets; collecting street rubbish without authority¹²⁰
 - (f) provisions to ensure cellar openings at pavement level were kept properly secure (so as to prevent people falling through)
 - (g) liability to the Commissioners for the costs of repairing broken and damaged pavements caused by bursting and overflowing sewers or by broken and burst water pipes was to fall to the person or company causing the damage
 - (h) the owners of houses with private drains or sewers were to be responsible for their repair; provisions for remedial work to be carried out, at their expense, by the Commissioners
 - (i) provision for charging rates on short-term occupiers of property; unpaid rates to be a charge on the property; collection of rates in cases of death or insolvency; collection of penalties; forms of conviction; status of this Act.

The present position

8. The Commissioners' powers under the 1772 and 1788 Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolitan Local Management Act 1855.¹²¹ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became

¹²⁰ The scavenger was the person responsible in many London parishes and elsewhere for collecting household rubbish and street debris, usually from piles left on the pavement. Each parish would employ several scavengers.

¹²¹ 18 & 19 Vict. c.120.

vested in parish vestries or in district boards.¹²² In the case of the parish of Christ Church, the Commissioners' functions passed to the Board of Works for the Whitechapel District.¹²³ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹²⁴ and now mostly vest in the London Borough of Tower Hamlets, although responsibility for maintaining the streets of Tower Hamlets is shared between the borough and Transport for London.

9. Accordingly responsibility for providing public street cleaning, lighting, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.¹²⁵ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

10. Since none of the services for which the 1772 or 1788 Acts were passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1772 and 1788 Acts have become obsolete in their entirety. Their repeal is proposed on that basis.

Consultation

11. The Department for Communities and Local Government, Transport for London, the London Borough of Tower Hamlets, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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¹²² The 1855 Act, s 90.

¹²³ The 1855 Act, Sch B.

¹²⁴ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

¹²⁵ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

12 Geo.3 c.65 (1772) (St George’s Fields, Surrey: Right of Commons Extinguished Act)	The whole Act.
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St George’s Fields, Surrey: Right of Commons Extinguished Act (1772)

1. This note proposes the repeal of an obsolete 1772 Act relating to the extinguishing of a right of common over land in St George’s Fields in Southwark.¹²⁶

2. According to its long title, the purpose of the *St George’s Fields, Surrey: Right of Commons Extinguished Act* of 1772 (“the 1772 Act”) was “to extinguish the Right of Common upon an Acre of Ground called White Lyon, or Hangman’s Acre, in Saint George’s Fields, in the County of Surrey.

3. The *preamble* to the 1772 Act recorded the need to move the existing house of correction¹²⁷ in Southwark to a new site. The existing house of correction was said to be “too small, unhealthy, inconvenient, and unsafe, and Persons committed to the [house of correction] for Felony cannot be kept separate from those committed for small Misdemeanours, which greatly tends to the Ruin and entire Corruption of the latter”.

4. The preamble also recorded that a suitable site for a new house of correction had been found. An acre of open land in St George’s Fields called White Lyon (or Hangman’s Acre) near the Kings Bench prison had been earmarked for the purpose. The only problem was that the owners of the land enjoyed a right of common over it. Since the land could not be built on whilst this right of common remained in force, an Act of Parliament was needed to extinguish that right.

5. Accordingly the 1772 Act provided that all rights of common and pasture over this acre of land should be extinguished with immediate effect. This enabled building work on the house of correction to start, the work being completed in early 1773.¹²⁸

¹²⁶ St George’s Fields is today in the London Borough of Southwark.

¹²⁷ Houses of correction provided for the custody of persons convicted of comparatively minor offences. By 1865 all distinctions between houses of correction and prisons had been abolished: Prison Act 1865 (28 & 29 Vict. c.126)

¹²⁸ The house of correction remained in use until 1798 when its inmates were transferred to Horsemonger Lane Gaol. The building was later used as a soap factory.

6. The 1772 Act became spent upon taking effect at Royal Assent. Its single purpose was to extinguish the common rights over the acre of land called White Lyon. Once this was done the 1772 Act ceased to have any effect. It has therefore been obsolete for more than two centuries and its repeal is now proposed on that basis.

Consultation

7. The London Borough of Southwark has been consulted about this repeal proposal.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
16 Geo.3 c.31 (1776) (Theatre Royal, Covent Garden Act)	The whole Act.

Theatre Royal, Covent Garden Act (1776)

1. This note proposes the repeal of an obsolete 1776 Act relating to a charitable fund established for the benefit of incapacitated actors and their families.

2. According to its long title, the purpose of the *Theatre Royal, Covent Garden Act of 1776* (“the 1776 Act”) was-

for securing a Fund, belonging to certain Persons of the Theatre Royal, Covent-garden, applicable to charitable Uses; and for other Purposes.

Background

3. The Theatre Royal, Covent Garden (“the Theatre”) is today better known as the Royal Opera House. It opened in 1732 and was primarily a playhouse until 1847 when the Theatre was re-named as the Royal Italian Opera, being finally re-named as the Royal Opera House in 1892. It is entirely separate from another ancient theatre that still exists – the Theatre Royal, Drury Lane.

The 1776 Act

4. According to the preamble to the 1776 Act, money was collected at the Theatre in or around 1765-

towards the charitable Purposes of establishing a Fund, for the Support of such Performers belonging to the said Theatre as, through Age, Infirmary, or Accident, should be obliged to retire from the Stage; and to the occasional Relief of Performers in case of Sickness; and also to the Relief and Support of the Widows and Children of deceased Performers belonging to the said Theatre.

5. The *preamble* also recorded that the money now held for these purposes amounted to £4300 and was being held in a Fund (“the Fund”) by certain trustees.

6. The 1776 Act provided as follows-

(a) the subscribers to the Fund were incorporated as *The Society established for the Relief of indigent Persons belonging to the Theatre Royal, Covent-garden*

(b) a Committee was appointed to manage the Fund, with powers to make byelaws governing the Society and to appoint a treasurer and other

officers; future elections to the Committee; majority of Committee members to belong to or be employed at the Theatre
(c) status of this Act.

7. The Fund no longer exists in any independent form. It appears to have been absorbed by a separate charity, the Actors' Benevolent Fund,¹²⁹ soon after that charity was established in 1882. Meanwhile another charity, *The Royal Opera House Benevolent Fund*,¹³⁰ exists primarily for the benefit of past and present employees, directors and trustees of the Theatre and their dependants. It does not exist to provide direct benefits for artistes or performers at the Theatre or their dependants.¹³¹

8. Given that the Fund no longer exists in any independent form, it follows that the 1776 Act has ceased to serve any useful purpose. Its repeal is proposed on that basis.

Consultation

9. The Royal Opera House, Covent Garden, the Actors' Benevolent Fund and the Charity Commission have been consulted about these repeal proposals.

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¹²⁹ Registered charity No 206524. The 1776 Act does not form any part of the constitution of the Actors' Benevolent Fund.

¹³⁰ Registered charity No 200002.

¹³¹ A separate registered charity (No 209046) called the Drury Lane Theatrical Fund provides benefits to performers (and their dependants) at the Theatre Royal, Drury Lane. The origin of this charity is an Act of 1776 (16 Geo.3 c.13).

17 Geo.3 c.23 (1776) (London Streets Act)	The whole Act.
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London Streets Act (1776)

1. This note proposes the repeal of an obsolete 1776 Act that provided for the lighting and policing of a road now in the London Borough of Southwark.

2. According to its long title, the purpose of the *London Streets Act (1776)* (“the 1776 Act”) was-

for lighting and watching the Turnpike Road leading from the Stones End next Blackman-Street,¹³² in the Parish of Saint Mary, Newington, in the County of Surrey, to the Bridge at Walworth,¹³³ in the same Parish, and the several Roads, Ways, and Places, therein described, communicating therewith.

3. The *preamble* to the 1776 Act recorded that the turnpike road from the road known as Stones End to the bridge at Walworth was much used by night-time travellers and was not properly “lighted or watched: and Robberies and other Offences are frequently committed therein”.

4. The 1776 Act provided as follows-

- (a) appointment of Trustees to carry out this Act; appointment of replacement Trustees; time and place of their meetings; Justices of the Peace qualified to act as Trustees
- (b) power for the Trustees to appoint clerks, collectors and other officers including a treasurer who had to account to the Trustees quarterly
- (c) the Trustees were authorised to take steps for the lighting and watching of the turnpike road and neighbouring roads; power to appoint watchmen and supervisors for the watchmen
- (d) penalty for breaking road lamps; Trustees’ power to enter contracts for the provision of road lighting
- (e) the Trustees were authorised to levy rates to fund the watching and lighting; liability of each inhabitant to pay rates (not to exceed six pence in the pound); special provisions for houses in multiple occupation; exemptions; duties of rate collectors; penalties for non payment

¹³² Blackman Street occupied part of the road that is now Borough High Street. Stones End is a road adjoining Borough High Street at its southern end near Newington Causeway.

¹³³ This is a reference to London Bridge.

(f) authority for the Trustees to borrow up to £500 on the security of the rates; exemptions for roads covered by other watching and lighting arrangements

(g) expenses and status of this Act; appeals; civil procedure issues.

5. Responsibility for providing street lighting and policing has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.¹³⁴ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

6. Since none of the services for which the 1776 Act was passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1776 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Consultation

7. The Department for Communities and Local Government, the London Borough of Southwark and the Local Government Association have been consulted about these repeal proposals.

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¹³⁴ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.49 (1778) (Ratcliff Highway Act)	The whole Act.

Ratcliff Highway Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed following the construction and improvement of roads in the east end of London (today within the London Borough of Tower Hamlets).

2. According to its long title, the purpose of the *Ratcliff Highway Act* of 1778 (“the 1778 Act”) was-

for applying the Sum of One thousand Pounds, to arise out of the Surplusses of a certain Fund commonly called The Orphans Fund, for the Purpose of opening Communications between Wapping-street¹³⁵ and Ratcliff – highway,¹³⁶ and between Old Gravel-lane¹³⁷ and Virginia-street, within the Parishes of Saint George and Saint John of Wapping, in the County of Middlesex.

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹³⁸ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹³⁹ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹⁴⁰

4. The *preamble* to the 1778 Act recorded that an Act of 1776¹⁴¹ (“the 1776 Act”) had been passed “for opening Communications between Wapping-street and Ratcliff-highway, and between Old Gravel-lane and Virginia-street; and for paving certain Streets intended to be built, and also certain other Streets and publick Passages and Places within the Parishes of Saint George and Saint John of Wapping, in the County of Middlesex”.

¹³⁵ Today this is Wapping High Street.

¹³⁶ This is the road running from the City to Limehouse and is today called “The Highway”.

¹³⁷ Today this is called “Wapping Lane”.

¹³⁸ 5 & 6 Will. & Mar. c.10.

¹³⁹ Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹⁴⁰ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹⁴¹ 17 Geo.3 c.22 (London : Streets). This Act was repealed by SR&O 1901/276.

5. The preamble also recorded that it was reasonable that the parishioners of those parishes, being contributors to the Fund,¹⁴² should receive some benefit from the Fund.

6. The 1778 Act provided as follows-

- (a) the City of London was required to pay annuities of £45 (by equal half yearly payments) to the Commissioners appointed by the 1776 Act, the first payment to be made on 24 June 1778
- (b) to secure the payment of these annuities, the City of London was required to issue 10 bonds, each bond to secure £100
- (c) the Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of building the roads authorised by the 1776 Act
- (d) the City of London was empowered to redeem the annuities by giving six months' notice
- (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹⁴³ show that in January 1824 sufficient moneys were paid by the City to discharge the 10 bonds of £100 each that the City issued to secure the annuity payments required by the 1778 Act. This repayment ended the City's liabilities under the 1778 Act which thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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¹⁴² By virtue of the coal and wine duties ultimately borne by the parishioners.

¹⁴³ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphan's Fund.

18 Geo.3 c.50 (1778)
(Goodman's Fields Act)

The whole Act.

Goodman's Fields Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed in connection with the widening of certain streets that are today within the City of London and the London Borough of Tower Hamlets.

2. According to its long title, the purpose of the *Goodman's Fields Act* of 1778 ("the 1778 Act") was-

for applying the Sum of One thousand five hundred Pounds, to arise out of the Surplusses of a certain Fund, commonly called The Orphans Fund, for the Purpose of widening certain Avenues leading into Goodman's Fields,¹⁴⁴ in the County of Middlesex.¹⁴⁵

3. The Orphans Fund ("the Fund") referred to in the long title was established by an Act of 1694¹⁴⁶ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹⁴⁷ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹⁴⁸

4. The *preamble* to the 1778 Act recorded that-

the Three principal Avenues, from The Minories, through Goodman's Yard, into Prescott-street; and from The Minories, through Swan-street and Swan-alley, into Mansell-street; and from Whitechapel or Aldgate High-street, through Somerset-street, into Great Mansell-street, in the Parishes of Saint Mary Whitechapel and Saint Botolph Aldgate, in the County of Middlesex, are great Thoroughfares, and being very narrow, the Passage through the same is dangerous, and frequent Delays and Inconveniencies are occasioned thereby, and it would therefore be of great publick Utility to have the said Avenues widened sufficiently to make the Passage through the same safe and commodious.

¹⁴⁴ Goodman's Fields is today the area bounded by Prescott Street, Lemn Street, Mansell Street and Alie Street. The area was named after Roland Goodman who farmed the area in the 16th century. The farm belonged to the Minories of St Clare (hence the street name *The Minories*).

¹⁴⁵ The county of Middlesex dated back to the 10th century. Much of the area became part of the county of London with the passing of the Local Government Act 1888. Middlesex ceased to exist as a separate administrative area with the formation of the new county of Greater London in 1965.

¹⁴⁶ 5 & 6 Will. & Mar. c.10.

¹⁴⁷ Much of the Fund's wealth came from receipts from the duties on coal and wine imported into the City of London.

¹⁴⁸ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

5. The preamble also recorded that it was reasonable that the sum of £1500 should be applied from the surpluses of the Fund towards the cost of the proposed road widening work.

6. The 1778 Act provided as follows-

- (a) the City of London was required to pay annuities of £67.50 (by equal half yearly payments) to the Commissioners appointed to carry out the road widening work,¹⁴⁹ the first payment to be made on 24 June 1778
- (b) to secure the payment of these annuities, the City of London was required to issue 15 bonds, each bond to secure £100 and to pay an annuity at the rate of 4.5%
- (c) the Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of the road widening work
- (d) the City of London was empowered to redeem the annuities by giving six months' notice
- (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹⁵⁰ show that in January 1824 sufficient moneys were paid by the City to discharge the 15 bonds of £100 each issued by the City to secure the annuity payments required by the 1778 Act. This repayment ended the City's liabilities under the 1778 Act which thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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¹⁴⁹ These Commissioners were John Leman, John Newnham and Edward Hawkins.

¹⁵⁰ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphan's Fund.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.51 (1778) (Southwark Streets Act)	The whole Act.

Southwark Streets Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed in connection with the paving of the streets of Southwark.

2. According to its long title, the purpose of the *Southwark Streets Act of 1778* (“the 1778 Act”) was-

for applying the Sum of Four thousand Pounds, to arise out of the Surplusses of a certain Fund, commonly called The Orphans Fund, towards completing the paving of the Town and Borough of Southwark, and certain Parts adjacent, in the County of Surrey.

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹⁵¹ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹⁵² the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹⁵³

4. The *preamble* to the 1778 Act recorded that an Act of 1766¹⁵⁴ (“the 1766 Act”) had been passed “for paving the Streets and Lanes within the Town and Borough of Southwark, and certain Parts adjacent; and for cleansing, lighting and watching the same; and also the Courts, Yards, Alleys, and Passages, adjoining thereto; and for preventing Annoyances therein”.

5. The preamble also recorded that the Commissioners responsible for carrying out the paving works authorised by the 1766 Act had been unable to complete the works because of the lack of funds. Moreover the preamble noted that it was reasonable that the sum of £4000 should be applied from the surpluses of the Fund towards the completing of the paving works.

¹⁵¹ 5 & 6 Will. & Mar. c.10.

¹⁵² Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹⁵³ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹⁵⁴ 6 Geo.3 c.24 (Streets, Southwark). This Act was repealed by the Southwark Improvement Act 1845 (8 & 9 Vict. c.xiii), s 1; SR & O 1901/264, 275.

6. The 1778 Act provided as follows-
- (a) the City of London was required to pay annuities of £180 (by equal half yearly payments) to the Commissioners appointed by the 1766 Act, the first payment to be made on 24 June 1778
 - (b) to secure the payment of these annuities, the City of London was required to issue 40 bonds, each bond to secure £100 and to pay an annuity at the rate of 4.5%
 - (c) the Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of the paving works authorised by the 1766 Act
 - (d) the City of London was empowered to redeem the annuities by giving six months' notice
 - (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹⁵⁵ show that in October 1824 and January 1825 sufficient moneys were paid by the City to discharge the 40 bonds of £100 each issued by the City to secure the annuity payments required by the 1778 Act. This repayment ended the City's liabilities under the 1778 Act, which thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the London Borough of Southwark have been consulted about these repeal proposals.

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¹⁵⁵ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphan's Fund.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.73 (1778) (London Streets Act)	The whole Act.

London Streets Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed to authorise the paving of the central London road from Aldersgate Street to Goswell Street.¹⁵⁶

2. According to its long title, the purpose of the *London Streets Act* of 1778 (“the 1778 Act”) was-

for paving the High Street or Road leading from Aldersgate-bars,¹⁵⁷ in the parish of Saint Botolph without Aldersgate, London, to the Turnpike near the End of Goswell-street, in the County of Middlesex; and for applying the Sum of Five thousand Pounds, to be raised upon the Credit of the Surplusses to arise out of a certain Fund commonly called The Orphans Fund, for such Purpose.

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹⁵⁸ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹⁵⁹ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹⁶⁰

4. The *preamble* to the 1778 Act¹⁶¹ recorded that “the Pavement of the High Street or Road leading from Aldersgate-bars ... to the Turnpike near the End of Goswell-street ... is in a ruinous Condition, and very dangerous to Passengers”. The preamble also recorded that the City of London was willing to use £5000 from the surpluses of the Fund to carry out the paving work.

¹⁵⁶ Aldersgate Street today runs from the northern end of St Martin’s Le Grand until it merges with Goswell Road. In 1778 Aldersgate Street merged with Goswell *Street* (as it was then called) close to the junction of Long Lane and Beech Street, with Goswell Street running north past Old Street. Aldersgate Street remains within the City of London. Goswell Road falls within the London Borough of Islington.

¹⁵⁷ A bar was the name commonly given to a city gate (derived from *barrier*).

¹⁵⁸ 5 & 6 Will. & Mar. c.10.

¹⁵⁹ Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹⁶⁰ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹⁶¹ The preamble also recited at length the uses to which the Fund had been put in terms of funding and underwriting public construction projects in London during the earlier part of the eighteenth century.

5. The 1778 Act provided as follows:
- (a) the City of London was authorised to pave the high street or road from Aldersgate-bars to the turnpike near the end of Goswell Street (“the Road”), and to pull up the existing pavement
 - (b) Commissioners were appointed to oversee the paving works; Commissioners’ acts and proceedings to be recorded in a book
 - (c) authority for digging up the Road and clearing away obstructions; employment of contractors to carry out the works; contract work to be advertised in advance
 - (d) penalties for obstructing or damaging the work in progress; the old and new paving materials to belong to the City of London; authority to sell old paving material
 - (e) City of London authorised to raise £5000 for the paving works, using the Fund as security; the persons advancing the £5000 were to be given redeemable annuities at the rate of 4.5%, such annuities to be secured by bonds issued by the City of London; the Fund was charged with the payment of the annuities; annuities to be redeemable by the City of London (upon giving six months’ notice) out of the surpluses of the Fund
 - (f) Chamberlain of the City of London to keep an account of receipts and disbursements arising under this Act; appointment of officers to give effect to this Act; penalties for officers who misapply monies or take unauthorised fees
 - (g) savings; civil procedure issues; application of penalties; expenses and status of this Act.

6. The paving of the Road was duly completed in 1784. The provisions of the 1778 Act for raising finance ceased to have effect once the final annuity ceased to be payable. Since the annuities were redeemable out of the surpluses of the Fund, the final annuity would have been paid off by 1832 when the Fund was effectively wound up. The 1778 Act is accordingly now spent and its repeal is proposed on that basis.

Consultation

7. The City of London Corporation and the London Borough of Islington have been consulted about these repeal proposals.

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18 Geo.3 c.77 (1778) (Shoreditch Streets Act)	The whole Act.
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Shoreditch Streets Act of 1778

1. This note proposes the repeal of an obsolete eighteenth century Act passed to authorise improvements to certain streets in Shoreditch, an area that is today within the London Borough of Hackney and Tower Hamlets.

2. According to its long title, the purpose of the *Shoreditch Streets Act* of 1778 (“the 1778 Act”) was-

for paving and repairing the Streets, Lanes, and other publick Passages and Places, within such Part of the Liberty of Norton Folgate, in the County of Middlesex, as is extra-parochial;¹⁶² and certain Parts of Magpie-alley,¹⁶³ and Blossom-street, in the Parish of Saint Leonard Shoreditch, in the said County; and for removing Obstructions and Annoyances therein.

3. The *preamble* to the 1778 Act recorded that the several streets and other passages and places within the extra-parochial part of the Liberty of Norton Folgate “are extremely ill paved, and greatly obstructed by Posts, and annoyed by Signs, Spouts, and Gutters, and other Incroachments projecting into and over the same”. The preamble also recorded that parts of Magpie Alley and Blossom Street lay within a part of the Liberty of Norton Folgate that fell within the parish of St Leonard Shoreditch, and that it would be advantageous for the inhabitants of that part if it were to be covered by the provisions of this Act.

4. The 1778 Act provided as follows:

- (a) appointment of Commissioners to give effect to this Act; election of successors; meetings of Commissioners; qualification for being a Commissioner; employment of clerks and other officers
- (b) Commissioners were authorised to pave and repair (1) the extra-parochial streets of Norton Folgate, and (2) the parochial part of Magpie Alley and Blossom Street

¹⁶² Norton Folgate (formerly Norton *Falgate*) connects Bishopsgate with Shoreditch High Street. Until its absorption into the borough of Stepney in 1900, Norton Folgate was a Liberty or enclave outside the normal parochial administrative system. A Liberty was a geographical area falling outside the usual administrative system of the county, borough or parish in which it was situated.

¹⁶³ Magpie Alley is today known as Fleur de Lis Street. It lies close to Norton Folgate, as does Blossom Street.

- (c) Commissioners were authorised to dig up the streets, enter contracts for the carrying out of the work and sell off the old pavements; penalty for interrupting the paving work
- (d) Commissioners to be given notice of any paving works that affected any sewer, drain or water pipe; Commissioners authorised to enter contracts with water companies for the re-laying of pavements; Commissioners to pay the cost of moving water pipes; procedure in event of burst water pipes; penalty for water company failing to repair damaged pipes
- (e) no alterations to be made to the newly-laid pavements without the Commissioners' consent; Commissioners authorised to put gratings over sewers
- (f) penalty for driving or leading cattle on the pavements; penalty for leaving rubbish on the pavements; pavements to be swept every day between 0600 and 1000 (except Sundays); houses to be numbered; signs, projections and other encroachments over the pavements and streets to be removed
- (g) Commissioners authorised to levy annual rates on every occupant of property in the streets covered by the 1778 Act; rates not to exceed 1 shilling and eight pence in the pound;¹⁶⁴ appointment of rate collectors; penalty for negligent rate collectors and for those failing to account for money received; power to levy supplementary rate
- (h) rates to be collected quarterly; special provisions for properties having several occupiers in the same year; provisions for properties that were tenanted or in multiple occupation
- (i) to supplement the rate income, the Commissioners were authorised to raise up to £5000 by borrowing against the security of the rates and selling annuities; assignment of annuities
- (j) this Act was to extend to Magpie Alley and that part of Blossom Street situated in the parish of St Leonard Shoreditch
- (k) penalties under this Act; keeping of accounts; appeals; civil procedure issues; expenses and status of this Act; savings; Act not to extend to that part of Hog Lane that was situated within the Liberty of Norton Folgate.

The present position

5. The Commissioners' powers under the 1778 Act ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Local Management Act

¹⁶⁴ Equivalent to approximately 8 pence in modern currency.

1855.¹⁶⁵ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.¹⁶⁶ In the case of the Liberty of Norton Folgate, the Commissioners' functions passed to the Board of Works for the Whitechapel District.¹⁶⁷ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹⁶⁸ and now mostly vest in the London Boroughs of Hackney and Tower Hamlets, although responsibility for maintaining the streets in the boroughs is shared between the two boroughs and Transport for London.

6. Accordingly responsibility for paving and maintaining public streets has long ceased to vest in individual parishes or Liberties but has passed to local and county councils and the London boroughs. Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

7. Since none of the highway services for which the 1778 Act was passed are today provided or funded by parishes or Liberties but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1778 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

Consultation

8. The Department for Communities and Local Government, Transport for London, the London Borough of Hackney, the London Borough of Tower Hamlets, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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¹⁶⁵ 18 & 19 Vict. c.120.

¹⁶⁶ The 1855 Act, s 90.

¹⁶⁷ The 1855 Act, Sch B, Pt 1.

¹⁶⁸ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
18 Geo.3 c.78 (1778) (Spitalfields Streets Act)	The whole Act.
22 Geo.3 c.43 (1782) (Spitalfields Improvement Act)	The whole Act.

Spitalfields Streets Act of 1778/ Spitalfields Improvement Act of 1782

1. This note proposes the repeal of two obsolete eighteenth century Acts passed in connection with the construction of a street that is today situated within the City of London and the London Borough of Tower Hamlets.

Spitalfields Streets Act (1778)

2. According to its long title, the purpose of the *Spitalfields Streets Act* of 1778 (“the 1778 Act”) was-

*for applying the Sum of Nine thousand Pounds, to arise out of the Surplusses of a certain Fund, commonly called The Orphans Fund, for the Purpose of making a Passage for Carriages from Spitalfields to Bishopsgate-street, in the County of Middlesex.*¹⁶⁹

3. The Orphans Fund (“the Fund”) referred to in the long title was established by an Act of 1694¹⁷⁰ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,¹⁷¹ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.¹⁷²

4. The *preamble* to the 1778 Act recorded that-

*it will be of great publick Benefit to have a Passage commodious for Carriages from Crispin-street near Spitalfields Church, in the Parish of Christchurch and County of Middlesex, into Bishopsgate-street, whereby an easy Communication for Carriages may be made between Moorfields and the great Road called Whitechapel Road.*¹⁷³

¹⁶⁹ The county of Middlesex dated back to the 10th century. Much of the area became part of the county of London with the passing of the Local Government Act 1888. Middlesex ceased to exist as a separate administrative area with the formation of the new county of Greater London in 1965.

¹⁷⁰ 5 & 6 Will. & Mar. c.10.

¹⁷¹ Much of the Fund’s wealth came from receipts from the duties on coal and wine imported into the City of London.

¹⁷² London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

¹⁷³ The street constructed pursuant to this Act appears to be the thoroughfare that is today known as Brushfield Street which runs west from Commercial Street to Bishopsgate. Brushfield Street was formerly known as Paternoster Row, and then as Union Street before being renamed as Brushfield Street in 1870.

5. The preamble also recorded that it was reasonable that the sum of £9000 should be applied from the surpluses of the Fund towards the cost of the proposed road works.

6. The 1778 Act provided as follows-

- (a) the City of London was required to pay annuities of £405.00 to the Commissioners (“the 1778 Commissioners”) appointed to carry out the road works,¹⁷⁴ the first payment to be made on 24 June 1778
- (b) to secure the payment of these annuities, the City of London was required to issue 90 bonds, each bond to secure £100 and to pay an annuity at the rate of 4.5%
- (c) the 1778 Commissioners were empowered to sell the bonds, the proceeds to be used (after payment of the costs of passing the 1778 Act) for meeting the costs of the road works
- (d) the City of London was empowered to redeem the annuities by giving six months’ notice
- (e) the Fund was charged with the annuity payments; status of this Act.

7. The 1778 Act has long ceased to serve any useful purpose. Records held at the London Metropolitan Archives¹⁷⁵ show that in October 1824 sufficient moneys were paid by the City to discharge the 90 bonds of £100 each issued by the City to secure the annuity payments required by the 1778 Act. This repayment ended the City’s liabilities under the 1778 Act, which thereupon became unnecessary. Its repeal is proposed on that basis.

Spitalfields Improvement Act (1782)

8. According to its long title, the purpose of the *Spitalfields Improvement Act* of 1782 (“the 1782 Act”) was-

for making a Passage for Carriages from Spitalfields to Bishopsgate-street, in the County of Middlesex, and for paving the same; and for appropriating to those Purposes the Money arisen by virtue of [the 1778 Act]...

9. The *preamble* to the 1782 Act recorded that bonds to the value of £9000 had indeed been paid by the City to the 1778 Commissioners in accordance with the 1778 Act. Moreover the 1778 Commissioners had purchased additional such bonds

¹⁷⁴ These Commissioners were John Spiller and John Baker (junior).

¹⁷⁵ Annual accounts of the Chamberlain of the City of London: account of the annual produce and outgoings of the Orphans Fund.

(making a total of 105) and were in possession of £300 cash. Finally the preamble noted that “the making of the said Passage for Carriages, and properly paving the same, would be of great Utility to the Publick”.

10. The 1782 Act provided as follows-

- (a) appointment of new Commissioners (“the 1782 Commissioners”) to implement this Act; meetings of the 1782 Commissioners; quorum for meetings and qualifications of the 1782 Commissioners
- (b) the 1782 Commissioners authorised to appoint a clerk, treasurer, surveyor and other officers; duties of officers and penalties for misbehaviour
- (c) the 1778 Commissioners were required to hand over all the bonds and cash in their possession to the 1782 Commissioners
- (d) the 1782 Commissioners were authorised to design and lay out the new street (“the Street”) from Crispin Street to Bishopsgate Street with power to purchase compulsorily all land, houses and premises (as described in the Schedule to the 1782 Act) necessary for the purpose; power to demolish premises and dispose of materials
- (e) the 1782 Commissioners were authorised to lay new sewers in the Street (and to repair existing sewers), and to alter existing water pipes as necessary
- (f) powers to facilitate the purchase of land and premises by the 1782 Commissioners including the exercise of compulsory purchase powers and calculation of compensation; compulsory purchase powers to expire after five years (ie after 1787); power to sell surplus lands
- (g) 1782 Commissioners authorised to construct new buildings in, and archways over, the Street; all new buildings in the Street to be set out in regular and uniform style; power to mortgage any houses pending their demolition
- (h) 1782 Commissioners authorised to contract for the Street to be paved and to engage workmen for the purpose; penalties for anyone obstructing the necessary works; responsibility for paving, cleansing, lighting, watching and regulating the Street was to pass, once the Street was completed, to the Commissioners responsible for the area in which the Street was situated¹⁷⁶

¹⁷⁶ The Commissioners to whom this responsibility passed were the Commissioners responsible for the streets of (1) the parish of Christ Church (in the County of Middlesex) and (2) the City of London.

- (i) expense of this Act; recovery and application of penalties; appeals; civil procedure issues; status of this Act.

The present position

11. The 1782 Act is now obsolete. It ceased to serve any useful purpose in 1786 when the Street was completed and became known as Union Street (today renamed as Brushfield Street). Its repeal is now proposed on that basis.

Consultation

12. The City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
28 Geo.3 c.62 (1788) (St Peter le Poor Parish Church Act)	The whole Act.

St Peter le Poor Parish Church Act (1788)

1. This note proposes the repeal of an obsolete 1788 Act passed for the rebuilding of a London church that has since been demolished.

2. According to its long title, the purpose of the *St Peter le Poor Parish Church Act* of 1788 (“the 1788 Act”) was-

for pulling down and rebuilding the Parish Church of Saint Peter le Poor, within the City of London, and for widening the Street adjacent.

3. The *preamble* to the 1788 Act recorded that the parish church of St Peter le Poor in Broad Street in the City of London¹⁷⁷ was “in a very decayed and ruinous Condition, and the Parishioners ... having taken into Consideration the great Expencc that must necessarily attend the repairing [of] the said Church, have judged it adviseable to pull down and rebuild the same.” The preamble also recorded that the street at the point where the church was situated was very narrow so that its widening would be a public benefit.

4. The 1788 Act provided as follows-

- (a) appointment of Trustees to carry out the 1788 Act; replacement and qualification of Trustees
- (b) Trustees’ powers to appoint a treasurer and other officers; meetings of Trustees
- (c) Trustees authorised to take down the existing church (together with an adjoining house and other properties), erect a new church on the site and leave unbuilt sufficient land so as to increase the width of Broad Street to 30.5 feet; power to dispose of unused land
- (d) Trustees authorised to provide a place for holding meetings and solemnising marriages pending the building of the new church; safeguarding of monuments

¹⁷⁷ The church (otherwise known as St Peter le Poer) existed as early as 1181 when it was situated on the west side of what is now Old Broad Street.

- (e) Trustees' powers to contract for the demolition and building works; Trustees' powers to borrow money (up to £8,000) to fund the works (including by means of granting annuities)
- (f) Trustees' powers to raise money to provide security for their borrowings by levying a rate on every resident in the parish of St Peter le Poor, the rate to be payable quarterly and to cease once the borrowing had been repaid
- (g) Trustees' powers to buy land and buildings adjoining the existing church to facilitate the building of the new church and the widening of Broad Street, and to pay compensation for any resulting loss or damage; procedure for assessing purchase price; conveyancing provisions
- (h) expenses and status of this Act; civil procedure issues.

5. The church was duly demolished and re-built in accordance with the 1788 Act. The architect was Jesse Gibson who completed the re-building in 1792. The widening of Old Broad Street was achieved by the new church being set further back than the old church. Falling City congregations, however, meant that the church was eventually considered redundant. It was finally demolished in 1907, the proceeds from the sale being used to fund the St Peter-le-Poer church in Friern Barnet (north London). The site in Old Broad Street is today occupied by the Stock Exchange Branch of the HSBC Bank (No.122)

Conclusion

6. The 1788 Act has long been obsolete. Most of it became spent with the re-building of the new church in 1792. The annuities granted by the Trustees would have expired upon the death of the final annuitant, probably well before 1850. Accordingly the 1788 Act can no longer serve any useful purpose and its repeal is proposed on that basis.

Consultation

7. The Bishop of London, the City of London Corporation, the Legal Office of the Church of England and St Peter-le-Poer Friern Barnet have been consulted about these repeal proposals.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
30 Geo.3 c.76 (1790) (Hans Town, Chelsea Improvement Act)	The whole Act.
43 Geo.3 c.xi (1803) (Hans Town (Chelsea) Improvement Act)	The whole Act.

Hans Town, Chelsea Improvement Act (1790)
Hans Town (Chelsea) Improvement Act (1803)

1. This note proposes the repeal of two obsolete Acts passed in 1790 and 1803 to make improvements to the area around Sloane Street, Chelsea known as Hans Town.

Background

2. Until the 1770s the area stretching from Knightsbridge in the north to the Kings Road in the south was still mostly fields and market gardens. During the 1770s the outward spread of London led the architect Henry Holland to put forward an ambitious scheme to develop the area, which was then known as Hans Town.¹⁷⁸ He was granted a building lease by the Earl of Cadogan,¹⁷⁹ and the development of the area unfolded over the next 50 years.

3. The two Acts covered by this note were consequential upon the building rights granted to Henry Holland to develop Hans Town. The Act of 1790 authorised the creation and repair of the public streets and passages with powers to light, clean, repair, pave and appoint watchmen. Commissioners were appointed to supervise these works and their powers were enlarged by the Act of 1803.

Hans Town, Chelsea Improvement Act (1790)

4. According to its long title, the purpose of the *Hans Town Chelsea Improvement Act of 1790* (“the 1790 Act”) was-

for forming and keeping in Repair the Streets, and other publick Passages and Places, within a certain District in the Parish of Saint Luke Chelsea, in the County of Middlesex, called Hans Town, and for otherwise improving the same.

¹⁷⁸ Hans Town, which comprised about 90 acres, was named after Sir Hans Sloane (1660 - 1753) who purchased the manor of Chelsea in 1712. Sloane Square, Sloane Street, Sloane Gardens, Hans Street, Hans Crescent, Hans Place and Hans Road are all named after him. He was President of the Royal Society and President of the Royal College of Physicians.

¹⁷⁹ The Earl had acquired the land through marrying one of Sir Hans Sloane’s daughters. The land remains part of the Cadogan Estate.

5. The *preamble* to the 1790 Act recorded the lease of 89 acres of land in Hans Town granted by the Earl of Cadogan to Henry Holland and the fact that Henry Holland had already constructed “a commodious Carriage Way or Street, called Sloane Street” running from Knightsbridge across the land. The preamble also stated that the benefit and safety of the inhabitants and visitors to the area would be enhanced if provision were made “for forming and paving, or otherwise repairing and keeping in Repair [the streets] and also for cleansing, lighting, watching, and watering the said Streets... and keeping the same free from all Nuisances, Annoyances, and Incroachments”.

6. The 1790 Act accordingly provided as follows-

- (a) appointment and qualification of Commissioners to implement the Act;¹⁸⁰ meetings of the Commissioners, the first to be held at the Cadogan Arms on 24 June 1790
- (b) the Commissioners were authorised to appoint officers including a treasurer, clerk, surveyor and a collector of rates; treasurer and collector to account for moneys received by them; penalty for default
- (c) property of the pavements, road surface materials, lamps and watch boxes acquired under this Act were vested in the Commissioners
- (d) the Commissioners were authorised to procure that the streets and public places were paved, cleansed, lit, watched and watered, and obstructions removed
- (e) the Commissioners were authorised to keep every street in repair and paved (the initial work to be carried out by the householders)
- (f) the Commissioners were authorised to erect lamp posts and install lamps to light up the streets; penalty for damaging lamps
- (g) provisions for the Commissioners to enter into contracts for the provision of works under this Act
- (h) all signposts and obstructions belonging to individual houses that encroached on the passage-ways were to be removed by householders; householders to build gutters, down pipes and drains
- (i) penalties for driving carts and carriages on the pavements; slaughtering animals in the streets; leaving carriages or depositing rubbish in the streets

¹⁸⁰ Qualification for the office of Commissioner was subject to the value of one’s property and income.

- (j) the Commissioners were authorised to appoint watchmen to guard the area and prevent crime; the Commissioners were authorised to dig wells and provide pumps to ensure the proper cleansing of the streets
- (k) the Commissioners were authorised to pay the highway surveyors for the parish of St Luke Chelsea four pounds each year in lieu of highway rates for the area; no resident in the area was to be liable to pay highway rates to such surveyors
- (l) the Commissioners were authorised to levy an annual rate on the inhabitants of Hans Town to cover the costs of implementing this Act, the money to be paid to the collector; special provisions for rating empty houses and persons moving home; recovery of rates
- (m) the Commissioners were authorised to borrow money upon the security of the rates, and to raise money by granting annuities
- (n) recovery of penalties; appeals; civil procedure issues; status of this Act.

Hans Town (Chelsea) Improvement Act (1803)

7. According to its short title, the purpose of the *Hans Town (Chelsea) Improvement Act* of 1803 (“the 1803 Act”) was for “amending, altering, and enlarging the Powers” of the 1790 Act.

8. The *preamble* to the 1803 Act recorded that the Commissioners appointed under the 1790 Act had “proceeded in the Execution thereof, to the great Benefit of [Hans Town]” but that amendments to these powers were necessary “in order more effectually to carry the Purposes of the said Act into Execution”.

9. The 1803 Act provided as follows-

- (a) the Commissioners were authorised to appoint contractors to clean the streets and to carry away dust, dirt, cinders or ashes from any premises; the cleaning contractors were to bring carts to each street at least twice weekly; penalty for unauthorised contractors
- (b) the Commissioners were authorised to direct that all carriage-ways were to be filled up properly before being surfaced with gravel, and that pavements were properly posted; power for the Commissioners to require the paving of carriage-ways even in areas not yet built upon
- (c) the Commissioners were authorised to levy a rate in respect of public buildings and dead walls

- (d) all occupiers were to clean and sweep the pavements in front of their houses every day between 8 and 10 AM; penalty for leaving unguarded holes in the streets, beating carpets or exercising horses in the streets, driving carriages on the pavements, or obstructing the Commissioners' officers
- (e) the Commissioners were given additional powers relating to the repair of the streets
- (f) provision for water companies and others to open any street to repair damaged underground water pipes and make good
- (g) provisions for repayment of Commissioners' borrowings; provisions for payment of purchase moneys in particular cases
- (h) expenses and status of this Act; recovery of penalties.

The present position

10. The Commissioners' powers under the 1790 and 1803 Acts ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Local Management Act 1855.¹⁸¹ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.¹⁸² In the case of the parishes in Chelsea the Commissioners' functions passed to the vestry for the parish.¹⁸³ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,¹⁸⁴ and now mostly vest in the Royal Borough of Kensington and Chelsea, although responsibility for maintaining the streets of Kensington and Chelsea is shared between the borough and Transport for London.

11. Accordingly responsibility for providing public street cleaning, lighting, policing and road maintenance has long ceased to vest in the parish but has passed to local and county councils and the London boroughs.¹⁸⁵ Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

¹⁸¹ 18 & 19 Vict. c.120.

¹⁸² The 1855 Act, s 90.

¹⁸³ The 1855 Act, Sch A, Pt 2.

¹⁸⁴ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

¹⁸⁵ Policing expenditure is today covered by means of precepts issued by police authorities under the Local Government Finance Act 1992, Pt 1.

Conclusion

12. Since none of the services for which the 1790 or 1803 Acts were passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1790 and 1803 Acts have become obsolete in their entirety. Their repeal is proposed on that basis.

Consultation

13. The Department for Communities and Local Government, the Cadogan Estate, Transport for London, the Royal Borough of Kensington and Chelsea, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
32 Geo.3 c.64 (1792) (St Bride Church Act)	The whole Act.
36 Geo.3 c.35 (1796) (St Bride's Church, City Act)	The whole Act.

St Bride Church Act (1792)
St Bride's Church, City Act (1796)

1. This note proposes the repeal of two obsolete late eighteenth century Acts relating to the parish of St Bride in the City of London.

St Bride Church Act (1792)

2. According to its long title, the purpose of the *St Bride Church Act* of 1792 ("the 1792 Act") was-

*for repairing, altering, and improving the Parish Church of Saint Bridget, otherwise Saint Bride, in the City of London; and for providing a Workhouse for the same Parish.*¹⁸⁶

3. St Bride's in Fleet Street was among the City churches to be re-built by Sir Christopher Wren following the Great Fire in 1666. St Bride's was further restored following extensive war damage in 1940.

4. The *preamble* to the 1792 Act recorded that the parish church of St Bride had "become much decayed; and a considerable Sum of Money [was] necessary to be raised for repairing, altering, and improving the same". The preamble also recorded that "it would be a great Benefit and Advantage to the said Parish, if a proper and convenient Workhouse was provided for the Reception and Employment of the Poor thereof".

5. The 1792 Act accordingly provided as follows-

- (a) appointment of Trustees (including the vicar, churchwardens and overseers of the poor) to implement the Act; provision for successor Trustees

¹⁸⁶ Most parishes (or unions of parishes) of the day funded at least one workhouse in their area, and the parish of St Bride was no exception. Indeed a workhouse had existed in the parish as early as the 1720s.

- (b) meetings of the Trustees to be held in the parish vestry room; procedure for such meetings including the quorum required; authority for the Trustees to appoint a treasurer, collector and other officers
- (c) the Trustees were authorised to carry out repairs and improvements to the church; they were also authorised to buy or rent any land within the parish on which to build a workhouse
- (d) the Trustees were authorised to enter into contracts for the building and furnishing of the workhouse and for the repairs and improvements to the church; payment of rent for workhouse premises; safeguarding of church monuments during the carrying out of works
- (e) the Trustees were authorised to levy two annual rates on every parish resident (one rate for the church repairs and the other rate for building the workhouse) not exceeding two shillings in total;¹⁸⁷ provision for rating houses in multiple occupation; the rates to cease once the annuities sold pursuant to this Act (see paragraph (g) below) ceased to be payable
- (f) provisions for enforcing recovery of the rates; penalties for non-payment; appeals; collectors to account for rate moneys received by them; application of penalties recovered under this Act
- (g) the Trustees were authorised to raise money (up to £6000) by selling annuities (which were to be charged upon and paid out of the rate moneys); procedure about such annuities
- (h) civil procedure matters; appeals; status of this Act.

St Bride's Church, City Act (1796)

6. According to its long title, the purpose of the *St Bride's Church, City Act* of 1796 ("the 1796 Act") was-

to enable the Trustees for executing [the 1792 Act] to raise a further sum of Money for completing the Purposes of the said Act.

7. The *preamble* to the 1796 Act recorded that, although £6000 had been raised by the sale of annuities pursuant to the 1792 Act, more money was still needed to complete the works to the church and the workhouse.

¹⁸⁷ Ten pence in modern currency.

8. The 1796 Act accordingly provided as follows-
 - (a) the Trustees were authorised to raise a further sum of £6000 by the sale of annuities (which were to be charged upon and paid out of the rate moneys)
 - (b) the moneys raised under this Act were to be used to complete the works to the church and the workhouse
 - (c) the provisions of the 1792 Act were to apply to this Act; status of this Act.

Conclusion

9. The 1792 and 1796 Acts have long been obsolete. The powers given to the Trustees to repair the church and build the workhouse became spent when the repairs and the necessary building work was completed around 1796. Likewise the rate-levying powers ceased upon the death of the final annuitant, probably well before 1850. Accordingly the 1792 and 1796 Acts can no longer serve any useful purpose and their repeal is proposed on that basis.

Consultation

10. The Bishop of London, the City of London Corporation, the Legal Office of the Church of England and St Bride's Church have been consulted about these repeal proposals.

LAW/005/007/06
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<i>Reference</i>	<i>Extent of repeal or revocation</i>
36 Geo.3 c.103 (1796) (St Martin Outwich Church, City Act)	The whole Act.

St Martin Outwich Church, City Act (1796)

1. This note proposes the repeal of an obsolete 1796 Act passed to facilitate the rebuilding of the parish church of St Martin Outwich in the City of London.
2. St Martin Outwich¹⁸⁸ was a medieval parish church in the City of London, on the corner of Threadneedle Street and Bishopsgate. Falling congregations and pressure to release land for street-widening resulted in the church being demolished in 1874 and the parish being combined with St Helen Bishopsgate.
3. According to its long title, the purpose of the *St Martin Outwich Church, City Act* of 1796 (“the 1796 Act”) was “for Rebuilding the Parish Church of Saint Martin Outwich, in Threadneedle Street, within the City of London”.
4. The *preamble* to the 1796 Act recorded that the parish church was “in so decayed and ruinous a Condition, that it is become dangerous for the Inhabitants of the said Parish to attend Divine Service therein”.
5. Accordingly the 1796 Act provided as follows-
 - (a) appointment of Trustees to implement this Act; appointment of successor Trustees; qualifications of Trustees
 - (b) provisions as to meetings of the Trustees; Trustees to appoint a treasurer and other officers; proceedings at meetings
 - (c) the Trustees were authorised to demolish the church and build a new church on the same site; the vestry room was to be used for marriages and baptisms; removal of church monuments to a safe site during the rebuilding works; the Trustees were authorised to enter into contracts for the building works
 - (d) the Trustees were authorised to raise money (up to £3500) by selling annuities or other securities, the money to be secured by the rate moneys to be raised under this Act; procedure about such annuities

¹⁸⁸ The church was dedicated to St Martin, the fourth-century Bishop of Tours. *Outwich* derives from the family name of Oteswich.

- (e) the Trustees were authorised to levy annual rates on every parish resident (not exceeding one shilling and six pence¹⁸⁹ in the pound); collectors to account for the rate moneys received by them; rates to be paid quarterly
- (f) the rates moneys were to be used for the purposes of this Act; recovery of the rates; liability of tenants; appeals
- (g) the rates would cease to be chargeable once the money borrowed under this Act had been repaid and once the annuities sold under this Act ceased to be payable (following the death of the annuitants)
- (h) costs and status of this Act; civil procedure matters.

Conclusion

6. The 1796 Act has long been obsolete. The powers given to the Trustees to demolish and rebuild the church became spent when the necessary building work was completed in or around 1798. Likewise the rate-levying powers ceased upon repayment of the borrowings and the death of the final annuitant, probably well before 1850.¹⁹⁰ Accordingly the 1796 Act can no longer serve any useful purpose and its repeal is proposed on that basis.

Consultation

7. The Bishop of London, the Legal Office of the Church of England and the City of London Corporation have been consulted about these repeal proposals.

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¹⁸⁹ This is equivalent to 7.5 pence in modern currency.

¹⁹⁰ Parish records indicate that the rates were collected yearly until 1823.

39 Geo.3 c.lxxiv (1799) (Charles Street, Westminster Act)	The whole Act.
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Charles Street, Westminster Act (1799)

1. This note proposes the repeal of an obsolete 1799 Act to extend what is now Charles II Street in the St James's district of the City of Westminster.

2. According to its long title, the purpose of the *Charles Street, Westminster Act of 1799* ("the 1799 Act") was-

for making a new Street from The Haymarket into Charles Street,¹⁹¹ Saint James's Square, within the City and Liberty of Westminster.

3. The *preamble* to the 1799 Act recorded that the approaches to the King's Theatre¹⁹² in the Haymarket were "not sufficiently convenient for the Access of the great Number of Carriages and Persons resorting thereto". Access would be improved and the theatre made more secure against fire "if a new Street were made and opened from the Street called The Haymarket into Charles Street, St James's Square".¹⁹³ Finally the preamble recorded that William Taylor (the theatre manager) was willing to make such a street.

4. The 1799 Act provided as follows-

(a) authorised William Taylor to extend the existing Charles Street into the Haymarket; and to place a bar or chain across the new street close to the Haymarket to prevent carriages accessing the Haymarket from the new street during evenings when the theatre was in use (*sections 1 and 2*)

(b) authorised William Taylor to demolish buildings in the Haymarket and in Market Lane; compulsory purchase provisions to enable William Taylor to acquire the land; conveyancing provisions; payment of mortgages; tenants to vacate premises; notices of compulsory purchase to be served before 1 January 1800 (*sections 3 to 10*)

(c) appeals; civil procedure issues; status of Act (*sections 11, 12 and 14*)

¹⁹¹ Charles Street is today called Charles II Street: its name was changed in 1939.

¹⁹² The King's Theatre is today called *Her Majesty's Theatre*. It occupies the same site on the corner of the Haymarket and Charles II Street.

¹⁹³ In 1799 Charles Street ran east from St James's Square across what is now Regent Street and ended near (but not connecting with) the Haymarket.

- (d) William Taylor's powers under this Act to build the new street were to pass to the Commissioners of HM Treasury if not exercised before 13 July 1801 (section 13).

5. In the event the new street was built but not pursuant to the 1799 Act. William Taylor failed to exercise his powers under the Act within the time limit and so the powers passed to HM Treasury in accordance with section 13. The building work was instead carried out pursuant to an Act of 1813¹⁹⁴ which was passed to improve communications between Marylebone Park¹⁹⁵ and Charing Cross. *Section 2* of the 1813 Act provided that the Commissioners appointed under that Act¹⁹⁶ should carry out their works as if the powers in the 1799 Act had been repealed. The new street was completed pursuant to the 1813 Act in 1818.

Conclusion

6. The powers given in the 1799 Act to extend Charles Street were never exercised and were effectively repealed by the 1813 Act. Accordingly the 1799 Act no longer serves any useful purpose and its formal repeal is proposed on that basis.

Consultation

7. HM Treasury, Westminster City Council and Transport for London have been consulted about these repeal proposals.

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¹⁹⁴ 53 Geo.3 c.121 (Communications from Marylebone to Charing Cross). This Act included the construction of Regent Street. The architect was John Nash.

¹⁹⁵ Part of the site of the old Marylebone Park is today occupied by Regents Park (also designed by John Nash in 1818)

¹⁹⁶ These Commissioners were the Commissioners of His Majesty's Woods, Forests and Land Revenues. Their functions today are vested in the Crown Estate pursuant to the Crown Estate Act 1961, s 1.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
39 Geo.3 c.lxxxii (1799) (St Mary-le-Bow Lecturer's Trust Act)	The whole Act.

St Mary-le-Bow Lecturer's Trust Act of 1799

1. This note proposes the repeal of an obsolete 1799 Act relating to the provision of weekly lectures at the church of St Mary-le-Bow in the City of London.¹⁹⁷
2. According to its long title, the purpose of this 1799 Act ("the 1799 Act") was-
for vesting a Piece of Ground and Hereditaments in the Parish of Saint Mary Woolnoth, in the City of London, belonging to the Parish of Saint Mary-le-Bow, in Abraham Robarts, William Curtis, Ellis Were, and Charles Hornyold, of the said City of London, Bankers and Copartners, in Fee Simple, upon Payment of the Sum of One thousand three hundred and fifty Pounds, upon Trust to be applied in the Manner therein mentioned, for the Support of a Lecturer, and for better regulating the Appointment of the said Lecturer.

Background

3. The *preamble* to the 1799 Act records that George Palyn,¹⁹⁸ a parishioner of the parish of St Mary-le-Bow, left £100 in his will to pay for a lecture or sermon to be read or preached in the parish church of St Mary-le-Bow once a week in the afternoon. Mr Palyn, who died in October 1610, directed that the lecture or sermon should be funded by the income from land to be purchased by his trustees.
4. Such gifts to this church were not uncommon in the 17th century. The *preamble* to the 1799 Act also records that a number of other gifts were made to support the lecture proposed by Mr Palyn.¹⁹⁹ Two properties and a shop were purchased by the trustees in Abchurch Lane and the rents from these were used to fund the afternoon lectures, the first of which appears to have been delivered around 1622.
5. This arrangement continued for a number of years. In 1640 the lecturer received £30 a year and thereafter the annual payment was increased to £32 and 10 shillings. The Great Fire of 1666, however, resulted in the loss of the church and the

¹⁹⁷ Founded in or around 1080 as the London headquarters of the Archbishops of Canterbury, the ancient parish church of St Mary-le-Bow was rebuilt by Sir Christopher Wren following its destruction in the Great Fire of 1666. Its destruction again in 1941 resulted in its complete restoration and re-consecration in 1964.

¹⁹⁸ Also spelled as *Palin*. He was previously a Master of the Girdlers' Company in the City of London.

¹⁹⁹ An unrelated gift was that provided for in the will of Robert Boyle who died in 1691. This gift provided funds for a series of lectures at the church which are still held annually.

rental properties. The Palyn lectures continued once the church and the properties had been re-built by Sir Christopher Wren.

The 1799 Act

6. The 1799 Act provided authority for the parish of St Mary-le-Bow to sell the freehold of the rental properties to the current tenants for the sum of £1350 (*section 1*). The sale proceeds were to be invested in Government stock (*section 2*), the income from the stock being paid to the parish rector and churchwardens to meet the costs of the afternoon lectures (*section 3*). The stock could be re-invested in land in the name of the rector and churchwardens, the income again being used to support the lectures (*sections 4 and 5*). The rector and churchwardens were to continue to receive the rental income from the existing tenants until the sale to them had gone through (*section 6*).

7. The 1799 Act also provided for the ending of the existing arrangements concerning the afternoon lecture. *Section 7* provided that the last of these would be delivered on the last Sunday in September 1800. A committee would be appointed to decide each Easter on the nominations and election of a preacher to deliver these lectures, the arrangements to be in accordance with the directions contained in Mr Palyn's will. The first such lecture would be on the first Sunday in October 1800. The preacher was required to be licensed by the Archbishop of Canterbury to give these lectures (*section 10*).

8. Other provisions in the 1799 Act related to procedure, savings and the status of the Act.

Later history

9. Parish records show that the arrangements for the Palyn lectures, as envisaged by the 1799 Act, continued for most of the 19th century. These records, now stored at the London Metropolitan Archives, show that parish committees met regularly throughout that time to select the lecturer for the next year or so and to determine the fee to be paid.

10. Quite why or when the Palyn lectures finally ceased to be delivered is not clear. The last record of a parish committee electing the lecturer was in 1878, though there are indications suggesting that the Palyn lectures may have continued for a little time after 1900. Parish records show that the passing of the *City of London Parochial*

*Charities Act 1883*²⁰⁰ affected the arrangements for these lectures. The purpose of the 1883 Act, as set out in its long title, was to provide for the better application and management of the parochial charities of the City of London. Under the Act, the Charity Commissioners were authorised to make schemes for the future application and management of charity property and endowments belonging to parishes in the City of London. It appears that the funds to provide for the Palyn lectures were included in one such scheme that came into effect in 1891. As a result the provisions in the 1799 Act for the provision of the lectures were superseded and ceased to have effect. Objections to the scheme were made by a number of parishes, including the parish of St Mary-le-Bow, and parish records kept at the time suggest that the Palyn lectures were still being held in 1890. The last such record referring to the lectures was dated May 1903. There is no firm evidence to show that the Palyn lectures were still being given at that time, still less that they continued thereafter.

Conclusion

11. The Palyn lectures have long ceased to be held and the arrangements for them as set out in the 1799 Act no longer have effect. It is likely that the endowment for the lectures was absorbed by the Charity Commission scheme made for the parish of St Mary-le-Bow in 1891. The church of St Mary-le-Bow has confirmed that it has no knowledge of the Palyn lectures and there is no reference to them in the accounts of the relevant parish charity.²⁰¹ Accordingly the 1799 Act no longer serves any useful purpose and its repeal is proposed on that basis.

Consultation

12. The Bishop of London, the Church of St Mary-le-Bow, St Mary-le-Bow PCC, the Legal Office of the Church of England, the Charity Commission and the City of London Corporation have been consulted about these repeal proposals.

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²⁰⁰ 46 & 47 Vict. c.36 (1883).

²⁰¹ The Parochial Church Council of the Ecclesiastical Parish of St Mary-le-Bow, Cheapside (registered charity no. 1130098). The charity's working name is St Mary-le-Bow PCC.



St Mary-le-Bow Church
City of London
1830s

<i>Reference</i>	<i>Extent of repeal or revocation</i>
39 & 40 Geo.3 c.xlii (1800) (Temple Bar Improvement Act)	The whole Act.
44 Geo.3 c.xxvii (1804) (Temple Bar Improvement Act)	The whole Act.
46 Geo.3 c.xcvii (1806) (City of London Lottery Act)	The whole Act.
49 Geo.3 c.lxx (1809) (London and Westminster Houses Lottery Act)	The whole Act.
51 Geo.3 c.ccciii (1811) (Temple Bar Improvement Act)	The whole Act.

Temple Bar Improvement Acts of 1800, 1804 and 1811
City of London Lottery Act of 1806
London and Westminster Houses Lottery Act of 1809

1. This note proposes the repeal of five obsolete early nineteenth century Acts relating to the widening of the streets providing access to the City of London. Three of the Acts were passed to raise money for the construction works. The other two Acts authorised the holding of lotteries to facilitate the development of the area following those works.

Background

2. The Acts proposed for repeal are consequential upon the *Temple Bar etc Act* of 1795 (“the 1795 Act”)²⁰² which was passed to widen and improve two access points to the City of London. The first was near the former west gate to the city known as *Temple Bar* at the junction of Fleet Street and the Strand. This was the principal access point for carriages approaching from Westminster. The second was the street called *Snow Hill* which provided access to the City from the north-west side. In both cases the accesses were described as-

*too narrow and incommodious for the passing and repassing, as well of Foot Passengers as of Coaches, Carts, and other Carriages, to the Prejudice and Inconvenience of the Owners and Inhabitants of Houses in and near the same, to the great Interruption of Business, and to the endangering of the Lives of many of His Majesty’s Subjects*²⁰³

²⁰² 35 Geo.3 c.126.

²⁰³ The 1795 Act, *preamble*.

3. Temple Bar was built around 1672 to mark the boundary between the City of London and the City of Westminster. The construction of the Royal Courts of Justice in the Strand (which were opened in 1882) necessitated the removal of Temple Bar in 1878. It was transported to Theobalds Park in Hertfordshire in 1887 where it stood until re-sited in 2004 to the new Paternoster Square development near St Paul's Cathedral.

4. The 1795 Act was amended by the *Temple Bar Improvement Act* of 1798 ("the 1798 Act").²⁰⁴ Neither Act is proposed for repeal at present.

Temple Bar Improvement Act of 1800

5. According to its long title, the purpose of the *Temple Bar Improvement Act* of 1800 ("the 1800 Act") was-

for raising a further Sum of Money for carrying into Execution [the 1795 Act and the 1798 Act]... for widening and improving the Entrance into the City of London, near Temple Bar, for making a more commodious Street or Passage at Snow Hill, and for raising, on the credit of the Orphans Fund, a Sum of Money for those Purposes; and for explaining and amending the said Acts.

6. The Orphans Fund ("the Fund") referred to in the long title was established by an Act of 1694²⁰⁵ to replenish an ancient fund run to support orphan children of Freemen of the City of London. So valuable had the Fund become by 1760,²⁰⁶ the City was able to use it as security for raising substantial loans to finance public building projects in the City. The Fund was in effect wound up in 1832 when it was merged with the London Bridge Approaches Fund.²⁰⁷

7. The *preamble* to the 1800 Act recorded that although good progress had been made in carrying out the road improvement works authorised by the 1795 and 1798 Acts, insufficient money had been raised by those Acts to permit completion of the works. Accordingly Parliamentary authority was required for the raising of additional funding.

8. The 1800 Act provided as follows-

- (a) the City was authorised (i) to raise a maximum of £30k by the sale of annuities upon the credit of the Fund; and (ii) to borrow and raise a

²⁰⁴ 38 Geo.3 c.lxi.

²⁰⁵ 5 & 6 Will. & Mar. c.10.

²⁰⁶ Much of the Fund's wealth came from receipts from the duties on coal and wine imported into the City of London.

²⁰⁷ London Bridge Approaches Fund Act of 1829 (10 Geo.4 c.cxxxvi), s 76.

- maximum of £60k by the sale of annuities upon the credit of the Fund and of the money to be raised from the sale of ground rents and other property assets that were to be acquired pursuant to the 1795 and 1798 Acts; annuities to be paid to all persons contributing to this fund-raising; annuities to be payable half-yearly until redeemed (*section 1*)
- (b) the City was authorised to issue bonds (or other securities) to all persons buying annuities; the Fund was charged with the annuities payable pursuant to this Act; surpluses of the Fund to be used for paying and redeeming the annuities (*sections 2 to 4*)
 - (c) annuities to be redeemable upon the City giving six months' notice; any deficiency in the surpluses of the Fund needed to pay the annuities to be met by the Chamber of the City (*sections 5 and 6*)
 - (d) the moneys raised under this Act to be applied only for the purposes of the 1795 and 1798 Acts (*section 7*)
 - (e) the City was required to sell as soon as practicable all ground and other rents and properties arising out of purchases made pursuant to the 1795 and 1798 Acts and not required for public use; sale proceeds to be used to redeem annuities sold pursuant to this Act (*sections 8 and 9*)
 - (f) the City to be accountable for any misapplication of money raised under this Act; keeping records of disbursements; saving for City's existing creditors (*sections 10 to 12*)
 - (g) certain provisions of the 1795 and 1798 Acts to extend to this Act; status of this Act (*sections 13 and 14*).

Temple Bar Improvement Act of 1804

9. According to its long title, the purpose of the *Temple Bar Improvement Act* of 1804 ("the 1804 Act") was-

for raising an additional Sum of Money for carrying into Execution several Acts for widening the Entrance into the City of London, near Temple Bar; for making a more commodious Street at Snow Hill; and for raising, on the Credit of the Orphans Fund, certain Sum of Money for those Purposes; and also, for enlarging the Powers of the said Acts.

10. The *preamble* to the 1804 Act recorded that, although very great progress had been made in carrying out the earlier Acts,²⁰⁸ the costs involved had "very far exceeded the Estimates which had been previously made". Accordingly more money

²⁰⁸ These Acts included, in addition to the 1795, 1798 and 1800 Acts, the Temple Bar Improvement Act of 1802 (42 Geo.3 c.lxxiii).

needed to be raised. Moreover more time was needed to complete transactions than was allowed for by the earlier Acts.

11. The 1804 Act accordingly provided as follows-

- (a) the City was authorised to borrow and raise a further £100k by the sale of annuities upon the credit of the Fund (*section 1*)
- (b) the City was authorised to issue bonds (or other securities) to all persons buying the annuities; the Fund was charged with these annuities; future surpluses of the Fund to be used for paying and redeeming the annuities (*sections 2 to 4*)
- (c) annuities to be redeemable upon the City giving six months' notice; any deficiency in the surpluses of the Fund needed to pay the annuities to be met by the Chamber of the City (*sections 5 and 6*)
- (d) the money raised under this Act to be applied, after payment of the costs of this Act, only for the purposes of the earlier Acts (*section 7*)
- (e) the City to be accountable for any misapplication of moneys raised under this Act; keeping records of disbursements; saving for the City's existing creditors (*sections 8 to 10*)
- (f) the existing six pence duty imposed on coal imported into the City of London was continued until 5 July 1837 in order to increase the income of the Fund sufficiently to pay off the sums charged to the Fund by this Act;²⁰⁹ similarly the existing annual sum of £1500 charged on the City's revenues to support the income of the Fund was extended until 5 July 1837 (*sections 11 and 12*)
- (g) the City's compulsory purchase powers granted by the earlier Acts were extended by three years from the passing of this Act (3 May 1804); similarly the City's powers to complete the works authorised by those Acts were extended by five years from the passing of this Act (*section 13*)
- (h) provisions for payment of compensation in respect of property purchased pursuant to this Act or the earlier Acts; conveyancing provisions concerning purchase moneys; provisions of the earlier Acts to extend to this Act; status of this Act (*sections 14 to 21*).

²⁰⁹ This coal import duty, which began in 1694 with the Orphans, London Act of that year (5 & 6 Will & Mar. c.10), was continued by a series of enactments and was finally abolished by the London Coal Duties Abolition Act 1889 (c.17), s 1.

City of London Lottery Act of 1806

12. According to its long title, the purpose of the *City of London Lottery Act of 1806* (“the 1806 Act”) was-

to enable the several Persons therein named to dispose of several Houses in Pickett Street, Temple Bar, in the Parish of Saint Clement Danes, in the County of Middlesex; and in Skinner Street, Snow Hill; and on Snow Hill, and in Fleet Market, in the Parish of Saint Sepulchre, in the City of London, by Lottery.

13. The *preamble* to the 1806 Act recorded that the City, having purchased land and buildings pursuant to the earlier Acts, had granted building leases of this property to persons who were finding it impossible to develop the various sites profitably. The cost of the building work, taken together with the high ground rents payable to the City, meant that the developers were unable to complete the developments and give effect to the necessary improvements desired for the Temple Bar and Snow Hill areas.

14. Accordingly, the *preamble* explained, the City had devised a scheme for resolving these issues. It involved the City divesting itself of the freeholds of the building leases, thereby ending the obligation to pay the high ground rents. The freeholds would be disposed of by *lottery* free of the building leases. The lottery or lotteries would be organised by trustees (“the Trustees”) to whom the City had already transferred the freeholds.

15. The 1806 Act provided as follows-

- (a) the Trustees were authorised to sell the freehold properties listed in Schedules 4 to 6 of the Act by means of *three separate lotteries* (*section 1*)
- (b) the prizes for the first lottery were to comprise the properties in Schedule 4, the proceeds to be raised were not to exceed £100K, a maximum of 20,000 tickets were to be sold at not less than £5 each; the prizes for the second and third lotteries were to comprise the properties in Schedules 5 and 6 respectively, the maximum proceeds and the ticketing arrangements for each of these lotteries to be the same as for the first lottery (*sections 2 to 4*)
- (c) insurance of the prizes; notices of the lotteries and the prizes to be published in the London Gazette; the property interest in the prizes of all existing leaseholders and mortgagees were to vest in the Trustees so

- that the prizes would be transferred to the prize-winners free from all leases, mortgages and other incumbrances²¹⁰ (*sections 5 to 7*)
- (d) no ticket in the second (or third) lottery to be sold whilst any buildings in Schedule 5 (or 6) remained incomplete; mode of determining completion of buildings (*sections 8 to 10*)
 - (e) the prizes in the three lotteries to be the 69 properties identified in Schedules 4 to 6; the prizes to be drawn as part of any of the State Lotteries to be held in the period 1 October 1806 to 31 December 1808; 40 days' notice to be given of such lottery in the London Gazette; provisions for any of the three lotteries to be drawn not as part of a State Lottery but separately at the Guildhall; Trustees authorised to appoint officials to supervise such lotteries (*sections 11 to 15*)
 - (f) appointment of new Trustees; payment of expenses; status of this Act (*sections 16 to 18*).

London and Westminster Houses Lottery Act of 1809

16. According to its long title, the purpose of the *London and Westminster Houses Lottery Act of 1809* ("the 1809 Act") was-

to amend and enlarge the Powers of [the 1806 Act], to enable the several Persons therein named to dispose of the several Houses therein mentioned, in London and Westminster, by Lottery.

17. The *preamble* to the 1809 Act recorded that the first two of the three lotteries authorised by the 1806 Act had already been drawn. The first lottery was drawn on 14 April 1807.²¹¹ The second was drawn on 26 April 1808.²¹² Moreover the houses that were to comprise the prizes in the third lottery were ready to be sold. Doubts, however, had been expressed whether the powers given in the 1806 Act for the holding of the third lottery had lapsed because of the passage of time since then.

18. The 1809 Act provided as follows-

- (a) the provisions of the 1806 Act relating to the drawing of the third lottery were to be repealed (*section 1*)
- (b) the property rights in the properties to be included in the third lottery were deemed to have vested in the 1806 Act Trustees; these properties were

²¹⁰ Part of section 7 was repealed by an Act of 1812 (52 Geo.3 c.cxxxv), s 1.

²¹¹ The London Gazette, 25 April 1807, p 536.

²¹² The London Gazette, 5 March 1808, p 340.

listed in Schedule 3 to the 1809 Act and the Trustees were authorised to sell them by lottery (*sections 2 and 3*)

- (c) the prizes for the third lottery were to comprise the properties in Schedule 3, the proceeds to be raised were not to exceed £100K, a maximum of 20,000 tickets were to be sold at not less than £5 each; notice of the lottery and the prizes was to be published in the London Gazette (*sections 4 and 5*)
- (d) the lottery was to be drawn at the Guildhall before 25 March 1811; provision for sale by auction of prizes in the event of any winning ticket being lost; payment of sale proceeds into court in particular cases (*sections 6 to 8*)
- (e) Trustees authorised to appoint officials to supervise the third lottery; payment of expenses; status of this Act (*sections 9 to 11*).

19. The third lottery was duly drawn at the Guildhall on 4 December 1810.²¹³

Temple Bar Improvement Act of 1811

20. According to its long title, the purpose of the *Temple Bar Improvement Act* of 1811 (“the 1811 Act”) was-

for raising an additional Sum of Money for carrying into Execution the several Acts for widening the Entrance into the City of London near Temple Bar, for making a more commodious Street at Snow Hill, and for raising Money on the credit of the Orphans’ Fund for these Purposes; and for extending the Powers of the said Acts.

21. The *preamble* to the 1811 Act recorded that, although very great progress had been made in carrying out the earlier Acts,²¹⁴ the costs and expenses involved had greatly exceeded the previous estimates. More money therefore needed to be raised. The preamble also recorded that the City had already paid off and redeemed £60K from the annuities sold pursuant to the 1800 Act, as well as paying off and redeeming £50K from the annuities sold pursuant to the Temple Bar Improvement Act of 1802.

²¹³ The London Gazette, 16 October 1810, p 1645.

²¹⁴ These Acts included, in addition to the 1795, 1798, 1800 and 1804 Acts, the Temple Bar Improvement Act of 1802 (42 Geo.3 c.lxxiii) and the Temple Bar Improvement Act of 1809 (49 Geo.3 c.lxxxii).

22. The 1811 Act provided as follows-

- (a) the City was authorised to purchase and demolish part of a house situated on the south side of the Strand and on the east side of Essex Street occupied by James Holmes²¹⁵ (*section 1*)
- (b) the City was authorised to borrow and raise a further £40K by the sale of annuities upon the credit of the Fund (*section 2*)
- (c) the City was authorised to issue bonds (or other securities) to all persons buying the annuities; the Fund was charged with these annuities; future surpluses of the Fund to be used for paying and redeeming the annuities (*sections 3 to 5*)
- (d) the annuities to be redeemable upon the City giving six months' notice; any deficiency in the surpluses of the Funds needed to pay the annuities to be met by the Chamber of the City (*sections 6 and 7*)
- (e) the money raised under this Act to be applied, after payment of the costs of this Act, only for the purposes of this Act and the earlier Acts; all proceeds arising from the sale of properties acquired pursuant to this Act and the earlier Acts to be used to redeem annuities sold pursuant to this Act (*sections 8 and 9*)
- (f) the City to be accountable for any misapplication of money raised under this Act; keeping records of disbursements; saving for City's existing creditors (*sections 10 to 12*)
- (g) the City to compensate the overseers of the poor and other public authorities in the parish of St Clement Danes for loss of local rates caused by the building works (*sections 13 and 14*)
- (h) this Act and the earlier Acts were not to affect the rights of the Commissioners of Sewers for Westminster; provisions of the earlier Acts to extend to this Act; status of this Act (*sections 15 to 17*).

The present position

23. All five Acts have long been obsolete. In the case of the 1800 Act, the 1804 Act and the 1811 Act, records held at the London Metropolitan Archives²¹⁶ indicate that by 1829 or thereabouts sufficient moneys were paid by the City to discharge the bonds issued by the City to secure the annuity payments required by each of those Acts. This repayment ended the City's liabilities under those Acts, which thereupon

²¹⁵ The City could have used its powers under the 1798 Act to purchase the whole of the house. However, buying just part of the house would save the City both time and money.

²¹⁶ Report from the Select Committee on the Orphans Fund: the 135th account of the Chamberlain of the City of London (1829): LMA File COL/CHD/OA/05.

became unnecessary. In the case of the 1806 Act and the 1809 Act, these became unnecessary once the lotteries which they authorised had been drawn in 1807, 1808 and 1810. Accordingly all five Acts are now unnecessary and their repeal is proposed on that basis.

Consultation

24. The City of London Corporation and Westminster City Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
42 Geo.3 c.lxxxviii (1802) (London Fish Trade Act)	The whole Act.

London Fish Trade Act (1802)

1. This note proposes the formal repeal of an obsolete early nineteenth-century Act passed to regulate the sale of fish in the City of London. It has been virtually repealed by the Sea Fisheries Act 1868.²¹⁷

2. According to its long title, the purpose of the *London Fish Trade Act of 1802* (“the 1802 Act”) was-

for repealing so much of [an Act of 1762²¹⁸] as limits the Number of Fish to be sold by Wholesale, within the ... City of London; and for the better Regulation of the Sale of Fish by Wholesale in the Market of Billingsgate within the said City.

3. Billingsgate²¹⁹ Wharf, close to Lower Thames Street in the City of London became the centre of a thriving fish market during the sixteenth and seventeenth centuries. In 1849 the market was moved into a riverside building which was replaced by an arcaded market hall in 1875. In 1982 the fish market was relocated to a new thirteen acre building complex close to Canary Wharf in Docklands.

4. The 1802 Act repealed the regulatory provisions of the Act of 1762 replacing them with new statutory regulatory provisions under the supervision of the Corporation of London. These provisions enabled the Corporation to regulate the sale of fish by wholesale in Billingsgate Market.

5. The repeal of the 1802 Act by section 71 of, and Schedule 2 to, the Sea Fisheries Act 1868 (“the 1868 Act”) was subject to a saving provision in section 71 to the effect that the repeal of the enactments listed in Schedule 2 (including the 1802 Act) was not to affect the validity or invalidity of anything already done (or any right of title conferred) pursuant to those enactments.²²⁰

²¹⁷ 31 & 32 Vict. c.45, s 71, Sch 2. The 1802 Act was also partly repealed by the Billingsgate Market Act of 1846 (9 & 10 Vict. c.cccxlv), s 1.

²¹⁸ 2 Geo.3 c.15 (Fish Carriage). This Act was finally repealed by the Statute Law Revision Act 1948, s 1, Sch 1.

²¹⁹ Billingsgate remains a ward in the City of London.

²²⁰ Nor was the repeal to revive or restore any jurisdiction, toll, imposition, office, duty, bounty, franchise, liberty, custom, privilege, restriction, exemption, usage or practice not existing or in force at the time the 1868 Act came into force (13 July 1868).

6. The passage of time since 1868 would by itself be likely to render such savings unnecessary. In any event, however, section 71 and Schedule 2 were themselves repealed in 1883²²¹ with the result that the saving provision no longer exists. Accordingly the 1802 Act no longer has any effect and its formal repeal is now proposed on that basis.

Consultation

7. The City of London Corporation has been consulted about these repeal proposals.

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²²¹ Sea Fisheries Act 1883 (c.22), s 30, Sch 2, Pt 1.

44 Geo.3 c.lxxxvi (1804) (Southwark Improvement Act)	The whole Act.
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Southwark Improvement Act (1804)

1. This note proposes the repeal of an obsolete 1804 Act passed to amend an Act of 1766 relating to improving the streets in Southwark.

2. According to its long title, the purpose of the *Southwark Improvement Act* of 1804 (“the 1804 Act”) was-

for altering and amending an Act passed in the Sixth Year of His present Majesty, for paving the Streets and Lanes within the Borough of Southwark, and certain Parts adjacent in the County of Surrey, and for cleansing, lighting, and watching the same, and also the Courts, Yards, Alleys, and Passages adjoining thereto, and for preventing Annoyances therein, so far as the same relates to the West Division thereof, as therein mentioned.

3. The Act referred to in the long title was the *Streets, Southwark Act* of 1766 (“the 1766 Act”).²²² It has long been repealed.²²³ The 1804 Act itself has been partly repealed already.²²⁴

4. The *preamble* to the 1804 Act recorded that the 1766 Act had divided Southwark into two Divisions for the purposes of that Act, the parishes of St George, St Saviour, St Mary Newington and the High Street part of the parish of St Olave being called the *West Division*. The preamble also recorded that the powers in the 1766 Act had turned out to be defective and insufficient (and that the rates that could be levied under that Act were insufficient) with the result that full effect could not be given to the 1766 Act.

5. The 1804 Act accordingly provided as follows-

- (a) the Commissioners appointed to execute the 1766 Act were appointed to execute the 1804 Act with respect to the West Division; qualification of such Commissioners (*sections 1 and 2*)
- (b) penalties for creating nuisances in the streets or obstructing the pavements (*section 3*)

²²² 6 Geo.3 c.24.

²²³ Southwark Improvement Act 1845 (8 & 9 Vict. c.xiii), s 1; SR & O 1901/264, 275.

²²⁴ Southwark Improvement Act 1845 (8 & 9 Vict. c.xiii), s 1; SR & O 1901/264, 275.

- (c) the Commissioners were authorised to impose an annual rate on the persons occupying premises in the West Division, such rate not to exceed three pence in the pound over and above the rates charged under the 1766 Act; further rates to be imposed to cover the costs of executing the 1766 Act and this Act; provisions for reductions and exceptions (*sections 4 to 7*)
- (d) only the official appointed by the Commissioners to collect ashes, dirt and other material from houses was allowed to do so;²²⁵ penalty in the event of such collection by anyone else; penalty on persons providing equipment for use in such unauthorised collections; owners of ashes, dirt etc were entitled to remove the same for their own use (*sections 8 to 10*)
- (e) occupiers to sweep the pavements in front of their premises each day before 9 am (*section 11*)
- (f) penalties under this Act to be levied and collected within fourteen days (*section 12*)
- (g) the Commissioners were authorised to give notice to owners and occupiers of premises to remove obstructions projecting over or extending onto the streets or pavements; Commissioners empowered to carry out the necessary works at the expense of the occupiers; provisions for contributing to the costs of such work and for relieving the poor from the liability to pay (*sections 13 to 15*)
- (h) all new buildings were to be constructed perpendicularly or be pulled down at the expense of their owners (*section 16*)
- (i) provisions for notifying officials of water companies in the event of a water pipe fracture; provision for compensating such officials if they repair a water pipe belonging to another water company (*section 17*)
- (j) provision for permitting inhabitants to give evidence; 1766 Act to extend to this Act; provision for demolishing premises at the corner of King Street (at the entrance to the High Street, Southwark) in order to widen the street (*sections 18 to 20*)
- (k) expenses of this Act; civil procedure issues; status of this Act (*sections 21 to 23*).

²²⁵ This official was known as *the Scavanger*.

The present position

6. The Commissioners' powers under the 1804 Act ceased in 1855 with the creation of the Metropolitan Board of Works by the Metropolis Local Management Act 1855.²²⁶ Under that Act, all existing powers and duties vested in Commissioners or other bodies by any Act of Parliament in relation to paving, lighting, watering, cleansing and improving streets in most London parishes became vested in parish vestries or in district boards.²²⁷ In the case of the parish of St George and St Mary Newington, the Commissioners' functions passed to the Vestry of that parish.²²⁸ In the case of the parishes of St Saviour and St Olave, the Commissioners' functions passed to the Metropolitan Board of Works for the relevant parishes.²²⁹ The functions later passed to the new metropolitan borough councils pursuant to the London Government Act 1899,²³⁰ and now mostly vest in the London Borough of Southwark, although responsibility for maintaining the streets of Southwark is shared between the borough and Transport for London.

7. Accordingly responsibility for paving and maintaining public streets has long ceased to vest in the parish but has passed to local and county councils and the London boroughs. Similarly the cost of providing these services is no longer collected on a parish by parish basis. Today the arrangements for making, levying and collecting local taxation are provided by the Local Government Finance Acts 1988 and 1992. Part 3 of the 1988 Act relates to non-domestic rating whilst the 1992 Act provides for the council tax.

Conclusion

8. Since none of the highway services for which the 1804 Act was passed are today provided or funded by parishes but by local authorities under the Local Government Finance Acts 1988 and 1992, the 1804 Act has become obsolete in its entirety. Its repeal is proposed on that basis.

²²⁶ 18 & 19 Vict. c.120.

²²⁷ The 1855 Act, s 90.

²²⁸ The 1855 Act, Sch A, Pt 2. The Vestry was an administrative committee of a parish. In England, until the nineteenth century, the parish Vestry was in effect what would today be known as a parochial church council. Vestries were responsible not only for the ecclesiastical affairs of a parish but also for a range of civil or lay issues including the support of the poor.

²²⁹ The 1855 Act, Sch B, Parts 1 and 3.

²³⁰ The 1899 Act (62 & 63 Vict. c.14), s 4(1).

Consultation

9. The Department for Communities and Local Government, Transport for London, the London Borough of Southwark, the Local Government Association and Thames Water have been consulted about these repeal proposals.

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46 Geo.3 c.cxxxii (1806) (Port of London Act)	The whole Act.
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Port of London Act (1806)

1. This note proposes the repeal of an obsolete 1806 Act relating to compensation payments following improvements to the Port of London.

2. According to its long title, the purpose of the *Port of London Act* of 1806 (“the 1806 Act”) was-

for altering and enlarging the Powers of an Act, made in the Thirty-ninth Year of His present Majesty, intituled, An Act for rendering more commodious, and for better regulating, the Port of London, so far as the same relates to the Compensations to be made by certain Commissioners therein named.

3. The Act referred to in this long title was the *Port of London Improvement and City Canal Act* of 1799 (“the 1799 Act”).²³¹ The origins of the 1799 Act lay in the lack of shipping capacity within the Pool of London. In 1790 the West India merchants were concerned about congestion and delays in the existing docks, against a background of a doubling in ships and tonnage using the Pool between 1750 and 1796. The merchants also suffered losses from pilfering and lack of security.

4. The 1799 Act authorised the building of the West India Docks on, and a new canal running across, the Isle of Dogs.²³² The 1799 Act contained elaborate provisions for providing compensation out of the Consolidated Fund to those whose interests had been adversely affected by the building of the docks and the canal. Compensation Commissioners (“the Commissioners”) were appointed to operate these compensation provisions.²³³

5. The *preamble* to the 1806 Act recorded that the Commissioners had been given compensatory powers not only in relation to the 1799 Act but also under subsequent Acts.²³⁴ The preamble also recorded that the powers granted to the Commissioners by the 1799 Act had proved insufficient and in need of amendment.

²³¹ 39 Geo.3 c.lxix.

²³² The Isle of Dogs is situated on the north side of the Thames, opposite Greenwich.

²³³ The 1799 Act, s 130.

²³⁴ These Acts were the Port of London Improvement Act of 1800 (39 & 40 Geo.3 c.xlvii); the West India Dock Company Act of 1802 (42 Geo.3 c.cxiii); the East India Docks Act of 1803 (43 Geo.3 c.cxxvi); the London Docks (Warehousing of Goods) Act of 1804 (44 Geo.3 c.100); the Port of London Improvement Act of 1805 (45 Geo.3 c.lviii).

6. The 1806 Act provided as follows-
- (a) extended the provisions of the 1799 Act relating to the Commissioners' powers to their powers in the subsequent Acts and in this Act (*section 1*)
 - (b) appointment of replacement Commissioners from time to time; emergency meetings of Commissioners (*sections 2 to 4*)
 - (c) repeal of provisions in the 1799 Act relating to (1) the assessment of compensation by juries, and (2) the Commissioners' powers to impose fines on persons failing to attend proceedings or perform certain functions (*sections 5 and 6*)
 - (d) new procedure for juries to determine the amount of compensation to be paid in cases where claimants challenged the sums determined by the Commissioners; justices of the peace authorised to impose fines on persons failing to attend proceedings or perform certain functions (*sections 7 and 8*)
 - (e) points of law to be referred to the Court of King's Bench; application to that Court for a new trial; procedure in such cases (*sections 9 to 11*)
 - (f) no evidence of any loss to set before a jury unless that loss has already been specifically claimed; Commissioners authorised to consolidate claims for joint hearings; procedure in consolidated cases (*sections 12 to 14*)
 - (g) procedure for making claims under more than one enactment; Commissioners authorised to permit claimants to amend their claims or submit supplementary claims (*sections 15 and 16*)
 - (h) time limits for lodging claims not to be extended beyond the time limits provided for by the 1799 Act; claims for compensation had to be made between 28 June 1809 and 28 June 1810; all compensation to be paid within six months of being agreed (*sections 17 to 19*)
 - (i) personal liability of Commissioners; expenses and status of this Act (*sections 20 to 22*).

7. The 1806 Act has long been obsolete. The building of the West India Docks, which started in 1799, was completed in 1806. The final claim for compensation pursuant to the 1799 Act had to be lodged no later than 28 June 1810. The Commissioners themselves ceased to operate in or around 1824.

Consultation

8. HM Treasury, the Port of London Authority, the City of London Corporation and the London Borough of Tower Hamlets have been consulted about these repeal proposals.

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47 Geo.3 Sess.1 c.xxviii (1807) (Bridewell Hospital Chapel Act)	The whole Act.
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Bridewell Hospital Chapel Act of 1807

1. This note proposes the repeal of an obsolete 1807 Act relating to the now demolished Bridewell Chapel (“the Chapel”).

2. According to its long title, the purpose of the *Bridewell Hospital Chapel Act of 1807* (“the 1807 Act”) was:

for granting to the Chapel lately rebuilt in the Royal Hospital of Bridewell, all the Rights and Privileges belonging to the former Chapel of the said Hospital, lately taken down.

Background

3. Bridewell Palace, which was originally a residence of Henry VIII, was built on the site of the medieval St Bride’s Inn near Fleet Street. In 1553 Edward VI gave the palace to the City of London for the housing of homeless children and the punishment of disorderly women.²³⁵ Part of the site of Bridewell Palace became a school known as *Bridewell Royal Hospital*. The prison was closed in 1855, the school moved to Surrey in 1867²³⁶ and the buildings were demolished in 1863-64.

4. The *Chapel* was located within the Bridewell Hospital and the Bridewell precinct. The *preamble* to the 1807 Act recorded that the Chapel “on account of its decayed state, hath been lately taken down, and another Chapel built within the Distance of a few Yards from the Scite of the former Chapel.” However, because the site of the now rebuilt Chapel was slightly different from the original site, doubts had arisen as to whether marriages could still validly be solemnised there.

The 1807 Act

5. Accordingly the 1807 Act provided that the Chapel, once duly consecrated, could be used for the legal solemnisation of marriages to the same extent as with the old chapel, together with all the rights enjoyed by the old chapel. The 1807 Act also provided for the annual election and support of a chaplain.

²³⁵ The City converted the Palace into a prison, hospital and workrooms. The name “Bridewell” was thereafter adopted throughout Britain as meaning a prison or place of detention.

²³⁶ King Edward’s School, Witley is still situated in the village of Wormley, near Witley where it moved in 1867.

6. The Chapel no longer exists. It was absorbed, as part of the Bridewell Precinct, into the parish of St Bride Fleet Street in 1864. The Chapel itself was demolished in 1871. The extinction of the Chapel meant that the 1807 Act thereupon became unnecessary. Its repeal is proposed on that basis.

Consultation

7. The City of London Corporation, the Bishop of London, St Bride's Fleet Street, and the Legal Office of the Church of England have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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54 Geo.3 c.clxxix (1814)
 (Westminster Society for Insurance
 of Lives and Survivorship and for
 Granting Annuities Act)

The whole Act.

Westminster Society for Insurance of Lives and Survivorship and for Granting Annuities Act (1814)

1. This note proposes the repeal of an obsolete early nineteenth century Act relating to the *Westminster Society for Insurance of Lives, and for Granting Annuities* (“the Society”) which was dissolved in 1863.
2. The Society was established as a life insurance office in 1792, its offices being off the Strand, near Charing Cross.
3. According to its long title, the purpose of this 1814 Act (“the 1814 Act”) was “to enable [the Society] to sue and be sued in the Name of their Secretary”.
4. The *preamble* to the 1814 Act recorded that the Society had experienced procedural difficulties in bringing legal proceedings in the courts. As the law then stood, the Society’s legal proceedings had to be brought in the name of all the Society’s subscribers and partners, rather than in the sole name of the Society.
5. The 1814 Act accordingly provided as follows-
 - (a) all legal proceedings concerning the Society were to be brought, and defended, in the name of the Society’s Secretary; any judgement obtained against the Secretary could be executed against any Society member; reimbursement of Secretary and members for costs thereby incurred (*sections 1 to 3*)
 - (b) a record of the current Society membership was to be lodged in the High Court of Chancery; until such lodging the Society could bring no legal proceedings; the Secretary not to be disqualified as a witness in any proceedings; this Act to apply despite future changes in Society membership (*sections 4 to 7*)
 - (c) judgements against the Secretary to have effect as judgements against the Society; this Act not to have the effect of incorporating the Society; status of this Act (*sections 8 to 10*).

6. The 1814 Act became obsolete when the Society was dissolved in 1863 pursuant to the *Westminster Insurance Society's Dissolution Act 1861* ("the 1861 Act").²³⁷ The 1861 Act provided for the Society to be taken over by the Guardian Fire and Life Assurance Company.²³⁸ Under the terms of the 1861 Act, the 1814 Act was to "continue in full force until the said Westminster Society shall be dissolved in pursuance of the provisions of this Act."²³⁹ The 1861 Act provided for the dissolution of the Society in accordance with a resolution to that effect being voted at two meetings of the Society, the dissolution to take effect at the second of the two meetings.²⁴⁰

7. These meetings of the Society were convened at the Society's offices at 4 Adelaide Street, Strand on 7 December 1863 and 23 December 1863.²⁴¹ Accordingly the dissolution took effect on 23 December 1863. The 1814 Act thereupon became obsolete and its repeal is proposed on that basis.

Consultation

8. Aegon UK plc and the Association of British Insurers have been consulted about these repeal proposals.

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²³⁷ 24 & 25 Vict. c.ccxv.

²³⁸ This company was renamed the Guardian Assurance Company in 1902 and merged with Royal Exchange Assurance in 1968 to become the Guardian Royal Exchange Assurance plc. This merged company was acquired by AXA in 1999, and the life assurance business was acquired by Aegon NV later that year.

²³⁹ The 1861 Act, s 34.

²⁴⁰ The 1861 Act, s 37.

²⁴¹ The *London Gazette*, 20 November 1863, p 5714.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
57 Geo.3 c.lx (1817) (City of London Gauger)	The whole Act.

City of London Gauger Act (1817)

1. This note proposes the repeal of an obsolete 1817 Act relating to the office of Gauger of the City of London.

2. According to its long title, the purpose of the *City of London Gauger Act* of 1817 (“the 1817 Act”) was-

for granting an Equivalent for the Diminution of the Profits of the Office of Gauger of the City of London, and increasing the Payments to be made by Brokers.

3. The *preamble* to the 1817 Act recorded that the office of Gauger within the City of London was granted to the City by letters patent dated 20 June 1479.²⁴² The Gauger’s functions included examining and measuring all barrels of wine, beer, oil and other liquid substances brought by sea into the City of London.²⁴³ The Gauger charged fees for these services.

4. The preamble also recorded that, until the completion of the West India Docks and the London Docks in the early 1800s, liquor imported into London would arrive in the City where it would be processed by the deputy Gauger, thereby earning the City of London a considerable sum by way of profits and revenue. The completion of the docks meant that much of the liquor was now arriving in the docks rather than in the City, a change that resulted in a loss of income both for the City and for the person currently holding the office of deputy Gauger.²⁴⁴

5. Finally the preamble recorded that the cost of compensating the City and the estate of the late deputy Gauger for their respective losses could be met by increasing the fees payable by persons seeking to be admitted as Brokers (of

²⁴² This grant was made by Edward 4 and was confirmed by subsequent letters patent.

²⁴³ The contents of the barrel had to be marked on the barrel before they could be offered for sale.

²⁴⁴ The most recent office-holder had been Nicholas Bacon Harrison, appointed in 1806 following the death of his brother who had also been the deputy Gauger. Mr Harrison paid a yearly rent of £750 for the right to exploit this apparently lucrative office. He died in 1817.

commodities) within the City.²⁴⁵ The licensing of such Brokers was an ancient power exercised by the City.²⁴⁶

6. The 1817 Act accordingly provided as follows-

- (a) every person wishing to be admitted to act as a Broker within the City of London as from 1 July 1817 was required to pay to the City Chamberlain an admission fee of three pounds and a yearly fee of three pounds (in addition to the existing admission fee of forty shillings and the existing annual fee of forty shillings); part of this fee income was to be paid by way of compensation to the estate of the late deputy Gauger, the balance being paid to the City (*section 1*)
- (b) any person employing an unadmitted Broker within the City would be liable to a fine of £100; status of this Act (*sections 2 and 3*).

7. The City's jurisdiction over Brokers, and the fees payable by them, ended with the passing of the *London Brokers' Relief Act 1884*²⁴⁷ which took effect from 29 September 1886. Accordingly the 1817 Act thereupon became spent and its repeal is proposed on that basis.

Consultation

8. The City of London Corporation has been consulted about this repeal proposal.

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²⁴⁵ These fees were first charged in 1707 pursuant to an Act of that year: 6 Ann c.68 (City of London (garbling of spices and admission of brokers)). This Act was repealed by the Food and Drugs Act 1938 (c.56), s 101, Sch 4.

²⁴⁶ Between 1285 and 1886 the Corporation of London was empowered to license all commodity brokers operating in the City of London.

²⁴⁷ 47 & 48 Vict. c.3. This Act was repealed by the Statute Law Revision Act 1898.

3 Geo.4 c.cxiii (1822)
(Orphans Fund, City of London Act)

The whole Act.

Orphans Fund, City of London Act (1822)

1. This note proposes the repeal of an obsolete 1822 Act concerning the finances of the Orphans Fund.

2. According to its long title, the purpose of the *Orphans Fund, City of London Act* of 1822 (“the 1822 Act”) was “the better Regulation of the Fund, called The Orphans’ Fund”.

Background

3. The 1822 Act is consequential upon the *Orphans, London Act* of 1694 (“the 1694 Act”)²⁴⁸ which was passed to give effect to a package of measures to raise a fund (“the Fund”) to pay the interest due on the debts owed by the City of London (“the City”). Most of the debts were in respect of the money with which the City had been entrusted to provide for the needs of orphan children of Freemen of the City. Instead of using the money for this purpose, the City had spent it in meeting its routine running costs.

4. The *attached note* provides a brief account of the circumstances giving rise to the 1694 Act. Suffice it to say that the 1694 Act contained money-raising provisions including annual taxes on the City and coal duties on coal imported into the City.

5. The *preamble* to the 1822 Act outlined several measures which could be taken to increase the income of the Fund.

6. The 1822 Act accordingly provided as follows-

- (a) the surplus income arising from an Act of 1766²⁴⁹ should be credited to the Fund at quarterly rather than six monthly intervals (*sections 1 and 2*)
- (b) the receivers of wine and coal duties were required to pay the receipts to the Chamber of the City at quarterly intervals; power for the Court of Aldermen to shorten the payment times (*sections 3 and 4*)

²⁴⁸ 5 & 6 Will. & Mar. c.10. This Act is also proposed for repeal: see separate note.

²⁴⁹ 7 Geo.3 c.37 (Thames Embankment).

(c) any interest or annuities arising from the Fund that had been unclaimed for 20 years should be credited to the Fund; provision for meeting late claims (*sections 5 and 6*)

(d) expenses and status of this Act (*sections 7 and 8*).

7. The 1822 Act has long been obsolete. The Fund was effectively wound up in 1832 when it merged with the London Bridge Approaches Fund.²⁵⁰ By that time the City's debts (including the debts owed to the orphans) had been fully paid off. Accordingly the 1822 Act no longer serves any useful purpose and its repeal is proposed on that basis.

Consultation

8. The City of London Corporation and the Greater London Authority have been consulted about this repeal proposal.

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²⁵⁰ The merger was effected by an Act of 1829: 10 Geo.4 c.cxxxvi (London Bridge Approaches), s 76. The London Bridge Approaches Fund ceased to exist when its assets were transferred to the Thames Embankment and Metropolis Fund pursuant to the London Coal and Wine Duties Continuance Act 1861 (c.42), s 9. This latter fund was established by the 1861 Act (s 5) and its assets were later transferred to the Metropolitan Board of Works pursuant to the Thames Embankment Act 1862 (25 & 26 Vict. c.93), s 45.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
4 & 5 Will.4 c.xlv (1834) (South London Market Act)	The whole Act.
7 Will.4 & 1 Vict. c.cxiv (1837) (South London Market Company Act)	The whole Act.
South London Market Act 1864 (27 & 28 Vict. c.cxli)	The whole Act.
South London Market Act 1866 (29 & 30 Vict. c.cclxix)	The whole Act.
South London (Elephant and Castle) Market Act 1882 (45 & 46 Vict. c.cxliv)	The whole Act.

South London Market Acts (1834 to 1882)

1. This note proposes the repeal of five obsolete nineteenth century Acts passed to establish markets in Southwark. None of the markets proved successful.

Background

2. The markets envisaged by these obsolete Acts would have been established in the vicinity of Borough Market which is situated close to the south end of London Bridge and adjacent to Southwark Cathedral.²⁵¹ Borough Market moved to its current site in 1755 primarily to avoid the congestion of its earlier site in Borough High Street. An Act of 1755 provided that as from 25 March 1756 no market or market stalls should be erected in Borough High Street.²⁵² A second Act of 1755 authorised the holding of the ancient market in the parish of Saint Saviour so long as it did not interfere with Borough High Street.²⁵³ Borough Market remains on its 1755 site to this day. An Act of 1757 prohibited the setting up of any rival market or stalls within a thousand yards of Borough Market.²⁵⁴

South London Market Act (1834)

3. According to its long title the purpose of the *South London Market Act* of 1834 (“the 1834 Act”) was-

for erecting, establishing, and maintaining a Market in the Parish of St George the Martyr in the Borough of Southwark in the County of Surrey.

²⁵¹ Until 1905 Southwark Cathedral was known as St Saviour’s church.

²⁵² 28 Geo.2 c.9 (Southwark Market), ss 1, 2.

²⁵³ 28 Geo.2 c.23 (Southwark Market).

²⁵⁴ 30 Geo.2 c.31 (Southwark Market), s 10. The penalty for contravening was forty shillings.

4. The *preamble* to the 1834 Act recorded that the population of the Borough of Southwark and neighbouring parishes had been greatly increasing for many years. Moreover the establishment of a market and the erection of a market place with shops and other buildings selling fresh meat, fish, vegetables and dairy products and other commodities “would be highly advantageous to a great Part of the said Borough ... and would greatly tend to the Benefit and Advantage of the Inhabitants thereof”.

5. It appears that this new market was planned as an extension to the existing St George’s Market which had been established around 1789 in St George’s Fields in Southwark. The 1834 Act was passed despite considerable opposition from the trustees of Borough Market.

6. The 1834 Act provided as follows-

(a) incorporation of “The South London Market Company” (“the Company”) (*section 1*)

(b) the Company would pay the trustees of Borough Market (“the Trustees”) £200 yearly as compensation for “the Interference of the said Company”; the Trustees empowered to enforce such payment; the yearly payments to be redeemable by the Company paying the Trustees £4000 (*sections 2 to 4*)

(c) the Company was authorised to purchase land and buildings; conveyancing provisions; provisions for valuing land to be purchased compulsorily; Company authorised to raise finance of up to £250k by the issue of £50 shares; Company authorised to borrow up to £84k (*sections 5 to 29*)

(d) mortgage interest to be payable before dividends on the Company’s shares; powers of mortgagees; subscribing for shares; keeping of the Company’s accounts; holding of Company meetings; procedure at such meetings; appointment, election and retirement of directors; powers and meetings of directors; enforcing payment for shares; transfer of shares (*sections 30 to 71*)

(e) the Company was authorised to demolish buildings and build the new market; to contract for the building work; to make footpaths, open up and widen streets; to sell unwanted land and buildings (*sections 72 to 84*)

- (f) once the market was built the Company was authorised to hold the market and take tolls; no part of the market to be erected within 1000 yards of Borough Market (*sections 85 and 86*)
- (g) no live animals to be sold in the market; lettings of shops; assignments of leases; public weighing houses; display of tolls; power to make rules and regulations and charge tolls for wagons and carts (*sections 87 to 95*)
- (h) penalty for obstructing footpaths or for obstructing market cleaning; penalty for selling unauthorised goods; power to destroy unwholesome meat; search warrants; penalty for assaulting toll collectors or damaging buildings; no fat to be melted in the market (*sections 96 to 105*)
- (i) Company to be liable for nuisance; conviction of offenders; recovery of penalties, damages and costs; civil procedure issues (*sections 106 to 119*)
- (j) the Company was authorised to lease the market and the tolls; savings; powers under this Act to cease if market was not completed by 15 June 1839; interpretation; status of this Act (*sections 120 to 128*).

South London Market Company Act (1837)

7. According to its long title, the purpose of the *South London Market Company Act* of 1837 (“the 1837 Act”) was “to alter and amend [the 1834 Act]”.

8. The *preamble* to the 1837 Act recorded that certain powers and provisions in the 1834 Act had been found defective and insufficient for carrying out the purposes of that Act.

9. The 1837 Act provided as follows-

- (a) confirmation of the 1834 Act; annual general meeting of the Company to be held in July 1837 to elect twelve directors; retirement and re-election of directors; quorum at directors’ meetings; voting at company meetings; location of company meetings (*sections 1 to 7*)
- (b) procedure at jury inquiries into compensation; payment of jury expenses; the Company to be liable to pay court and other costs arising out of the exercise of the Company’s compulsory purchase powers; taxation of costs (*sections 8 to 14*)
- (c) the Company’s compulsory purchase powers under the 1834 Act to be exercisable after 11 July 1838 only with the written consent of the

relevant property owner; powers under the 1834 Act and this Act to cease if the market was not completed by 11 July 1841 (*sections 15 and 16*)
(d) costs and status of this Act (*sections 17 and 18*).

10. Despite the 1837 Act, the directors of the proposed market were unable to raise the necessary capital in the City to construct the market. Accordingly the market was never built pursuant to the 1834 Act or the 1837 Act. However the need for another general market to supplement Borough Market resulted in an attempt in 1864 to give effect to the 1834 Act proposals, albeit in slightly different form.

South London Market Act 1864

11. According to its long title, the purpose of the *South London Market Act 1864* ("the 1864 Act") was-

for making and maintaining a Market in the Parish of St George the Martyr, Southwark, in the County of Surrey.

12. The *preamble* to the 1864 Act recorded that the population of the Borough of Southwark and neighbouring parishes had been greatly increasing for many years. Moreover the establishment of a market and the erection of a market place with shops and other buildings, selling fresh meat, fish, vegetables, dairy products and other commodities "would be highly advantageous to the Inhabitants of the said Borough and Parishes and Places".

13. The 1864 Act provided as follows-

- (a) short title; interpretation (*sections 1 and 2*)
- (b) incorporation of "the South London Market Company" ("the Company"); share capital of the Company (£200K); power to borrow money on mortgage; meetings of the Company; appointment and replacement of directors (*sections 3 to 18*)
- (c) the Company was authorised to construct a market in accordance with plans deposited with the Clerk of the Peace for Surrey; authority to purchase land and buildings and to stop up streets (*sections 19 to 21*)
- (d) the Company would pay the Trustees of the Borough Market such compensation as would be agreed for the damage suffered by "the Interference by the Company with the exclusive Privileges of the Trustees"; no part of the new market was to be erected within 1000 yards of Borough Market; Metropolitan Board of Works approval required before start of market construction (*sections 22 to 24*)

- (e) the Company was liable for any loss of rates arising pending completion of the market; the Company was authorised to alter the position of water and gas pipes during the construction works, making good any damage arising; penalty for obstructing supply of water or gas (*sections 25 to 31*)
- (f) market construction to be completed by 29 June 1869 after which the powers of this Act would cease to be exercisable; the Company's compulsory purchase powers were to cease to be exercisable after 29 June 1867; power to enlarge the market from time to time (*sections 32 to 34*)
- (g) the Company was authorised to levy tolls from stall-holders and from hauliers bringing goods into the market; tolls for weighing goods; authority for Company to erect houses and shops upon land adjacent to the market area; authority for Company to let stalls; savings provisions; expenses of this Act (*sections 35 to 45*).

South London Market Act 1866

14. According to its long title, the purpose of the *South London Market Act 1866* ("the 1866 Act") was "for authorising the South London Market Company to raise further Monies; and for other Purposes".

15. The *preamble* to the 1866 Act recorded that "in consequence of the increasing Value of the Property on the Site of the Market the Powers of the Company for raising Money under the ... [1864] Act are insufficient".

16. The 1866 Act accordingly provided as follows-

- (a) short title; interpretation (*sections 1 to 3*)
- (b) the Company was authorised to raise additional share capital; increased powers to borrow on mortgage; priority of mortgages; application of sums raised (*sections 4 to 13*)
- (c) provisions as to share capital and dividends (*sections 14 to 22*)
- (d) deposits for future Bills not to be paid out of capital; expenses of this Act (*sections 23 and 24*).

17. Once again, however, the efforts to raise the finance to construct the proposed market failed, leaving St George's Market to continue as before.²⁵⁵

South London (Elephant and Castle) Market Act 1882

18. According to its long title, the purpose of the *South London (Elephant and Castle) Market Act 1882* ("the 1882 Act") was-

for the Establishment and Regulation of a Market in South London (near the Elephant and Castle Tavern²⁵⁶) in the parish of Saint Mary Newington in the county of Surrey and for other purposes.

19. Unlike the other two Southwark markets referred to earlier in this note, the Southwark market proposed by the 1882 Act was situated on the north side of the New Kent Road near the Elephant and Castle. Again, unlike the other two South London markets, the one authorised by the 1882 Act actually opened (though it lasted only three years).

20. The *preamble* to the 1882 Act recorded that "the establishment of a market for the sale of fish and other provisions articles and commodities in a convenient position near the Elephant and Castle tavern in the parish of Saint Mary Newington ... would be advantageous to the inhabitants of that neighbourhood and of the southern part of the metropolis generally".

21. The 1882 Act provided as follows-

- (a) short title and interpretation (sections 1 to 3)
- (b) incorporation of "the South London Fish Market Company" ("the Company"); the Company was authorised to construct a market and acquire the necessary land and buildings; saving provisions for the Ecclesiastical Commissioners (*sections 4 to 6*)
- (c) share capital of the Company; Company authorised to borrow on mortgage up to £85k; priority of mortgages; meetings of the Company; directors of the Company (*sections 7 to 19*)
- (d) the Company's compulsory purchase powers to expire on 24 July 1885; the market to be completed by 23 July 1889 after which date the Company's powers to construct the market were to expire; the Company

²⁵⁵ St George's Market gradually fell into a state of neglect and disrepair. It closed as a market around 1900, and in 1906 the site was used as a power station for the electrification of London Tramways. The site is today used for housing.

²⁵⁶ The Elephant and Castle Tavern was an ancient coaching inn situated at the northern end of Walworth Road and at the start of the New Kent Road. The tavern ceased to exist as such when it had its licence withdrawn in around 1920.

was authorised to acquire easements by agreement, and to acquire additional land and stop up certain roads; provisions to protect occupiers of houses compulsorily acquired; application of proceeds of land sold by the Company (*sections 20 to 27*)

- (e) the Company was authorised to hold the market for the sale of fish and other commodities; market to be a public market; the Company was authorised to levy tolls, rents and other charges; savings provisions; advance notice to be given of any alteration to water pipes (*sections 28 to 37*)
- (f) the Company was required by 31 March 1886 to acquire the land necessary to widen existing streets and construct new streets; the Company was authorised to reach agreement with railway companies concerning links between the market and the railway (*sections 38 and 39*)
- (g) expenses of this Act to be paid by the Company (*section 40*).

The present position

22. Borough Market is still thriving today as are other neighbouring markets including East Street Market and the Elephant and Castle Market (outside the Elephant and Castle Shopping Centre). By contrast none of the three markets proposed by the 1834 Act, the 1864 Act and the 1882 Act have survived. Indeed it appears that neither of the markets proposed by the 1834 Act and the 1864 Act opened at all. The South London Fish Market Company established by the 1882 Act was more successful in that it managed to open its market during the summer of 1883. However this was a short-lived success because the market survived for only three years.

Conclusion

23. The collapse of the proposals sanctioned by the Acts of 1834, 1864 and 1882 mean that all three Acts have ceased to serve any useful purpose. Their repeal is proposed on that basis along with the 1837 Act and the 1866 Act which were ancillary to the 1834 Act and the 1864 Act respectively.

Consultation

24. The London Borough of Southwark has been consulted about these repeal proposals.

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8 & 9 Vict. c.xiii (1845) (Southwark Improvement Act)	The whole Act.
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Southwark Improvement Act (1845)

1. This note proposes the repeal of an obsolete 1845 Act passed to abolish the charging of the turnpike tolls in Southwark on Sundays.

Background

2. Until the late nineteenth century, Britain had no national framework for maintaining its highways. For much of the seventeenth and eighteenth centuries, roads were repairable by the population at large, with every able-bodied man being subject to six days a year of unpaid statute labour repairing the roads. The inefficiency of the statute labour system left most roads poorly repaired and maintained.

3. Turnpikes were an alternative method of road administration and were first used in 1663.²⁵⁷ A turnpike was a toll-gate set up across a road, with travellers along that road being able to pass through the gate only upon payment of a toll. The revenue collected from tolls would be used to repair and maintain the road.

Abolition of the Southwark turnpikes

4. The *preamble* to the *Southwark Improvement Act* of 1845 (“the 1845 Act”) recorded that an Act of 1766 (“the 1766 Act”)²⁵⁸ (as amended by several later Acts) provided for the charging of tolls in respect of cattle and carriages passing through certain turnpikes in Southwark on Sundays. The turnpikes were, or were to be, situated along a number of roads and places including Synodd’s Corner (in the parish of Lambeth) Blackman Street (*now* Borough High Street), Newington Butts and Starr Corner (in the parish of Bermondsey).

5. The *preamble* to the 1845 Act also recorded that complaints had been made about the continued collection of the Sunday toll. In particular many of the places where the toll was collected were roads leading directly into London. As the preamble put it, “the Collection of such Toll is a general and public Annoyance and Inconvenience, it is therefore expedient that the Collection of the said Street Toll on a

²⁵⁷ This turnpike was in Wadesmill in Hertfordshire: 15 Cha.2 c.1 (1663).

²⁵⁸ 6 Geo.3 c.24 (Streets, Southwark). This Act has since been repealed: SR & O 1901/264, 275.

Sunday should cease". However, an Act of Parliament was thought necessary to achieve this.

6. The 1845 Act accordingly provided as follows-
 - (a) the provisions in the 1766 Act (and subsequent amending Acts) authorising the collection of the tolls and the erection of turnpikes were repealed with effect from 29 September 1845 (*section 1*)
 - (b) the Commissioners appointed under the 1766 Act were required to remove all turnpikes erected pursuant to that Act by 29 October 1845; any outstanding loans raised on the security of the toll moneys were to be paid out of the rates authorised by the 1766 Act (*section 2*)
 - (c) status of this Act (*section 3*).

Conclusion

7. The provisions of the 1845 Act about the abolition of the turnpike tolls took effect when the Act came into force in September 1845 and became unnecessary when the final turnpike was dismantled pursuant to the Act in October 1845. The provision about repayment of outstanding loans became unnecessary, at the latest, in 1901 when the 1766 Act was finally repealed.²⁵⁹ Accordingly the whole of the 1845 Act has been obsolete for more than a century and its repeal is proposed on that basis.

Consultation

8. The London Borough of Southwark and the Department for Transport have been consulted about this repeal proposal.

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²⁵⁹ SR & O 1901/264, 275.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
London Gaslight Act 1852 (15 & 16 Vict. c.lxxxii)	The whole Act.
London Gaslight Act 1857 (20 & 21 Vict. c.lxxxiii)	The whole Act.
London Gaslight Act 1866 (29 & 30 Vict. c.lv)	The whole Act.
London Gaslight Act 1880 (43 & 44 Vict. c.xcvi)	The whole Act.

London Gaslight Acts 1852 to 1880

1. This note proposes the repeal of four obsolete Victorian Acts relating to the London Gaslight Company which has long ceased to exist.

Background

2. The origins of the gas industry lay with the discovery of coal gas in the early eighteenth century. Gas lighting for homes, buildings and streets was pioneered by a Scottish engineer, William Murdoch, and his pupil, Samuel Clegg. Murdoch first used coal gas in 1792 to light his home in Redruth, Cornwall. By the early 1800s Murdoch was building gas works for the illumination of mills and factories. The first public street gas lighting was demonstrated in Pall Mall in central London in January 1807 by the German inventor, Frederick Winsor. The Gas Light and Coke Company, the first gas undertaking in the world, was incorporated by Royal Charter in 1812. Westminster Bridge was illuminated by gas on New Year's Eve 1813.

3. Gas lighting proved a great success. Gas produced a much brighter light than that obtainable from candles or oil lamps, and was safer and cheaper than either. The installation of gas lamps in the streets made towns safer after dark and helped to reduce crime. Gas lighting in factories helped to increase production especially during the winter months. By 1823 many towns in Britain had gas lighting in their homes, factories and streets. By 1830 two hundred gas companies had been established, a number rising to nearly one thousand by 1860. One of these was the London Gaslight Company.

The London Gaslight Company

4. The London Gaslight Company (“the Company”) was incorporated under that name by an Act of 1844.²⁶⁰ The powers given to the Company by that Act were extended by an Act of 1849.²⁶¹ The repeals proposed in this note relate to four subsequent Acts concerning the Company.

London Gaslight Act 1852

5. According to its long title, the purpose of the *London Gaslight Act 1852* (“the 1852 Act”) was “for granting further Powers to the London Gaslight Company; and for other Purposes”.

6. The *preamble* to the 1852 Act recorded that it was expedient that the Company be permitted to raise additional funds and that amendments be made to its existing statutory powers.

7. The 1852 Act accordingly provided as follows-

- (a) short title; repeal of the Acts of 1844 and 1849; savings provisions to preserve the status of the Company and its officers despite the repeals (*sections 1 to 12*)
- (b) incorporation of other statutory provisions; provisions as to the Company’s share capital and payment of dividends; Company authorised to borrow up to £50K on the security of bonds; priority of existing bonds and mortgages; reborrowing to pay off existing debt; issue of new shares; power of the Company to purchase its shares (*sections 13 to 26*)
- (c) holding of shareholders’ meetings and general meetings; procedure at such meetings; the number of directors to be eight; appointment of directors and of the Company’s Governor and deputy Governor; appointment of auditors (*sections 27 to 38*)
- (d) geographical limits of this Act; the Company was authorised to (1) make, maintain and lay ovens, gasometers, pipes, sewers etc (2) construct buildings upon the lands purchased pursuant to this Act and (3) do all such other acts necessary for supplying the inhabitants of the areas covered by this Act with gas and gas products (*sections 39 and 40*)
- (e) the Company was authorised to purchase or lease land required for the Company’s business (up to fifteen acres); penalty on Company for laying

²⁶⁰ 7 & 8 Vict. c.xcv (London Gaslight Company).

²⁶¹ London Gaslight Amendment Act 1849 (12 & 13 Vict. c.xxxvii)

gas pipes in sewers without consent; notice required for breaking up streets; compensation payable for damage to Company pipes or other property; notice to be given to the Company of lights attached to the Company's mains; recovery of moneys owing to the Company; provision for preventing the fraudulent consumption of gas (*sections 41 to 50*)

- (f) savings; contracts not required to be under seal; penalties not to be cumulative; certain bonds issued by Company to secure debt to be valid (*sections 51 to 58*).

London Gaslight Act 1857

8. According to its long title, the purpose of the *London Gaslight Act 1857* ("the 1857 Act") was "for regulating the Payment of Dividends on certain Classes of Preference Shares in the London Gaslight Company".

9. The *preamble* to the 1857 Act recorded the need to create new debenture stock and to clarify the payment of dividends to certain preference shareholders.

10. The 1857 Act provided as follows-

- (a) short title; authority to create a First Debenture Stock and a Second Debenture Stock, the issue of such stock to discharge the Company from any existing dividend rights of the debenture-holders; order of payment of dividends (*sections 1 to 4*)
- (b) incorporation of other statutory provisions; deferral of dividends on preference shares if profits were insufficient to pay them; sum to be set aside before payment of dividends; application of that sum; expenses of this Act (*sections 5 to 9*).

London Gaslight Act 1866

11. According to its long title, the purpose of the *London Gaslight Act 1866* ("the 1866 Act") was "to authorise the London Gaslight Company to raise further Sums of Money; and for other Purposes".

12. The *preamble* to the 1866 Act recorded that "for enabling the Company to meet their Obligations, and fulfil the Purposes for which they were incorporated, it is expedient that they should be authorised to raise further Sums of Money".

13. The 1866 Act accordingly provided as follows-
- (a) incorporation of other statutory provisions; the Company was authorised to raise up to £300K by the issue of new shares; such new shares to form part of the general capital of the Company; terms of payment and issue of the new shares (*sections 1 to 5*)
 - (b) the Company was authorised to borrow up to £100K by the issue of bonds, existing bonds to take priority; the Company was authorised to issue debenture stock; authority to reduce the price of the Company's gas and increase its illumination power (*sections 6 to 9*)
 - (c) expenses of this Act; short title (*sections 10 and 11*).

London Gaslight Act 1880

14. According to its long title, the purpose of the *London Gaslight Act 1880* ("the 1880 Act") was "to confer further Powers upon the London Gaslight Company; and for further purposes".

15. The *preamble* to the 1880 Act recorded that it was expedient that the Company should be able to sell "gas and other fittings and engines, stoves, pipes, and other appliances for the lighting, warming, and ventilating houses and buildings, the cooking of food, for motive power, and other purposes".

16. The 1880 Act accordingly provided as follows-
- (a) short title; the Company was authorised to buy or hire, sell or let to gas consumers within its area the gas, fittings and appliances described in the preamble; the Company was authorised to charge for such matters (*sections 1 to 3*)
 - (b) the Company was authorised to acquire rights to further its business; application of funds generated by this Act; keeping of accounts; expenses of this Act (*sections 4 to 7*).

Current position

17. The four London Gaslight Acts have long been obsolete. The Company ceased to exist as an independent company in 1883 when it was amalgamated with the Gas Light and Coke Company. Nationalisation of the gas industry on 1 May 1949 resulted in the establishment of twelve Area Boards.²⁶² One of these Boards, the North

²⁶² Gas Act 1948, s 17(1); Gas (Vesting Date) Order 1949, SI 1949/392.

Thames Gas Board, was vested with the property, rights, liabilities and obligations of the Gas Light and Coke Company which then ceased to exist.²⁶³

18. The North Thames Gas Board was dissolved on 1 January 1973 when it became a region of the British Gas Corporation (“the BGC”). All the assets of the Area Boards then vested in the BGC.²⁶⁴ The property, rights and liabilities of the BGC vested in British Gas plc on 24 August 1986 in preparation for privatisation of the company.²⁶⁵ The privatised company demerged to form two separate companies in February 1997. Centrica plc took over responsibility for the gas supply business within the UK, whilst BG plc took over responsibility for the gas transportation business (Transco) and the international exploration and production business.

Conclusion

19. The London Gaslight Acts 1852 to 1880 became obsolete when the Gas Light and Coke Company (with which the London Gaslight Company had amalgamated in 1883) was dissolved at the time of nationalisation of the gas industry in May 1949. The repeal of all four Acts is proposed on that basis.

Consultation

20. The Department of Energy and Climate Change, Ofgem, Centrica plc and BG plc have been consulted about these repeal proposals.

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²⁶³ Nationalisation resulted in the dissolution of most gas companies on 1 May 1949 (the asset vesting date); Gas Act 1948, s 17(9).

²⁶⁴ Gas Act 1972, s 1(1); Gas Act 1972 (Appointed Day) Order 1972, SI 1972/1440.

²⁶⁵ Gas Act 1986, s 49(2); Gas Act 1986 (Nominated Company) Order 1986, SI 1986/1317. The British Gas Corporation was dissolved on 28 February 1990: Gas Act 1986, s 57; British Gas Corporation (Dissolution) Order 1990, SI 1990/147.



Victorian gaslighter

Westminster Improvement Association Act 1853 (16 & 17 Vict. c.ccxv)	The whole Act.
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Westminster Improvement Association Act 1853

1. This note proposes the repeal of an obsolete Victorian Act passed to improve housing in central London.

2. According to its long title, the purpose of the *Westminster Improvement Association Act 1853* (“the 1853 Act”) was-

for the Incorporation of the Westminster Association for improving the Dwellings of the Working Classes.

3. During the second half of the nineteenth century, a large number of Model Dwelling Companies and trusts were established to improve the housing conditions of the working classes in Britain by building new homes for them, whilst at the same time receiving a competitive rate of return on their investment. Perhaps the most well-known of these bodies was the Peabody Trust which continues in existence today.

The 1853 Act

4. The *preamble* to the 1853 Act recorded that “great Improvements have of late been made and are still making in the City of Westminster”. However “in the course of making such Improvements many Houses inhabited by the Labouring Classes have been pulled down, and it is right and expedient that Provision should be made for the Erection of other and better Dwellings for them, in order that their moral and social Conditions may be ameliorated.” The preamble also recorded that several persons had united to buy and construct dwelling houses for the poor in the City of Westminster and other districts.

5. Many of the improvements referred to in the preamble had been carried out pursuant to the Westminster Improvement Acts of 1845, 1847, 1850 and 1853. These Acts authorised the Westminster Improvement Commissioners to acquire land compulsorily and carry out street construction work in the Westminster area.²⁶⁶

²⁶⁶ The Westminster Improvement Commissioners were wound up in 1891 by the Westminster Improvement Commissioners Winding-up Act 1891 (54 & 55 Vict. c.cxliv).

6. The 1853 Act provided as follows-
- (a) incorporation of other statutory provisions; short title (*sections 1 and 2*)
 - (b) incorporation of “The Westminster Association for improving the Dwellings of the Working Classes” (“The Association”) (*section 3*)
 - (c) the object of the Association was to provide, whether by altering existing buildings or by building new ones, “commodious and healthy Lodgings or Dwellings for the poorer Classes, and to let out the same to them as temporary Lodgings or otherwise” (*section 4*)
 - (d) provisions for the Association’s President, Vice-Presidents, meetings and for a committee of management (*sections 5 to 17*)
 - (e) the Association’s capital was to be £10K, increasable to £100K; issue of shares; payment of shares; power to raise money on mortgage (*sections 18 to 24*)
 - (f) power of the shareholders to dissolve the Association and wind up the Association’s affairs; net remaining assets to be distributed to the shareholders (*sections 25 and 26*).

7. Because the work of the Association was not confined to Westminster, the Association’s name was changed in 1855 to “The London and Westminster Association for improving the Dwellings of the Working Classes”.²⁶⁷

8. No trace of the Association surviving beyond 1855 has been found. It is likely that the Association, in common with many other Model Dwelling Companies and trusts of the period, was unable to raise the considerable funds needed to acquire and improve properties in the London area. In any event it is clear that the Association no longer exists today with the result that the 1853 Act, its enabling legislation, is obsolete. Its repeal is proposed on that basis.

Consultation

9. Westminster City Council, the Greater London Authority, the Peabody Trust and the Industrial Dwellings Society (1885) Ltd have been consulted about this repeal proposal.

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²⁶⁷ The Westminster Improvement Act 1855 (18 & 19 Vict. c.cxciii), s 15.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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Islington Market Repeal Act 1854 (17 & 18 Vict. c.lxiii)	The whole Act.
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Islington Market Repeal Act 1854

1. This note proposes the repeal of an obsolete Victorian Act passed to repeal earlier legislation establishing a cattle market in Islington.

2. According to its long title, the purpose of the *Islington Market Repeal Act 1854* (“the 1854 Act”) was-

*for repealing an Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, for establishing a Market for the Sale of Cattle in the Parish of Saint Mary Islington in the County of Middlesex.*²⁶⁸

3. The Act referred to in the preamble was an 1835 Act²⁶⁹ (“the 1835 Act”) which authorised the opening of a cattle market (in April 1836) in competition with Smithfield Market. The enterprise was not successful and soon closed. The *preamble* to the 1854 Act recorded that the holding of the market “has since been discontinued as unprofitable”.

4. The 1854 Act accordingly provided as follows-

- (a) repeal of the 1835 Act; ending of all rights under the 1835 Act to hold the market and charge tolls; land used for the market was freed from all market liability (*section 1*)
- (b) short title (*section 2*).

5. The repeal of the 1835 Act took effect when the 1854 Act came into force on 16 June 1854. The 1854 Act served no further purpose thereafter. It has therefore been unnecessary for over 150 years. Its repeal is proposed on that basis.

Consultation

6. The London Borough of Islington has been consulted about this repeal proposal.

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²⁶⁸ The parish of St Mary Islington is today situated in the London Borough of Islington.

²⁶⁹ 5 & 6 Will.4 c.cxi (St Mary Islington Cattle Market).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
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London Printing and Publishing Company's (Limited) Act 1856 (19 & 20 Vict. c.cvii)	The whole Act.
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London Printing and Publishing Company's (Limited) Act 1856

1. This note proposes the repeal of an obsolete 1856 Act relating to the London Printing and Publishing Company Ltd. This company was wound up in 1882.

2. According to its long title, the purpose of the *London Printing and Publishing Company's (Limited) Act 1856* ("the 1856 Act") was "to amend the Constitution of "The London Printing and Publishing Company, Limited"" ("the Company").

3. The *preamble* to the 1856 Act recorded that the Company was incorporated in 1854 for the purpose of carrying on "the Trades or Businesses of Printing, Engraving, Bookbinding, and various other Branches of Trade, Manufacture, Art, and Science connected with the Production and Publication of Literary Works". The preamble also recorded that legislation was required to give effect to alterations to the Company's constitution arising from the Company's acquisition of a business previously carried on by one Mr John Tallis.

4. John Tallis (1816-1876) was a bookseller and publisher, specialising in the publication of maps. His family began publishing *Tallis's London Street Views* in 1838, with John Tallis taking control of the business in 1849. Tallis entered partnership with Ephraim Tipton Brain in 1853 and together they set up the Company the following year. The 1856 Act was necessary to give effect to their business relationship.

5. The 1856 Act provided as follows:

- (a) short title and construction (*sections 1 and 2*)
- (b) issue of 4000 "A" shares in the Company to John Tallis; other shares to be called "B" shares; dividends payable on shares (*sections 3 to 6*)
- (c) provisions for cancelling terms of an earlier agreement made by the Company; expenses of this Act (*sections 7 and 8*).

6. Initially the affairs of the Company prospered. Differences soon arose, however, and Tallis's subsequent publishing efforts were mainly achieved

independently of the Company. In 1858 he launched a weekly pictorial newspaper called *The Illustrated News of the World*. This followed an unsuccessful attempt to buy (for the Company) *The Illustrated London News* which had been founded in 1842. The economics of publishing *The Illustrated News of the World* proved too great and Tallis lost control of it in 1861. By then he had also lost control of the Company. His subsequent publishing ventures enjoyed mixed success. By the time he died in May 1876, Tallis had relinquished all interest in the Company.

7. The Company itself continued for some years until it was dissolved and wound up by a resolution to that effect being passed by the shareholders on 14 June 1882.²⁷⁰

8. The winding up of the Company in 1882 made the 1856 Act unnecessary and its repeal is proposed on that basis.

Consultation

9. The Illustrated London News and the Publishers Association have been consulted about this repeal proposal.

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²⁷⁰ The London Gazette, 25 July 1882, page 3472.

Pimlico Improvement Act 1857 (20 & 21 Vict. c.67)	The whole Act.
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Pimlico Improvement Act 1857

1. This note proposes the repeal of an obsolete 1857 Act passed to extend the time limits for improvement works in Pimlico.

2. According to its long title, the purpose of the *Pimlico Improvement Act 1857* (“the 1857 Act”) was-

to extend the Time for enabling the Commissioners of Her Majesty’s Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace.

3. The 1857 Act was consequential upon two earlier Acts – the *Pimlico Improvement Act* of 1852 (“the 1852 Act”)²⁷¹ and the *Pimlico Improvement Act 1853*²⁷² (“the 1853 Act”).

4. *The 1852 Act* authorised the Commissioners of Her Majesty’s Works and Public Buildings (“the Commissioners”)²⁷³ to carry out certain works such as constructing and widening streets and pulling down buildings to improve public access to St James’s Park and the Houses of Parliament.²⁷⁴ The 1852 Act gave the Commissioners compulsory purchase powers to acquire land and buildings for these purposes.

5. *The 1853 Act* enlarged and extended the Commissioners’ powers conferred by the 1852 Act. However the compulsory purchase powers given to the Commissioners to carry out the improvements were time-limited, with the result that they could not be exercised after four years from the passing of the 1853 Act.²⁷⁵ This meant that the powers would expire after 4 August 1857.

²⁷¹ 15 & 16 Vict. c.78. This Act remains in force and is not proposed for repeal.

²⁷² 16 & 17 Vict. c.44. This Act remains in force and is not proposed for repeal. It was not given a short title.

²⁷³ The functions of the Commissioners of Works and Public Buildings are today vested in the Secretary for Culture, Media and Sport: Crown Lands Act 1851, s 15; Secretary of State for Culture, Media and Sport Order 1997, SI 1997/1744.

²⁷⁴ The 1852 Act also provided for the improvement of the Kings Road and the enlargement of the gardens at Buckingham Palace.

²⁷⁵ The 1853 Act, s 4.

6. The *preamble* to the 1857 Act recorded that a number of properties authorised for purchase by the 1853 Act had not yet been purchased with the result that an extension of the time allowed by that Act for the purchase was necessary.

7. Accordingly the 1857 Act extended for two years from 4 August 1857 the Commissioners' powers to purchase the properties identified in the Schedule to the Act. Accordingly the compulsory purchase powers would lapse as from 4 August 1859.

Conclusion

8. The powers given to the Commissioners by the 1857 Act were not subsequently renewed and so expired in August 1859. The Act thereupon became spent and its repeal is proposed on that basis.

Consultation

9. The Department for Culture, Media and Sport, the Crown Estate and Westminster City Council have been consulted about these repeal proposals.

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
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London Hydraulic Power Company Limited Act 1860 (23 & 24 Vict. c.lxxxv)	The whole Act.
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London Hydraulic Power Company Limited Act 1860

1. This note proposes the repeal of an obsolete 1860 Act passed to give additional powers to the London Hydraulic Power Company. The company was dissolved in 1882.

2. According to its long title, the purpose of the *London Hydraulic Power Company Limited Act 1860* (“the 1860 Act”) was-

for authorising the London Hydraulic Power Company, Limited, to acquire Powers under “The Waterworks Clauses Acts, 1847;” and for other Purposes.

3. The *preamble* to the 1860 Act recorded that a limited liability company had been established under the name of *The London Hydraulic Power Company Limited* (“the Company”). One of the Company’s objects was “the supplying of Water under Pressure, in order to its being applied as a motive Force to Cranes, Lifts, and other Machinery”. Parliamentary authority was, however, required to lay down the infrastructure necessary to achieve this object.

4. The Company was an early example of the late Victorian and early twentieth-century use of hydraulic (i.e. water) power as a form of energy to operate cranes, lifts, presses and other machinery in central London. Pre-dating the use of electricity as a power source for these purposes, water power was transmitted at high pressure through miles of underground cast-iron pipes to thousands of hotels, shops, offices, docks and factories. The water was pumped using an elaborate network of mains and pumping stations.

5. The 1860 Act provided as follows-

- (a) short title and incorporation of other statutory provisions (*sections 1 to 3*)
- (b) protective provisions concerning sewers, pavements and the River Thames; powers of the Admiralty (*sections 4 to 9*)
- (c) power for the Company to acquire land compulsorily and enter into agreements with water companies for the purchase and supply of water; the area to be covered by the Company; the water was to be used only for

power purposes; use of cranes and other equipment by the Company
(sections 10 to 21)

(d) status of the Company and its legal liability; costs of this Act (sections 22 to 27).

6. The life of the Company was brief. Within twenty years it had become defunct. On 7 March 1882 it was struck off the Companies Register and dissolved.²⁷⁶ By then an entirely separate company had acquired rights to establish a hydraulic power system in central London. Incorporated by the Wharves and Warehouses Steam Power and Hydraulic Pressure Company's Act 1871,²⁷⁷ the company that later became known as the London Hydraulic Power Company²⁷⁸ provided London with hydraulic power until 1977 when it finally ceased operations. The network of pipes, ducts and conduits belonging to that company were acquired in 1985 by Mercury Communications Ltd (now owned by Cable & Wireless Worldwide plc). The network now contains many miles of fibre optic cabling.

Conclusion

7. The dissolution of the Company in 1882 meant that the 1860 Act was no longer necessary. Its repeal on that basis is now proposed. The repeal will have no effect on the later enactments relating to the entirely separate company that also became known as the London Hydraulic Power Company.

Consultation

8. The Greater London Authority and Cable & Wireless Worldwide plc have been consulted about this repeal proposal.

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²⁷⁶ *London Gazette*, 7 March 1882, pages 1003, 1009. This action was taken by the Registrar of Joint Stock Companies pursuant to section 7 of the Companies Act 1880 (c.19) (power of Registrar of Joint Stock Companies to strike names of defunct Companies off register).

²⁷⁷ 34 & 35 Vict. c.cxxi.

²⁷⁸ The name was changed by the London Hydraulic Power Act 1884 (47 & 48 Vict. c.lxxii), s 10. Later enactments relating to this company are the London Hydraulic Power Act 1889 (52 & 53 Vict. c.vii), the London Hydraulic Power Company's Act 1893 (56 & 57 Vict. c.lx), the London Hydraulic Power Company's Act 1903 (3 Edw.7 c.xvii), the London Hydraulic Power Act 1953 (1 & 2 Eliz.2 c.viii) and the London Hydraulic Power Act 1977 (c.xi).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
City of London Traffic Regulation Act 1863 (26 & 27 Vict. c.ccvii)	The whole Act.
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<i>City of London Traffic Regulation Act 1863</i>	
1. This note proposes the repeal of an obsolete Victorian Act passed to control the traffic in the City of London.	
2. According to its long title, the purpose of the <i>City of London Traffic Regulation Act 1863</i> (“the 1863 Act”) was- <i>for the better Regulation of the Traffic in the Streets of the City of London, and for the Prevention of Obstructions therein.</i>	
3. The <i>preamble</i> to the 1863 Act recorded that it was “expedient that better Provision should be made for the Regulation of Omnibuses, Cabs, Carriages, Carts, and other Vehicles passing through the Streets of the City of London or the Liberties thereof so as to prevent Obstruction, and enable the increasing Traffic of the said City to be conducted with less Delay and in a safer Manner”.	
4. The 1863 Act accordingly provided as follows-	
(a) short title; interpretation (<i>sections 1 and 2</i>)	
(b) the Court of the Mayor and Aldermen of the City of London were authorised to make bye-laws for regulating such matters as (i) the routes to be taken by omnibuses, stage carriages and other vehicles carrying passengers; and (ii) the height and width of goods carts and wagons using the streets between 9.00 AM and 6.00 PM; variation or repeal of such bye-laws (<i>sections 3 and 4</i>)	
(c) penalty of forty shillings for contravening such bye-laws; manner and enforcement of penalties (<i>sections 5 to 7</i>)	
(d) approval of bye-laws by the Secretary of State following notice of the intention to apply for such approval being advertised in the London Gazette and other newspapers; printing and publishing of bye-laws (<i>sections 8 to 10</i>)	
(e) expenses of this Act; this Act to remain in force for 7 years from 28 July 1863 (<i>sections 11 and 12</i>).	

5. The 1863 Act continued in force until 1870 when, in accordance with section 12, it ceased to have effect. Accordingly, although the 1863 Act has never been formally repealed, it has served no useful purpose since 1870.²⁷⁹ Its repeal is therefore proposed on that basis.

Consultation

6. The City of London Corporation, the City of London Police, Transport for London and the Department for Transport have been consulted about these repeal proposals.

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²⁷⁹ The 1863 Act was superseded by the Metropolitan Streets Act 1867 (30 & 31 Vict. c.134) which contained analogous provisions relating not just to the City of London but to all parts of London within the jurisdiction of the Metropolitan Board of Works. Bye-laws under the 1863 Act were made in October 1863 and May 1864 (London Gazettes 27 October 1863, page 5073; 3 June 1864, page 2876).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Lambeth Market Act 1868 (31 & 32 Vict. c.clxviii)	The whole Act.

Lambeth Market Act 1868

1. This note proposes the repeal of an obsolete 1868 Act passed to establish a market in Lambeth, south London.

2. According to its long title, the purpose of the *Lambeth Market Act 1868* (“the 1868 Act”) was-

for making and maintaining a Market in the Borough of Lambeth in the County of Surrey.

3. The *preamble* to the 1868 Act recorded that “the Establishment of a Market for the Sale of Butchers Meat, Poultry, Game, Fish, Butter, Cheese, Milk, Vegetables, and other Animal and Vegetable Products, and other marketable Commodities ... in the Borough of Lambeth and County of Surrey, would be highly advantageous to the Inhabitants of the said Borough and the adjoining Parishes and Places”. The preamble also recorded that a number of persons were willing, at their own expense, to be incorporated into a Company to establish such a market.

4. The 1868 Act provided as follows-

- (a) short title; incorporation of other statutory provisions; interpretation provisions (*sections 1 to 3*)
- (b) incorporation of *The Lambeth Market Company* (“the Company”); the Company was authorised to construct a market with power to acquire land compulsorily (*sections 4 and 5*)
- (c) provisions for the Company’s share capital; power for the Company to borrow on mortgage up to £17,500; enforcement of mortgage arrears; application of money raised under this Act (*sections 6 to 11*)
- (d) meetings of the Company; voting at meetings and directors (*sections 12 to 19*)
- (e) the Company’s compulsory purchase powers ceased to be exercisable after July 1871; the Company’s powers to make and complete the market ceased to be exercisable after July 1873 (*sections 20 and 21*)
- (f) the Company was authorised to acquire land by consent and to clear Mead Row for use by vehicles and pedestrians; the Company was

required to keep Mead Row in repair and to pay compensation to the owner of Mead Row (*sections 22 to 26*)

(g) the Company was authorised (1) to levy tolls and rents for use of the market (2) to erect houses and shops in or around the market (3) to let out any houses or stalls in the market (*sections 27 to 34*)

(h) savings and expenses of this Act (*sections 35 to 37*).

5. Although the 1868 Act gave sufficient authority for the establishment of a new food market in Lambeth, it is clear that no such market was ever built in reliance on the Act. Indeed within months of the 1868 Act coming into force in July 1868, notice was published in the *London Gazette*²⁸⁰ of an application for further legislation (1) to authorise the Company to sell or lease the market and any adjoining land to any person willing to purchase it, and (2) to amend or repeal the whole or part of the 1868 Act. In the event no such further legislation was ever brought forward but the terms of this application indicate a desire on the part of the Company to dispose of the market venture.

6. The fact that no market was established pursuant to the 1868 Act means that the Act became spent once the time limit for completing the market expired at the end of July 1873. It is proposed for repeal on that basis.

Consultation

7. The London Borough of Lambeth has been consulted about this repeal proposal.

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²⁸⁰ *London Gazette*, 27 November 1868, page 6293.

Metropolitan Markets (Fish etc) Act 1882 (45 & 46 Vict. c.civ)	The whole Act.
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Metropolitan Markets (Fish etc) Act 1882

1. This note proposes the repeal of an obsolete 1882 Act passed to establish a fish market adjacent to Smithfield Market in central London.

2. According to its long title, the purpose of the *Metropolitan Markets (Fish etc) Act 1882* (“the 1882 Act”) was-

for empowering the Mayor and Commonalty and Citizens of the City of London to convert their authorised London Central Fruit Vegetable and Flower Market into an Inland Fish Market and to continue Farringdon Market and for other purposes.

3. The *preamble* to the 1882 Act recorded that the *London Central Markets Act 1875* (“the 1875 Act”)²⁸¹, which established the London Central Fruit Vegetable and Flower Market (“the Fruit, Vegetable and Flower Market”), provided that once the new market was open for public use, the existing Farringdon Market (which also sold fruit, vegetables and flowers) should be discontinued. The *preamble* also recorded that the City of London, which owned both markets, had now decided (1) to convert the Fruit, Vegetable and Flower Market into an inland fish market, and (2) to retain the Farringdon Market. Since the City of London had planned to sell the site of the Farringdon Market and use the sale proceeds to repay the £70K borrowed (on the credit of that site) to complete the Fruit, Vegetable and Flower Market, it was now necessary to find another means of paying off that loan.

4. The 1882 Act accordingly provided as follows-

(a) short title (*section 1*)

(b) the City of London was authorised to establish and maintain an inland fish market on the site acquired for the Fruit, Vegetable and Flower Market; the new market to be called the *London Central Fish Market*; the 1875 Act provisions to apply to this new market (“the Fish Market”) (*sections 2 and 3*)

(c) the moneys borrowed to construct the Fruit, Vegetable and Flower Market were to be secured against the future rents, tolls and other income of the

²⁸¹ 38 & 39 Vict. c.lix.

- Fish Market; power for the City of London to borrow up to £110K against such future income; application of such income (*sections 4 to 6*)
- (d) provisions as to Farringdon Market, its continuance and income (*sections 7 to 10*)²⁸²
- (e) provisions as to the issue of bonds as security for money borrowed under this Act; repayment of such loans; register of bonds (*sections 11 to 14*)
- (f) exercise of the City of London's powers under this Act; expenses of this Act (*sections 15 and 16*).

5. The Fish Market was duly completed in 1888 and occupied a building by Smithfield Market known as *the Annexe Market* or Triangular Block.²⁸³ Although the building still stands, it is no longer used as a market and has indeed been proposed for redevelopment. The Fish Market ceased to exist in the 1980s.

6. The surviving provisions of the 1882 Act relate to the construction of the Fish Market and the use of its income to repay loans. The discontinuance of the Fish Market in the 1980s means that these provisions have long been obsolete. Their repeal is proposed on that basis.

Consultation

7. The City of London Corporation and the Smithfield Market Tenants' Association have been consulted about this repeal proposal.

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²⁸² Sections 7 to 10 were repealed by the London Central Markets Act 1886 (49 & 50 Vict. c.viii), s 9.

²⁸³ However by virtue of the London Central Markets Act 1886 (49 & 50 Vict. c.viii) the Fish Market was converted into a general market for the sale of fruit, flowers, vegetables, meat, poultry and other commodities in addition to the sale of fish : the 1886 Act, s 6.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
London River-side Fish Market Act 1882 (45 & 46 Vict. c.cxlvi)	The whole Act.
London River-side Fish Market Act 1885 (48 & 49 Vict. c.xlix)	The whole Act.
London Riverside Fish Market (Transfer to Corporation of London) Act 1901 (1 Edw.7 c.lxxi)	The whole Act.

London River-side Fish Market Acts 1882 and 1885

London Riverside Fish Market (Transfer to Corporation of London) Act 1901

1. This note proposes the repeal of two obsolete late Victorian Acts passed to establish a fish market in Shadwell in east London. Also proposed for repeal is an early nineteenth-century Act passed to transfer the market to the City of London. The market closed in the opening years of the twentieth century.

London River-side Fish Market Act 1882

2. According to its long title, the purpose of the *London River-side Fish Market Act 1882* (“the 1882 Act”) was-

for the establishment and regulation of a Fish Market in the parish of St Paul Shadwell and borough of Tower Hamlets in the County of Middlesex and the formation of a New Street and the widening and improvement of existing Streets and Landing Stairs near to the Market and for other purposes.

3. The *preamble* to the 1882 Act recorded that “the establishment of a market for the sale of fish in a convenient position in the parish of St Paul Shadwell ... would be of local and public utility”.

4. The 1882 Act provided as follows:

- (a) short title, interpretation and incorporation of other statutory provisions (*sections 1 to 4*)
- (b) incorporation of *The London River-side Fish Market Company* (“the Company”); the Company’s capital; calls on shareholders; the Company was authorised to borrow up to £85K; appointment of a receiver; issue of debenture stock; application of moneys raised under this Act (*sections 5 to 11*)
- (c) meetings of the Company; appointment of directors (*sections 12 to 16*)

- (d) the Company was authorised (1) to establish and maintain a market-place with all necessary buildings, (2) to build new streets and widen existing streets, (3) to acquire land and easements; the Company's compulsory purchase powers were not to be exercisable after 24 July 1885 (*sections 17 to 20*)
- (e) the Company was authorised to hold a market for the sale of fish on any day except Sundays, such market to be forever a public market²⁸⁴; market limits; Company's authority to levy tolls and rents, let rooms, create wharves, create junctions with existing streets and stop up certain streets (*sections 21 to 29*)
- (f) the Company was required to reimburse the parish of St Paul Shadwell for all rates and taxes lost while the market was being constructed; the Company was required to give notice before undertaking street works; provisions imposing obligations on the Company in relation to the street works (*sections 30 to 38*)
- (g) the Company was authorised to discontinue certain drains and sewers and required to make good any damage to other drains and sewers; provisions concerning the district board of works and the roads in Mile End Old Town; protective provisions for the East London Waterworks Company, the Commercial Gas Company and for sewers controlled by the Metropolitan Board of Works (*sections 39 to 49*)
- (h) the Company was authorised to move telegraph wires; the new and improved streets were to be managed and controlled by the same authorities as the other streets; the Company's street-work powers to cease to be exercisable after 24 July 1887 (*sections 50 to 52*)
- (i) protective provisions as to the houses of the labouring classes; disapplication of the Metropolitan Building Act 1855;²⁸⁵ nothing in this Act to affect the Conservators of the River Thames; the Company to enjoy no exemption from future laws about market or tolls; costs of this Act (*sections 53 to 58*).

London River-side Fish Market Act 1885

5. According to its long title, the purpose of the *London River-side Fish Market Act 1885* ("the 1885 Act") was-

²⁸⁴ The requirement that the market be forever a public market was repealed by the City of London (Various Powers) Act 1912 (c.xlii), s 20.

²⁸⁵ This provision was repealed, and new provisions substituted, by the London River-side Fish Market Act 1885, s 5.

to extend the Time for the Purchase of Lands and for the Completion of certain Works authorised by [the 1882 Act] and for other purposes.

6. The 1885 Act provided as follows-
 - (a) short title (*section 1*)
 - (b) the time limits imposed by the 1882 Act for the Company exercising its compulsory purchase powers and for completion of works authorised by that Act were extended to 24 July 1888 and 24 July 1892 respectively (*section 2*)
 - (c) amendment of the Company's borrowing powers; rate of interest payable by the Company on its debenture stock (*sections 3 and 4*)
 - (d) repeal and substitution of 1882 Act provision (disapplication of the Metropolitan Building Act 1855) (*section 5*)
 - (e) costs of this Act (*section 6*).

London Riverside Fish Market (Transfer to Corporation of London) Act 1901

7. According to its long title, the purpose of the *London Riverside Fish Market (Transfer to Corporation of London) Act 1901* ("the 1901 Act") was-

to confirm and give effect to an agreement for the sale and transfer of the London Riverside Fish Market to the Mayor and Commonalty and Citizens of the City of London and for other purposes.

8. The *preamble* to the 1901 Act recorded that the Company had indeed established a fish market pursuant to the 1882 Act and that the Company had entered into an agreement dated 10 July 1900 ("the Agreement") to sell the market, its land and buildings ("the market undertaking") to the City of London for £175K. Such arrangement, however, required Parliamentary approval.

9. The 1901 Act accordingly provided as follows-
 - (a) short title and incorporation of other statutory provisions (*sections 1 and 2*)
 - (b) the Agreement was duly confirmed and the market undertaking was vested in the City of London in accordance with the Agreement (*sections 3 and 4*)
 - (c) the transfer of the market undertaking was not to affect third parties or market rents or tolls; the City of London was to be entitled to all market premises and income and to exercise all the rights and powers of the

Company (and to be subject to all the Company's duties) in relation to those premises (*sections 5 to 8*)

- (d) winding up and dissolution of the Company; payments into court; general saving for rights arising before such dissolution (*sections 9 to 12*)
- (e) the City of London was authorised to enlarge the fish market and to market additional commodities; City of London to compensate Stepney Council for any loss of general rates arising from such enlargement; this Act not to prevent the holding of any market by the Corporation of West Ham, or to affect any rights of the City of London in relation to markets (*sections 13 to 16*)
- (f) costs of this Act (*section 17*).

Subsequent history

10. During the early years of the twentieth century the demand for a fish market in the Shadwell area diminished. An Act of 1912 recorded that "it has been found that no public demand has existed or now exists for the holding of a fish or other market on the site prescribed in that behalf by [the 1882 Act] and it is expedient that the obligation to provide and maintain the said market should be repealed and that the lands comprised in the said undertaking should be used for other purposes."²⁸⁶

11. In 1910 a committee was formed by the Lord Mayor of London to develop projects in the memory of King Edward VII. A fund was opened for public subscription and one of the projects approved by the committee was the development of a park at Shadwell, including the site occupied by the fish market. The City of London agreed to sell its interest in the site for £70K. Following delays caused by the 1914-18 War, the park (now known as the *King Edward Memorial Park* or simply as *Shadwell Park*) was opened to the public on 24 June 1922 by King George V. Ownership of the park was transferred to the London Borough of Tower Hamlets in 1971.

12. The closing of the fish market between 1901 and 1910 means that the 1882 Act, the 1885 Act and the 1901 Act have all become unnecessary. Their repeal is proposed on that basis.

²⁸⁶ City of London (Various Powers) Act 1912 (2 & 3 Geo.5 c.xlii), preamble. Section 20 of that Act provided that the City of London should no longer be under any obligation to provide or maintain a public market for any purpose pursuant to the 1882 Act.

Consultation

13. The London Borough of Tower Hamlets and the City of London Corporation have been consulted about these repeal proposals.

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Paddington Market Act 1883 (46 & 47 Vict. c.clviii)	The whole Act.
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Paddington Market Act 1883

1. This note proposes the repeal of an obsolete 1883 Act passed to establish a market near Paddington railway station in west London.²⁸⁷

2. According to its long title, the purpose of the *Paddington Market Act 1883* (“the 1883 Act”) was-

the establishment and regulation of a Market to be called Paddington Market in the parish of St Mary Paddington in the county of Middlesex and for other purposes.

3. The *preamble* to the 1883 Act recorded that “the establishment of a Market for the sale of fruit vegetables meat poultry fish and other provisions articles and commodities in a convenient position at Paddington in the parish of St Mary Paddington in the county of Middlesex would be advantageous to the inhabitants of that neighbourhood and of the Western and North-western parts of the Metropolis generally”.

4. The 1883 Act provides as follows-

(a) short title; incorporation of other statutory provisions; interpretation (*sections 1 to 3*)

(b) incorporation of “the Paddington Market Company” (*section 4*)

(c) the Company was authorised to construct a market (to be called *Paddington Market*) with all suitable buildings and approaches; power to acquire land compulsorily for the purpose (*sections 5 and 6*)

(d) the Company’s share capital, calls, borrowing powers; arrears; priority of mortgages; meetings of the Company; directors (*sections 7 to 20*)

(e) the Company’s powers of compulsory purchase were not to be exercisable after 2 August 1885; the Company’s powers to construct the market were not to be exercisable after 2 August 1888 (*sections 21 and 22*)

(f) the Company was authorised to acquire easements by agreement and extend the limits of the market; the Company was authorised to stop up or

²⁸⁷ The market was intended for construction between the Harrow Road and North Wharf Road, just to the north of Paddington Station.

divert roads including Dudley Street, Dudley Mews and Hermitage Street
(*sections 23 to 25*)

- (g) provisions authorising the raising or lowering of streets, and interference with drains and sewers; compensation for loss of rates pending completion of the building works; notice to be given before acquiring houses occupied by the labouring classes; application of sale proceeds from property sold by the Company (*sections 26 to 32*)
- (h) the Company was authorised to hold a daily market (except on Sunday) for the sale of meat, poultry, fish and other commodities, the market to be open to the public; limits of this Act (*sections 33 to 35*)
- (i) the Company was authorised to levy tolls as prescribed; this Act not to affect the rights of the City of London; expenses of this Act (sections 36 to 41).

5. Despite the 1883 Act providing the necessary authority for the establishment of a market in Paddington, it appears that no market was ever established pursuant to this Act.²⁸⁸ On that basis it is clear that the Act became spent once the time limit for completing the market expired after 2 August 1888. It follows that the 1883 Act has long ceased to serve any useful purpose and its repeal is proposed on that basis.

Consultation

6. Westminster City Council has been consulted about this repeal proposal.

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²⁸⁸ An ancient market (dating back to 1830) used to operate in Church Street but was discontinued in the early 20th century. The site was bombed during the Second World War and was then redeveloped as part of the Church Street estate.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
South London Polytechnic Institutes (Borough Road Site) Act 1890 (53 & 54 Vict. c.ix)	The whole Act.

South London Polytechnic Institutes (Borough Road Site) Act 1890

1. This note proposes the repeal of an 1890 Act authorising the purchase of a site that today houses the London South Bank University.

2. As stated in its long title, the purpose of the *South London Polytechnic Institutes (Borough Road Site) Act 1890* (“the 1890 Act”) was “to authorise the purchase of a Site in Southwark for the South London Polytechnic Institutes”.

Background

3. *South London Polytechnic Institutes* (“the Institutes”) was an association established following the City of London Parochial Charities Act 1883. That Act provided for the distribution by the Charity Commissioners of money to improve the physical, social and moral condition of Londoners. In 1888 the Charity Commissioners pledged funds to establish three polytechnics in south London, one of which was to be established near the Elephant and Castle on Borough Road.²⁸⁹ The 1890 Act provided the necessary authority for the purchase of that site to house the new polytechnic.

The 1890 Act

4. The *preamble* to the 1890 Act recorded that the Institutes had entered an agreement to purchase the leasehold interest of the existing occupier of the Borough Road site.²⁹⁰ The freehold owner of this site, however, was the City of London Corporation (“the Corporation”) who, though willing to sell their freehold interest, had no power to do so without the authority of Parliament.

²⁸⁹ Pressure for the establishment of the polytechnics was exerted by the South London Polytechnics Institutes Council founded by Edric Bayley, a solicitor and member of the London School Board. The other two polytechnics were established at New Cross (now Goldsmiths College) and at Battersea (which eventually moved and became part of the University of Surrey).

²⁹⁰ The site was occupied by the British and Foreign School Society Training College. The agreement was scheduled to the 1890 Act.

5. The 1890 Act accordingly provided as follows-
 - (a) short title and incorporation of land acquisition statutory provisions (*sections 1 and 2*)
 - (b) the Corporation was authorised to sell their interest in the site (*section 3*)
 - (c) costs of this Act (*section 4*).

6. The Corporation duly sold their freehold interest in accordance with the 1890 Act and the polytechnic opened as the *Borough Polytechnic Institute* in 1892.²⁹¹ Re-named as the Polytechnic of the South Bank in 1971 and as the South Bank Polytechnic in 1987, the polytechnic acquired university status in 1992 and has, since 2003, been known as the *London South Bank University*.

7. The Corporation's disposal of its freehold interest in the Borough Road site in 1890 fulfilled the purpose of the 1890 Act which thereupon became spent. It is proposed for repeal on that basis.

Consultation

8. The City of London Corporation and the London South Bank University have been consulted about this repeal proposal.

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²⁹¹ The formal opening was by Lord Rosebery on 30 September 1892.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Corporation of London (Loans) Act 1892 (55 & 56 Vict. c.lxxvii)	The whole Act.
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<i>Corporation of London (Loans) Act 1892</i>	
<p>1. This note proposes the repeal of an obsolete late Victorian Act relating to local government finance.</p> <p>2. According to its long title, the purpose of the <i>Corporation of London (Loans) Act 1892</i> (“the 1892 Act”) was-</p> <p style="padding-left: 40px;"><i>to authorise the Corporation of London to borrow and reborrow under the Local Loans Act 1875.</i></p> <p>3. Section 31 of the Local Loans Act 1875 (“the 1875 Act”)²⁹² permitted any local authority (notwithstanding any statutory provision enacted before the 1875 Act) to borrow or reborrow, in the manner provided by that Act, any loan which it was authorised to borrow.</p> <p>4. The <i>preamble</i> to the 1892 Act recorded that doubts had arisen as to whether the Mayor and Commonalty and Citizens of the City of London (“the City of London”) counted as a local authority within the meaning of the 1875 Act for the purpose of borrowing or reborrowing any moneys which the City of London was authorised to do under any of the enactments specified in the Schedule to the 1892 Act.</p> <p>5. The 1892 Act accordingly provided that the City of London was deemed to be a local authority within the meaning of the 1875 Act for the purposes of borrowing or reborrowing moneys as authorised under any of the enactments specified in the Schedule.</p> <p>6. The 1892 Act is now unnecessary. The 1875 Act was repealed by the Local Government and Housing Act 1989 (“the 1989 Act”)²⁹³, Part 4 of which contained provisions²⁹⁴ authorising local authorities (including the City of London²⁹⁵) to borrow money for any purpose relevant to their functions under any enactment. This effectively superseded the 1892 Act, rendering it unnecessary. The repeal of the</p>	

²⁹² 38 & 39 Vict. c.83

²⁹³ The 1989 Act (c.42), s 194(2), Sch 12 Pt 1.

²⁹⁴ Section 43 of the 1989 Act provided general borrowing powers.

²⁹⁵ The 1989 Act, s 39.

1892 Act is proposed on that basis. Part 4 of the 1989 Act has since been repealed by the Local Government Act 2003²⁹⁶, section 1 of that Act providing local authorities (including the City of London²⁹⁷) with power to borrow for any purpose relevant to their functions under any enactment.

Consultation

7. The City of London Corporation has been consulted about this repeal proposal.

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²⁹⁶ The 2003 Act, s 127(1) (2); Sch 7 paras 28, 29; Sch 8 Pt 1.

²⁹⁷ The 1989 Act, s 23.

City of London (Public Health) Act 1902 (2 Edw.7 c.cxvi)	The whole Act.
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City of London (Public Health) Act 1902

1. This note proposes the repeal of an obsolete Edwardian Act passed to mitigate the effect of demolition work in the City of London.

2. According to its long title, the purpose of the *City of London (Public Health) Act 1902* (“the 1902 Act”) was-

for regulating the removal of house refuse and the materials arising from the demolition of buildings within the City and the nuisances caused by such demolition and for other purposes.

3. According to the *preamble* to the 1902 Act, “great nuisance is caused during the demolition of buildings within the city by want of proper control over such demolition and the removal of materials resulting therefrom and great damage and inconvenience is done and caused by the dust and dirt arising from such demolition”.

4. Much of the 1902 Act has already been repealed. Repealed provisions are as follows-

- ◆ section 4 (removal of house refuse)²⁹⁸
- ◆ sections 7 to 10, 15 (byelaws, expenses of this Act).²⁹⁹

5. The only substantive unrepealed provision in the 1902 Act is *section 5*. *Section 5* empowered the City of London Corporation to make byelaws as to the demolition of buildings within the City of London. The purposes for which such byelaws could be made included the placing of fans, the hoarding up of windows, the regulation of demolition of internal parts of buildings, the placing of screens or mats and the use of water to prevent nuisance from dust.³⁰⁰

²⁹⁸ City of London (Various Powers) Act 1961 (c.xxviii), s 37(1), Sch Pt 1 (which also repealed the definition of “house refuse” in section 2 (interpretation)).

²⁹⁹ Local Law (City of London) Order 1965, SI 1965/508 art 4, Sch 2.

³⁰⁰ Byelaws could also be made to regulate the hours when demolition work could be carried out or when rubble could be carted away. The power to make such byelaws was later extended to require notice of proposed demolition to be given to the City of London Corporation: City of London (Various Powers) Act 1944 (c.iv), s 11.

6. Legislation enacted since 1902 concerning demolition, noise, pollution and air quality have made section 5 unnecessary. In particular local authorities now have power to serve notices to ensure that demolition work is carried out in such a way as to protect the public and preserve public amenities.³⁰¹ So far as the City of London is concerned, the City's Department of Environmental Services has produced a Code of Practice to ensure that construction and deconstruction (ie demolition) sites are operated so as to protect the interests of residents, workers and the environment.³⁰²

7. The remaining provisions of the 1902 Act are ancillary to section 5. These provisions are as follows-

- ◆ sections 1 and 2 (short title, interpretation)
- ◆ section 3 (1902 Act to be executed by the Common Council)
- ◆ section 6 (exemption for railway property)
- ◆ sections 11 and 12 (recovery of penalties, appeals)
- ◆ sections 13 and 14 (exemptions for Inner and Middle Temples; savings for Crown).

None of these provisions will be necessary following the repeal of section 5.

Conclusion

8. The 1902 Act no longer serves any useful purpose. The only unrepealed substantive provision (section 5) has been superseded by modern legislation relating to the environmental effects of construction and demolition projects. Accordingly the 1902 Act is now unnecessary and its repeal is proposed on that basis.

Consultation

9. The City of London Corporation, the City of London Corporation's District Surveyor's Office and the Department for Communities and Local Government have been consulted about this repeal proposal.

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³⁰¹ Building Act 1984, ss 81, 82 (s 80 provides for notice of proposed demolition to be given to a local authority). See also the Control of Pollution Act 1974, s 60 (control of noise on construction sites).

³⁰² *Code of Practice for Deconstruction and Construction Sites* (5th edition, August 2009).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
King Edward's Hospital Fund for London Act 1907 (7 Edw.7 c.lxx)	The whole Act.

King Edward's Hospital Fund for London Act 1907

1. This note proposes the repeal of an obsolete 1907 Act relating to the King Edward's Hospital Fund for London.

2. According to its long title, the purpose of the *King Edward's Hospital Fund for London Act 1907* ("the 1907 Act") was-

To incorporate the President and Council of King Edward's Hospital Fund for London to provide for the management of the Fund and for other purposes.

3. The *preamble* to the 1907 Act recorded that the King Edward's Hospital Fund for London ("the Fund") was established as a result of public subscriptions being invited by the then Prince of Wales in 1897 to secure "more efficient aid and support for hospitals of London and of thus commemorating the sixtieth anniversary of the reign of Her late Majesty Queen Victoria".

4. The *preamble* also recorded that "it is expedient that for the proper establishment and administration of the Fund upon a permanent basis the president and general council should be incorporated and that provision should be made for the regulation and management of the Fund and with respect to present and future investments" .

5. The 1907 Act accordingly provided as follows-

(a) the short title (*section 1*)

(b) incorporation of the Fund's president,³⁰³ governors and general council by the name of "*King Edward's Hospital Fund for London*" ("the Corporation") (*section 2*)

(c) the objects of the Corporation which were, in particular, to apply the Corporation's capital and income "towards the support benefit or extension of the hospitals of London" (*section 3*)

(d) interpretation (*section 4*)

(e) appointment of the Corporation's president (*section 5*)

³⁰³ His Royal Highness George Prince of Wales was president of the Fund at the time the 1907 Act was Passed.

- (f) powers of the president and general council and special powers of the president (*sections 6 and 7*)
- (g) rules and regulations, meetings, procedure and auditing of accounts (*section 8*)
- (h) transfer of property to the Corporation (*section 9*)
- (i) the Corporation's investment powers (*section 10*)
- (j) acceptance of gifts subject to conditions (*section 11*)
- (k) indemnity of persons acting in the management and application of the Fund (*section 12*)
- (l) costs and expenses of obtaining this Act (*section 13*).

6. The role of the Corporation changed during the twentieth century. Originally its work focussed on raising money for London's voluntary hospitals. However, with the founding of the National Health Service ("the NHS") in 1948,³⁰⁴ the Corporation began to focus on research and development in the area of health and social care, and worked to develop good practice in the NHS.

7. However the passage of time revealed issues with the 1907 Act which became a hindrance to the Corporation in the carrying out of its work. The charitable objects set out in the 1907 Act lacked clarity, thereby obstructing the Corporation in developing a number of its programmes. Furthermore the governance structure in the 1907 Act became ill-suited to the needs of a large modern charity, and outdated in comparison with the types of governance structures commonly used by other large charities.

8. To resolve these difficulties the Corporation in 2007 petitioned the Privy Council for a Royal Charter to establish a new body to take forward the Corporation's charitable objectives, with the benefit of a new governance structure better fitted for modern times. This petition followed consultations with His Royal Highness The Prince of Wales (as President of the Corporation), the Department of Health and the Charity Commission. All supported the petition. The Royal Charter was granted on 9 July 2008 and constituted a new corporate body known as *The King's Fund*³⁰⁵ with a new and modern governance structure. The assets and the undertaking of the

³⁰⁴ By virtue of the National Health Service Act 1946, s 6 and the National Health Act (Appointed Day) Order 1948 (SI 1948/112) all voluntary hospitals and most hospitals belonging to local authorities were transferred to and vested in the Minister of Health on 5 July 1948.

³⁰⁵ The objectives of The Kings Fund, as set out in the Charter, are "the promotion of health and the alleviation of sickness for the benefit of the public, by working with and for healthcare organisations, provided that such work will confer benefit, whether directly or indirectly, upon healthcare in London",

Corporation were transferred to The King's Fund on 1 January 2009 on terms that The King's Fund in effect took over the running of the charitable works previously carried on by the Corporation. The King's Fund was registered as a charity on 27 November 2008.

9. The 2009 transfer of assets and functions means that the Corporation is now a shell with no assets to its name and no functions to carry out. Accordingly the provisions of the 1907 Act, which established the Corporation and provided for its functions, are now spent. It follows that the 1907 Act has become obsolete and its repeal is proposed on that basis. Such repeal was supported by the Corporation at its final General Council meeting in November 2010 when it passed a resolution to that effect.

Consultation

10. The Department for Health, the Charity Commission and The King's Fund have been consulted about these repeal proposals.

LAW /005/007/06
13 June 2011