

ELIZABETH II



1967 CHAPTER ix

An Act to confer further powers upon the Trustees of the Newcastle-under-Lyme Burgesses' Lands; to amend the Newcastle-under-Lyme Burgesses' Lands Act, 1859; and for other purposes. [10th May 1967]

**W**HEREAS by the local and personal Act passed in the fifty-sixth year of the reign of King George 3 intituled "An Act for Inclosing Lands in the Parishes of Newcastle-under-Lyme, Trentham, Woolstanton, and Stoke-upon-Trent, in the County of Stafford" 1816 c. 33. certain lands were directed to be allotted in lieu of common rights to trustees appointed by that Act under the name and style of "The Trustees for the Burgesses of the Borough of Newcastle-under-Lyme, in the County of Stafford" upon the trusts therein mentioned:

And whereas, having regard (inter alia) to the limited powers conferred upon the said trustees by the said Act with respect to the lands for the time being vested in them for the benefit of the burgesses of the borough of Newcastle-under-Lyme (hereinafter referred to as "the burgesses' lands") it subsequently became necessary to make new provision for the management of the burgesses' lands:

And whereas by the Newcastle-under-Lyme Burgesses' Lands Act, 1859 (hereinafter referred to as "the Act of 1859"), new 1859 c. ciii. trustees were incorporated and the management of the burgesses' lands became vested in a body of twenty-four trustees elected by

the said burgesses under the name and style of "The Trustees of the Newcastle-under-Lyme Burgesses' Lands" (hereinafter referred to as "the trustees"):

And whereas by the Act of 1859 other provisions were enacted relating to the management of the burgesses' lands, including provisions relating to the application of purchase moneys received in respect of lands and hereditaments sold by the trustees from time to time, the investment of such purchase moneys and the application of other capital moneys for the time being held by the trustees:

And whereas the said provisions are unduly restrictive and it is expedient in the interests of the said burgesses that further powers should be conferred upon the trustees as in this Act provided:

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

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

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

Short and  
collective  
titles.

1859 c. ciii.

1.—(1) This Act may be cited as the Newcastle-under-Lyme Burgesses' Lands Act 1967.

(2) The Newcastle-under-Lyme Burgesses' Lands Act, 1859, and this Act may be cited together as the Newcastle-under-Lyme Burgesses' Lands Acts, 1859 and 1967.

Incorporation  
of Com-  
missioners  
Clauses Act,  
1847.

1847 c. 16.

2. The Commissioners Clauses Act, 1847 (except sections 17, 23 to 28, 32, 35, 46, 61, 63, 90, 91, 104 and 106 and the provisions thereof with respect to the mortgages to be executed by the commissioners), shall, so far as the same are applicable for the purposes of and are not varied by, or inconsistent with, the provisions of this Act, be incorporated with this Act, the provisions of that Act being construed as if the words "trustees" and "burgesses" had been inserted therein instead of the words "commissioners" and "ratepayers" and as if the word "borough" had been inserted instead of the expression "limits of the special Act" or the word "town" and the word "rates" shall include any rents, head money or other similar payment to or for the trustees or any of their officers.

3. In this Act "the Act of 1859" means the Newcastle-under-Lyme Burgesses' Lands Act, 1859, and, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Act of 1859 have the same respective meanings. Interpretation.  
1859 c. ciii.

4.—(1) Section II (Interpretation of certain words) of the Act of 1859 shall have effect as if— Amendment  
of Act of  
1859.

(a) in the definition of the word "trustees", after the word "shall" there were inserted the words "(except in the definition of the expression 'authorised securities')";

(b) at the end of the definition of the expression "Burgesses' Lands", there were inserted the words "or for the time being held by or on behalf of the trustees for the benefit of the burgesses";

(c) at the end thereof there were inserted the following definition:—

"The expression 'authorised securities' shall mean any securities in which trustees are for the time being authorised by law to invest trust moneys."

(2) Section LIII (Purchase moneys amounting to two hundred pounds to be paid into the bank until invested in other lands) of the Act of 1859 shall have effect as if at the end thereof there were inserted the words "or in the purchase of authorised securities to be held upon the like trusts and subject to the like powers".

(3) Section LIV (In the meantime the money may be invested) of the Act of 1859 shall have effect as if the words "and until the money can be so applied it may, upon the like order, be laid out in some of the public funds, or in government or real securities" were omitted and as if for the words "the dividends or interest arising therefrom" there were substituted the words "any dividends or interest arising from authorised securities for the time being held on behalf of the trustees shall be".

(4) Section LVIII (Application of capital) of the Act of 1859 shall have effect as if for the words from "In the meantime" to the end of the section there were substituted the words "Until such time as the trustees consider it expedient to make such purchase, to invest the said moneys in authorised securities for the benefit of the burgesses".

5. The costs, charges and expenses preliminary to and of and incidental to the applying for and the preparing, obtaining and passing of this Act shall be paid by the trustees and may in whole or in part be defrayed out of the Burgesses' Capital Account established under the Act of 1859. Costs of Act.

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# Newcastle-under-Lyme Burgesses' Lands Act 1967

## CHAPTER ix

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