



# Open Spaces Act 1906

## 1906 CHAPTER 25

### *POWER TO TRANSFER OPEN SPACES AND BURIAL GROUNDS TO LOCAL AUTHORITIES*

#### **5 Transfer to local authority by owners of open spaces subject to rights of user**

- (1) Where any open space is subject to rights of user for exercise and recreation in the owners or occupiers, or both, of any houses round or near the same, whether the rights are secured by covenant or not, the owner of the open space may, with the consent, signified by a special resolution, of such owners or occupiers, or both, as the case may require,—
  - (a) convey to any local authority his estate or interest in the open space in trust for the enjoyment of the public ; or
  - (b) grant to any local authority in trust as aforesaid any term of years or other limited interest in or any right or easement over the open space; or
  - (c) make an agreement with any local authority for the opening to the public of the open space and the care and management thereof by the local authority either at all times or at any specified times:

and thereupon the owner shall be discharged from any liability to any person entitled to any right of user in respect of any act done in accordance with the consent so given.

- (2) Where any person has any term of years or other limited interest in any such open space this section shall apply to him with reference to that interest in like manner as it applies to the owner of the open space.
- (3) Where any open space is used as a place of exercise and recreation for the inhabitants of certain houses, and the property and right of user is vested in one or more persons as owners or occupiers of the houses, those owners and occupiers (if any) may convey to a local authority in trust for the public a right to enter upon, use, and enjoy the open space subject to such terms and conditions as may be agreed upon.