



Crown Lands Act 1936

1936 CHAPTER 47

An Act to provide for the vesting in the Commissioners of Works of certain Crown lands in Westminster as a site for public offices and police offices, to amend the law with respect to other Crown lands, to amend the Crown Lands Acts, 1829 to 1927, and the Public Offices (Sites) Act, 1912, and for purposes connected with the matters aforesaid. [31st July 1936]

WHEREAS by the Public Offices (Sites) Act, 1912 (hereafter in this Act referred to as " the principal Act"), for the purpose of providing a site for certain public offices, provision was made for vesting in the Commissioners of Works certain lands in the City of Westminster then vested in His Majesty (referred to in that Act and this Act as the " southern lands " and the " northern lands " respectively):

And whereas it is expedient to provide for the extension of the said site and for the extension of the offices of the Metropolitan Police at New Scotland Yard, and for that purpose to provide for the vesting in the said Commissioners of certain other lands (in this Act referred to as the " additional lands ") which adjoin the southern lands and for purposes of identification are described on a map (in this Act referred to as " the sealed map ") to which the official seal of the Commissioners of Crown Lands was affixed on the nineteenth day of December, nineteen hundred and thirty-five :

And whereas the additional lands are now, subject to certain outstanding leases, vested in His Majesty as part of the hereditary land revenues of the Crown :

And whereas the additional lands include the premises known as Nos. 1 to 7 Richmond Terrace (in this Act referred to as " Richmond Terrace "), the lodge, gardens, shrubberies and ornamental enclosures appurtenant thereto (in this Act referred to as " the Richmond Terrace lands "), the premises known as Nos. 1 to 7 Richmond Mews (in this Act referred to as " Richmond Mews") and the site of the carriageways and footways appurtenant to Richmond Terrace and Richmond Mews :

And whereas by virtue of the enactments mentioned in Part I of the First Schedule to this Act the Commissioners for executing the Act last so mentioned (in this Act referred to as the " Paving Commissioners ") have certain rights, powers, duties and obligations with respect to Richmond Terrace, the Richmond Terrace lands, Richmond Mews and the said carriageways and footways :

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And whereas by virtue of the said enactments and the enactments mentioned in Part II of the said Schedule the Council of the City of Westminster also have certain rights, powers, duties and obligations with respect to the said carriageways and footways :

And whereas it is expedient for the purposes of this Act to extinguish all the said rights, powers, duties and obligations of the Paving Commissioners and of the said Council and to extinguish other rights in, over and under the said carriageways and footways :

And whereas under subsection (3) of section five of the principal Act the Commissioners of Works have power to divert and alter part of the highway known as Whitehall Gardens, and it is expedient that in lieu of the said power those Commissioners should have power to stop up the whole of the said highway :

And whereas it was provided by section three of the principal Act that the amount of the consideration payable to His Majesty for his estate and interest in the northern lands should be ascertained as soon as might be after the passing of that Act and should, as from the date of vesting, carry interest at the rate of three and a half per centum per annum, but the said amount has not hitherto been ascertained and it is expedient that it should be ascertained, and that the interest thereon should be fixed, as provided by this Act:

And whereas it is expedient to amend the law with respect to other Crown Lands and to amend the Crown Lands Acts, 1829 to 1927 :

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I

EXTENSION AND AMENDMENT OF THE PUBLIC OFFICES (SITES) ACT, 1912

1 Vesting of additional lands and consideration to be paid therefor

- (1) All the estate and interest of His Majesty in the additional lands or any part thereof shall on the appointed day vest in the Commissioners of Works subject to any outstanding leases.
- (2) The consideration payable to His Majesty for his estate and interest in the additional lands or any part thereof (in this section referred to as " the consideration") shall be such amount as may be agreed upon between the Treasury and the Commissioners of Crown Lands, or, in default of agreement between them, such amount as may be fixed by a surveyor appointed for the purpose by the Treasury.
- (3) The amount of the consideration shall be ascertained as soon as may be after the appointed day, and shall be deemed to have become due on that day and shall, as from that day, carry interest at such rate as may be agreed upon between the Treasury and the Commissioners of Crown Lands or, in default of agreement, at such rate as may be fixed by the Governor for the time being of the Bank of England.

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- (4) The amount of the consideration together with the interest thereon shall be paid to the Commissioners of Crown Lands by means of sixty equal half-yearly instalments of principal and interest combined, and the first of those instalments shall be payable on the expiration of six months from the appointed day :

Provided that, if the Treasury so direct, the amount of the consideration payable to His Majesty for his estate and interest in any lands transferred or agreed to be transferred under this Act by the Commissioners of Works to the Receiver for the Metropolitan Police District, together with the interest thereon, shall be paid in one sum on such date as the Treasury may direct.

- (5) So much of every sum paid to the Commissioners of Crown Lands under this section as represents principal shall be carried to the account of the capital of the land revenues of the Crown and applied accordingly, and so much of every sum so paid as represents interest shall be treated as annual income of the land revenues of the Crown and applied accordingly.
- (6) If the moneys provided by Parliament for the service of the Commissioners of Works are insufficient for the payment of the sums payable by them under this section, the amount by which the said moneys are so insufficient shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.
- (7) The Apportionment Act, 1870, shall apply in relation to any rents payable in respect of any lands vested in the Commissioners of Works by virtue of this Part of this Act, and those rents, if accruing due before the appointed day, shall be payable to the Commissioners of Crown Lands and, if accruing due after that day, shall be payable to the Commissioners of Works.
- (8) The Commissioners of Works shall pay all costs and expenses incurred by the Commissioners of Crown Lands in relation to the valuation and vesting of the additional lands or any part thereof under this Part of this Act.
- (9) For the purposes of this section the expression " the appointed day" means such date as may be appointed by agreement between the Commissioners of Crown Lands and the Commissioners of Works or, in default of such agreement, such date as may be appointed by the Treasury :

Provided that different dates may be appointed as aforesaid as respects different parts of the additional lands, and, if different dates are so appointed, the expression "the appointed day" in relation to any part of those lands shall mean the date so appointed as respects that part.

2 Extinction of certain rights and duties in respect of Richmond Terrace, Whitehall Gardens, &c

- (1) As from the date on which any part of Richmond Terrace or of the Richmond Terrace lands or of Richmond Mews is vested in the Commissioners of Works under this Act, all the rights, powers, duties and obligations of the Paving Commissioners in relation to that part of the said Terrace, lands or Mews shall, notwithstanding anything contained in the enactments set out in Part I of the First Schedule to this Act, cease to be exercisable or to be performed by the Paving Commissioners :

Provided that—

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- (a) if, on the date on which the premises known as Nos. 4 and 5 Richmond Terrace or the premises known as Nos. 4 and 5 Richmond Mews are vested in the Commissioners of Works, the lease of those premises now outstanding has not been determined, the provisions of this subsection shall not have effect as respects those premises until the day after the day on which the said lease is determined ; and
 - (b) if, on the date on which any part of the Richmond Terrace lands is vested in the Commissioners of Works, the said lease has not been determined, the provisions of this subsection shall not have effect as respects that part of those lands so long as the lessee has any estate or interest in that part of those lands.
- (2) As from the date on which the site of any part of any carriageway or footway appurtenant to Richmond Terrace or Richmond Mews is vested in the Commissioners of Works, all the rights, powers, duties and obligations of the Paving Commissioners and of the Council of the City of Westminster in relation to that part of that carriageway or footway, and in relation to any part of that carriageway or footway lying to the east of the part whereof the site is so vested shall, notwithstanding anything contained in the enactments set out in Parts I and II of the First Schedule to this Act, cease to be exercisable or to be performed by the Paving Commissioners and the said Council, and the Commissioners of Works shall have power to stop up any such part as aforesaid of that carriageway or footway :

Provided that if, on the date on which the site of any part of any such carriageway or footway lying opposite or to the west of any part of the premises mentioned in proviso (a) to the last foregoing subsection is vested in the Commissioners of Works, the lease aforesaid has not been determined, the provisions of this subsection shall not have effect as respects that part of that carriageway or footway, until the day after the day on which the said lease is determined.

- (3) In lieu of the power to divert and alter part of the highway known as Whitehall Gardens conferred on the Commissioners of Works by subsection (3) of section five of the principal Act, those Commissioners shall have power, at any time after the date of vesting of the northern lands, to stop up the whole of the said highway.
- (4) As from the date on which the power conferred by this section to stop up any highway or any part of any carriageway or footway is exercised, all rights of laying down or continuing any pipes, sewers, drains, electric wires or cables or other apparatus on or under, and all public rights of way over that highway or that part of that carriageway or footway shall be extinguished :

Provided that, subject to any agreement between the Commissioners of Works and the London County Council, this subsection shall not apply to any sewer of that Council.

3 Powers and expenses of Commissioners of Works, &c

- (1) The Commissioners of Works may erect all such buildings, execute all such works and do all such other things as may in their opinion be necessary or proper for the purpose of providing new buildings for public offices or offices for the metropolitan police on the lands vested in them under this Part of this Act, or for the purpose of adapting those lands for use in connection with such offices and appropriating such lands for the purpose.
- (2) Any lands vested in the Commissioners of Works under this Part of this Act, together with any buildings thereon may, with the consent of the Treasury, be transferred by

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the Commissioners of Works to the Receiver for the Metropolitan Police District for such consideration and on such conditions as may be agreed upon between them.

- (3) All expenses incurred by the Commissioners of Works under this Part of this Act shall, so far as provision is not otherwise made for them, be defrayed out of moneys provided by Parliament.
- (4) The provisions of the Commissioners of Works Act, 1852, and any Act amending that Act, shall apply in relation to land vested in the Commissioners of Works by virtue of this Part of this Act in like manner as they apply in relation to land vested in or purchased by the Commissioners under that Act :

Provided that, except as provided by subsection (2) of this section, the Commissioners of Works shall not without the consent of the Commissioners of Crown Lands sell or exchange any estate or interest which is vested in them by virtue of this Part of this Act.

- (5) The sealed map shall be deposited as soon as may be after the passing of this Act in the Office of Land Revenue Records and Inrolments, and a copy thereof shall be kept at their respective offices by the Commissioners of Crown Lands and the Commissioners of Works.

4 Amendments as to consideration for the northern lands

Section three of the principal Act shall have effect subject to the following amendments :—

- (a) the amount of the consideration payable to His Majesty for his estate and interest in the northern lands (which was to be ascertained in pursuance of the said section as soon as might be after the passing of that Act) shall be ascertained as soon as may be after the date of vesting of those lands, and subsection (1) of the said section three shall have effect as if the words from " The amount of the consideration" to the end of the subsection were omitted therefrom;
- (b) the said amount shall, instead of carrying interest as from the date of vesting at the rate of three and one-half per centum per annum, carry interest as from that date at such rate as may be agreed upon between the Treasury and the Commissioners of Crown Lands or, in default of agreement between them, at such rate as may be fixed by the Governor for the time being of the Bank of England.

PART II

MISCELLANEOUS PROVISIONS AS TO CROWN LANDS

5 Power to transfer Crown Lands to Forestry Commissioners

- (1) Subject to the provisions of this section, His Majesty, on the joint representation of the Commissioners of Crown Lands and the Forestry Commissioners, may by Order in Council transfer to and vest in the Forestry Commissioners all the estate and interest of His Majesty in any land in Great Britain purchased by the Commissioners of Crown Lands within six months before the date of the Order.
- (2) Any such Order in Council shall provide—

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- (a) that such sum as may be specified in the Order (hereafter referred to as the " capital sum "), being a sum equal to the price at which the land was so purchased together with the expenses incurred by the Commissioners of Crown Lands in connection with the purchase, shall be paid out of the Forestry Fund to the Commissioners of Crown Lands at such time as the Forestry Commissioners think fit, not being later than the expiration of one hundred years from the date of the Order;
 - (b) that until the capital sum is paid out of the said Fund there shall be paid annually out of the said Fund to the Commissioners of Crown Lands such other sums as may be specified in the Order, being such sums as the Commissioners of Crown Lands and the Forestry Commissioners, with the approval of the Treasury, may agree to be equivalent to a reasonable rent for the land;
 - (c) that the capital sum when paid shall be carried to the account of the capital of the land revenues of the Crown and applied accordingly and the said annual sums shall be treated as annual income of the land revenues of the Crown and applied accordingly.
- (3) In the event of the hereditary revenues which are by section one of the Civil List Act, 1936, directed to be carried to and made part of the Consolidated Fund of the United Kingdom ceasing to be carried to and made part of that Fund at any time before the capital sum payable by virtue of any such Order has been paid—
- (a) a sum equal to the said capital sum shall be paid forthwith out of that Fund or the growing produce thereof to the Commissioners of Crown Lands and carried to the account of the capital of the land revenues of the Crown and applied accordingly; and
 - (b) the said capital sum and the annual sums payable by virtue of the Order shall be paid, at the times provided in the Order, into the Exchequer instead of to the Commissioners of Crown Lands.
- (4) The provisions of this section shall be in addition to and not in derogation of the provisions of section one of the Forestry (Transfer of Woods) Act, 1923.

6 Power to make regulations for Crown Lands used by the public

- (1) Subject to the provisions of this section, the Commissioners of Crown Lands may make such regulations to be observed by persons using any land to which this section applies as they consider necessary for securing the proper management of the land and the preservation of order and prevention of abuses therein, and subsection (2) of section two of the Parks Regulation (Amendment) Act, 1926 (which requires regulations made thereunder to be laid before Parliament) shall apply to regulations made under this section as it applies to regulations made under that Act.
- (2) On and after the date on which any regulations made under this section come into operation as respects any land, the provisions of the Parks Regulation Act, 1872, shall apply to that land as they apply to a park to which that Act applies and as if references to the Commissioners of Works included references to the Commissioners of Crown Lands and as if references to regulations included references to regulations made under this section.
- (3) If any person fails to comply with or acts in contravention of any regulations made under this section, he shall be guilty of an offence against the Parks Regulation Act,

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1872, and shall be liable on conviction thereof by a court of summary jurisdiction to a penalty not exceeding five pounds.

- (4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Commissioners of Crown Lands as though those Commissioners were included in the first column of the Schedule to the first-mentioned Act and as if the Commissioners or any person authorised to act on behalf of the Commissioners were mentioned in the second column of that Schedule and as if the regulations referred to in those Acts included any regulations made under this section.
- (5) This section applies to any land in Great Britain, the management of which is vested in the Commissioners of Crown Lands under the Crown Lands Acts, 1829 to 1927, and to which the public are allowed access from time to time.

7 Powers of Commissioners of Crown Lands as to highways

Section eleven of the Crown Lands Act, 1927 (which empowers the Commissioners of Crown Lands in certain circumstances to appropriate Crown land for streets and other purposes) shall have effect and be deemed always to have had effect as if the following two subsections were inserted immediately after subsection (1) thereof:—

“(1A) In regard to the dedication of any Crown land for the purposes of a public highway, the Commissioners of Crown Lands shall be in the same position as if they were absolute owners of the land.

(1B) The Commissioners of Crown Lands shall have power—

- (a) to consent to the diversion of a highway over any Crown land under section eighty-five of the Highway Act, 1835; and
- (b) to consent to any such road as is mentioned in section thirty-six of the Highway Act, 1862, being declared a public highway;

and any consent so given shall be as valid and effectual for all purposes as if made or given by an absolute owner of the land.”

8 Minor amendments of Crown Lands Acts

- (1) The authority, approval or consent of the Treasury, when required for the purpose of this Part of this Act or of any provision of the Crown Lands Acts, 1829 to 1927, or of any such provision as applied for the purpose of any other enactment, may be given either generally or for any class of case or for any particular case, and may be signified under the hand of a Secretary to the Treasury or of some person authorised in that behalf by the Treasury.
- (2) All moneys invested after the commencement of this Act in pursuance of section one hundred and nine of the Crown Lands Act, 1829, or section one of the Crown Lands Act, 1894, shall, instead of being invested in the name of the Treasury as required by those sections, be invested—
 - (a) in the case of moneys invested in any manner authorised by any of the provisions of section one of the Trustee Act, 1925, other than the provisions of paragraph (b) of subsection (1) of that section, in the name of the National Debt Commissioners; and
 - (b) in the case of moneys invested in any other manner, in the name of the Commissioners of Crown Lands;

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and in section one hundred and eleven of the Crown Lands Act, 1829, a reference to the National Debt Commissioners shall be substituted for the reference to the Treasury.

- (3) Notwithstanding anything in section sixty-one of the Crown Lands Act, 1829, a person employed to make a survey or estimate under that section shall not be required to annex thereto an oath or affirmation.
- (4) The definition of " land " in subsection (1) of section twenty-two of the Crown Lands Act, 1927, shall have effect as if for the word " corporeal," where it secondly occurs, there were substituted the word " incorporeal. "
- (5) Section one of the Crown Lands Act, 1845 (which contains provisions as to leases which are superseded by the provisions of section four of the Crown Lands Act, 1927) shall cease to have effect.

9 Power to transfer the management of certain Crown Lands

- (1) Subject to the provisions of this section, His Majesty—
 - (a) on the joint representation of the Commissioners of Crown Lands and the Minister of Agriculture and Fisheries, may from time to time by Order in Council transfer to that Minister all or any of the powers of management of those Commissioners over any land occupied as part of the Royal Botanic Gardens, Kew; and
 - (b) on the joint representation of the Commissioners of Crown Lands and the Commissioners of Works, may from time to time by Order in Council transfer to the Commissioners of Works all or any of the powers of management of the Commissioners of Crown Lands over any land situate within the road known as the Outer Circle in Regent's Park in London:

Provided that the powers transferred by any such Order shall not include a power to sell or (without the consent of the Commissioners of Crown Lands) to lease the land in respect of which the transfer is made.

- (2) The powers transferred by any such Order may be transferred for such period and subject to such conditions as may be specified in the Order:

Provided that the period for which any power is so transferred shall expire if and when the hereditary revenues which are by section one of the Civil List Act, 1936, directed to be carried to and made part of the Consolidated Fund of the United Kingdom cease at any time to be carried to and made part of that Fund,

- (3) An Order made under this section may provide that, during the period for which powers of management over any land are transferred by the Order, that land shall, for the purpose of the provisions of the Parks Regulation Acts, 1872 and 1926, and any regulations made thereunder, be treated as if it were part of the Royal Botanic Gardens, Kew, or of Regent's Park, as the case may be.

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PART III

GENERAL

10 Short title, construction and repeal

- (1) This Act maybe cited as the Crown Lands Act, 1936.
- (2) Part I of this Act may be cited together with the Public Offices (Sites) Act, 1912, as the Public Offices (Sites) Acts, 1912 and 1936.
- (3) Part II of this Act shall be construed as one with the Crown Lands Acts, 1829 to 1927, and those Acts and that Part of this Act may be cited together as the Crown Lands Acts, 1829 to 1936.
- (4) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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SCHEDULES.

FIRST SCHEDULE

Section 2.

ENACTMENTS REGULATING RICHMOND TERRACE, &C

PART I

ENACTMENTS RELATING TO THE PAVING COMMISSIONERS AND THE WESTMINSTER CITY COUNCIL

Session and Chapter.	Long or Short Title.
5 Geo. 4. c. 100	An Act for more effectually paving, lighting, watching, cleansing and regulating the Regent's Park together with the new street from the Regent's Park to Pall Mall and the new streets and improvements in the neighbourhood of Parliament Street and Privy Gardens; and for maintaining a convenient sewage for the same.
6 Geo. 4. c. 38	An Act for extending the jurisdiction of the Commissioners acting in execution of an Act of the fifth year of His present Majesty, for paving and regulating the Regent's Park together with the new street from thence to Pall Mall; and for other purposes relating thereto.
9 Geo. 4. c. 64	An Act to extend the jurisdiction of the Commissioners acting in the execution of two Acts for paving and regulating the Regent's Park together with the new street from thence to Pall Mall; and to amend the said Acts.
2 & 3 Will. 4. c. 56.	An Act to extend the jurisdiction of the Commissioners acting in the execution of three Acts for paving and regulating the Regent's Park, and several streets and places in Westminster, to certain other streets and places in Westminster; and for other purposes.
4 & 15 Vict. c. 95.	The Crown Estate Paving Act, 1851.

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PART II

ENACTMENTS RELATING TO THE WESTMINSTER CITY COUNCIL

Session and Chapter.	Short Title.
18 & 19 Vict. c. 120.	The Metropolis Management Act, 1855.
62 & 63 Vict. c. 14.	The London Government Act, 1899.

SECOND SCHEDULE

Section 10.

ENACTMENTS REPEALED

Short Title.	Session and Chapter.	Extent of Repeal.
The Crown Lands Act, 1829.	10 Geo. 4. c. 50.	In section sixty-one, the words from " and every person" to the end of the section; section one hundred and twelve.
The Crown Lands Act, 1845.	8 & 9 Vict. c. 99.	Section one.
The Public Offices (Sites) Act, 1912.	2 & 3 Geo. 5. c. cx.	In subsection (1) of section three, the words from " The amount of the consideration " to the end of the subsection; subsection (3) of section five.
The Crown Lands Act, 1927.	17 & 18 Geo. 5. c. 23.	Subsection (2) of section twenty-one.