



Wellington Museum Act 1947

1947 CHAPTER 46

An Act to transfer to the Crown Apsley House and the site, forecourt and garden thereof and certain chattels formerly belonging to the first Duke of Wellington; to provide for the use of Apsley House partly as a museum for the preservation and exhibition of the said chattels and other chattels associated with the said first Duke or his times and for other public purposes, and partly as a residence for the Dukes of Wellington; to amend the enactments relating to the Wellington estates, so as to provide for the automatic devolution of the property subject to the trusts thereof whenever there is a change in the person holding office as First Lord of the Treasury, Chancellor of the Exchequer or Speaker of the House of Commons ; and for purposes connected with the matters aforesaid.

[31st July 1947]

WHEREAS Apsley House, Piccadilly, in the City of Westminster (in this Act referred to as "Apsley House ") is held for the benefit of the Dukes of Wellington, and certain chattels formerly owned by the first Duke of Wellington are held as heirlooms of the Duke of Wellington :

And whereas it is the desire of His Grace the seventh Duke of Wellington that Apsley House, and certain of the said chattels, and certain chattels which are his own property, may be presented to the nation, with a view to the formation of a Wellington museum, subject, however, to the provisions of this Act :

And whereas the trustees under the Acts specified in the First Schedule to this Act (in this Act referred to as " the Wellington Estate Acts ") include the persons who for the time being hold the offices of First Lord of the Treasury, Chancellor of the Exchequer and Speaker of the House of Commons, and it is expedient that, on a change in the person holding any of the said offices, the trust property should devolve automatically.

Be it 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 :—

1 Transfer of Apsley House and certain Wellington heirlooms and other chattels.

- (1) Apsley House, together with the site, forecourt and garden thereof, shall, by virtue of this Act, vest absolutely in the Minister of Works, free from any rights, claims or provisions which would or might exist or apply in relation thereto but for the provisions of this Act.
- (2) Such chattels as may be specified in any agreement in that behalf made between the Minister of Education of the one part and His Grace the seventh Duke of Wellington or any of his successors in the Dukedom of Wellington on the other part (being chattels held by virtue of the Wellington Estate Acts as heirlooms, or chattels formerly belonging to the first Duke of Wellington which are the property of His Grace the seventh Duke of Wellington or the successor in question) shall, as from the date of the making of the agreement, vest, by virtue of this Act, absolutely in the Minister of Education free from any rights, claims or provisions which would or might exist or apply in relation thereto but for the provisions of this Act.

2 Use of part of Apsley House as a museum, etc.

- (1) The portions of Apsley House described in Part I of the Second Schedule to this Act shall, subject to the provisions of this Act, be maintained and used as a museum for the preservation and exhibition to the public of the chattels which, by virtue of this Act, vest in the Minister of Education and such other chattels as His Grace the seventh Duke of Wellington or any other person may think fit from time to time to permit to be exhibited therein, being chattels associated with the first Duke of Wellington or his times which in the opinion of the Minister of Education should be so exhibited :

Provided that nothing in this subsection shall be construed as preventing the Minister of Education from temporarily removing from, or from exhibition in, the said museum any of the said chattels which for any reason it appears to him desirable should not for the time being be kept, or kept and exhibited, therein.

- (2) The said portions of Apsley House may also be used—
 - (a) for the purpose of any entertainment given on behalf of His Majesty's Government;
 - (b) with the consent of the Duke of Wellington for the time being, for any other public purpose not inconsistent with the continued use thereof as such a museum as aforesaid.

3 Right of Dukes of Wellington to occupy part of Apsley House.

- (1) So much of Apsley House as is not comprised within the portions thereof described in Part I of the Second Schedule to this Act shall at all times be available to the Duke of Wellington for the time being for occupation by him as a residence for himself, his family, his guests and his servants, but nothing in this section shall be construed as permitting any such Duke to assign, let or part with the possession of the whole or any part of the portions of Apsley House which he is entitled to occupy.
- (2) The right of occupation conferred by subsection (1) of this section on the Duke of Wellington for the time being shall include a right of access to the portions of Apsley House which he is entitled to occupy, by the routes specified in Part II of the Second Schedule to this Act.

- (3) The said right of occupation shall also include a right to carry out such internal alterations, renewals, repairs and decorations in the portions of Apsley House which the Duke for the time being is entitled to occupy as the Duke for the time being may from time to time think fit :

Provided that nothing shall be done under this subsection which affects the fabric of Apsley House except with the consent of the Minister of Works.

- (4) The said right of occupation shall also include a right to occupy and maintain the garden of Apsley House :

Provided that nothing in this subsection shall be construed as permitting any Duke of Wellington to assign, let or part with the possession of the whole or any part of that garden.

- (5) The Minister of Works may enter into and carry out such agreements with the Duke of Wellington or any of his successors in the Dukedom of Wellington as the Minister of Works thinks fit with respect to the heating or lighting of Apsley House.

- (6) On the extinction of the Dukedom of Wellington, the provisions of subsections (1) to (4) of this section shall cease to have effect, and the portions of Apsley House not described in Part I of the Second Schedule to this Act, and the garden of Apsley House, may be used or dealt with in such manner as the Minister of Works thinks fit.

4 Rates and taxes.

- (1) For the purposes of local rates, the whole of Apsley House, including the site, forecourt and garden thereof, shall be deemed to be property in the occupation of His Majesty ;

Provided that this subsection shall not apply to any part of Apsley House, or of the site, forecourt and garden thereof, which is sold or otherwise disposed of under any of the subsequent provisions of this Act.

- (2) Save as aforesaid, nothing in this Act shall be construed as exempting the Duke of Wellington for the time being from any taxes or imposts of any nature in law falling to be paid by reason of any occupation by him of any portions of Apsley House other than those described in Part I of the Second Schedule to this Act, or of the garden of Apsley House.

- (3) The enactments relating to estate duty shall have effect as if, during the continuance of the Dukedom of Wellington, the portions of Apsley House other than those described in Part I of the Second Schedule to this Act, together with the garden and the rights of access specified in Part II of the said Schedule, were settled by Act of Parliament so that the successive Dukes of Wellington had life interests therein but were incapable of alienating the same.

5 Duty of Minister and Duke as to maintenance.

- (1) Subject to the provisions of this section, it shall be the duty of the Minister of Works to maintain the forecourt of Apsley House in a proper condition, to maintain the whole of the fabric of the exterior of Apsley House in a proper state of repair, and to carry out and maintain such works as are necessary for separating the portions of Apsley House described in Part I of the Second Schedule to this Act from the remainder of

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Apsley House, and for adapting the portions of Apsley House described in the said Part I for use for the purposes specified in the preceding provisions of this Act.

- (2) It shall be the duty of the Duke of Wellington for the time being to keep the portions of Apsley House which he is entitled to occupy in good and tenantable repair, and to maintain the garden of Apsley House in a proper condition as such.
- (3) If any of the Dukes of Wellington fails to comply with the obligation imposed on him by subsection (2) of this section, the Minister of Works, on giving reasonable notice of his intention so to do, may himself do such repairs to the portions of Apsley House mentioned in that subsection, and do such work on the garden, as appear to him to be necessary, and any expenses reasonably incurred by that Minister in so doing shall be recoverable by him from the said Duke.
- (4) The Minister of Works, his servants and agents may at all reasonable times enter and inspect the portions of Apsley House which the Duke of Wellington for the time being is entitled to occupy, and the garden of Apsley House.

6 Destruction of or damage to Apsley House

- (1) If, owing to fire or any cause beyond the control of the Minister of Works, Apsley House is destroyed or so damaged that in the opinion of the Minister of Works it could not be restored so as to preserve the association thereof with the first Duke of Wellington, and the Minister of Works gives notice in writing to the Duke of Wellington for the time being to that effect—
 - (a) the rights and duties conferred and imposed by the preceding provisions of this Act on the Dukes of Wellington, and the duties imposed on the Minister of Works by subsection (1) of the last preceding section, shall cease ; and
 - (b) there shall be paid to the Duke of Wellington for the time being out of moneys provided by Parliament such sums as may be agreed by him with the Minister of Works or as may, in default of agreement, be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, to be reasonable in view of the loss by the said Duke and his successors of the said, rights ; and
 - (c) Apsley House, and the site, forecourt and garden thereof, may be used for such-public purposes as the Minister of Works may think fit or may, if the Minister thinks fit, be sold or otherwise disposed of :

Provided that no sum shall be payable under paragraph (b) of this subsection if the destruction or damage is due to the negligence of the then Duke of Wellington or his servants or agents.

- (2) If, owing to fire or any other cause, Apsley House is damaged or any of the contents thereof which are the property of the Crown (other than chattels which are being or have been or are to be exhibited in the museum) are damaged or destroyed, and the damage or destruction is due to the negligence of the Duke of Wellington for the time being or his servants or agents, and no notice is given under subsection (1) of this section by reason of the damage or destruction, the said Duke shall repay to the Minister of Works such expenses as may be reasonably incurred by that Minister in making good the damage or in replacing any of the said contents which are destroyed.
- (3) Any fire originating in the portions of Apsley House which the Duke of Wellington for the time being is entitled to occupy shall be presumed for the purposes of this section to be due to his negligence or that of his servants or agents unless the contrary is proved.

7 Power to vary the Second Schedule to this Act.

- (1) Subject to the provisions of this section, the Minister of Works may by order made with the consent of the Duke of Wellington for the time being vary the provisions of the Second Schedule to this Act, and as from the date of the coming into force of that order the provisions of this Act shall have effect accordingly.
- (2) Before making any order under this section, the Minister of Works shall lay a draft thereof before each House of Parliament, and the order shall not be made until the expiration of a period of forty days beginning with the day on which a copy of the draft is laid before each House of Parliament, or, if such copies are laid on different days, with the later of the two days, and if within that period either House resolves that the order be not made, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

8 Expenses.

- (1) Any expenses incurred by the Minister of Works or the Minister of Education in carrying out the provisions of this Act shall be paid out of moneys provided by Parliament.
- (2) There shall be paid out of moneys provided by Parliament to His Grace the seventh Duke of Wellington such sums, not exceeding one thousand pounds in all, as the Treasury may approve in respect of the expenses incurred by him in connection with, or with the negotiations previous and incidental to, the preparation and passing of the Bill for this Act, and otherwise in connection with the presentation to the nation of Apsley House and the chattels aforesaid.

9 Provisions as to trustees under Wellington Estate Acts.

On any change taking place in the person holding office as First Lord of the Treasury, Chancellor of the Exchequer or Speaker of the House of Commons, the interest vested under or by virtue of the Wellington Estate Acts in the person who ceases to hold office shall, by virtue of this Act, devolve on his successor without the need for any vesting deed or other conveyance.

10 Short title.

This Act may be cited as the Wellington Museum Act,

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SCHEDULES

FIRST SCHEDULE

Preamble.

WELLINGTON ESTATE ACTS

<i>Session and Chapter.</i>	<i>Long Title.</i>
53 Geo. 3. c. 4	An Act for granting a sum of money for purchasing an estate for the Marquis of Wellington and his heirs, in consideration of the eminent and signal services performed by the said Marquis of Wellington to His Majesty and the public.
53 Geo. 3. c. 133	An Act to amend an Act of the present Session of Parliament, for granting a sum of money for purchasing an estate for' the Marquis of Wellington and his heirs, in consideration of the eminent and signal services performed by the said Marquis of Wellington to His Majesty and the public.
54 Geo. 3. c. 161	An Act for settling and securing an annuity on Arthur Duke of Wellington and his -heirs ; and for empowering the Lord High Treasurer or Lords Commissioners of the Treasury to advance out of the Consolidated Fund of Great Britain a sum of money in lieu of such annuity, to purchase an estate in order to accompany the said title, in consideration of the eminent and signal services performed by the said Duke of Wellington to His Majesty and the public ; and for making further provision for the disposal of a sum of money granted by an Act of the last Session of Parliament for purchasing an estate for the said Duke, then Marquis of Wellington.
55 Geo. 3. c. 186	An Act for granting an additional sum of money for providing a suitable residence and estate for the Duke of Wellington and his heirs, in consideration of the eminent and signal services performed by the said Duke to His Majesty and the public.
59 Geo. 3. c. 21	An Act to amend several Acts for purchasing an estate for the Duke of Wellington.
59 Geo. 3. c. 63	An Act to explain an Act passed in the fifty-fifth year of His present Majesty,

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<i>Session and Chapter.</i>	<i>Long Title.</i>
2 & 3 Vict. c. 4	for purchasing an estate for the Duke of Wellington. An Act to alter the powers of jointuring contained in several Acts for purchasing and providing a residence and estates for the Duke of Wellington, and to settle certain articles to go as heirlooms with the said estates.

SECOND SCHEDULE

Sections 2, 3, 4, 5 & 7.

PART I

Portions of Apsley House to be used as museum

The portions of the ground and first floors of Apsley House and of the basement of Apsley House, shown in red on the plan in the possession of the Treasury Solicitor, identified by the signatures of the Treasury Solicitor on behalf of the Crown and of C. D. Webb, Esquire on behalf of His Grace the seventh Duke of Wellington, as being the plan indicating the portions of Apsley House which are to be used for the Wellington Museum.

PART II

Rights of access to be enjoyed by the Dukes of Wellington to the portions of Apsley House which they are entitled to occupy

- 1 A right of access through the side door marked A on the plan mentioned in Part I of this Schedule, from the entrance marked B on the said plan through the west part of the forecourt and the garden.
- 2 A right of access through the door in the basement marked C on the said plan from the entrance marked B in the said plan through the west part of the forecourt.

The said rights-in both cases include, so far as concerns the forecourt, a right of access for vehicles.