



CHAPTER ccix.

An Act to authorise the sale and disposal of the site of A.D. 1904.
King's College Hospital London and the acquisition of
lands for and erection of a new hospital and for other
purposes. [15th August 1904.]

WHEREAS by Royal charter dated the fourteenth day of August one thousand eight hundred and twenty-nine it was declared that for the purpose of establishing and maintaining the college therein and thereby designated King's College London (hereinafter referred to as "the college") the persons therein named should be and were thereby constituted a body corporate by the name of "the governors and proprietors of King's College London" (hereinafter referred to as "the governors and proprietors"):

And whereas by the said Royal charter it was provided that there should be a council of the college (hereinafter referred to as "the council") and provisions were made as to the constitution powers and duties of the council:

And whereas in or about the year one thousand eight hundred and thirty-nine the council established in connection with the medical school formed in the college a public hospital under the name of "King's College Hospital" for the relief of poor sick and infirm persons to be supported by voluntary contributions to which the students of medicine and surgery belonging to the college might have access:

And whereas by a statutory deed dated the twenty-fifth day of July one thousand eight hundred and fifty and made by virtue of the Union and Parish Property Act 1835 and under the direction of the Poor Law Board for England and Wales certain lands and hereditaments in the parish of St. Clement Danes including a

A.D. 1904. — building formerly the workhouse of the said parish were granted and conveyed by the guardians of the Strand Union to the governors and proprietors their successors and assigns for ever in consideration of the payment to the said guardians and their successors and assigns of a perpetual yearly rent or sum of two hundred and forty pounds:

14 & 15 Vict.
c. cxxxviii.

And whereas by the King's College Hospital Act 1851 (hereinafter referred to as "the Act of 1851") the members for the time being of the council and the principal for the time being of the college together with certain other persons appointed as therein mentioned were constituted governors of King's College Hospital and the said governors together with the president vice-presidents and treasurer for the time being of the said hospital were constituted a body corporate by the name of "the president vice-presidents and governors of King's College Hospital" (hereinafter referred to as "the Corporation") with perpetual succession and a common seal:

And whereas by the Act of 1851 the said hereditaments and premises comprised in the said statutory deed were vested in the Corporation for the purposes of the said hospital but the liability of the governors and proprietors for the payment of the said yearly rent or sum of two hundred and forty pounds was continued and the council were thereby required to pay the said yearly rent or sum out of the funds of the college and by the same Act certain other hereditaments and premises purchased by the governors and proprietors for the purposes of King's College Hospital were also vested in the Corporation for those purposes and the Corporation were empowered to acquire and have since acquired certain other hereditaments described in the said Act:

And whereas part of the lands acquired by the Corporation under the powers of the Act of 1851 had previously been used as a burial ground and the Corporation were by the said Act authorised to remove the remains of any persons buried therein whenever the Corporation should deem it necessary in pursuance and execution of the said Act and in pursuance of the said powers some of the said remains have been removed:

And whereas by the Act of 1851 the Corporation were empowered to acquire and hold other lands and hereditaments for the purposes of King's College Hospital so that the value of such lands (exclusive of the lands and hereditaments vested in them by and acquired by them under the powers of the said Act for the purposes of the said hospital and of the hospital and buildings to be

erected by the Corporation thereon and also exclusive of any lands that might at any time thereafter by virtue of the Act of 1851 be vested in the Corporation or in any trustees for the Corporation by way of mortgage or upon which any moneys belonging to the Corporation might be charged) should not when computed in manner therein mentioned exceed in the whole the clear yearly value of ten thousand pounds: A.D. 1904.
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And whereas the Corporation under the powers of the Act of 1851 have acquired and still retain the lands (including the said burial ground) which are more particularly described in the Schedule to this Act (which lands together with the buildings erected thereon are hereinafter referred to as "the present site") and have erected thereon a hospital (hereinafter referred to as "the hospital"):

And whereas by the King's College London Act 1882 the said Royal charter was annulled and other provisions were substituted for the provisions thereof and it was also thereby (inter alia) provided that the governors and proprietors should remain incorporated by the name and title of "King's College London": 45 & 46 Vict.
c. xiii.

And whereas by the King's College London Act 1882 and by the King's College London Act 1903 the constitution powers and duties of the council were varied: 3 Edw. 7.
c. xcii.

And whereas the affairs of the Corporation are superintended and ordered by a committee of management (hereinafter referred to as "the committee"):

And whereas in view of the extensive changes which have of late years taken place in the character of the district adjacent to the hospital and for other considerations the Corporation have with the approval of the council concluded that it would be desirable that the hospital should be removed from the present site to another site in the county of London where its sphere of usefulness would be increased:

And whereas the present site possesses great present and prospective value and it would be to the advantage of the hospital financially that the Corporation should be empowered to sell and dispose of or otherwise deal with the present site as by this Act provided:

And whereas it is expedient that the Corporation should be authorised to acquire and hold lands for the purpose of erecting thereon a new hospital:

A.D. 1904.

And whereas it is expedient that the lands to be so acquired should in like manner as the present site be exempted from the restrictions laid down as aforesaid by the Act of 1851 as to the yearly value of lands to be held by the Corporation :

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

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

And whereas at a meeting of the court of the Corporation specially convened and held on the twelfth day of October one thousand nine hundred and three the said court approved of the proposal to remove the hospital to another site and authorised the council and the committee to apply for an Act of Parliament to contain any powers necessary for that purpose :

May it therefore please Your Majesty that it may be enacted and 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 (that is to say) :—

Short title.

1. This Act may be cited as the King's College Hospital Act 1904 and this Act and the King's College Hospital Act 1851 may be together cited as the King's College Hospital Acts 1851 and 1904.

Power to sell
present site.

2. Notwithstanding anything contained in the Act of 1851 or in the indentures ratified sanctioned and confirmed thereby the Corporation may subject to the provisions of this Act sell and dispose of and may enter into and carry into effect any agreement for the sale and disposal of the present site or any part thereof (including any estates or interests acquired by the Corporation under the powers of this Act) on such terms of payment whether by a sum in gross or by annual sums terminable or otherwise and charged on the present site or otherwise or partly in one way and partly in the other and on and subject to such terms and conditions as may be agreed between the Corporation and any intending purchaser.

Power to
mortgage
present site.

3. Notwithstanding anything contained in the Act of 1851 or in the indentures ratified sanctioned and confirmed thereby the Corporation may subject to the provisions of this Act raise any sums which they may from time to time require by mortgage of the present site or any part thereof on such terms and conditions as may be agreed between the Corporation and any intending

mortgagee Any such mortgage may be either by a conveyance of the fee simple of or by the creation of a term of years in the present site or the portion thereof to be mortgaged. A.D. 1904.
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4. It shall be lawful for the Corporation on the one hand and any person entitled to any outstanding estate or interest in the present site on the other hand to enter into and carry into effect any agreement for the sale and surrender and release to the Corporation of any such estate or interest. Release and
surrender of
outstanding
interests.

5. Notwithstanding anything contained in the Act of 1851 or in the indentures ratified sanctioned and confirmed thereby the Corporation may when and as they shall think fit— Power to
lease present
site.

- (1) Demise and lease the present site or any part thereof on building leases either altogether or in parcels to any person who shall erect and build or covenant and agree to erect and build thereon or on any part thereof houses erections or buildings of such size or class of building and upon such plan and elevation and of such height and with such storeys as the Corporation shall think proper for such term or number of years as they may think fit so as there be reserved in every such demise or lease such peppercorn or other yearly rent to be incident to the immediate reversion of the premises therein comprised as to the Corporation shall seem reasonable and so that in every such demise or lease there be contained a covenant for the payment of the rent thereby to be reserved and such other covenants on the part of the tenant or lessee to be therein named as the Corporation shall reasonably be advised or require and also a clause in the nature of a condition of re-entry on non-payment of the rent thereby to be reserved or on non-observance or non-performance of the covenants therein to be contained on the part of the tenant or lessee to be observed and performed and every such tenant or lessee shall give such good and sufficient security for the erecting finishing and completing of every such house erection and building which he shall covenant or agree to erect within the time in which he shall have contracted to finish the same as the Corporation shall order and direct;

- (2) Let either from year to year or for a less period or for such term or number of years as they may think fit at

A.D. 1904.

rack rent or exchange or otherwise dispose of the present site or any part thereof; and

- (3) Accept and take any fine or premium for the granting of any lease and enter into any agreement for the granting of any lease of the present site or any part thereof and may in any such lease or agreement for a lease give to the lessee or intended lessee an option or right to purchase the fee simple in reversion in the premises leased or agreed to be leased together with all houses erections or buildings thereon at the time of the exercise of such option at such time and on such terms and conditions as they may think fit and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases and may apportion the same and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased as the Corporation think fit and may also alter or rescind any agreement as aforesaid and may accept any surrender of any lease in all respects as the Corporation shall think fit and any part of the present site may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased as the Corporation shall think fit.

As to sale of rents and reversions.

6. Notwithstanding anything contained in the Act of 1851 or in the indentures ratified sanctioned and confirmed thereby the Corporation may sell and dispose of or mortgage charge or assign the rents to be reserved by any leases or demises or agreed to be reserved by any agreements for leases of the present site or any part thereof made under the authority of this Act and also the fee simple in reversion in the same either altogether or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Corporation shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be dealt with as the Corporation shall think fit.

For protection of Commissioners of Works.

7.—(1) No building or addition to the present building shall hereafter be erected on any part of the present site in such a manner that such building or addition to the present building or any part of the roof thereof or any chimney dormer or other

projection thereof shall encroach on an angle of light of forty-five degrees at the window sills on the ground floor level of the Government laboratory on the opposite side of and facing Clement's Lane as existing at the passing of this Act. A.D. 1904.

(2) No building or addition to the present building hereafter erected on any part of the present site south-westward of an imaginary line running parallel to and at a distance of fifty-six feet from the Carey Street boundary of the present site shall be so erected—

(A) That the frontage line thereof towards Grange Court shall be nearer than eight feet north-westward from the north-western boundary of Grange Court as existing at the passing of this Act; or

(B) That such building or addition to the present building or any part of the roof thereof or any chimney dormer or other projection thereof shall encroach on the angle of light which would be produced with the sills of the windows of the rooms on the ground floor level of the bankruptcy buildings as existing at the passing of this Act by a building of a height of sixty feet above the present area level of the hospital buildings erected at a distance of eight feet north-westward of the north-western boundary of Grange Court as existing at the passing of this Act.

8. Upon any sale conveyance mortgage charge exchange lease demise letting or other disposal of the present site or any part thereof the same shall vest in the purchaser mortgagee lessee tenant or transferee freed and discharged from any restrictions (statutory or otherwise) which may affect the same by reason of any part thereof having been used or set apart for the purposes of interment or consecrated or being subject to any restriction or terms for the use of the same for the purpose of a hospital only. As to disabilities and restrictions.

9. From and after the passing of this Act the Corporation may use for any purpose the portion of the present site comprising the existing chapel of the hospital and the materials of the said chapel and the portion of the present site formerly used as a burial ground or any part thereof respectively as freely as though the same had not been consecrated or set apart for purposes of interment and all disabilities and restrictions (statutory or otherwise) arising out of or consequent upon such consecration or setting apart affecting the said portions of the present site and the said Corporation may use site of chapel and burial ground and materials of chapel free from disabilities.

A.D. 1904. materials which would otherwise interfere with such free user shall cease to attach or apply thereto.

As to removal of human remains.

10.—(1) It shall be lawful for the Corporation or any body or person for the time being owning the present site or any part thereof which was formerly used as a burial ground (in this section referred to as "the owner") to remove or cause to be removed any human remains interred in any part of the present site.

(2) Before commencing to widen any street or to erect any building on any part of the present site the owner shall subject to the provisions hereinafter contained remove or cause to be removed any human remains interred in the portion of the present site forming the site of such widened street or of any such building to the depth to which it is intended to excavate for the purpose of forming the foundations of such street or building and if in doing any other act or thing on any part of the present site any human remains are interfered with the owner shall subject to the same provisions remove or cause to be removed such remains.

(3) Before proceeding to remove any such remains the owner shall publish a notice for three successive days in two London daily newspapers to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of the conditions of such removal provided in this section.

(4) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in any part of the present site may give notice in writing to the owner of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of London to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(5) If any person giving such notice as aforesaid shall fail to satisfy the owner that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of London who shall have power to make an order specifying who shall remove the remains.

(6) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the owner such

sum to be apportioned if necessary equally according to the number of remains in the grave. A.D. 1904.

(7) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the owner in respect of the remains in any grave or vault or if after such notice has been given the person giving the same shall fail in any respect to comply with the provisions of this section and with any regulation of the bishop the owner may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such consecrated burial ground or cemetery in which burials may legally take place as the owner thinks suitable for the purpose subject to the consent of the bishop.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the city of Westminster.

(9) Section 61 of the Act of 1851 is hereby repealed.

11.--(1) Notwithstanding anything contained in this Act the Corporation shall before selling or leasing the present site or any part thereof or any buildings thereon give notice in writing of their intention so to do to the London County Council and in the event of the said county council within three months from the receipt of such notice requiring the Corporation to give up such part of the present site as may be necessary to make Portugal Street of a width not less than forty feet throughout such distance as the present site abuts upon the said street the Corporation shall give up free of cost such part of the present site for such purpose and thereupon the part so given up shall vest in the said county council :

As to widening of Portugal Street.

Provided that in the event of the said county council requiring Portugal Street to be so widened the said county council shall if required by the Corporation so to do and to their reasonable satisfaction set back and re-erect on the boundary of the present site immediately abutting upon the said street as so widened so much of the existing boundary railings and entrance gate of the present site as it may be necessary to remove for the purpose or in consequence of such widening The said county council shall bear and pay the costs and expenses of and incidental to such setting back removal and re-erection.

(2) Any part of the present site which may have been added to the said street under the provisions of this section shall thereupon be deemed to form part of the highway of such street and shall be

A.D. 1904. — paved made up and thereafter maintained repaired cleansed and lighted by the council of the said city of Westminster.

Application
of London
Building
Acts.

12. The provisions of the London Building Act 1894 the London Building Act 1894 (Amendment) Act 1898 and any Act amending the same shall apply to the construction or execution of any building structure or works on the present site and on any lands in the administrative county of London purchased acquired taken on lease or in exchange or accepted under the powers of this Act.

Objects of
interest to be
at disposal of
London
County
Council.

13. All objects of geological or antiquarian interest discovered in the execution of works in connection with the demolition or erection of buildings on the present site in pursuance of any powers contained in this Act shall be carefully preserved and removed and subject to the rights of the Crown and except so far as the same may be proved to be the property of any other person any such objects shall be subject to the disposal of the London County Council in such manner as the said county council may from time to time resolve.

The said county council shall during the execution of any such works have power to enter and inspect such works for the purposes of this section.

Power to
Corporation
to acquire
lands.

14. It shall be lawful for the Corporation by agreement to purchase acquire take on lease or in exchange or accept and hold any lands and hereditaments which may be suitable or convenient for the erection of a hospital and buildings for use in connection therewith and the consideration upon any such purchase or acquisition may be paid either by a sum in gross or by annual sums terminable or otherwise and charged on the lands purchased as may be agreed between the Corporation and the owners of such lands and upon accepting any such lease the Corporation may pay any such fine or premium for the granting thereof as may be agreed between them and the lessors and upon any such exchange the Corporation may pay or receive any moneys for equality of exchange Provided nevertheless that in computing for the purposes of section 4 of the Act of 1851 the yearly value of the lands held by the Corporation the value of the lands acquired or held by the Corporation under the powers of this section shall not be taken into account.

Power to
erect a new
hospital.

15. It shall be lawful for the Corporation upon any lands purchased acquired taken on lease or in exchange or accepted by them to erect and maintain a hospital and such buildings and

erections in connection therewith or for use as a medical or surgical school or college as they may think fit. A.D. 1904.

16. The Corporation shall erect and maintain upon the lands to be acquired by them under the powers of this Act a chapel with all suitable accommodations for the performance of divine service according to the rites and ceremonies of the Church of England and such chapel and the appurtenances to the same shall be vested in the Corporation who shall cause divine service to be performed therein according to the liturgy of the Church of England and such chapel shall be under the control and management of the Corporation subject to the ordinary jurisdiction of the bishop of the diocese within which the same shall be situate. Provided nevertheless that if at any time the whole and every part of the buildings to be erected upon the said lands cease to be used for the purposes of a hospital the Corporation shall not thereafter be under any obligation to cause divine service to be performed in the said chapel and may use the same and the materials thereof for such purposes as they may think fit. As to erection of chapel.

17.—(1) As from the date of any sale conveyance mortgage charge exchange lease demise letting or disposing of the present site or the portion thereof comprised in and conveyed by the hereinbefore recited statutory deed of the twenty-fifth day of July one thousand eight hundred and fifty King's College London and the council shall cease to be liable for the payment of the yearly rent or sum of two hundred and forty pounds thereby reserved or any part thereof and such yearly rent or sum shall become payable by the Corporation in the same manner and to the same extent as the same would have been payable by King's College London or the council. Release of King's College London and council from payment of rent.

(2) As from the said date all rights and remedies of the guardians of the poor of the Strand Union and their successors and assigns or other persons for the time being entitled to the receipt of the said yearly rent or sum of two hundred and forty pounds for or in respect of the recovery thereof shall cease to be exerciseable as against King's College London and shall become exerciseable as against the Corporation in the same manner and to the same extent as the same would have been exerciseable as against King's College London.

(3) As from the said date the powers of section 31 of the Act of 1851 shall apply and have effect as if the words "the Corporation" were therein substituted for the words "the council" and as if the consideration of money therein mentioned was directed

A.D. 1904. — to be paid out of the funds in the hands of the Corporation instead of out of the funds of the college or out of the funds of the hospital.

(4) Nothing in this section shall prevent the Corporation from selling conveying mortgaging charging exchanging leasing demising letting or otherwise disposing of subject to the said yearly rent or sum of two hundred and forty pounds the portion of the present site in respect of which the same is reserved.

As to exercise of powers of Act.

18. All or any of the powers by this Act conferred upon the Corporation may be exercised by them acting by the committee but none of such powers shall be exercised except with the approval and consent of the council.

As to quorum at meetings of council for purposes of hospital.

19. Notwithstanding anything contained in the Act of 1851 the powers authorities and discretions by that Act or this Act vested in the council may be exercised at any meeting of the council at which three or more members shall be present Provided always that no questions shall be decided at a meeting of the council unless at least three members concur in the decision And if any question of which special notice has not been given is brought forward at a meeting of less than seven members and any two members object to its being decided without notice it shall be postponed for notice to be given.

As to Pest House Charity.

20. At any time after the removal of the hospital from the present site the trustees of the charity known as "the Pest House Charity" may if they think fit give notice thereof to the Charity Commissioners who may if they think fit settle a new scheme for the administration of the said charity but nothing in this section contained shall in any way interfere with the discretion of the Charity Commissioners as to the continuance of the present scheme or the settlement of a new scheme.

Amending Act of 1851.

21. The Act of 1851 shall for all purposes be read and have effect as though the expression "King's College London" were substituted therein for the expression "the governors and proprietors of King's College" or "the governors and proprietors of King's College London" wherever such last-mentioned expressions occur in the said Act.

Costs of Act.

22. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing this Act shall be paid by the Corporation out of their general fund.

The SCHEDULE referred to in the foregoing Act. A.D. 1904.

DESCRIPTION OF SITE OF KING'S COLLEGE HOSPITAL.

Lands in the parish of St. Clement Danes and city of Westminster in the county of London bounded on the north by Portugal Street on the east by Carey Street on the south by Grange Court and on the west partly by Clement's Lane and partly by premises in Portugal Street and Clement's Lane in the occupation of the Church Times and Messrs. George Bell and Sons respectively.

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