



CHAPTER xxvi.

An Act to confer powers on the Imperial War Graves Commission with respect to the erection of a memorial to the officers and men of the Mercantile Marine who perished in the late war. A.D. 1927.
[29th June 1927.]

WHEREAS by Royal Charter dated the twenty-first day of May nineteen hundred and seventeen a body was incorporated by the name of the Imperial War Graves Commission (in this Act called "the Commission") for the purpose (inter alia) of caring for the graves of officers and men of the military and naval forces of His Majesty who fell in the late war:

And whereas by the said Charter the Commission are empowered (inter alia) to erect buildings and permanent memorials and to acquire and hold land for the purpose of providing or erecting permanent memorials elsewhere than in cemeteries in honour of any such officers and men as aforesaid:

And whereas by the said Charter it is provided that the Commission may at any time and from time to time with the concurrence of the President of the Commission (hereinafter called "the President") apply for an Act of Parliament if it appears to the Commission that such

[Ch. xxvi.] *Mercantile Marine* [17 & 18 GEO. 5.]
Memorial Act, 1927.

A.D. 1927. Act of Parliament is required for carrying into effect
— any of the purposes or powers of the said Charter :

And whereas it appears to the Commission that an Act of Parliament is required so that facilities should be afforded for the erection in the pleasure garden of Trinity Square Great Tower Hill in the county of London of a memorial to officers and men of the Mercantile Marine who fell in the late war and that other powers should be conferred as in this Act provided with respect to the maintenance and preservation of such memorial :

And whereas the President has signified his concurrence in the Bill for this Act :

And whereas plans showing the lands which the Commission may enter upon and use under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees or occupiers of the said lands have been deposited with the clerk of the peace for the county of London and are in this Act respectively referred to as the “deposited plans” and “deposited book of reference” :

And whereas it is expedient that such provision as is contained in this Act should be made for the erection of the said memorial in the said pleasure garden and with reference to the maintenance and preservation thereof and otherwise in relation thereto :

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 :—

Imperial
War Graves
Commission
to be em-
powered to
construct
and erect
memorial
&c.

1.—(1) The Commission may within the “limits of lands to be used” shown on the deposited plans and described in the deposited book of reference construct a monument as a memorial to the officers and men of the Mercantile Marine who lost their lives in the late war together with suitable access thereto at either end and may for that purpose remove or alter any railing or enclosure enclosing the said pleasure garden.

(2) The Commission shall not be required to purchase the said lands or any easement therein or thereover or to make any payment in respect of any rights in the said lands conferred on them by this Act. A.D. 1927.
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(3) Nothing in this Act shall be deemed to confer upon or vest in the Commission any right or interest in the said lands other than the right to use the same for the purpose of the construction and maintenance of the said monument.

(4) The Commission shall so soon as the monument and ways have been erected and formed restore any part of the said pleasure garden (other than the part thereof on which the said monument and ways shall be) which may be affected by any operations of the Commission under the powers of this Act to as good a state and condition as that in which it was immediately before the Commission carried out such operations.

(5) When the monument has been erected the same shall be under the care and control of the Commission and the Commission shall preserve and maintain the same.

2. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Commission after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of London for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of London and such certificate shall be kept by such clerk of the peace with the other documents to which the same relate and thereupon the deposited plans and deposited book of reference shall be deemed to be corrected according to such certificate. Correction of errors in deposited plans and book of reference.

A.D. 1927.

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For protec-
tion of
Metropoli-
tan and
Metropoli-
tan District
Railway
Companies.

3. For the protection of the Metropolitan Railway Company and the Metropolitan District Railway Company (hereinafter in this section referred to as “the Joint Companies”) the following provisions shall unless otherwise agreed between the Joint Companies and the Commission apply and have effect that is to say :—

- (1) The Commission shall not construct or maintain any works whether temporary or permanent upon or over or which may affect the tunnel railway and works of the Joint Companies except in accordance with the provisions of this section and under the superintendence if given and to the reasonable satisfaction of the engineer of the Joint Companies.
- (2) The foundations of the memorial shall consist of a reinforced concrete raft the design and specification whereof shall be submitted to and reasonably approved by the engineer of the Joint Companies and the underside of which said concrete raft shall be at a level not lower than 39·75 feet above ordnance datum. Such concrete raft shall be reinforced both longitudinally and laterally so as to permit the underpinning of the northern side of the memorial in six feet lengths or the construction under the memorial throughout the length thereof of tunnelling not exceeding nine feet in width if at any future time the Joint Companies or either of them desire to widen their railway or to construct an additional tunnel in connection therewith.
- (3) The Commission shall not in the execution maintenance or repair of any works executed under the powers of this Act obstruct or hinder or interfere with the free uninterrupted and safe user of the railway of the Joint Companies or any traffic thereon.
- (4) If the Joint Companies or either of them shall require at any future time to repair under any powers existing at the passing of this Act their railway or works in proximity to any of the works constructed by the Commission under

this Act the Commission shall repay any extra costs to which the Joint Companies or either of them may be put by reason or in consequence of the construction or existence of any works of the Commission. A.D. 1927.
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- (5) If any difference shall arise between the Commission and the Joint Companies under this section the matter shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement appointed on the application of either party by the President of the Institution of Civil Engineers.

4. This Act may be cited as the Mercantile Marine Short title.
Memorial Act 1927.

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