



CHAPTER xxxi.

An Act to authorise the sale of St. Olave's Garden A.D. 1928.
in the Metropolitan Borough of Bermondsey
and for other purposes. [2nd July 1928.]

WHEREAS under powers conferred by the Saint Olave's Southwark Church Act 1918 (hereinafter referred to as "the Act of 1918") the Church of Saint Olave Southwark and the site thereof and the churchyard and any lands or vaults attached or belonging thereto except the tower of the said church and part of the said churchyard and of the site of the said church (which excepted premises are hereinafter referred to as "the reserved premises") were sold by certain trustees constituted for the purposes of the Act of 1918 freed and discharged from all ecclesiastical and (subject as was in that Act provided) all other trusts uses purposes obligations disabilities and restrictions whatsoever :

And whereas by section 9 of the Act of 1918 it was enacted that nothing in that Act should be deemed to allow any building to be erected on the reserved premises and the reserved premises and any rights attached or belonging thereto were vested in the council of the metropolitan borough of Bermondsey (hereinafter referred to as "the Council") for enjoyment by the public and were directed to be maintained and managed by the Council as an open space under the provisions of the Open Spaces Act 1906 under the name of St. Olave's Garden :

[Ch. xxxi.] *Bermondsey Borough* [18 & 19 GEO. 5.]
Council (St. Olave's Garden) Act, 1928.

A.D. 1928.

And whereas by the Act of 1918 the said trustees were directed to demolish or secure the demolition of that part of the said church (other than the said tower) which was situate on the reserved premises and it was enacted that the area vested in the Council as aforesaid should include the said tower which was not to be demolished but was to be maintained by the Council both as a memorial and for the purpose of affording an access from Tooley Street to the said open space :

And whereas the area so vested in the Council as aforesaid (which did not come into their possession until the year one thousand nine hundred and twenty-six) has not hitherto been laid out as an open space on account of its limited extent and of the cost which would be involved in such laying out and the maintenance thereof and of the fact that owing to its remoteness from dwelling-houses and the inconvenience of access thereto the said area is not used by the public to any considerable extent and would be of but little public benefit if so laid out :

And whereas the said area abuts on the river Thames and it is expedient in the public interest that it should be made available for the construction of wharves and accordingly that the Council should be empowered to sell the same to the Proprietors of Hay's Wharf Limited (who were the purchasers of and now own the property adjoining the said area which was sold pursuant to the Act of 1918 as aforesaid and have agreed with the Council for the purchase of the said area subject to the sanction of Parliament) subject to the condition that the said tower shall be demolished and that part of the purchase money realised on such sale shall be applied by the Council in or towards the acquisition and laying out by the Council of another open space in the said borough and to such other conditions as are specified in this Act :

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

[18 & 19 GEO. 5.] *Bermondsey Borough* [Ch. xxxi.]
Council (St. Olave's Garden) Act, 1928.

Lords Spiritual and Temporal and Commons in this A.D. 1928.
present Parliament assembled and by the authority of
the same as follows:—

1. This Act may be cited as the *Bermondsey Short title.*
Borough Council (St. Olave's Garden) Act 1928.

2. In and for the purposes of this Act—

Interpreta-
tion.

“The Council” means the council of the metro-
politan borough of Bermondsey;

“The scheduled lands” means the lands described
in the schedule to this Act and coloured red
on the plan signed in triplicate by the Right
Honourable Viscount Hutchinson (Earl of
Donoughmore) the Chairman of the Com-
mittee of the House of Lords to whom the
Bill for this Act was referred of which plan
one copy has been deposited in the Committee
and Private Bill Office of the House of
Commons another copy has been deposited
in the Parliament Office House of Lords and
another copy has been deposited with the
Council;

“The purchasers” means the Proprietors of
Hay's Wharf Limited and includes (where
the context permits) their successors in title
as owners of the scheduled lands;

“The Act of 1918” means the Saint Olave's
Southwark Church Act 1918;

“The trustees” means the persons for the time
being acting as trustees under and for the
purposes of the Act of 1918.

3.—(1) Section 9 (Part of sites of old church and
old churchyard not to be built upon) of the Act of 1918
is hereby repealed and notwithstanding anything con-
tained in that Act or in the Disused Burial Grounds
Act 1884 or in the Open Spaces Act 1906 or in any other
enactment but subject to the provisions of this Act the
Council may and shall sell and transfer to the purchasers
and the purchasers may and shall purchase the scheduled
lands at the price of ten thousand pounds.

Sale of
scheduled
lands.

(2) (a) The said sale and purchase shall be com-
pleted and the said sum of ten thousand pounds paid by
the purchasers to the Council on the fourteenth day

[Ch. xxxi.] *Bermondsey Borough* [18 & 19 GEO. 5.]
Council (St. Olave's Garden) Act, 1928.

A.D. 1928. after the day on which the removal from the scheduled lands pursuant to this Act of all human remains monuments tombstones and other memorials is completed (which completion of removal shall be evidenced by a certificate in writing to be given by the trustees to the Council and to the purchasers forthwith upon such completion) and if for any reason (other than wilful default on the part of the Council) the said sale and purchase is not so completed or the said sum is not so paid the purchasers shall pay to the Council in addition to the said sum interest thereon at the rate of five per centum per annum calculated from the said fourteenth day until the date of actual payment.

(b) No title deeds or evidence of title shall be required or submitted in connection with the said sale and purchase other than the land certificate of the registration of the scheduled lands in the land registry as the property of the Council with absolute title and no objection or requisition on title shall be made.

Human
remains to
be removed.

4. The trustees shall as soon as practicable after the passing of this Act subject to the provisions in that behalf hereinafter contained remove or cause to be removed from the scheduled lands the human remains interred therein and the monuments tombstones and other memorials of deceased persons now in or about the same.

Provisions
as to
removal of
human
remains.

5.—(1) Before proceeding to remove or cause to be removed any human remains from the scheduled lands the trustees shall publish a notice for three successive days in two local newspapers circulating in the metropolitan borough of Bermondsey to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (2) (3) (4) (5) and (6) of this section.

(2) 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 the scheduled lands may give notice in writing to the trustees 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 Southwark 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. A.D. 1928.
—

(3) If any person giving such notice as aforesaid shall fail to satisfy the trustees 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 Southwark who shall have power to make an order specifying who shall remove the remains.

(4) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave or vault the sum of fifteen pounds) shall be defrayed in the first instance by the trustees such sum to be apportioned if necessary equally according to the number of remains in the grave or vault.

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

(6) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense in the first instance of the trustees be removed and re-erected at the place of re-interment of such remains or at such place as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the trustees and the trustees shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office

[Ch. xxxi.] *Bermondsey Borough* [18 & 19 GEO. 5.]
Council (St. Olave's Garden) Act, 1928.

A.D. 1928. Somerset House London with the miscellaneous records
— in the custody of the Registrar-General.

(7) 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 Council.

Scheduled
lands to vest
in pur-
chasers free
from restric-
tions &c.

6. When the scheduled lands shall have been transferred to the purchasers and all the human remains found therein shall have been removed therefrom—

(a) the scheduled lands shall be freed and discharged from all trusts uses obligations disabilities and restrictions which may affect the same by reason of the scheduled lands or any part thereof being a disused burial ground and from all other trusts uses obligations disabilities and restrictions whatsoever heretofore attaching thereto under ecclesiastical law or otherwise as part of the former Church of Saint Olave Southwark and of the churchyard of that church; and

(b) notwithstanding anything contained in any such enactment as is referred to in this Act it shall be lawful for the purchasers (subject to the provisions of the London Building Acts 1894 to 1923 or any Act amending or extending the same and to the conditions imposed upon the purchasers by this Act) to erect or procure the erection of buildings on the scheduled lands or any part or parts thereof and otherwise to deal with and dispose of the scheduled lands as if no part thereof had ever been used or set apart as the site of a church or for the purpose of burial or as an open space.

Conditions
to be
observed by
purchasers.

7.—(1) As soon as practicable after the passing of this Act (and in any event before the expiration of two months from the date of such passing) and whether the said sale and purchase shall then have been completed or not the purchasers shall at their own expense demolish the tower (now standing on part of the scheduled lands) of the former Church of Saint Olave Southwark:

Provided that before commencing such demolition the purchasers shall give notice in writing to the trustees of their intention so to commence and the purchasers

shall not interfere with or remove any human remains graves or vaults or any monuments tombstones or other memorials of deceased persons in or under the said tower or in or about any other part of the scheduled lands except by the direction (which direction if given shall be complied with by the purchasers) and under the superintendence of the trustees. A.D. 1928.

(2) Subject as hereinafter provided the purchasers shall within nine months after the completion of the transfer to them of the scheduled lands or any extension of that period which may be allowed by the Minister of Transport provide and shall at all times thereafter maintain a waiting place or waiting places for vehicles having business at their wharves by setting apart for that purpose an area not less extensive than that of the scheduled lands either on the scheduled lands or on such other site or sites belonging to the purchasers near to the scheduled lands as may be approved for the purpose by the Minister of Transport or partly on the scheduled lands and partly on such other site or sites:

Provided that nothing in this subsection shall prevent the purchasers—

- (a) from erecting any building over the whole or any part of any area so set apart and from occupying such area or part thereof during and for the purposes of the building operations provided that such building when completed is so constructed that the whole of the ground floor thereof is left unenclosed and available for use by waiting vehicles; or
- (b) from erecting on any part of any area so set apart loading bays for the loading or unloading of goods and merchandise on or from waiting vehicles in such positions and of such number and extent as may be approved by the Minister of Transport.

(3) As soon as practicable after the completion of the said sale and purchase the purchasers shall to the reasonable satisfaction of the Council provide and fix or erect upon some part of the scheduled lands and at all times thereafter maintain and whenever necessary renew a tablet or other structure or fitting containing a record of the former ecclesiastical and historical associations of the scheduled lands.

[Ch. xxxi.] *Bermondsey Borough* [18 & 19 GEO. 5.]
Council (St. Olave's Garden) Act, 1928.

A.D. 1928.

For protec-
tion of
London
County
Council.

8.—(1) The purchasers shall—

- (a) carefully preserve and remove all objects of geological or antiquarian interest discovered by them in the demolition of the tower referred to in the section of this Act of which the marginal note is "Conditions to be observed by purchasers" or in the course of any excavation of the scheduled lands or the execution of any works thereon 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 place any such objects at the disposal of the London County Council;
- (b) give sufficient notice in writing to the said Council of the time when the demolition of the said tower is to be commenced or when any excavations in the scheduled lands are to be made;
- (c) give to the said Council facilities for the inspection and making drawings of any ancient foundations that may be discovered in the demolition of the said tower or any excavations in the scheduled lands; and
- (d) make provision by any deed by which they may sell or otherwise dispose of the scheduled lands or any part thereof for securing compliance with the provisions of this section.

(2) The trustees shall carefully preserve and remove all objects of geological and antiquarian interest discovered in the removal from the scheduled lands of the monuments tombstones and other memorials of deceased persons now in or about the same 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 place any such objects at the disposal of the said Council.

Application
of purchase
money.

9.—(1) The purchase price of ten thousand pounds payable by the purchasers under the provisions of this

[18 & 19 GEO. 5.] *Bermondsey Borough* [Ch. xxxi.]
Council (St. Olave's Garden) Act, 1928.

Act shall be applied in manner following (that is to say):— A.D. 1928.

(a) The Council shall out of the said purchase price pay—

(i) the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act"; and

(ii) to the trustees the amount of the costs charges and expenses incurred by the trustees in or about the removal of human remains from the scheduled lands and the carrying into effect of the provisions of the section of this Act of which the marginal note is "Provisions as to removal of human remains";

(b) The Council shall pay to the trustees one equal fourth part of the balance of the said purchase price remaining after the payments provided for in the foregoing paragraph (a);

(c) The Council shall retain the remaining three equal fourth parts of the said balance and apply the same in or towards the acquisition and laying out within two years from the date of the passing of this Act and in or towards the subsequent maintenance of a public open space and recreation ground within the metropolitan borough of Bermondsey such open space and recreation ground being provided either on the site of the disused workhouse in Tanner Street or on some other suitable site.

(2) The sum paid to the trustees pursuant to paragraph (b) of subsection (1) of this section shall be applied and disposed of in the manner provided by section 17 (Application of purchase money) of the Act of 1918 in all respects as if the said sum were moneys received by the trustees for the sale of any land materials or other property under that Act.

10. The Council and the trustees and the purchasers or any of them may enter into and carry into effect agreements for or with respect to the sale and purchase provided for by this Act and any matters incidental thereto or arising thereout. Agreements between Council and purchasers.

[Ch. xxxi.] *Bermondsey Borough* [18 & 19 GEO. 5.]
Council (St. Olave's Garden) Act, 1928.

A.D. 1928.

Costs of
Act.

11. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council.

The SCHEDULE referred to in the
foregoing Act.

DESCRIPTION OF LAND TO BE TRANSFERRED BY THE
COUNCIL OF THE METROPOLITAN BOROUGH OF BER-
MONDSEY TO THE PROPRIETORS OF HAY'S WHARF
LIMITED.

The lands in the metropolitan borough of Bermondsey known as St. Olave's Garden situate between Tooley Street and the river Thames and bounded on the east by premises belonging or reputed to belong to the Proprietors of Hay's Wharf Limited and on the west by the premises known as Topping's Wharf.

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