



## CHAPTER cxiv.

An Act to empower the president vice-presidents A.D. 1913.  
treasurers and governors of the Westminster Hospital  
to acquire lands for and to erect a new hospital  
to authorise the sale and disposal of the site of  
Westminster Hospital and for other purposes.

[15th August 1913.]

**W**HEREAS in or about the year one thousand seven hundred and nineteen an institution was formed for the purpose of affording medical and surgical relief to poor sick and infirm persons inhabiting the city of Westminster and elsewhere and for the purposes of the said institution a hospital or public infirmary was shortly afterwards built and established on certain lands in James Street Buckingham Gate in the city of Westminster :

And whereas in or about the year one thousand eight hundred and thirty-two the said hospital was removed to the site in Broad Sanctuary Westminster whereon the same now stands and such site was acquired and is held under the terms and conditions of a deed of conveyance dated the thirty-first day of August one thousand eight hundred and thirty-two and made between His late Majesty King William IV. of the first part the Right Honourable John William Ponsonby (commonly called Viscount Duncannon) and William Dacres Adams Esquire (two of the Commissioners of His Majesty's Woods Forests Land Revenues Works and Buildings) of the second part and the Most Noble Hugh Duke of Northumberland and thirteen other persons named in the said deed (being fourteen of the trustees of the said hospital or public infirmary) of the third part :

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And whereas by the Westminster Hospital Incorporation Act 1836 the governing body of the said hospital were incorporated by the name and style of "The President Vice-Presidents "Treasurers and Governors of the Westminster Hospital" (hereinafter referred to as "the Governors") and were authorised to hold the said hospital and building in Broad Sanctuary and the land whereon the same stood and certain other lands specified in the said Act subject to the limitation that the lands so held in addition to the said site at Broad Sanctuary should not in the whole exceed the clear yearly value of twenty thousand pounds :

And whereas by the same Act powers were conferred upon the Governors to sell convey lease assign or dispose of for the purposes of the said hospital the lands upon which the said hospital then stood and other lands and property for the time being belonging to the said hospital :

And whereas by the said Act of 1836 the site of the said hospital was vested in fee simple in the Governors for the purposes of the said hospital subject to the covenants agreements provisions and declarations contained in the recited conveyance to them of the site of the said hospital and by such covenants certain restrictions are placed upon the sale and disposal of the said site and it is expedient that such restrictions should be removed :

And whereas in view of the extensive changes which since the year one thousand eight hundred and thirty-two have taken place in the character of those portions of the present city of Westminster which the hospital was established to serve and in view of the existence within a short distance of other general hospitals affording medical and surgical relief to poor sick and infirm persons it is expedient that the Governors should be empowered to remove the hospital from the present site to some other district in the county of London where a larger area of ground would be available and the sphere of usefulness of the hospital would be increased and that they should be empowered to acquire a site and lands for that purpose :

And whereas there are in connection with the hospital a medical school and a training school and home for nurses and the latter institution is regulated and governed under the terms of a scheme sanctioned by the High Court under the Charitable Trusts Acts 1853 to 1894 by an order of the High Court made



the eighteenth day of July one thousand nine hundred and four: A.D. 1913.

And whereas under the said order the management and control of the said home for nurses is vested in a governing body constituted by the said order consisting of twelve members of whom seven are to be appointed by the Governors from among their own body and five are to be appointed as provided in the said order :

And whereas the premises in which the said home for nurses is now carried on are vested in trustees and it is expedient that the provisions of this Act with respect to the said home for nurses and with respect to the sale lease or disposal of the said premises should be made :

And whereas under the terms of the said order there are pensions and superannuation allowances granted by the governing body of the said home for nurses now outstanding or yet to mature and it is expedient that provisions should be made as in this Act provided for securing such pensions and superannuation allowances :

And whereas it is expedient to alter and amend the provisions of the said Act of 1836 and of the said order as by this Act provided :

And whereas the said Act of 1836 makes provision with respect to certain endowments and moneys therein recited and therein referred to as "the incurables fund" and it is expedient that the provisions of this Act with reference to such fund and the application thereof should be made :

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 :

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) :—

1. This Act may be cited as the Westminster Hospital Act 1913 and this Act and the Westminster Hospital Incorporation Act 1836 may be together cited as the Westminster Hospital Acts 1836 and 1913.

Short and  
collective  
titles.

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Interpretation.

2.. In and for the purposes of this Act—

The expression “the Governors” means the president vice-presidents treasurers and governors of the Westminster Hospital ;

The expression “the Act of 1836” means the Westminster Hospital Incorporation Act 1836 ;

The expression “the indenture of 1832” means the recited indenture of conveyance dated the thirty-first day of August one thousand eight hundred and thirty-two ;

The expression “the nurses’ home” means the Westminster training school and home for nurses ;

The expression “the order of 1904” means the scheme for the regulation and management of the nurses’ home approved by an order of the High Court made the eighteenth day of July one thousand nine hundred and four ;

The expression “the present site” means the lands now vested in the Governors whereon the hospital now stands in Broad Sanctuary in the city of Westminster.

Power to Governors to acquire lands.

3.—(1) It shall be lawful for the Governors by agreement to purchase acquire take on lease or in exchange or accept and to hold any lands and hereditaments in the county of London which may be suitable or convenient for the erection of a hospital and of buildings for use in connection therewith.

(2) 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 or in any other manner as may be agreed between the Governors and the owners of any such lands and upon accepting any lease the Governors 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 Governors may pay or receive any moneys for equality of exchange.

Limitation of value of lands held under Act of 1836 not to apply.

4. The value of any lands acquired by the Governors under the powers of this Act shall not be taken into account in computing the value of the lands which the Governors are by the Act of 1836 authorised to hold and retain for the purposes of the hospital.

Power to erect a new hospital.

5. It shall be lawful for the Governors 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 works and conveniences in connection therewith as they may think fit and to carry on manage and maintain the same subject to the provisions of this Act and of the Act of 1836 as amended by this Act so far as such provisions of the Act of 1836 are applicable to and for the purposes of a hospital upon such lands. A.D. 1913.

6. Notwithstanding anything contained in the Act of 1836 or in the indenture of 1832 the Governors 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 on such terms of payment whether by a sum in gross or by annual sums terminable or otherwise and charged on such 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 Governors and any intending purchaser. Power to  
sell present  
site.

7.—(1) In the event of any new building being erected upon the present site— As to widen-  
ing of adja-  
cent streets  
and erection  
of buildings.

(A) Such building may be situate upon the present site within the green line shown upon the signed plan but no part of such building shall be erected beyond the said line and the height thereof shall not exceed the heights respectively marked in figures on the signed plan. Provided that the portion of the present site between the green and red lines shown upon the signed plan may be used for the purpose of areas forecourts approach steps or vaults and may be enclosed within railings or boundary fences or walls; and.

(B) The lands shown in blue colour and hatched blue upon the signed plan shall be given up free of cost for the purpose of widening the thoroughfares known as Broad Sanctuary and Princes Street and thereupon the lands so given up shall be vested in and paved and made up by the council of the city of Westminster as part of the said thoroughfares. Provided that in or under any footways which may be laid out upon the lands shown in blue colour on the signed plan vaults with pavement lights may be constructed for use in connection with any new building which may be erected as aforesaid.

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(2) The signed plan referred to in this section means the plan signed in duplicate by Donald Maclean the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Private Bill Office of the House of Commons and the other copy has been deposited in the Office of the Clerk of the Parliaments in the House of Lords.

Application  
of London  
Building  
Acts.

8. Subject to the provisions of the section of this Act of which the marginal note is "As to widening of adjacent streets and erection of buildings" nothing in this Act shall exempt any buildings or structures or additions to or alterations of buildings structures or works erected constructed or made upon any lands purchased acquired leased exchanged sold let or otherwise dealt with under or in pursuance of the powers of this Act from the provisions of the London Building Acts 1894 to 1909 and any Act amending the same and any byelaws and regulations in force thereunder.

Power to  
mortgage  
present site.

9. Notwithstanding anything contained in the Act of 1836 or in the indenture of 1832 the Governors 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 Governors 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.

Release and  
surrender of  
outstanding  
interests.

10. It shall be lawful for the Governors 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 Governors of any such estate or interest.

Power to  
lease present  
site.

11. Notwithstanding anything contained in the Act of 1836 or in the indenture of 1832 the Governors may (subject to the provisions of this Act) when and as they shall think fit—

- (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



Governors 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 the Governors shall think 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 Governors 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 and 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 Governors 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 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 Governors think fit and may also alter

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or rescind any agreement as aforesaid and may accept any surrender of any lease in all respects as the Governors 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 Governors shall think fit.

As to sale of  
rents and  
reversions,

**12.** Notwithstanding anything contained in the Act of 1836 or in the indenture of 1832 the Governors may (subject to the provisions of this Act) sell and dispose of and mortgage or 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 Governors 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 Governors shall think fit.

Provisions  
with respect  
to Commis-  
sioners of  
Works.

**13.—**(1) From and after the passing of this Act the following provisions and restrictions shall apply to and affect the present site:—

- (A) The existing way or passage eleven feet in width along the northernmost limit of the existing buildings on the present site shall remain unbuilt upon and shall at all times be kept enclosed by iron rail gates at the east and west ends thereof:
- (B) Such rights of access to and user of the said way or passage as are at the passing of this Act existing or enjoyed in respect of the property on the north side of the said way or passage shall remain unimpaired and be in full force and effect:
- (C) The existing or any future buildings on the present site or on any part thereof shall not be carried to a greater height than the heights respectively marked in figures on the signed plan referred to in the section of this Act to which the marginal note is "As to widening of adjacent streets and erection of buildings" and shall not be extended so as to project



beyond the line coloured green on the same signed plan : A.D. 1913.

(D) All rights of light and air enjoyed in respect of the property on the north side of the said way or passage at the passing of this Act shall remain unimpaired and the existing buildings or any future buildings on such property may at any time or times hereafter notwithstanding any interference with any rights to the access of light or air appertaining to the existing or any future buildings on the present site be raised to any height for the whole length of the frontage thereof on the south side abutting on the present site :

(E) Every building hereafter erected on the present site and every alteration of or addition to the existing or any future buildings thereon shall be effected and carried out in accordance in all respects with plans sections elevations and specifications first submitted to and approved by the Commissioners of Works and the nature and user of every building for the time being upon the present site shall be such as shall be approved by the Commissioners of Works.

(2) Every sale lease exchange or other disposition under the powers of this Act shall unless the Commissioners of Works otherwise agree be made subject to the provisions and restrictions contained in subsection (1) of this section and the deed or other instrument effectuating every such sale lease exchange or other disposition shall contain such covenants provisions and conditions as may be necessary to secure the performance and observance of the provisions and restrictions to which the same shall so be made subject.

(3) The Commissioners of Works may at any time or times or from time to time and whether or not on the occasion of a sale lease exchange or other disposition under the powers of this Act effectually waive or modify to any extent all or any of the provisions and restrictions contained in subsection (1) of this section in respect to the whole or any part or parts of the present site or any buildings thereon and any such waiver or modification may be permanent or temporary and absolute or conditional and with or without any valuable consideration as the Commissioners of Works may think fit but no such waiver or modification shall have effect in respect of any matter within

A.D. 1913. the said section of this Act to which the marginal note is  
— "As to widening of adjacent streets and erection of buildings."

(4) The provisions of this section shall be in substitution for the several covenants conditions and stipulations on the part of or made on behalf of the Governors and contained in the indenture of 1832 which indenture shall as from the passing of this Act cease to be binding or of any effect whatsoever.

For protec-  
tion of coun-  
cil of city  
of West-  
minster.

14. Nothing in this Act contained shall affect any rights of the council of the city of Westminster under the provisions of the Metropolitan Paving Act 1817 (commonly called "Michael Angelo Taylor's Act") or any Act or Acts amending the same.

Provisions as  
to nurses'  
home and  
amendment  
of order of  
1904.

15.—(1) The Governors may in connection with and for the purposes of the hospital when removed as by this Act authorised provide new premises either in connection with the hospital when removed or elsewhere for the purposes of the nurses' home and upon the completion of such premises the nurses' home shall be transferred thereto and thereafter carried on and conducted thereat in accordance with the terms of the order of 1904 so far as the same are applicable thereto and that order shall cease to apply to the premises referred to therein.

(2) When and so soon as the Governors shall have provided new premises for the nurses' home the existing premises shall be sold leased or otherwise disposed of as opportunity arises and for the best price rent or consideration obtainable and the proceeds thereof or the rent or consideration obtained shall subject to the provisions of this section be held disposed of and dealt with in accordance with the order of 1904.

(3) The sum required for the purpose of securing the superannuation allowances and pensions payable or becoming payable by the governing body of the nurses' home under the provisions of paragraph 25 of the order of 1904 shall be ascertained by actuarial calculation and the securities mentioned in the said paragraph 25 and until the said existing premises are sold the said premises and after such sale such portion of the amount realised by the sale and disposal of the said existing premises as may be ascertained to be required shall be held by the governing body of the nurses' home for the purposes of such superannuation allowances and pensions and applied in payment of the same.



(4) Such actuarial calculation shall be made by a member of the Institute of Actuaries or the Faculty of Actuaries in Scotland and the sum so ascertained shall be invested in accordance with the provisions of the order of 1904 with respect to investments and the balance if any of the proceeds of sale of the said existing premises shall be invested in like manner and be held by the governing body of the nurses' home and the income therefrom applied in accordance with paragraph 27 of the order of 1904. A.D. 1913.

(5) Any part of the securities by this section hypothecated for the purposes of the said superannuation allowances and pensions after such allowances and pensions shall cease to be payable or have been otherwise secured or provided shall belong to and be transferred to or realised and the proceeds paid over to the Governors and applied by them to the general purposes of the hospital.

(6) In the event of the securities by this section hypothecated for the purpose of paying the said superannuation allowances and pensions being or becoming insufficient any deficiency in the amount required for payment of such allowances and pensions shall be provided by the Governors out of the general funds of the hospital and subject to the foregoing provisions of this section paragraph 25 of the order of 1904 shall cease to be operative as from the passing of this Act.

(7) The Governors and the governing body of the nurses' home may enter into and carry into effect agreements with respect to the provisions of this section and for the purpose of giving effect thereto and may by such agreements vary the provisions of this section except so far as the same relate to the security for and the payment of the superannuation allowances and pensions payable or becoming payable under the provisions of the said paragraph 25 of the order of 1904.

**16.** The Governors may in connection with the hospital when removed provide and maintain all necessary accommodation for the continuance and carrying on of the Westminster Hospital Medical School and any gifts endowments or other property specifically attaching or belonging to or any prize fund allocated to the existing Westminster Hospital Medical School shall be held and applied and shall attach and belong to the school to be provided at or in connection with the new hospital. Provision as to medical school.

A.D. 1913.  
Incurables  
fund.

17. The provisions of the Act of 1836 with respect to the incurables fund are hereby repealed and the following provisions shall have effect in lieu thereof (that is to say):—

- (1) The Governors shall provide at the hospital when removed and maintain out of the general funds of the hospital two wards consisting of not less than five beds in each to be called “the incurables wards” and such wards shall be primarily allocated to such patients in the hospital to be from time to time recommended for election by the physicians and surgeons of the hospital as they may decide to be unlikely to be cured of the diseases or injuries in respect of which they were admitted to the hospital but no such patients shall be elected for maintenance in the incurables wards if it shall appear that such patients have a sufficient competency to maintain themselves without the assistance of charity :
- (2) The Governors shall make such laws and byelaws in reference to the admittance of patients to the incurables wards and the maintenance of such patients therein as having regard to the objects of the incurables fund they shall from time to time think fit :
- (3) After the passing of this Act and in consideration of the provisions of this section the sums of money now representing the incurables fund shall be held and applied as part of the general funds of the hospital :
- (4) Nothing in this section shall prevent the use of any beds in the incurables wards for any other patients if and so long as the physicians and surgeons shall not have recommended for admission to the incurables wards the full number of patients for which such wards are established but any other patient occupying any bed in the incurables wards shall so soon as conveniently may be after any recommendation shall have been made by the physicians and surgeons as aforesaid for admission to such wards be removed to and accommodated in some other ward :
- (5) The Governors may at any time either provide and maintain a home apart from the hospital for any patients who would otherwise be eligible for admission to the incurables wards or may pay for the



maintenance of such patients in any home or institution suitable for the purpose and the number of patients maintainable in the incurables wards shall if the Governors think fit be reduced by the number of such patients otherwise provided for under the provisions of this subsection and in that case the beds provided in the incurables wards and not required for such patients may be used for the accommodation of other patients.

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**18.** The hospital if and when removed to any site acquired under the powers of this Act shall exist for the purposes of affording medical and surgical relief to poor sick and infirm persons and shall for all purposes be substituted for the Westminster Hospital as existing at the passing of this Act and subject to the provisions of this Act all deeds of gift grants devises and bequests whether then operative or thereafter to become operative and all endowments or other sums of money held in trust for the existing hospital or for any objects or purposes in connection therewith shall be operative and shall be held and applied for and in respect of the like objects in connection with the hospital when removed and the Governors or other the trustee or trustees of any such endowments or other sums of money or of any property whatsoever of or belonging to the existing hospital shall hold and apply all such endowments or other sums of money or property accordingly.

Property &c.  
of existing  
hospital to  
be applied  
to new  
hospital.

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

Costs of Act.

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