

Merchant Navy Memorial Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 Ch. xv

ARRANGEMENT OF SECTIONS

Section

1. Short and collective titles.
2. Interpretation.
3. Extension of memorial.
4. Provision as to use of memorial land.
5. Restoration of Trinity Square Garden.
6. Maintenance of memorial extension.
7. Power to Stepney Council to stop up highway.
8. Correction of errors in deposited plan and book of reference.
9. For protection of British Transport Commission.
10. For protection of certain undertakers.
11. Costs of Act.

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CHAPTER xv.

An Act to confer further powers on the Imperial War Graves Commission with respect to the construction of a memorial at Tower Hill to officers and men of the Merchant Navy who perished in the recent world war and for other purposes. [9th July 1952.]

WHEREAS—

(1) By royal charter dated the twenty-first day of May nineteen hundred and seventeen the Imperial War Graves Commission (in this Act referred to as “the Commission”) was incorporated 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 war then in progress:

(2) 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:

(3) The said charter provides that the Commission may at any time and from time to time with the concurrence of the president of the Commission apply for an Act of Parliament if it appears to the Commission that such Act of Parliament is required for carrying into effect any of the purposes or powers of the said charter:

(4) The powers of the Commission have been enlarged by supplemental charters dated respectively the twenty-sixth day of August nineteen hundred and twenty-one the seventeenth day of June nineteen hundred and twenty-four the seventeenth day of March nineteen hundred and thirty-one the fifth day of March nineteen hundred and forty and the fifth day of October nineteen

hundred and forty-eight to enable the functions of the Commission to be exercised (inter alia) in relation to the recent world war:

(5) In pursuance of powers conferred by the Mercantile Marine Memorial Act 1927 the Commission erected a memorial in Trinity Square Garden:

(6) The Commission now desire that facilities should be afforded to them for an extension of the said Memorial to commemorate officers and men of the Merchant Navy who fell in the recent world war and have no known grave:

(7) The president of the Commission has signified his concurrence in the Bill for this Act:

(8) It is expedient that such provision as is contained in this Act should be made for the extension of the said memorial and for the maintenance and preservation of such extension and otherwise in relation thereto:

(9) The objects of this Act cannot be attained without the authority of Parliament:

(10) A plan showing the land which the Commission may enter upon and use under the powers of this Act and a book of reference to such plan showing the names of the owners or reputed owners lessees or reputed lessees and occupiers of the said land have been deposited with the clerk of the London County Council and that plan and book of reference are in this Act respectively referred to as the deposited plan and the deposited book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the Merchant Navy Memorial Act 1952.

(2) The Mercantile Marine Memorial Act 1927 and this Act may be cited together as the Merchant Navy Memorial Acts 1927 and 1952.

Interpretation.

2. In this Act—

“ the Act of 1927 ” means the Mercantile Marine Memorial Act 1927;

“ the Commission ” means the Corporation of the Imperial War Graves Commission established by royal charter;

“ the memorial ” means the memorial erected under the powers of the Act of 1927 in Trinity Square Garden;

“ the memorial extension ” means the extension and enlargement of the memorial as authorised by this Act;

“ the memorial land ” means the land numbered one on the deposited plan and described in the deposited book of reference;

“ the Transport Commission ” means the British Transport Commission and any reference to the Transport Commission in relation to any functions of the Transport Commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

“ Trinity Square Garden ” means the garden of Trinity Square forming part of Great Tower Hill in the county of London and being the pleasure ground or inclosure referred to in the Act 37 Geo. 3. c. lxxxvii (1797).

3. The Commission may enter upon Trinity Square Garden Extension of and use the memorial land for the extension and enlargement of memorial. the memorial so as to commemorate the officers and men of the Merchant Navy who lost their lives in the recent world war and have no known grave.

4.—(1) The Commission shall not be required to purchase the Provision as to memorial land or any easement therein or thereover or to make any use of payment in respect of any rights in the memorial land conferred on memorial land. them by this Act.

(2) Nothing in this Act shall confer upon or vest in the Commission any right or interest in the memorial land other than the right to use the memorial land for the memorial extension and the maintenance thereof.

5.—(1) The Commission may enter upon Trinity Square Restoration Garden and carry out such ancillary works and do such things of Trinity therein as the Commission may deem requisite for the purposes of Square the construction and the subsequent maintenance of the memorial Garden. extension.

(2) The Commission shall restore any part of Trinity Square Garden (other than the part thereof on which the memorial extension is carried out) which may be affected by the operations of the Commission under this Act to as good a state and condition as it was immediately before such operations.

6. The memorial extension shall be under the care and control Maintenance of the Commission and the Commission shall preserve and of memorial maintain it in like manner as they are required to preserve extension. and maintain the memorial.

Power to
Stepney
Council to
stop up
highway.

7.—(1) The council of the metropolitan borough of Stepney may stop up so much of the highway in Trinity Square as comprises the land numbered two on the deposited plan.

(2) On such stopping up as aforesaid all rights of way over the highway stopped up and other rights in respect thereof shall be extinguished and the site and soil thereof shall form part of Trinity Square Garden.

(3) The said council may carry out such works to the highway in Trinity Square as may be expedient in consequence of the stopping up of part of that highway under the powers of this Act.

Correction
of errors in
deposited
plan and book
of reference.

8.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Commission after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county of London for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the London County Council and thereupon the deposited plan and the deposited book of reference shall be deemed to be correct according to the certificate and it shall be lawful for the Commission to use the land in accordance with the certificate.

(4) Any certificate deposited under this section with any person shall be kept by him with the other documents to which it relates.

For protection
of British
Transport
Commission.

9. The following provisions for the protection of the Transport Commission shall unless otherwise agreed between the Transport Commission and the Commission apply and have effect:—

(1) In this section “the engineer” means an engineer to be appointed by the Transport Commission:

(2) The Commission shall not in the exercise of the powers of this Act construct or maintain any works whether temporary or permanent upon or over or which may affect the tunnel railway and works of the Transport Commission forming part of their Metropolitan District Railway except in accordance with the provisions of this section and under the superintendence if given and to the reasonable satisfaction of the engineer:

(3) The design and specification of the foundations of the masonry parts of the memorial extension which are

within fifty feet of the centre line of the said tunnel shall be submitted to and reasonably approved by the engineer. Such foundations shall consist of a concrete raft reinforced both longitudinally and laterally so as to permit the underpinning of such masonry in six feet lengths if at any future time the Transport Commission desire to widen their railway or to construct an additional tunnel in connection therewith:

- (4) Where not overlying the existing structure of the said tunnel the underside of the said concrete raft shall be at a level not lower than 36·0 feet above ordnance datum (Newlyn):
- (5) 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 Transport Commission or any traffic thereon:
- (6) If the Transport Commission 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 Transport Commission may be put by reason or in consequence of the construction or existence of any works of the Commission:
- (7) Any difference arising between the Commission and the Transport Commission under this section shall be referred to and determined by an arbitrator to be agreed between them or failing such agreement appointed on the application of either party by the President of the Institution of Civil Engineers.

10.—(1) In this section “ the undertakers ” means each of the following:—

For protection
of certain
undertakers.

The London Electricity Board;
The London Hydraulic Power Company;
The North Thames Gas Board.

(2) Notwithstanding the stopping up under the powers of section 7 (Power to Stepney Council to stop up highway) of this Act of any part of the highway in Trinity Square the undertakers shall continue to have the same rights in relation to any apparatus belonging to them and situate in the part of the highway in Trinity Square so stopped up as they enjoyed before such stopping up or if reasonably required by the council of the metropolitan borough of Stepney shall alter the position of the apparatus to such other position as may be reasonable and the said council shall repay to the undertakers the reasonable cost incurred in connection with such alteration.

(3) Any difference which may arise between the said council and the undertakers under this section shall be referred to a single arbitrator to be agreed upon between the parties or in default of such agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration.

Costs of
Act.

11. All 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 shall be paid by the Commission.

Table of Statutes referred to in this Act

Short title	Session and chapter
Mercantile Marine Memorial Act 1927	17 & 18 Geo. 5. c. xxvi.
Great Tower Hill Improvement Act 1797	37 Geo. 3. c. lxxxvii.
Transport Act 1947	10 & 11 Geo. 6. c. 49.
Arbitration Act 1950	14 Geo. 6. c. 27.

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