

**CHAPTER lvi**

An Act to authorise certain improvements in and around Parliament Square, and for purposes connected therewith.

[16th December 1949.]

WHEREAS the Minister has prepared a scheme (in this Act referred to as "the improvement scheme") for the improvement of Parliament Square:

And whereas the improvement scheme involves—

- (a) the construction by the London County Council, in the exercise of powers conferred under existing enactments and with the concurrence of the Minister, of a new carriageway (in this Act referred to as "the new carriageway") through the Canning enclosure to replace the existing carriageway on the east side of the Canning enclosure (in this Act referred to as "the existing carriageway") and of a new pavement on the west side of the new carriageway extending in its southern part to meet the pavement on the east side of Little George Street;
- (b) the widening by the London County Council, in the exercise of powers conferred as aforesaid and with the concurrence of the Minister, of the pavement on the south side of Great George Street between the carriageway of Little George Street and the new pavement mentioned in the foregoing paragraph;
- (c) the laying-out by the Minister of a new central garden (in this Act referred to as "the new central garden") including the site of the existing garden in the centre

of Parliament Square and the pavements round the north and west sides of that garden and a part of the pavements on the east and south sides of that garden, of the existing carriageway, of the pavement on the west side thereof and of so much of the Canning enclosure as lies between that pavement and the site of the new carriageway, together with such portions of adjoining carriageway as are hereinafter authorised to be stopped up;

- (d) the laying-out by the Minister of a new garden (in this Act referred to as "the new west garden") in the area bounded on the west by the carriageway of Little George Street, on the south and east by the new pavement hereinbefore mentioned, and on the north by the pavement on the south side of Great George Street, widened as hereinbefore mentioned;
- (e) the construction by the London County Council, in the exercise of powers conferred under existing enactments and with the concurrence of the Minister, of a kerb round so much of the new central garden as is not bounded by the pavement mentioned in the next following paragraph, and of a kerb on the west side of the new west garden;
- (f) the provision by the London County Council, in the exercise of such powers and with such concurrence as aforesaid, and either by construction or by the incorporation of existing pavement, of a pavement round the greater part of the east and south sides of the new central garden;
- (g) the execution by the London County Council of works extending into the carriageway the pavement on the south side of the junction of the carriageway of Broad Sanctuary and the carriageway on the south side of Parliament Square:

And whereas the improvement scheme cannot be fully carried out without the authority of Parliament:

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:—

Authorised
works.

1.—(1) The London County Council are hereby authorised to carry out the following works, that is to say:—

- (a) work no. 1, for the incorporation of a portion of the carriageway of Great George Street in the new central garden;

(b) work no. 3, for extending into the carriageway the pavement on the south side of the junction of the carriageway of Broad Sanctuary and the carriageway on the south side of Parliament Square.

(2) The works authorised by this section shall not be made otherwise than in the lines or situations and according to the levels shown on the deposited plan and sections:

Provided that in the execution of, or of any part of, the said works it shall be lawful to deviate from the lines or situations shown on the deposited plan to the limits of deviation so shown, and to deviate from the levels shown on the deposited sections to the extent of two feet vertically in either direction.

2.—(1) For the purpose of constructing the new carriageway the London County Council may stop up so much of the pavement on the north, north-east and south sides of the Canning enclosure as is shown on the deposited plan as subject to temporary stopping-up, and may incorporate so much of the pavement as aforesaid, or any part thereof, in the new carriageway. Provisions as to ways.

(2) For the purpose of laying out the new central garden and the new west garden the Minister may enclose any land comprised in the site of those gardens and stop up any footway, carriageway or part of a carriageway being a way or part shown on the deposited plan as subject to stopping-up; and on such day as the Minister may by order appoint as being the day on which the laying-out of either of the gardens is completed, all public rights of way over any such way or part of a way comprised within the garden in question shall be extinguished:

Provided that nothing in the foregoing provisions of this subsection shall, before such day as the Minister may by order appoint as being the day on which the new carriageway is opened to traffic, affect any public right of way over the existing carriageway.

(3) After such day as the Minister may by order appoint the powers, duties and authorities vested in the Westminster City Council under section one of the Parliament Square and other Streets Act, 1929, for the paving and repairing of certain of the ways and parts of ways mentioned in the last foregoing subsection shall cease to be exercisable. 19 Geo. 5. c. v.

(4) On such day as the Minister may by order appoint—

(a) the new carriageway shall become a public carriageway;

(b) the new pavement on the west side thereof, and the new part of the pavement on the south side of Great George Street created by the widening as hereinbefore mentioned of that pavement, shall become public footways; and

- (c) the kerb round part of the new central garden, so much of the pavement provided by the London County Council round the east and south sides of that garden as is not before the day appointed a public footway, and the kerb on the west side of the new west garden shall become public footways.

Different days may be appointed under this subsection in relation to the new carriageway, the pavements mentioned in paragraph (b) of this subsection, the kerb constructed by the London County Council round part of the new central garden and the pavement provided by that Council round part of that garden, and the kerb on the west side of the new west garden.

(5) The Minister may (by reference to a map or otherwise) by order define for the purposes of this Act the extent of the said pavement to be provided by the London County Council.

(6) The day on and after which the said new carriageway, pavements and kerbs shall be maintainable by the Westminster City Council as highway authority shall be such day as the Minister may by order appoint, not being a day before all of them have become subject to public rights of way.

(7) The public right of way over the ways mentioned in paragraphs (b) and (c) of subsection (4) of this section shall be subject to such limitations as the Minister may by order specify for enabling the ways in question to be stopped up on special occasions or for special purposes.

Supplementary provisions as respects the new gardens.

3.—(1) The Minister may remove the memorial fountain near the north-east corner of the Canning enclosure and any of the statues in the existing garden in the centre of Parliament Square or in the Canning enclosure, and shall re-erect the said fountain, if removed by him, and such of the said statues as are so removed either in the new central garden or in the new west garden:

Provided that if the Minister considers that it would be preferable to re-erect the said fountain on a site not being a site within either of the said gardens, and if the Minister has laid before each House of Parliament a paper stating his proposal and the reasons therefor, and thereafter a resolution of each House of Parliament is passed approving the Minister's proposal, the said fountain shall be re-erected on the site so agreed.

(2) If any of the land comprised in the site of the new central garden was immediately before the passing of this Act not vested in the Minister of Works, it shall by virtue of this Act and without more vest in that Minister on the passing thereof:

Provided that nothing in this subsection shall affect any sewers, cables, mains, pipes or other apparatus under that site, or any interest of the British Transport Commission.

4.—(1) The provisions set out in Part I of the Schedule to this Act shall have effect for the protection of the British Transport Commission, and the provisions set out in Part II of that Schedule shall have effect for the protection of the undertakers specified in the said Part II. Provisions for protection of statutory undertakers.

(2) The said provisions shall be construed as additional to, and not as derogating from, any other rights or powers of the British Transport Commission or any of the said undertakers, as the case may be.

5. There shall be defrayed out of moneys provided by Parliament— Payments out of moneys provided by Parliament.

(a) the expenses of the Minister incurred for the purposes of the improvement scheme;

(b) any increase in the sums payable out of such moneys, being an increase attributable to the payment out of the Road Fund of grants in respect of the doing of any work authorised by this Act.

6.—(1) This Act may be cited as the Parliament Square (Improvements) Act, 1949. Short title and interpretation.

(2) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“the Canning enclosure” means the enclosures and path in the area bounded by the pavement running from the east side of the junction of Great George Street and Little George Street to the existing carriageway, then along the west side of the existing carriageway to its junction with Broad Sanctuary, and then along the east side of Little George Street;

“the deposited plan” and “the deposited sections” mean respectively the plan and sections which were deposited with the Clerk of the London County Council in connection with the Bill for this Act;

“the Minister” means the Minister of Works;

“public carriageway” means a highway over which the public have a right of way with vehicles, with animals or on foot;

“public footway” means a highway over which the public have a right of way on foot;

“Westminster City Council” means the mayor, aldermen and councillors of the City of Westminster.

(3) In relation to any functions of the British Transport Commission which are for the time being delegated to an Executive in pursuance of section five of the Transport Act, 1947, references in this Act to the British Transport Commission shall be construed as references to that Executive. 10 & 11 Geo. 6. c. 49.

(4) The powers conferred on the Minister by this Act shall be in addition to, and not in derogation of, any other powers of the Minister; and the provisions of this Act empowering the Minister to impose limitations on public rights of way shall not—

- (a) prejudicially affect any right, power or privilege of the Crown exercisable by the Lord Great Chamberlain or by any other officer of state; or
- (b) in particular, and without prejudice to the generality of the last foregoing paragraph, prevent such powers continuing to be exercised for closing or regulating the use of any carriageways or footways, being ways in respect of which the powers were exercisable at the passing of this Act, in connection with any ceremony or other special occasion, in connection with the execution of repairs to or other work on any property under the control and management of the Minister, or for securing the passage of members to and from both Houses of Parliament.

(5) Any power conferred by this Act to make an order, other than an order appointing a day, shall be construed as including a power by order to vary or revoke the order.

SCHEDULE

PROVISIONS FOR PROTECTION OF STATUTORY
UNDERTAKERS

PART I

Provisions for protection of the British Transport Commission

1. For the protection of the British Transport Commission (hereinafter referred to as "the Commission") the following provisions of this Part of this Schedule shall, notwithstanding anything in the foregoing provisions of this Act, have effect.

2.—(1) This Part of this Schedule applies to any works executed by the Minister or the London County Council for the purposes of the improvement scheme on any land over the Railway or on any other land within twenty feet of the back of either of the retaining walls of the Railway.

(2) In this Part of this Schedule the expression "the Railway" means the District Railway of the Commission, and includes the tunnel thereof and works connected therewith.

3. The Minister and the London County Council shall execute works to which this Part of this Schedule applies in such a manner as to interfere as little as possible with the Railway and the traffic thereon.

4. Works to which this Part of this Schedule applies shall be executed only according to plans, sections and specifications previously submitted to and approved by an engineer to be appointed by the Commission:

Provided that—

(a) such approval shall not be unreasonably withheld; and

(b) unless the Commission, within twenty-eight days after the submission to them by the Minister or the London County Council, as the case may be, of such plans, sections and specifications, give notice in writing to the Minister or Council objecting thereto or making any requirements with respect thereto, the said plans, sections and specifications shall be deemed to have been approved on behalf of the Commission and the work may be proceeded with accordingly.

5. If, by the execution of works to which this Part of this Schedule applies, any injury is caused to the Railway, the Commission may restore the Railway or the part or parts thereof which may be so injured to as good a state and condition as they were in before the injury was caused and may recover from the Minister or the London County Council, according as the works were carried out by the Minister or the Council, the amount of the expense reasonably incurred by the Commission in the restoration.

6. The Minister and the London County Council, and his or their officers and contractors, shall at all times during the execution of works to which this Part of this Schedule applies afford reasonable facilities for the watching and inspection (at the expense of the Commission) of the execution of the works by any person authorised in writing by the Commission for the purpose, so however that any such person shall, if so required by any such officer or contractor, produce his authority.

7. As respects costs, losses, damages and expenses which may be occasioned to the Commission or to the Railway or to the traffic thereon by the execution of works to which this Part of this Schedule applies, the Minister or the London County Council, according as the works were executed by him or them, shall be responsible for and make good to the Commission all such costs, losses, damages and expenses, and the Minister and the London County Council respectively shall effectually indemnify and hold harmless the Commission from all claims or demands made upon or against them in respect of any matter arising by reason of the execution by him or them, as the case may be, of works to which this Part of this Schedule applies :

Provided that the said indemnity shall not apply to any such claim or demand of which the Commission shall not have given to the Minister or the London County Council, as the case may be, as soon as practicable notice of the making thereof and that no settlement or compromise of any such claim or demand shall be made except with the consent of the Minister or the London County Council, as the case may be.

8.—(1) If during the execution of works to which this Part of this Schedule applies or at any subsequent time during the period specified in sub-paragraph (3) of this paragraph any alteration or strengthening of the Railway is, in the opinion of the Commission, rendered necessary by reason of the execution by the Minister or the London County Council of any works to which this Part of this Schedule applies, the Commission shall give to the Minister or the London County Council, as the case may be, twenty-eight days' notice (or in case of emergency such notice as may be reasonably practicable) before beginning to execute any such works of alteration or strengthening; and where or to such extent as such works are agreed between the Minister or the London County Council, as the case may be, and the Commission or (in default of agreement) determined by arbitration to be so rendered necessary as aforesaid, the reasonable costs and expenses of the Commission of and incidental to the execution of the works of alteration or strengthening shall be paid by the Minister or the London County Council, as the case may be.

(2) Upon the completion of any such works of alteration or strengthening as may be agreed or determined to be so rendered necessary as aforesaid, the Minister or the London County Council, as the case may be, shall also pay to the Commission such a sum as may be agreed between the Minister or the London County Council

and the Commission, or as (in default of agreement) shall be determined by arbitration, by way of compensation for and in satisfaction of all claims by the Commission in respect of additional expense (if any) of maintenance of the Railway arising from such alteration or strengthening.

(3) The period mentioned in sub-paragraph (1) of this paragraph is the period beginning with such date as may be certified by the Minister as the date on which all works to which this Part of this Schedule applies were completed and ending—

- (a) in the case of works executed by the London County Council, with the expiration of two years from that date;
- (b) in the case of works executed by the Minister, with the expiration of five years from that date.

PART II

Provisions for protection of other statutory undertakers

9. The following provisions of this Part of this Schedule shall have effect for enabling the London Electricity Board, the Metropolitan Water Board and the North Thames Gas Board (hereinafter severally referred to as "the undertakers") to inspect, maintain, repair and replace such of their cables, mains, pipes or other apparatus as at the passing of this Act were under land comprised in the site of the new central garden.

10.—(1) Subject to the provisions of this paragraph, for the purpose of inspecting, maintaining, repairing or replacing any of their said apparatus the undertakers may, after giving to the Minister not less than seven days' notice in writing of intention so to do, enter upon any such land as aforesaid and carry out work thereon:

Provided that in case of emergency—

- (a) it shall not be necessary for any such notice as aforesaid to be given; but
- (b) as soon as may be after entry on the land the undertakers shall give to the Minister notice thereof in writing.

(2) Except in case of emergency, the powers conferred by the last foregoing sub-paragraph shall not include power to interfere with or remove any structure on the surface of any of the said land; but where the Minister receives notice under that sub-paragraph of intention to enter he shall take such steps for dealing with any such structure as the undertakers may reasonably require in order to enable them to exercise their powers under the said sub-paragraph.

11. On the completion of any work authorised by sub-paragraph (1) of the last foregoing paragraph the undertakers shall reinstate the land, or make good to the Minister the cost of reinstating it, except that they shall not be required to reinstate or replace, or defray the cost of reinstating or replacing, anything growing on the surface of the land or any structure thereon.

PART III

Provision for arbitration

12. Any matter required by Part I of this Schedule to be determined by arbitration, and any other question or difference arising under this Schedule between the Minister or the London County Council on the one hand and the Commission or the undertakers on the other, shall be referred to and determined by an arbitrator to be appointed (in default of agreement) by the President of the Institution of Civil Engineers on the application of either party made after notice in writing to the other party.

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