

CHAPTER 83.

An Act to provide for the erection in Grosvenor Square, in the City of Westminster, of a statue of Franklin Delano Roosevelt, the laying out of the Square as a garden and its opening for the use and enjoyment of the public in perpetuity; and for purposes connected with the matters aforesaid. [6th November 1946.]

WHEREAS it is intended that there shall be executed, under the auspices of the Pilgrims Society, a statue of the late President of the United States of America, Franklin Delano Roosevelt, and that the cost of the execution and erection thereof shall be defrayed out of a fund to be raised by public subscription under the auspices of that Society (hereinafter referred to as "the fund"):

And whereas it is intended that the statue to be so executed shall be erected in the garden enclosure bounded on all sides by the roadway of Grosvenor Square, in the City of Westminster (which enclosure is hereinafter referred to as "the Square") and that the Square shall be laid out as a garden:

And whereas by the local Act of the fifth and sixth years of King William the Fourth, chapter forty-three, intituled "An Act to enable the Inhabitants of Grosvenor Square in the County of Middlesex more effectually to pave, cleanse, light, water, and embellish the said Square" (hereinafter referred to as "the local Act") exclusive rights to use and enjoy the Square are conferred on the owners and occupiers of houses and premises encompassing or abutting on the Square and of other houses within the limits of the local Act, and it is intended that those rights shall be extinguished, and that the Square shall be opened for the use and enjoyment of the public and kept open for ever for that purpose:

And whereas a plan of the Square with a book of reference to the plan containing the names of the owners or reputed owners

and occupiers of the Square and of the houses and premises aforesaid has been deposited with the clerk of the London County Council:

And whereas the purposes of this Act cannot be effected 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:—

Erection of statue and laying out of garden.

1. The Minister of Works (hereinafter referred to as "the Minister") shall—

(*a*) erect and maintain in the Square the statue to be executed under the auspices of the Pilgrims Society of the late President of the United States of America, Franklin Delano Roosevelt; and

(*b*) lay out the Square as a garden;

and the Square shall for ever thereafter be kept open as a garden for the use and enjoyment of the public, and shall be managed and maintained by the Minister for that purpose.

Repeal of Acts.

2.—(1) The local Act is hereby repealed.

21 & 22 Geo. 5. c. xciii.

(2) The London Squares Preservation Act, 1931, shall cease to apply to the Square.

Compensation for extinguishment of existing rights.

3.—(1) The Minister shall pay to any person entitled, immediately before the commencement of this Act, to a right to use and enjoy the Square, such compensation, if any, as may be just in respect of the extinguishment by this Act of that right.

(2) If any question arises whether compensation is payable under this section to any person or as to the amount of compensation so payable, it shall, in default of agreement between the Minister and that person, be referred to and determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers with respect to procedure, costs and the statement of special cases as he has under that Act.

9 & 10 Geo. 5. c. 57.

Preservation of rights to use subsoil for certain purposes.

4. Nothing in this Act shall be construed as preventing any person having an estate or interest in the Square or in the subsoil thereof—

(*a*) from using, or permitting the use of, the subsoil for the construction and maintenance of underground works or underground buildings in a manner which will not damage the statue, interfere with the maintenance of the Square as a garden or the use and enjoyment thereof by the public, or injure any trees growing in the Square; or

(*b*) with the consent of the Minister and subject to such conditions as he may impose, from using or permitting the use of the surface, so far as it may reasonably be necessary and proper so to do, for the purpose of the construction and maintenance of underground works or underground buildings and the erection of temporary buildings, and of the construction and maintenance of entrances, exits and ventilation shafts in relation to underground works and underground buildings.

Saving for powers of Metropolitan Water Board.

5. Nothing in this Act shall affect any statutory power exercisable by the Metropolitan Water Board, but any such power shall, in relation to the Square, be exercisable subject to such conditions as the Minister may impose for the purpose of preventing damage to the statue, interference with the maintenance of the Square as a garden and the use and enjoyment thereof by the public (other than temporary interference) and injury to any trees growing in the Square.

Power of Minister to enforce Act by injunction.

6. Notwithstanding anything contained in this or any other Act (and without prejudice to any power of the Minister or other remedy) injunctions for the enforcement of the provisions of this Act and the observance of any condition imposed thereunder may be granted at the suit or upon the application of the Minister, and in any proceedings brought by the Minister for that purpose the powers of the court shall include a power on the application of the Minister to order the restoration of the Square to as nearly as may be the state in which it was before the matter complained of by the Minister arose, including the removal of any buildings, works, structures or erections which the court determine to have been erected, placed or maintained in contravention of this Act or of any condition imposed thereunder.

Persons interested in the Square not to be under liability to owners or occupiers of adjacent premises.

7. It is hereby declared that no person having an estate or interest in the Square shall be under any liability to any person entitled, immediately before the commencement of this Act, to a right to use and enjoy the Square, in respect of the extinguishment by this Act of that right or of anything done in giving effect to this Act, and no action or other proceeding whatsoever in respect of any such matter shall be capable of being maintained against a person having an estate or interest in the Square by or on behalf of a person entitled as aforesaid.

Expenses.

8. The expenses incurred under this Act by the Minister shall, save in so far as they are defrayed out of the fund, be defrayed out of moneys provided by Parliament.

Short title.

9. This Act may be cited as the Roosevelt Memorial Act, 1946.

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