

# Parliamentary Acts related to war memorials



War Memorials Trust

There is actually very little legislation covering war memorials and war memorial issues. However, the main Parliamentary Acts related to war memorials are:

- **War Memorials (Local Authorities' Powers) Act 18th July 1923**  
**13 and 14 GEO.5, Chapter 18**

This Act enables local authorities under certain circumstances to maintain, repair and protect war memorials vested in them:

“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:

**1 Expenditure in maintenance, &c., of war memorials**

A local authority may incur reasonable expenditure in the maintenance, repair and protection of any war memorial within their district, which may be vested in them.

**2 Approval of county council or Minister of Health**

Any expenditure to be incurred under this Act by a local authority shall –

(a) in the case of a parish council or parish meeting, be limited to an amount which will not involve a rate exceeding a penny in the pound for any financial year, and be subject to the approval of the county council;

(b) in the case of any other local authority, be limited to an amount from time to time approved by the Minister for Health.

**3 Application**

The provisions of this Act shall not apply to a war memorial provided or maintained by a local authority in the exercise of any other statutory power.

**4 Definition**

In this Act the expression “local authority” means the council of a county, county borough, metropolitan borough or other borough, or of an urban district or parish, and the parish meeting of a rural parish with no parish council.

**5 Short title**

This Act may be cited as the War Memorials (Local Authorities' Powers) Act, 1923.”

- **Local Authorities Act 1948/ Local Government Act 1948**  
**11 and 12 GEO.6, Chapter 26, Clause 133**

This amendment to the War Memorials (Local Authorities' Powers) Act of 1923 states that:

**War Memorials Trust 14 Buckingham Palace Road London SW1W 0QP**

**Telephone:** 020 7233 7356/ 0300 123 0764 **Fax:** 020 7834 0202/ 0300 123 0765

**Email:** [conservation@warmemorials.org](mailto:conservation@warmemorials.org) **Website:** [www.warmemorials.org](http://www.warmemorials.org)

**Registered Charity Commission Number:** 1062255

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**1** In section one of the War Memorials (Local Authorities' Powers) Act, 1923 (which enables local authorities, as defined in that Act, to incur reasonable expenditure in the maintenance, repair and protection of war memorials in their district which are vested in them) for the words "which may be vested in them," there shall be substituted the words "whether vested in them or not."

**2** The matters on which expenditure may be incurred under the said section one shall include the alteration of any memorial to which that section applies so as to make it serve as a memorial in connection with any war subsequent to that in connection with which it was erected and the correction of any error or omission in the inscription on any such memorial.

**3** The War Memorials (Local Authorities' Powers) Act, 1923, as amended by the foregoing provisions of this section shall extend to Scotland subject to the following modifications: sections two and four shall not apply: and the expression "local authority" means a county, town, or district council."

- **Parish Councils Act 1957**

**5 and 6 ELIZ.2, Chapter 42, Part II, Extension and Adaptation of Other Powers, Clause 8**

This amendment to the War Memorials (Local Authorities' Powers) Act 1923 states that:

**1** Powers to be exercisable without reference to council

Every parish council shall be a local authority for the purposes of the Open Spaces Act, 1906, whether or not invested with the powers of that Act by the council of the county within which the parish is situate.

**2** The approval or consent of the county council shall no longer be required for any of the following matters:

(a) for the incurring by a parish council or parish meeting of any expenditure under the War Memorials (Local Authorities' Powers) Act 1923."

- **Local Government Act 1973**

**Clause 170**

This amendment to the War Memorials (Local Authorities' Powers) Act 1923 applies to Scotland only and states that:

**1** The local authority for the purposes of the War Memorials (Local Authorities' Powers) Act 1923 as extended to Scotland by clause 133 of the Local Government Act 1948 shall be a local authority within the meaning of this Act: and the powers conferred on a local authority by section one of the said Act of 1923 as so extended with regard to war memorials shall apply to any war memorial outside as well as within their area.

**2** In consequence of subsection (1) above the said section 133 shall have effect as if after the word "modifications" there were inserted the following -

(a) in section one, for the words "within their district" there shall be substituted the words "whether within or outside their area";

(b) there were substituted the following - "local authority" means a regional, islands or district council."

Please note that War Memorials Trust **does not** have any legal powers. However, the Trust can offer conservation advice and financial assistance to war memorial restoration projects through our grants schemes.