



CHAPTER xliii.

An Act for conferring further powers on the Great Eastern Railway Company and for other purposes. A.D. 1903.

[30th June 1903.]

WHEREAS it is expedient that the Great Eastern Railway Company (in this Act called “the Company”) be authorised to construct the railway and widenings of bridges hereinafter described and to widen their main line of railway from Cambridge to Norwich over and in the vicinity of the swing bridge carrying that railway over the River Wensum and to reconstruct the said bridge and to purchase the additional lands hereinafter described and to exercise the other powers in this Act specified :

And whereas it is expedient that the Company be empowered to work their railways and certain railways connected therewith by electrical power :

And whereas by section 16 of the Great Eastern Railway (Capital &c.) Act 1865 (in this Act called “the Act of 1865”) the Company were empowered in lieu of all or any tolls rates or dues which they then took or were entitled to charge with respect to the pier-fish market or harbour at Lowestoft to demand and take the tolls rates and dues therein and in the Schedule B to that Act specified and it is expedient that the powers so conferred upon the Company be amended as hereinafter provided :

And whereas it is expedient that the respective times limited for the compulsory purchase by the Company of the lands hereinafter more particularly referred to be extended as by this Act provided :

And whereas by the Great Eastern Railway (General Powers) Act 1898 (in this Act called “the Act of 1898”) the Company were authorised to make execute and maintain (inter alia) the works described in subsection (4) of section 5 of that Act including a deviation of their Reedham and Lowestoft branch line in the parishes of Reedham and Raveningham in the county of Norfolk and upon

A.D. 1903. the completion and opening for public traffic of the said deviation to abandon and remove the existing bridge carrying the said branch line over the River Yare and it is expedient to make provision for the retention by the Company of the property forming the part of the said branch line rendered unnecessary by the construction of the said deviation :

And whereas two Bills were in the present Session introduced into Parliament under the titles of the Great Eastern Railway (No. 1) Bill (hereinafter called "the No. 1 Bill") and the Great Eastern Railway (No. 2) Bill (hereinafter called "the No. 2 Bill") for the purpose of sanctioning the construction of the works authorised by this Act and during the progress of the said Bills through Parliament the provisions thereof were consolidated into one Bill :

And whereas plans and sections showing the lines situations and levels of the works proposed to be authorised by the No. 1 Bill and the lands in or through which the same will be made or pass and plans also of the other lands proposed to be compulsorily taken under the powers of that Bill and books of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited (under the title of "Great Eastern Railway") as follows (that is to say) :—

As regards works and lands in the county of Norfolk with the clerk of the peace for that county As regards works and lands in the county of Essex with the clerk of the peace for that county And as regards lands in the county of London with the clerk of the peace for that county :

And plans and sections showing the lines situations and levels of the works proposed to be authorised by the No. 2 Bill and the lands in or through which the same will be made or pass and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited with the clerk of the peace for the county of Norfolk which several plans sections and books of reference respectively are in this Act collectively referred to as "the deposited plans sections and books of reference" :

And whereas the objects of this Act cannot be effected 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) :— A.D. 1903.

1. This Act may be cited as the Great Eastern Railway Act 1903. Short title.

2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say) :— Incorporation of general enactments.

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 :

And Parts I. and II. of the Railways Clauses Act 1863 relating respectively to construction of a railway and to extension of time.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

4. The expressions “ parish clerks ” and “ clerks of the several parishes ” in section 7 of the Railways Clauses Consolidation Act 1845 shall as regards the administrative county of London mean the town clerks of the metropolitan boroughs. Interpretation of term “ parish clerks ” &c.

5. Subject to the provisions of this Act the Company may make execute and maintain in the lines or situations and within the limits of lateral deviation shown on the deposited plans and according to the levels shown on the deposited sections the works described in this section with all proper and convenient bridges arches piers abutments walls piles embankments stations junctions rails sidings buildings approaches roads and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes. Power to execute works.

The works hereinbefore referred to and authorised by this Act are the following (that is to say) :—

(A) A new railway 3 furlongs and 7 chains or thereabouts in length wholly situate in the county of Norfolk commencing by a junction with the East Norfolk Railway of the Company and terminating by a junction with the Railway (Cromer Junction No. 1) authorised by the Great Eastern Railway Company and Midland and Great Northern Railways Joint Committee Act 1898 :

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- (b) A widening on both sides of the existing bridge carrying the Colchester main line of the Company over the River Blackwater and over the public road adjoining the same near Kelvedon Station such widening to commence at or about the north-eastern end of the platforms at the said station and to extend for a distance of fifty yards or thereabouts measured in a north-easterly direction :
- (c) A widening on its north-western side of the bridge carrying the Cambridge main line of railway of the Company over the road immediately to the north-eastward of the Wymondham Station on that railway commencing at a point ten yards or thereabouts north-eastward of the north-eastern end of the platforms at the said station and extending for a distance of twenty-six yards or thereabouts in a north-eastwardly direction :
- (d) A widening of the Company's main line of railway from Cambridge to Norwich commencing at a point ninety yards or thereabouts south of the centre of the swing bridge carrying the said railway over the River Wensum and terminating at a point one hundred and fifty yards or thereabouts north of the centre of the said bridge And the Company may take down alter and reconstruct the said swing bridge.

Limits of deviation.

6. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans Provided that nothing in this section shall authorise the Company to deviate from the lines of the new railway or of the widenings by this Act authorised beyond the limits prescribed by the Railways Clauses Consolidation Act 1845 and the Company may deviate vertically from the levels of such works as shown on the deposited sections in the case of the widenings by this Act authorised to any extent not exceeding five feet upwards or downwards and in the case of the new railway by this Act authorised to such extent as may be necessary or convenient for forming a junction or junctions with the said Cromer Junction Railway Provided that the Company shall make full satisfaction to all parties interested for any damage sustained by them respectively by reason of any vertical deviation under the powers of this section to a greater extent than five feet above or below the level of the said railway as shown on the deposited sections.

As to reconstruction of bridge &c.

7. In executing the widening taking down alteration and reconstruction of the bridge over the River Wensum by this

Act authorised the following provisions shall have effect (that is to say) :—

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- (1) The provisions of sections 13 and 14 of the Great Eastern Railway Act 1862 (in this Act called "the Act of 1862") shall cease to apply to the portion of the Company's main line of railway from Cambridge to Norwich by this Act authorised to be widened and to the bridge carrying the same over the River Wensum and it shall notwithstanding anything in those sections or the requirements of any of the repealed sections and provisions therein referred to be lawful for the Company to construct and maintain and from time to time repair and renew the works by this Act authorised in the manner and within the limits of deviation and subject as hereinafter mentioned according to the levels respectively shown on the deposited plans and sections and in all respects subject and according to the provisions of this section :
- (2) In the exercise of the powers of this Act the Company shall widen and reconstruct the said bridge over the River Wensum as a swing bridge which when open shall leave a clear and uninterrupted navigable waterway for masted vessels of at least forty-four feet clear span so as to admit of vessels navigating or hereafter to navigate the river to conveniently pass through the same and the under part of the said bridge when closed shall not in any place be lower than 32·66 feet above the datum line shown on the deposited sections :
- (3) The Company shall extend any openings culverts drains or other passages constructed for the purpose of carrying off the flood or backwater from the River Wensum and lands adjoining or lying near thereto and at present existing under any embankment forming the portion of the Company's main line of railway from Cambridge to Norwich by this Act authorised to be widened under the widening so authorised by means of openings culverts drains and other passages of a like breadth depth and dimensions and the Company shall at all times maintain the openings culverts drains and passages so to be constructed by them and keep the same free from obstruction and during the widening of such embankment shall take all reasonable precautions for preventing the obstruction of such existing openings culverts drains or passages and provide for carrying any water flowing

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through the same under the works by this Act authorised to be constructed :

(4)—(A) The said bridge and all works and conveniences connected therewith shall be constructed according to a plan elevation and cross-section to be previously submitted to and reasonably approved by an engineer to be appointed by the Great Yarmouth Port and Haven Commissioners (in this section called “the commissioners”) and the mayor aldermen and citizens of the city of Norwich (in this section called “the corporation”) jointly of which appointment the commissioners and the corporation shall forthwith give notice to the Company. Provided that if such engineer do not within twenty-eight days after such submission signify his approval or disapproval of such plan elevation and cross-section he shall be deemed to have approved thereof and any difference which may arise between the commissioners or the corporation and the Company as to the reasonableness of the withholding of such approval shall be determined by arbitration as hereinafter provided. Provided further that if the commissioners and the corporation fail to appoint an engineer as aforesaid within fourteen days after request in writing from the Company so to do this subsection shall cease to have effect :

(B) The said bridge shall be provided with adequate machinery works and conveniences for opening and closing the same by means of mechanical power applied in an efficient manner :

(C) In connection with the said bridge the Company shall construct in accordance with the plan elevation and cross-section submitted approved agreed or settled as aforesaid such permanent timber fendering with mooring bollards holdfasts and other appliances as may be necessary :

(D) The foundations of the said bridge shall be laid deep enough and shall be so constructed as to admit of the said river being deepened at any future time with safety to the bridge to a depth of at least fifteen feet below present high water of ordinary tides at the site of the said bridge :

(E) After the said bridge works and conveniences have been constructed in accordance with this subsection the Company shall not at any time alter or extend the same without the consent in writing of the commissioners and of the corporation unless such alteration or extension be in

accordance with the plan elevation and cross-section approved agreed or settled in pursuance of this subsection :

- (5) During the construction of the said bridge and the works and conveniences connected therewith the Company shall not be subject to any provisions of the Act of 1865 which prohibit the stopping of the navigation of the river for masted vessels at the site of the said bridge but they shall be subject to and shall comply with the following provisions (that is to say) :—

(A) The traffic past the said bridge shall not be stopped or interrupted more than is reasonably necessary for enabling the Company to carry out the works and the Company shall so far as practicable leave a clear waterway for such traffic of not less than twenty-seven feet six inches except for a period of six months from the date certified by the principal engineer of the Company to be the date of the commencement of the construction of the portion of the central pier of the said bridge next to the navigable channel during which period the width of the clear waterway for such traffic may be reduced to not less than twenty-two feet. Provided that during such period as the width of the navigable channel is less than twenty-seven feet six inches the Company shall pay to the consignee of any cargo consigned to Norwich or to the consignor of any cargo consigned from Norwich which shall be carried on the River Wensum in a vessel the cargo of which it may be necessary to tranship and which cargo may be transhipped by reason of the width of the vessel preventing it from passing the site of the bridge a sum calculated at the rate of one shilling per ton on such cargo consigned as aforesaid :

(B) The Company shall exhibit at or near to the said bridge and works and keep burning at their own expense every night from sunset to sunrise such lights as may reasonably be required by the commissioners for the navigation and safe guidance of vessels :

- (6) The Company shall complete the said bridge works and conveniences within a period of two years from the date when the said plan elevation and cross-section shall have been approved agreed or settled as aforesaid or within three years from the passing of this Act whichever shall be the earlier :
- (7) The Company shall on or before the completion of the bridge and the works connected therewith lower to a depth of fifteen feet below present high-water mark of ordinary

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tides at the site of the said bridge or cut off or remove out of and from the bed of the river to the satisfaction of the commissioners and of the corporation so much of the existing bridge as may not be required in the construction of the said new bridge and the works connected therewith and shall remove any temporary piles staging or work placed by them in or over the bed of the river during and in connection with the construction of the said bridge and the works connected therewith :

(8) The provisions enacted by section 18 of the Act of 1865 and by section 182 of the Act of 1862 shall not apply to the bridge when reconstructed :

(9)—(A) The Company shall open the said bridge when completed for the passage at all times (unless prevented by unavoidable injury or accident to the said bridge) by day or by night of any vessel which shall require to pass through the same except during the time when any engines or carriages shall be about to pass over the bridge and on such occasions the bridge shall not be kept closed so as to detain or delay any such vessel for a longer period than shall be absolutely necessary to allow for the passage of such engines and carriages :

(B) The Company shall cause proper persons to be constantly stationed at the said bridge whose duty it shall be to look out for vessels navigating the river and to open the bridge as speedily as possible for vessels requiring to pass through :

(c) If the Company shall fail to open the said bridge as provided by this subsection and any vessel shall be delayed in her passage through the same for a longer period than shall be absolutely necessary for the passage of such engines and carriages as aforesaid the Company shall in every such case forfeit and pay a sum of five pounds and if any such obstruction shall continue for more than half an hour the Company shall in every case forfeit and pay a further sum of five pounds for every half hour during which such obstruction shall continue. Provided that the recovery of a penalty under this subsection shall be without prejudice to any remedy against the Company for any loss or damage sustained by any person :

(10) After the completion of the bridge the Company shall exhibit at or near to the said bridge and works and keep burning at all times between sunset and sunrise a signal

light of such description as shall be sufficient to indicate whether the said bridge is shut or open :

- (11) The Company shall prior to the completion of the said bridge and at all times thereafter to the reasonable satisfaction of an engineer to be appointed by the commissioners and the corporation in manner aforesaid dredge the entire channel between the abutments of the opening span of the said bridge to a depth of eleven feet below high-water mark of ordinary spring tides and may for that purpose dredge deepen and alter the channel and bed of the River Wensum :
- (12) The Company may agree with the commissioners and the corporation as to any variation or alteration in the works which are by this section subject to their approval or as to the manner in which the same shall be executed :
- (13) Any question by this section referred to arbitration and any other question which shall arise between the Company and the commissioners or the corporation under this section shall be determined by an arbitrator to be agreed upon between the parties in difference or failing agreement to be appointed by the Board of Trade.

8. The Company shall not under the powers of this Act construct any work below high-water mark without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be commenced without consent of Board of Trade.

9. If the new railway by this Act authorised is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of railway.

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Tolls.

10. Subject to the provisions of this Act the new railway and the widenings by this Act authorised shall in respect of tolls rates and charges and in all other respects be deemed to form part of the undertaking of the Company.

Penalty imposed unless railway opened with- in time limited.

11. If the Company fail within the period limited by this Act to complete the new railway by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the said railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the supreme court in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the said railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the new railway by this Act authorised or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of the said railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found

sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the said railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

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13. The Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may appropriate and use for the purposes of extending or affording access to their stations sidings warehouses buildings wharves depôts and other accommodation and for the general purposes of their undertaking all or any of the lands hereinafter described and delineated on the deposited plans and described in the deposited books of reference and any estates or interests in any such lands and may hold and use for all or any of the above-mentioned purposes such of the said lands as have already been purchased or acquired by them (that is to say):—

Power to Company to take additional lands.

In the county of London—

- (A) Lands and buildings in Goodman's Yard in the parish of Whitechapel in the metropolitan borough of Stepney ;
- (B) Lands in the parish and metropolitan borough of Stoke Newington adjoining and on the south-west side of the Company's Stoke Newington goods yard :

In the county of Essex—

- (A) A strip of land in the parish of Hockley and rural district of Rochford extending from the road which crosses under the railway of the Company immediately to the south-eastward of the Hockley station thereon across the property numbered on the Ordnance map (scale $\frac{1}{2500}$ second edition 1897) 522 in that parish to the footpath leading from Hyam's Farm across the said railway into the aforesaid road ;

And the Company may divert the aforesaid footpath in the manner shown on the deposited plans and may stop up the existing footpath between the junction therewith of such diversion and the junction of the said existing footpath with the aforesaid road ;

- (B) Lands in the parish of Theydon Bois and rural district of Epping adjoining and on the west side of the Company's goods yard at Theydon Bois Station and the railway adjacent to that yard :

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In the county of Norfolk—

Lands in the parish of Watlington in the rural district of Downham forming the property numbered on the Ordnance map (scale $\frac{1}{25000}$ edition 1886) 157 in that parish.

Railways may be worked by electrical power.

14. Subject to the provisions of this Act and of any regulations to be prescribed by the Board of Trade (in this Act referred to as “the Board of Trade regulations”) the Company may at any time work by electrical power the traffic on their railways or any part thereof and on any railways now leased to or worked by them and for that purpose may lay down erect maintain and use electric cables conductors mains wires posts brackets tubes and apparatus necessary or convenient for such working and the Company may make such alterations in such railways and in any stations and works connected therewith as may be necessary to adapt the same for working by electrical power.

For protection of East London Railway Company.

15. The powers referred to in the section of this Act the marginal note whereof is “Railways may be worked by electrical power” shall not apply to the East London Railway.

For protection of London and North Western Railway Company.

16. Nothing in this Act contained or to be done thereunder shall prejudice or affect the exercise by the London and North Western Railway Company of the running powers which they now possess over any railways belonging to or leased to or worked by the Company.

For protection of Great Northern Railway Company.

17. Nothing in this Act contained or to be done thereunder shall prejudice or affect the exercise by the Great Northern Railway Company of the running powers which they now possess over any railways belonging to or leased to or worked by the Company.

Power to agree as to supply of electrical energy.

18. The Company on the one hand and any other company authority or person authorised to supply use or distribute electrical energy or power in any district in which may be situate any of the railways of the Company or of the railways leased to or worked or used by them or any part thereof (in this section called “authorised undertakers”) on the other hand may enter into and fulfil contracts and agreements for the supply to the Company by such authorised undertakers of the electrical energy or power required for the working of the railways of the Company or of the railways leased to or worked or used by them whether such railways are or are not partly situate beyond the area of supply (if any) of such authorised undertakers.

19. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

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Provisions
as to use of
electrical
power.

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provisions shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have

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- been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) When any department of His Majesty's Government represents to the Board of Trade that the use of electrical power under this Act injuriously affects or is likely to injuriously affect any instruments or apparatus whether electrical or not used in any observatory or laboratory belonging to or under the control of that department the Board of Trade after such inspection or inquiry as they may think proper may by their regulations require the Company to use such reasonable and proper precautions including insulated returns as the Board of Trade may deem necessary for the prevention of such injurious affection For the purposes of this subsection any inspector of the Board of Trade may during his inspection of the Company's works and apparatus be accompanied by any person or persons appointed in that behalf by the Government Department concerned and the Company shall give all due facilities for the inspection Provided always that in the case of any observatory or laboratory established after the passing of this Act or of any instruments or apparatus hereafter used in any existing observatory or laboratory which may be of greater delicacy than those used therein at the passing of this Act the Board of Trade shall consider to what extent if any it is expedient in the interests of the public that the powers of this subsection should be exercised regard being had to the site of the observatory or laboratory or the purposes of the instruments or apparatus as the case may be :
- (8) The Company using electrical power contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such

penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or the Board of Trade regulations may by order direct the Company to cease to use electrical power and thereupon the Company shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

- (9) The expression " Company " in this section includes licences and any person owning working or running carriages over any railway of the Company.

20. In the event of the traffic on the Company's railways or any part thereof or on any railways now leased to or worked by them being worked by electrical power the following provisions shall have effect :—

For protection of Postmaster-General.

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the railways aforesaid or the traffic thereon by electrical power is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-

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eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof

stating the reason for doing or executing the same without previous notice ; A.D. 1903.

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply to any such arbitration :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the railways aforesaid or supplying power for the working thereof.

21. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c. by agreement.

23. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of certain Owners may be required to

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—
sell parts
only of cer-
tain lands
and build-
ings.

properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter in this section included in the term “the owner” and the said properties are hereinafter referred to as “the scheduled properties” :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as “the tribunal”) shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the

portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

24. At any time after the passing of this Act the Company may stop up and discontinue for traffic of all descriptions so much of the public road in the parish and county borough of West Ham in the county of Essex known as Chobham Road as lies to the westward of the junction therewith of Heaton Place.

Power to
stop up road
in West
Ham.

A.D. 1903. **25.** All public rights of way over or affecting any road or footpath or any portion thereof authorised to be diverted or stopped up under the powers of this Act are by this Act extinguished as from the time of each such diversion or stopping up respectively.

Footpath not to be stopped up until substitution completed. **26.** The Company shall not stop up and discontinue for public traffic the portion of footpath which they are by this Act authorised to stop up and discontinue until the work by this Act authorised or required to be made in substitution therefor has been completed to the satisfaction of two justices and opened to the public. Provided that the Company shall before applying to the said justices for their certificate that such footpath is completed to their satisfaction give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which the footpath is situate.

Repair of new footpath. **27.** The diverted portion of footpath to be made under the authority of this Act shall unless otherwise agreed or otherwise specially provided by this Act when made and completed respectively be repaired and maintained by and at the expense of the parties on whom the expense of maintaining the adjoining portions of the same footpath now devolves.

Vesting sites of roads &c. stopped up. **28.** The sites and soil of so much as under the powers of this Act the Company shall stop up and discontinue for public traffic of any road or footpath are by this Act vested as to so much thereof as is bounded on both sides by land of the Company in the Company and as to so much thereof as is bounded on both sides by land of any other person in such other person and as to so much thereof as is bounded on opposite sides by lands belonging to different persons in such owners respectively to the centre of the respective roads or highways in proportion to the respective frontages of their lands thereto. The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested in the Company as if such lands had been purchased by the Company but the mines had not been expressly purchased.

Company not bound to maintain surface of roads &c. unless level permanently altered. **29.** Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway by this Act authorised by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or public highway is permanently altered.

As to rates on fish exported from Lowestoft. **30.** The Company may demand and take for fish of any description (whether fresh cured uncured or in process of curing or otherwise) conveyed outwards or exported from the harbour of

Lowestoft such rates or sums as they think fit not exceeding one shilling and five pence per ton (including the weight of any barrels or packages in which such fish is so conveyed or exported) and so in proportion for any fraction of a ton with a minimum of one shilling and such rates or sums may at the option of the Company be demanded and taken in lieu of the rates or sums which under Schedule B of the Act of 1865 the Company are authorised to demand and take for such fish but nothing in this section shall affect the rates which the Company are by the Act of 1865 authorised to demand and take for fish landed at or conveyed inwards or imported to the said harbour.

A.D. 1903.

31. The period limited by the Great Eastern Railway (General Powers) Act 1901 for the compulsory purchase of the lands required for or in connection with the Widening and Improvement (No. 6) described in and authorised by section 5 subsection (6) of the Act of 1898 is hereby further extended for a period of two years from the first day of July one thousand nine hundred and three except as regards the lands numbered on the deposited plans referred to in the Act of 1898 7 and 8 in the parish of Gorleston.

Extension of time for compulsory purchase of certain lands authorised to be acquired by Act of 1898.

32. The period limited by the Great Eastern Railway (General Powers) Act 1900 (in this section called "the Act of 1900") for the compulsory purchase of the following lands:—

Extension of time for compulsory purchase of certain lands authorised to be acquired by Act of 1900.

- (A) The lands required for or in connection with the covering over with a girder or girders or an arch or arches of (1) Vallance Road (2) Arundel Street and (3) Brady Street described in and authorised by section 31 of the Act of 1900;
- (B) Lands houses and buildings in the parish of Saint Matthew Bethnal Green in the county of London authorised to be acquired by section 31 subsections (A) (B) (C) (D) and (E) of the Act of 1900;
- (C) Lands in the parish of Low Leyton in the county of Essex authorised to be acquired by section 31 subsection (H) of the Act of 1900;
- (D) Lands in the parish of Romford and lands partly in that parish and partly in the parish of Hornchurch in the county of Essex authorised to be acquired by section 31 subsections (I) and (J) of the Act of 1900;
- (E) Lands in the parish of Loughton in the county of Essex authorised to be acquired by section 31 subsection (M) of the Act of 1900;

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(F) Lands houses and buildings in the parish of Gorleston in the county of Norfolk authorised to be acquired by section 31 subsections (r) and (s) of the Act of 1900 ;

is hereby extended in each case for a period of two years from the thirtieth day of July one thousand nine hundred and three.

Restrictions
on displacing
persons of
labouring
class.

33.—(1) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any metropolitan borough twenty or more houses or sites of houses or outside the administrative county of London (in this section referred to as “London”) in any borough or other urban district and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval in the case of London of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Secretary of State or as the case may be the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(B) Shall have given security to the satisfaction of the Secretary of State or as the case may be the Local Government Board for the carrying out of the scheme.

(2) The approval of the Secretary of State or as the case may be the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State or as the case may be the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Secretary of State or as the case may be the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State or as the case may be the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State or as the case may be the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or site for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house or site which penalty shall be recoverable by the Secretary of State or as the case may be the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act and as if in the case of a scheme approved by the Secretary of State the Secretary of State were substituted for the Local Government Board.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any

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scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Secretary of State or as the case may be the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) All buildings erected or provided by the Company in London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in the county of London.

(9) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 outside London the provisions of that section and of section 155 of the same Act and section 3 of the Public Health (Buildings in Streets) Act 1888 shall apply to buildings erected outside London or provided by the Company for the purpose of any scheme under this section.

(10) The Secretary of State may direct any inquiries to be held by any persons appointed by him as inspectors and the Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section or to the carrying out of any such scheme and for giving effect to any of the provisions of this section and the Secretary of State may appoint or employ inspectors for the purposes of any such inquiry and such inspectors shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries by that Board under the Public Health Act 1875.

(11) The Company shall pay to the Secretary of State any expenses incurred by him in relation to any inquiries under this section and shall also pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this

section including in each case the expenses of any witnesses summoned by the inspector and a sum to be fixed by the Secretary of State or as the case may be the Local Government Board for the services of such inspector not exceeding in the case of an inspector appointed by the Local Government Board three guineas a day. A.D. 1903.

(12) Any houses or sites of houses purchased or acquired by the Company for or in connection with any of the purposes of this Act or of any former Act the powers of which are revived or extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or by such former Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act or of such former Act as the case may be and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State or as the case may be the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary of State or as the case may be the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State or as the case may be the Local Government Board they might have been sufficient to accommodate.

(13) For the purposes of this section—

The word “house” means any house or part of a house occupied as a separate dwelling; and

The expression “labouring class” means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

34. Notwithstanding the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands the Company may retain and hold the property in the parishes of Certain land not to be deemed to be

A.D. 1903. Reedham and Raveningham in the county of Norfolk forming the part of the Reedham and Lowestoft branch line of the Company rendered unnecessary by the construction of the deviation of that railway authorised by subsection (4) of section 5 of the Act of 1898.

superfluous lands.

Power to apply existing funds.

35. The Company may raise and apply for or towards any of the purposes of this Act to which capital is properly applicable any money which they are already authorised to raise and which may not be required by them for the special purposes (if any) for which that money was authorised to be raised.

Saving rights of Crown.

36. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving rights of corporation of Norwich and Great Yarmouth Port and Haven Commissioners.

37. Except as by this Act otherwise expressly provided nothing in this Act contained shall extend or be deemed or construed to extend to take away lessen or abate any power right privilege immunity jurisdiction or authority granted or belonging to or enjoyed or legally claimed by the Great Yarmouth Port and Haven Commissioners or the mayor aldermen and citizens of the city of Norwich or by any officer of the said commissioners or the said corporation for the time being.

Provision as to general Railway Acts.

38. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by any Act relating to the Company.

Expenses of Act.

39. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

A.D. 1903.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY ARE REQUIRED
TO BE TAKEN BY THE COMPANY.

Parish.	Nos. on deposited Plans.
Stoke Newington - - - -	1 2 3 4 and 5.

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