



## CHAPTER lxxxvii.

An Act to confer further powers upon the London County Council and metropolitan borough councils and for other purposes. A.D. 1929.

[10th May 1929.]

**W**HEREAS it is expedient that the London County Council (in this Act referred to as "the Council") should be empowered to construct maintain and work the tramways described in this Act :

And whereas it is expedient that the Council should be empowered to make the new streets street widenings and works hereinafter specified and to acquire lands for those purposes :

And whereas it is expedient that the councils of certain metropolitan boroughs should be empowered to contribute towards the costs and expenses of the Council in relation to such new streets street widenings and works as provided by this Act :

And whereas it is expedient that the Council and the council of the metropolitan borough of Wandsworth should respectively be empowered to acquire compulsorily certain lands for other purposes mentioned in this Act :

And whereas by the Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908 and the Saint Marylebone Borough Council (Superannuation) Acts 1908 and 1922 provision was made for the establishment by the councils of the metropolitan boroughs

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A.D. 1929. — of Camberwell Deptford and Hackney and by the council of the metropolitan borough of Saint Marylebone respectively of superannuation funds for the benefit of officers and servants of those councils respectively and it is expedient that the said Acts should be amended as provided by this Act :

And whereas it is expedient that such provisions as are contained in this Act for the more effectual protection of lands in the administrative county of London against inundations of the river Thames should be enacted :

And whereas it is expedient that the provisions contained in this Act with reference to the superannuation of persons employed in certain educational institutions should be enacted :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas an estimate has been prepared by the Council as to the amount which they will require to expend on capital account for the construction and equipment of tramways the construction of new streets and the execution of street widenings and other works and the purchase of lands therefor and such estimate (being calculated to cover the original cost of executing the works and purchasing the lands without any allowance in respect of returns from the re-sale or letting of lands) amounts to the sum of three hundred and fifteen thousand five hundred and thirty-five pounds :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands which may be acquired or used compulsorily under the powers of this Act 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 those lands have been deposited with the clerk of the peace for the county of London and are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas in relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the said Bill) have complied with the

requirements of the Borough Funds Act 1872 so far as that Act applies to county councils under the provisions of the Local Government Act 1888 as extended by the County Councils (Bills in Parliament) Act 1903 and the council of the metropolitan borough of Wandsworth (as respects the provisions of the said Bill relating exclusively to that council) have complied with the requirements of the Borough Funds Acts 1872 and 1903 : A.D. 1929.

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 :—

## PART I.

### INTRODUCTORY.

1. This Act may be cited as the London County Council (General Powers) Act 1929. Short title.

2. This Act is divided into Parts as follows :—

Act divided  
into Parts.

Part I.—Introductory.

Part II.—Tramways.

Part III.—Improvements.

Part IV.—General provisions as to works.

Part V.—Acquisition of land by the Council.

Part VI.—Acquisition of land by the Wandsworth Council.

Part VII.—Amendment of Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908.

Part VIII.—Amendment of Saint Marylebone Borough Council (Superannuation) Acts 1908 and 1922.

Part IX.—Prevention of floods.

Part X.—Superannuation of employees at educational institutions.

Part XI.—Miscellaneous provisions.

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Incorporation of  
Acts.

3. The Lands Clauses Acts and section 3 (Interpretation of terms) and Parts II and III of the Tramways Act 1870 (so far as the same are applicable for the purposes of and are not inconsistent with or varied by this Act) are hereby incorporated with and form part of this Act with the following exceptions and modification:—

(a) Sections 127 and 133 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(b) The bond required by section 85 of the said Act of 1845 shall be under the seal of the Council or of the Wandsworth Council (as the case may be) and shall be sufficient without the addition of the sureties mentioned in that section.

Inter-  
pretation.

4.—(1) In this Act unless the subject or context otherwise requires—

“The Council” means the London County Council;

“The county” means the administrative county of London;

“The tramways” means the tramways by this Act authorised or any part thereof;

“The new streets” means the new streets (Works Nos. 1 and 2) by this Act authorised and (for the purposes of the provisions of this Act other than the section thereof of which the marginal note is “Improvements to form public streets repair &c.”) the new streets (Works Nos. 1A and 1B) so authorised including any bridges carrying such new streets or any of them over or under any railway canal river stream or watercourse or any land;

“The street widenings” means the street widenings by this Act authorised including any extension for the purposes of any of such widenings of any bridge carrying an existing street over any railway;

“The improvements” means the new streets and the street widenings or any of them or any part thereof and “improvement” means any of the improvements or any part thereof;

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“ The works ” means the tramways and the improvements and the works to be executed in connection with the tramways and the improvements;

“ Street ” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893;

“ The Wandsworth Council ” means the council of the metropolitan borough of Wandsworth;

“ The Camberwell Council ” means the council of the metropolitan borough of Camberwell;

“ The Deptford Council ” means the council of the metropolitan borough of Deptford;

“ The Hackney Council ” means the council of the metropolitan borough of Hackney;

“ The Saint Marylebone Council ” means the council of the metropolitan borough of Saint Marylebone;

“ Borough council ” means any metropolitan borough council;

“ The Lands Clauses Acts ” means those Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

“ The arbitrator ” means the arbitrator to whom any question of disputed compensation may be referred under the provisions of this Act; and

Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in and for the purposes of this Act the same respective meanings but the expressions “ the promoters of the undertaking ” and “ the company ” in the Lands Clauses Acts shall be construed to mean the Council or the Wandsworth Council as the case may require.

(2) Where in this Act any distance or length is stated in the description of any of the works the reference to that distance or length shall be construed as if the

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(3) Any reference to the junction of any two streets in the descriptions contained in this Act of the works thereby authorised shall be construed as a reference to the point at which the imaginary centre lines of those streets if produced would intersect.

(4) Save as otherwise expressly provided any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or varied by or by virtue of any subsequent enactment including this Act.

PART II.

TRAMWAYS.

Power to  
make  
tramways.

5. Subject to the provisions of this Act the Council may make form lay down and maintain the tramways in the county hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor:—

Tramway No. 1 (double line 2 miles 1 furlong 7·5 chains in length) commencing in the metropolitan borough of Lewisham in the new street authorised by the London County Council (Tramways and Improvements) Act 1925 by a junction with the tramway by that Act authorised at a point 3 chains westward of Baring Road and  $5\frac{1}{2}$  chains south-westward of the junction of Chinbrook Road and Baring Road passing thence along the said new street into and along Baring Road thence into and along the new street (Work No. 1) authorised by this Act and terminating in the metropolitan borough of Woolwich in the said new street (Work No. 1) at a point  $1\frac{1}{2}$  chains south-westward of the junction of Westhorpe Avenue with Eltham Road and  $2\frac{1}{2}$  chains westward of the junction of Middle Park Lane with Eltham Road;



Tramway No. 1A (double line 6 furlongs 5·8 chains in length) wholly in the metropolitan borough of Woolwich commencing in the said new street (Work No. 1) by a junction with Tramway No. 1 authorised by this Act at the termination of that tramway passing thence across Eltham Road and the tramway therein into and along Westhorpe Avenue (partly constructed) thence into and along the new street (Work No. 2) authorised by this Act thence into and along a portion of a proposed new arterial road to be known as the South Circular Road (partly constructed) into and terminating in Well Hall Road by a junction with the existing tramway in that road at a point opposite the northern side of Boughton Road;

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Tramway No. 1B (double line 2·3 chains in length) wholly in the metropolitan borough of Woolwich commencing in the said new street (Work No. 1) by a junction with the said Tramway No. 1 at the termination of that tramway and terminating by a junction with the existing tramway in Eltham Road at a point  $1\frac{1}{2}$  chains eastward of the junction of Westhorpe Avenue with Eltham Road.

6.—(1) For the purpose of working the tramways by electrical power the Council may adopt such system of overhead traction as the Minister of Transport may sanction.

System of traction to be adopted.

(2) No posts shall be placed in the centre of any street for the purpose of working any of the tramways by a system of traction conducted by means of posts and wires placed overhead without the consent of the Commissioner of Police of the Metropolis which consent shall not be unreasonably withheld.

7. Where in any part of any street (not being a part of Baring Road referred to in the section of this Act of which the marginal note is "Power to widen carriage-way by reducing footway") which is by this Act authorised to be widened and in which the Council are by this

Certain part of tramways not to be used until street widened.

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A.D. 1929. — Act authorised to make the tramways a less space than nine feet six inches would for a distance of thirty feet or upwards intervene between the outside of the footway and the nearest rail of the tramways the Council shall not work or use the tramways in such part of such street unless and until such part has been widened to such extent as may be necessary to leave a space of not less than nine feet six inches between the outside of the footway and the nearest rail of the tramways on the side of the street on which such widening is made or unless it appears from the deposited plans that the tramways may be so made in such part of the street that a less space than nine feet six inches will intervene between the outside of the footway and the nearest rail of the tramways.

Deviation from lines and levels of certain tramways.

8.—(1) In constructing such or so much of the tramways as are delineated on the deposited plans within limits of deviation applying to such tramways respectively the Council may deviate laterally from the lines of such tramways or portions of tramways shown on the deposited plans to any extent within the said limits and may deviate vertically from the levels of such tramways or portions of tramways shown on the deposited sections to any extent not exceeding five feet.

(2) Nothing in this section shall authorise the Council to construct any of the tramways in such position within the said limits of deviation that for a distance of thirty feet or upwards there shall be a less space than nine feet six inches between the outside of the footpath on either side of the street or road or part thereof along which the tramway will be laid and the nearest rail of the tramway.

Power to widen carriageway by reducing footway.

9. The Council may for the purposes of the tramways at the places hereinafter in this section mentioned or described increase the width of the carriageway of Baring Road in the metropolitan borough of Lewisham by reducing to the extent shown on the deposited plans the width of the footway at the sides of the said road hereinafter mentioned but the Council shall not in exercising the powers of this section reduce the width of any footway to less than six feet.



The places referred to in this section are the following:— A.D. 1929.

Side of road.	Description.
Western	- Between a point 5 chains northward of Chinbrook Road and a point 4½ chains southward of Heather Road.
Do.	- Between Summerfield Street and a point 1 chain southward of Butterfield Street.
Eastern	- Between Chinbrook Road and Le May Avenue.
Do.	- Between a point opposite the northern side of Ronver Road and a point 1 chain southward of Butterfield Street.

**10.** The Council may relinquish and abandon the construction of so much of the tramway authorised by the London County Council (Tramways and Improvements) Act 1925 as is authorised to be constructed in the new street authorised by that Act between the commencement of Tramway No. 1 by this Act authorised and the termination of the first-mentioned tramway.

Power to relinquish part of authorised tramway.

**11.** The sections of the Acts mentioned in Part I of the First Schedule to this Act of which the numbers and marginal notes are set forth in the first and second columns of the said Part I are hereby incorporated with and form part of this Part of this Act and shall so far as applicable extend and apply to the tramways and to the Council in respect thereof as fully and effectually as if such sections had been re-enacted with the necessary modifications in this Part of this Act with reference thereto :

Incorporation with this Part of Act of existing enactments relating to tramways.

Provided that for the purposes of this section section 11 of the London County Council (Tramways and Improvements) Act 1901 shall be read and have effect as if the words "or by the Commissioner of Police of the metropolis" had been inserted therein after the words "twenty inhabitant ratepayers of such district."

**12.** For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed

For protection of Southern Railway Company:

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A.D. 1929. in writing between the Council and the company apply  
— and have effect (that is to say) :—

- (1) In this section the word " apparatus " includes posts brackets electric wires conductors and any similar appliances to be used as or for the purposes of motive power for the carriages running on the tramways and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus :
- (2) All works in connection with the construction of the tramways where the same will be made upon across over or under any bridge or other work belonging to or maintained by the company or will otherwise affect the same shall be executed so as to interfere as little as possible with the structure of any such bridge or other work and according to plans sections and specifications to be previously submitted to and approved by the company or in case of difference between them and the Council to be determined by a referee to be appointed as hereinafter provided All such works shall be executed and maintained by and at the expense of the Council according to the plans sections and specifications so approved or determined and under the superintendence (if given) and to the reasonable satisfaction of the company The Council shall so construct maintain and use the tramways as not injuriously to affect any such bridge or otherwise and in the event of any injury being occasioned to such bridge or other work by the construction maintenance existence user or removal of the tramways and apparatus the company may make good the injury and the expense reasonably incurred by them in so doing shall on demand be repaid to them by the Council :
- (3) If by reason of the construction maintenance existence or user of the tramways over any such bridge as aforesaid it becomes necessary in the opinion of the company to strengthen or alter the same the company may after giving twenty-eight days' notice to the Council (or

in case of emergency such notice as may be reasonably practicable) execute such strengthening or alteration and the reasonable costs and expenses incurred by the company of and incidental to such strengthening or alteration (as certified by the company's chief engineer) shall on demand be repaid to them by the Council :

- (4) The Council shall not in any manner in the construction maintenance user or removal of the tramways or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the company or the traffic thereon :
- (5) The Council shall on demand pay to the company the reasonable expense of lighting and watching the works of the company during the execution by the Council under this Part of this Act of any work affecting any such bridge for preventing so far as may be any interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employ of either of them or otherwise :
- (6) The Council shall be responsible for and make good to the company all reasonable losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the construction of any of the tramways or apparatus or by or by reason of any act default or omission of the Council or their contractors or any person in the employ of either of them and the Council shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such construction or of any such act default or omission :
- (7) If the company hereafter require to widen lengthen strengthen reconstruct alter or repair any such bridge or other work of the company

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upon across under or over which the tramways are made or to lift or support any such bridge or other work the Council shall afford to the company all reasonable and proper facilities for the purpose and if the company find it necessary for such purpose that the working or user of any part of the tramways be wholly or in part stopped or delayed or that such part of the tramways be wholly or in part taken up or removed and if the company accordingly give to the Council twenty-eight days' notice in writing or (in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such part of the tramways shall be stopped or delayed or such part of the tramways shall be taken up or removed as stated in such notice at the reasonable expense of the Council and under their superintendence but no such working or user shall be stopped or delayed for a longer period than may be reasonably necessary for effecting such purpose as aforesaid and such part of the tramways shall be restored with all possible dispatch and in such case the company shall not be liable to pay compensation in respect of such stoppage delay or taking up or removal as aforesaid Provided that if such part of the tramways is constructed as a double line the company shall not be at liberty to require more than one line of rails to be stopped at a time or if such part of the tramways is constructed as a single line the company shall give to the Council all reasonable facilities for the construction and user of a temporary line to be laid for maintaining the tramway service :

- (8) The Council shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting as is mentioned in the last preceding paragraph by reason of the existence or user of the tramways or apparatus :

- (9) No apparatus shall be affixed to any bridge or other work or property belonging to the company without their previous consent in writing which consent shall not be unreasonably withheld : A.D. 1929.
- (10) If the access to the Grove Park station of the company is affected during and by the construction of Tramway No. 1 the Council shall provide such temporary means of access to such station as the company may reasonably require :
- (11) Where the tramways will pass in front of the entrance to any passenger or goods station of the company no carriage used on the tramways shall without the consent of the company be stopped or permitted to be stopped within the distance extending in front of the said entrances to such station and for a length of ten yards at each end of such distance except so long as may be necessary for the purpose of taking up or setting down passengers :
- (12) If having regard to the proposed position of any works of the Council by this Part of this Act authorised when considered in relation to the position of the works of the company at any point where the tramways will be constructed upon across under or over the railway or other works of the company it becomes necessary that the electric lines telegraphic telephonic or signal wires or apparatus of the company shall be diverted cabled or otherwise altered or return wires added the company may after giving fourteen days' notice to the Council execute any works reasonably necessary for such alteration and the reasonable expense incurred by the company in connection therewith shall on demand be repaid to them by the Council :
- (13) If and when the company require to repair or paint any bridge over or under which the tramways are laid the Council shall in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric

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current from their apparatus for working by electricity the tramways at such times as shall be reasonably required by the company unless the Council shall have previously adopted some other means of protection to workmen which shall have been approved by the company :

- (14) Any difference which shall arise under this section between the Council and the company shall be determined by a referee in accordance with the provisions of section 33 of the Tramways Act 1870.

### PART III.

#### IMPROVEMENTS.

Power to make street works. **13.** Subject to the provisions of this Act the Council may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections make and execute the works hereinafter described (that is to say) :—

#### *New Streets.*

Work No. 1 A new street commencing in the metropolitan borough of Lewisham by a junction with Burnt Ash Hill at a point 1 chain southward of the junction of Baring Road with Burnt Ash Hill and terminating in the metropolitan borough of Woolwich by a junction with Eltham Road at its junction with Westhorpe Avenue (partly constructed);

Work No. 1A A new street wholly in the metropolitan borough of Woolwich commencing by a junction with the new street (Work No. 1) by this Act authorised at a point 2 chains westward of the centre of the existing bridge carrying Hornpark Lane over the Dartford loop line of the Southern Railway and 3 chains northward of the northernmost entrance gate from Hornpark Lane to Hornpark Farm and terminating by a junction with Hornpark Lane at a point  $3\frac{1}{2}$  chains southward of the centre of the said existing bridge;



Work No. 1B A new street wholly in the metro- A.D. 1929.  
politan borough of Woolwich commencing by a  
junction with Hornpark Lane at a point 5  
chains northward of the centre of the said  
existing bridge carrying Hornpark Lane over  
the said Dartford loop line and terminating by  
a junction with the said new street (Work  
No. 1) at a point 2 chains eastward of the centre  
of the said bridge and  $3\frac{1}{2}$  chains north-eastward  
of the said entrance gate ;

Work No. 2 A new street wholly in the metro-  
politan borough of Woolwich commencing by a  
junction with Westhorne Avenue at a point  
 $1\frac{1}{2}$  chains north-eastward of the junction of  
Horsfeld Road with Westhorne Avenue and  
terminating by a junction with the said South  
Circular Road (partly constructed) at a point  
2 chains north-eastward of the centre of the  
Bexley Heath line of the Southern Railway.

#### *Widenings.*

In the metropolitan borough of Lewisham—

Widenings of Baring Road—

On the western side thereof—

Between a point 1 chain southward of  
Heather Road and a point  $6\frac{1}{2}$  chains south-  
ward of Ronver Road ;

Between St. Mildred's Road and a point  
4 chains northward of Butterfield Street.

On the eastern side thereof—

Between points respectively  $1\frac{1}{2}$  chains and  
 $4\frac{1}{2}$  chains southward of Heather Road ;

Between a point 3 chains northward of  
Farmcote Road and a point opposite the  
northern side of Ronver Road ;

Between points respectively 1 chain south-  
ward and  $4\frac{1}{2}$  chains northward of Butterfield  
Street.

Widening of Baring Road and Chinbrook Road—

A widening of Baring Road on the eastern  
side thereof and Chinbrook Road on the

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southern side thereof a point in Baring Road 2 chains southward of Chinbrook Road and a point in Chinbrook Road 1 chain eastward of Baring Road.

Widening of Baring Road and St. Mildred's Road—

A widening of Baring Road on the north-western side thereof and St. Mildred's Road on the northern side thereof between Burnt Ash Hill and a point in St. Mildred's Road 4 chains westward of the junction of St. Mildred's Road with Baring Road.

Widening of Baring Road and Burnt Ash Hill—

A widening of Baring Road on the south-eastern side thereof and Burnt Ash Hill on the western side thereof between a point in Baring Road 3 chains south-westward of the junction of Baring Road with Burnt Ash Hill and a point in Burnt Ash Hill 2 chains southward of that junction.

Power to construct bridges &c. and to execute temporary works on railways.

14. The Council may for the purposes of or in connection with the improvements and within the limits of deviation shown on the deposited plans construct and execute all such bridges arches piers viaducts embankments tunnels abutments wing walls and other works as they may deem necessary or expedient for carrying the improvements over or under any railway canal river stream or watercourse or any land and may for the purpose of and during the execution of the improvements over or under any railway erect place or execute and maintain upon over or under such railway all such temporary structures erections works apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon.

Alteration of footways in connection with widenings.

15. In connection with the widening of any street or part of a street under the powers of this Act the Council may within the limits of deviation for that widening shown on the deposited plans increase or reduce to such extent as they may think fit the width of the footway or footways on either or both of the sides of such

street Provided that the powers of this section shall not be so exercised that the width of any footway on either side of the street or part of a street as widened is less than six feet. A.D. 1929.

**16.** In making the improvements the Council may subject to the provisions of this Act deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on such plans in relation to the improvements and may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet. Deviation from lines and levels of improvements.

**17.**—(1) Subject to the provisions of this Act the Council may for the purposes of and in connection with the new streets (Works Nos. 1 1A and 1B) by this Act authorised stop up so much of Hornpark Lane in the metropolitan borough of Woolwich as lies between points respectively 5 chains northward and 3½ chains southward of the centre of the bridge carrying Hornpark Lane over the Dartford loop line of the Southern Railway and may demolish and remove the said bridge and utilise for any purpose or sell or dispose of the materials thereof. Provided that nothing in this section shall authorise the Council to stop up otherwise than temporarily the said part of Hornpark Lane until the new streets (Works Nos. 1 1A and 1B) are open for traffic. Power to stop up part of Hornpark Lane and demolish bridge.

(2) On the stopping up of the said part of Hornpark Lane under the powers of this section all rights of way over the same shall be extinguished.

**18.** When any of the improvements is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and that the improvement to which such certificate relates has been completed and from the date of such certificate so much of the improvement to which such certificate relates as has been laid out as carriageway or footway shall form part of the street and may be used by the public accordingly. So much of the land acquired by the Council for or in connection with the improvements as is thrown into and used for carriageway or footway shall after the issue of the certificate relating thereto Improve-ments to form public streets repair &c.

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A.D. 1929. (subject to the enjoyment by the council of the metropolitan borough in which the same is situate of all such rights in such lands as are usually enjoyed in respect of a street by the road authority) remain vested in the Council and the maintenance repair paving draining cleansing and lighting of the improvements shall as from the date of the certificate relating thereto be under the care management control and jurisdiction of the councils of the metropolitan boroughs in which the improvements are respectively situate in the same manner as other streets in such boroughs. Provided that the provisions of this section so far as they relate to the repair of carriageways shall not apply to that part of any carriageway which under the provisions of the Tramways Act 1870 the Council are bound to keep in repair :

Provided also that nothing in this section shall impose upon the council of the metropolitan borough of Lewisham any obligation to maintain or repair the structure of the extension of the bridge carrying Baring Road over the Southern Railway executed in connection with the widening of Baring Road and Chinbrook Road by this Act authorised.

Contributions by borough councils.

**19.**—(1) Any borough council within whose borough the improvements are situate may contribute towards the costs and expenses of the Council in relation to the improvements so situate such sums as the said borough council may by resolution determine.

(2) For the purpose of paying to the Council any such contribution a borough council may borrow the requisite moneys and for the purpose of securing the repayment with interest of any money so borrowed such borough council may mortgage and assign all or any of the moneys or rates authorised to be raised or levied by them under the Metropolis Management Act 1855 and any borrowing by a borough council under this section shall be subject in all respects to the provisions of sections 183 to 189 of the said Act of 1855. Provided that all money borrowed by a borough council under the powers of this section shall be repaid within a period not exceeding sixty years from the date of borrowing.

Incorporation with this Part of Act of existing

**20.** The sections of the London County Council (Tramways and Improvements) Act 1901 of which the numbers and marginal notes are set forth in the first and second columns of Part II of the First Schedule to

this Act are hereby incorporated with and form part of this Part of this Act and shall so far as applicable extend and apply to the improvements and to the Council in respect thereof as fully and effectually as if such sections had been re-enacted with the necessary modifications in this Part of this Act with reference thereto.

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enactments relating to improvements.

**21.** The provisions of the London County Council (Subways) Act 1893 shall extend and apply to any subway to be constructed by the Council under the powers of any enactment incorporated with this Part of this Act as well during as after the construction thereof as if such subway had been included in the expression "subway" in the said Act of 1893 and all byelaws for the time being in force thereunder shall extend and apply to such subway. Provided that for the purposes of the application of the said Act of 1893 to such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

Application of London County Council (Subways) Act 1893.

**22.** For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Council and the company apply and have effect (that is to say):—

For further protection of Southern Railway Company.

(1) (a) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Council shall not without the previous consent in writing of the company under their common seal purchase or acquire by compulsion any lands or property of the company other than—

(i) such part of the properties numbered on the deposited plans 11 and 12 in the metropolitan borough of Lewisham as may actually be required by the Council for the purpose of making and executing the widening of Baring Road on the western side thereof;

(ii) the property numbered on the deposited plans 5 in the metropolitan borough of Lewisham;

(iii) such easements as may be required by the Council for the purpose of constructing —

(A) the bridge for carrying Work No. 1 over the Dartford loop line of the company;



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(B) the bridge for carrying the company's Bexley Heath line over Work No. 2; and

(c) (in respect of the properties numbered on the deposited plans 3 and 4 in the metropolitan borough of Lewisham) the widening of Baring Road and Chinbrook Road;

and the Company shall convey and grant the said lands and easements to the Council;

(b) The Council shall not either temporarily or permanently enter upon use or interfere with any railway works or property of the company save only so far as may be reasonably necessary for the said purposes;

(c) Any land or easement to be sold or granted by the company to the Council under the provisions of this section shall be sold or granted on such terms as (failing agreement) shall be determined under the Lands Clauses Acts:

(2) Before commencing to construct the bridge for carrying Work No. 1 over the said Dartford loop line the Council shall give three months' notice in writing to the company of their intention so to do:

(3) (a) The Council shall carry the Bexley Heath railway of the company over Work No. 2 where the same is intended to pass under the said railway by means of a steel girder bridge of such strength and design as may be reasonably required by the company and such bridge shall be constructed only in accordance with the provisions of this section;

(b) The said bridge shall become the property of the company and shall be maintained by them as part of their undertaking and the Council shall upon the completion of the said bridge pay to the Company such sum as may be agreed or determined by arbitration as hereinafter provided as shall represent the capitalised cost to the company of maintaining the said bridge:



(4) (a) The widening of the bridge carrying Baring Road over the railway of the company shall be executed so as to interfere as little as possible with the structure of that bridge and in accordance with this section; A.D. 1929.

(b) All work in connection with the widening of the said bridge shall be executed by the Council in such a manner as will not in the opinion of the chief engineer of the company (hereinafter in this section referred to as "the engineer") require the imposition of a speed restriction on engines trains or traffic passing over the said railway of the company during the months of June July August and September in any year;

(c) The widened portion of the said bridge shall be and remain the property of the company and the structure thereof and (subject to the provisions of section 28 of the Tramways Act 1870) the roadway thereon shall be maintained by them as part of their railway and works and the Council shall pay to the company such annual or commuted sum as may be agreed or determined by arbitration as hereinafter provided in respect of the additional cost occasioned to the company of maintaining the widened portion of the structure of the said bridge and of the roadway thereon;

(d) The Council shall at their own expense remove the verandah in front of the booking hall at Grove Park station from its present position and re-erect the same in such position and at such a height from the level of the adjoining footway as may reasonably be required by the company and the Council may if they so desire support the said verandah in its altered position by means of columns placed in the footway belonging to the company in front of the said booking hall:

(5) If the company give notice in writing to the Council within twenty-eight days after the submission of the plans sections specifications and particulars referred to in paragraph (6) of this section that they desire themselves to construct either or both of the said bridges over

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the Dartford loop line and under the Bexley Heath line or the widening of the said Baring Road bridge they may and shall with all reasonable expedition construct the same in accordance with the plans sections specifications and particulars to be approved by the engineer or settled by arbitration as hereinafter provided and the Council shall repay to the company on demand the reasonable expense incurred by them in that behalf :

- (6) Before commencing the execution or construction of so much of any of the works by this Part of this Act authorised or required to be executed or constructed by the Council in accordance with the provisions of this section as shall or may pass over or under or in any way affect the railways or property of the company or as may be within twenty yards thereof (which works are hereinafter in this section referred to as "the said works") the Council shall submit to the engineer for his reasonable approval plans sections specifications and particulars of the said works and of the stages by which it is proposed to carry out the same Provided that if the engineer does not signify his approval or disapproval or requirements within twenty-eight days after the submission to him of the said plans sections specifications and particulars he shall be deemed to have approved of the same :

The said works shall be executed only in accordance with such plans sections specifications and particulars as shall be approved as aforesaid or settled by arbitration as hereinafter provided and under the supervision if the same be given and to the reasonable satisfaction of the engineer :

- (7) Before commencing the said works the Council shall give twenty-eight days' previous notice in writing to the company of their intention to commence the same Such notice shall be accompanied by a sufficient description of the works to be executed and all such works shall be carried out only at such time as the engineer shall reasonably require and the construction

or execution of the said works when commenced shall proceed with all reasonable dispatch: A.D. 1929.

- (8) Before the Council commence the construction of the said works any temporary works which may in the opinion of the engineer be reasonably necessary to ensure the stability of the railways and property of the company shall be carried out by and at the cost of the Council to the reasonable satisfaction of the engineer or the company may if they so elect themselves carry out such temporary works for the Council and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Council to the company :
- (9) The Council shall bear and pay to the company the reasonable expenses incurred by them in the employment of a sufficient number of inspectors watchmen and signalmen for inspecting the said works and watching and signalling the railways and works of the company during the execution of the said works and for preventing as far as may be interference obstruction danger and accident from any of the operations of the Council and for ensuring the company against claims in respect of such men under the Employers' Liability or Workmen's Compensation Acts or otherwise and the Council shall at all times afford reasonable facilities to the engineer and to his assistants and inspectors for access to the said works during their construction and shall also furnish him or them with all information he or they may reasonably require with regard to the said works or the method of construction thereof :
- (10) If by reason of the construction of the said works it shall become reasonably necessary within twelve months after the completion thereof to reconstruct add alter or remove any signal cabin signal posts signal telegraph and telephone posts and wires permanent way fences or other works or apparatus belonging to or on or connected with the railways of the company

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or to substitute other works therefor the company may effect any such reconstruction addition alteration removal or substitution and the reasonable expense thereof shall be repaid to them by the Council :

- (11) (a) The council of the metropolitan borough of Woolwich (in this section referred to as "the Woolwich Council") shall at their own expense maintain the bridge referred to in paragraph (2) of this section in substantial repair and good order and condition to the reasonable satisfaction of the engineer and so as to leave undisturbed at all times the railway works and property of the company and if and whenever the Woolwich Council fail so to do after fourteen days' notice in writing to be given by the company to the Woolwich Council or in case of emergency the company may make and do in and upon as well the lands of the Woolwich Council as their own lands all such works and things as may be requisite and the amount of the expenditure reasonably incurred by the company in that behalf shall be repaid to them by the Woolwich Council ;

(b) In the event of the Woolwich Council carrying out any structural alteration or renewal of the bridge referred to in paragraph (2) of this section the Woolwich Council shall give twenty-eight days' previous notice in writing to the company of their intention so to do Such notice shall be accompanied by a sufficient description of the works to be executed and all such works shall be carried out only at such time as the engineer shall reasonably require and the execution thereof when commenced shall proceed with all reasonable dispatch :

- (12) The company shall upon the completion of the bridge referred to in paragraph (2) of this section pay to the Woolwich Council such sum as may be agreed or determined by arbitration as hereinafter provided to represent the capitalised cost to the company of maintaining the bridge existing at the passing of this Act for

carrying Hornpark Lane over the Dartford loop line of the company : A.D. 1929.

- (13) Notwithstanding anything in this Act contained the Council shall be responsible for and make good to the company all reasonable costs charges losses damages and expenses which may be occasioned to the company or to any of the railways works or property of the company or to the traffic thereon by reason of the execution or failure of any of the works by this Part of this Act authorised or required to be executed by the Council or of any act or omission of the Council or of their contractors or any person in the employ of either of them and the Council shall effectually indemnify and hold harmless the company from and against all claims and demands upon or against them by reason of such execution or failure and of any act or omission and without detracting from the generality of the foregoing provisions of this paragraph the Council shall be responsible for and make good to the company any additional expense or any loss which may be occasioned to or suffered by them in working engines trains or traffic over their said Bexley Heath railway during and in consequence of the construction of the bridge under that railway for the purpose of Work No. 2 :
- (14) The fact that any work or thing has been done in accordance with any plan section or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Council from any liability for damage under the last preceding paragraph or affect any claim of the company for injury to the railway or the traffic thereon save so far as the same may arise by reason of any such requirement :
- (15) Except as in sub-paragraph (c) of paragraph (1) of this section otherwise provided any question which may arise between the Council or the Woolwich Council on the one hand and the company on the other hand under the provisions



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of this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

#### PART IV.

##### GENERAL PROVISIONS AS TO WORKS.

Removal  
&c. of  
apparatus.

**23.**—(1) In and for the purposes of this section—

“apparatus” includes sewers drains watercourses and mains pipes tubes cables wires or apparatus laid down or used for carrying conveying or supplying a supply of water or water for hydraulic power gas or electricity or for telegraphic or other purposes standards and brackets carrying street lamps and street refuges lavatories posts and other structures and works;

“undertakers” means the company body or person (other than the Council) to whom any apparatus in relation to which the expression is used belongs;

“the permitted works” means all such works and things as the Council are by this section authorised to execute or do.

(2) The Council may for any purpose in connection with the works and (if and when reasonably required by the undertakers) shall remove divert alter the position of or carry out any other alterations to any apparatus upon the lands acquired by them under the powers of this Act and also in any street or part of a street within the limits of deviation shown on the deposited plans or in which any of the tramways is authorised to be made and may remove any other obstruction in under or near such lands street or part of a street and shall make such appropriate substituted works either permanent or temporary as may be reasonably necessary and shall cause as little detriment and inconvenience as circumstances admit and shall make reasonable compensation for any



damage caused by the execution of the permitted works A.D. 1929.  
Provided that before the Council execute any of the  
permitted works relating to any apparatus they shall  
(except in cases of emergency) give to the undertakers  
notice of their intention to do so such notice to be given  
seven days at least before the commencement of the  
execution of the permitted works and such works shall  
be done under the superintendence (at the expense of  
the Council) of the undertakers unless the undertakers  
refuse or neglect to give such superintendence at the  
time specified in the notice for the commencement of such  
works or discontinue the same during the execution of  
such works and the Council shall execute such works to  
the reasonable satisfaction of the undertakers.

(3) If within seven days after notice under sub-  
section (2) of this section has been served upon any  
undertakers those undertakers so elect they shall them-  
selves execute such works to their apparatus as may be  
necessary for the purposes of this section and the reason-  
able cost of executing such works shall be repaid to them  
by the Council Provided that such works shall be  
carried out in accordance with the directions and to the  
reasonable satisfaction of the Council.

(4) All sewers drains and watercourses substituted  
under the provisions of this section for any existing  
sewers drains or watercourses shall be under the same  
jurisdiction care management and direction as the  
existing sewers drains or watercourses for which they  
may respectively be so substituted.

(5) If any difference arises between the Council and  
any undertakers touching the amount of any compensation  
or cost to be paid by the Council under the foregoing  
provisions of this section or touching any work matter  
or thing to be done or executed by the Council or by  
such undertakers under such provisions with reference  
to any apparatus or touching the mode of doing or exe-  
cuting the same such difference shall be settled by an  
engineer to be agreed upon by the Council and the under-  
takers or failing agreement by such engineer as shall on  
the application either of the Council or of the under-  
takers be nominated by the President of the Institution  
of Civil Engineers and subject as aforesaid the provisions  
of the Arbitration Act 1889 shall apply to any such  
settlement.

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—  
Protection  
of Post-  
master-  
General.

**24.**—(1) The Council shall not remove divert alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(2) Notwithstanding the stopping up of any street or passage under the powers of section 21 (Power to make subsidiary works stop up streets &c.) of the London County Council (Tramways and Improvements) Act 1907 as incorporated with this Part of this Act the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove therefrom any telegraphic line which is in under upon along over or across the same and any post office letter box and the Council shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line or of any telegraphic line connected therewith which in consequence will be rendered useless and of such letter box and the substitution of a telegraphic line or letter box (as the case may be) in such other place as the Postmaster-General may require.

(3) "Telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

Notice to  
Commis-  
sioner of  
Police.

**25.** Before breaking up or otherwise interfering with any street situate in the metropolitan police district in connection with the execution of the works the Council shall (except in cases of emergency) give seven days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of such works.

Period for  
completion  
of works.

**26.** If the works are not completed on or before the thirty-first day of October one thousand nine hundred and thirty-six then as from that date the powers of the Council under this Act for the execution of the same respectively shall cease except so far as the same are then completed.

Incorpora-  
tion with  
this Part  
of Act of  
existing

**27.** The sections of the London County Council (Tramways and Improvements) Act 1907 of which the numbers and marginal notes are set forth in the first and second columns of Part III of the First Schedule to this

Act are hereby incorporated with and form part of this Part of this Act and shall so far as applicable extend and apply to the works and to the Council in respect thereof as fully and effectually as if such sections had been re-enacted with the necessary modifications in this Part of this Act with reference thereto.

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—  
enactments  
relating to  
works.

**28.** The following provisions shall unless otherwise agreed have effect for the protection of the West Kent Main Sewerage Board (in this section referred to as "the board") (that is to say):—

For  
protection  
of West  
Kent Main  
Sewerage  
Board.

- (1) The Council shall not commence any works under the powers of this Act which shall interfere with any sewer shaft manhole or other works of the board until they have given to the board twenty-eight days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the board with all necessary plans sections and particulars and until the board have signified their approval of the same unless the board do not signify their approval disapproval or other directions within twenty-eight days after service of the said notice plans sections and particulars and the Council shall comply with and conform to all reasonable orders directions and regulations of the board in the execution of the said works and shall provide by new altered or substituted works in such manner as the board reasonably require for the proper protection of and for preventing injury or impediment to the said sewers shafts manholes or other works by reason of the intended works or any part thereof including such new altered or substituted shafts manholes and ventilating pipes as will enable the board without interference from or with the working of the tramways (a) to obtain access to their sewers for all purposes at the points where their existing manholes on or near the line of the said tramways now afford access to the said sewers (b) to carry out all necessary or proper alterations for removing silt from the said sewers at these points (c) to erect from time to time such plant gear and apparatus as may be required in connection

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with such operations or with repairs cleansing or other works in relation to the sewers and (d) to secure the free and effectual escape and discharge of sewer gas or impure air from the said sewers at the said points and shall save harmless the board against all expenses to be occasioned thereby and all such work shall be done by or under the direction and superintendence of the board (unless after seven days' notice by the Council such direction or superintendence is not given or provided or is discontinued during the progress of such works) at the cost charges and expenses in all respects of the Council and all reasonable costs charges and expenses which the board may be put to by reason of such works of the Council whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the board by the Council on demand and when any new altered or substituted works as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Council under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the board as any sewers or works of the board now are or hereafter may be:

- (2) The board in the exercise of any powers or rights which they may possess shall so far as the same may affect Tramway No. 1 by this Act authorised be subject to the following restrictions (that is to say):—

(a) They shall cause as little detriment or inconvenience to the Council as circumstances admit;

(b) Before they commence any works whereby the traffic on the said tramway will be interrupted they shall (except in cases of urgency in which cases no notice shall be necessary) give to the Council notice of their intention to commence such works specifying the time at which they will begin to do so

such notice to be given seven days at least before the commencement of the work; A.D. 1929.  
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(c) They shall not be liable to pay to the Council any compensation for injury done to the said tramway by the reasonable execution of such work or for loss of traffic occasioned thereby or for the reasonable exercise of their powers or rights as aforesaid;

(d) Whenever for the purpose of enabling them to execute such works the board shall so require the Council shall either stop traffic on the said tramway to which the notice shall refer where it would otherwise interfere with such work or shore up and secure the same at their own risk and cost during the execution of the work there. Provided that such work shall always be completed by the board with all reasonable expedition;

(e) The board shall not execute any new works so far as they immediately affect the said tramway except under the superintendence of the Council unless the Council refuse or neglect to give such superintendence at the time specified in the notice to be given under this subsection of the commencement of the work or discontinue the same during the progress of the work and the board shall execute such works at their own expense and to the reasonable satisfaction of the Council;

(f) Any additional expense imposed upon the board by reason of the existence of the said tramway in any road where any sewer shaft manhole or other works connected therewith shall have been laid or constructed before the construction of such tramway shall be borne by the Council:

- (3) If any difference shall arise between the Council and the board under this section such difference shall be referred to and determined by an arbitrator to be agreed between the parties or



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failing agreement appointed by the Ministry of Transport on the written application of either party and the provisions of the Arbitration Act 1889 shall apply to any such reference :

- (4) The provisions of this section shall apply to the board in lieu of the provisions of the Tramways Act 1870 incorporated with this Act.

PART V.

ACQUISITION OF LAND BY THE COUNCIL.

Power to  
Council to  
take lands.

**29.**—(1) Subject to the provisions of this Act the Council may enter upon take and use—

(a) for the purposes of the improvements or for providing space for the erection of houses and buildings adjoining or near to the improvements or for the purposes of recoupment or exchange or for other purposes of Part III (Improvements) of this Act any of the lands shown on the deposited plans relating to the improvements and described in the deposited book of reference which they may require for those purposes or any of them; and

(b) for the purposes of the exercise of their powers under section 144 (Power to Metropolitan Board to make improvements) of the Metropolis Management Act 1855 all or any of the lands next hereinafter mentioned which are shown on the deposited plans and described in the deposited book of reference (that is to say) :—

(i) In the metropolitan borough of Fulham :—

The premises respectively known as—

Nos. 109 111 113 115 117 and 124  
Edith Road;

Nos. 8 9 and 10 Cedar Terrace in  
North End Road;

Nos. 42 42A 44 46 48 50 52 54 56  
and 58 North End Road;

Nos. 1 2 3 4 5 6 7 8 9 10 and 11 Lawn  
Terrace;



Nos. 1 2 3 4 5 6 7 8 9 and 10 Ashton Terrace and the builder's store adjoining No. 1 Ashton Terrace; A.D. 1929.

No. 40A North End Road;

Nos. 2 3 4 5 6 7 8 9 and 10 Grove Terrace;

The stables and mews known as Cedar Yard;

The private roads known as Lawn Terrace Ashton Terrace and Grove Terrace;

Lands forming part of the property known as North End House (No. 40 North End Road) bounded on the north-east by North End Road on the east by Grove Terrace and on the south-west by a straight line drawn between a point in North End Road sixty-seven yards north-westward of the junction of Grove Terrace with North End Road and a point in Grove Terrace twenty seven yards southward of that junction;

(ii) In the metropolitan borough of Lambeth:—

The premises respectively known as—

Nos. 118 120 122 124 126 128 130 and 148 York Road and the passageway adjoining No. 128 York Road;

Nos. 14 15 and 17 Chicheley Street including the yard and buildings partly in the rear of and forming part of No. 17 Chicheley Street;

(iii) In the metropolitan borough of Wandsworth:—

The premises respectively known as—

Nos. 115 117 and 119 High Street Wandsworth;

Nos. 65 67 69 71 and 73 Streatham High Road and the passageway at the rear of those premises;

Nos. 272 272A 274 276 278 280 282 282A 284 286 288 and 290 Streatham High Road;

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Nos. 1 1A 3 3A 5 7 and 9 Mitcham Lane and the passageway at the rear of Nos. 3 3A 5 7 and 9 Mitcham Lane and adjoining the northern side of No. 3A Mitcham Lane;

Chapel Yard and the passageway extending from the eastern side of No. 115 High Street to a point in High Street thirty feet eastward of No. 115 High Street.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by them for the purposes of or in connection with the improvements.

Purchase of lands by agreement for purposes of Part III of this Act.

**30.** In addition to the lands shown on the deposited plans and described in the deposited book of reference the Council may purchase by agreement in connection with and for the purposes of the improvements any lands not exceeding in the whole five acres.

Power to acquire easements compulsorily in certain cases.

**31.** Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated therewith the Council shall not be required to purchase any railway river canal navigation or watercourse or any part thereof respectively which may be crossed or interfered with in constructing the improvements but may acquire such easements and rights in over or under any such railway river canal navigation or watercourse as they may require for making and maintaining the improvements and may give notice to treat in respect of such easements and rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

Taking of parts of certain properties.

**32.** Whereas in the execution of the improvements or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans

will be sufficient for the purposes of the Council 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 :—

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- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are hereinafter 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 Council 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 Council such portion only without the Council being obliged or compellable to purchase the whole the Council 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 Council allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him 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 Council have compulsory powers of purchase) can be so severed :
- (4) If the arbitrator determines 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 Council the

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portion so determined to be severable without the Council being obliged or compellable to purchase the whole the Council 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 arbitrator :

- (5) If the arbitrator determines 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 arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the arbitrator determines 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 he shall determine that any other portion can be so severed) the Council 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 arbitrator determines 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 Council 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 arbitrator shall having regard to the circumstances of the case and his 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. A.D. 1929.

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

**33.** 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 Council 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 shall extend and apply to such grants and to such easements rights and privileges as aforesaid. Power to certain persons to grant easements &c. by agreement.

**34.** If there is any omission mis-statement or wrong description of any lands referred to in this Part of this Act or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to a metropolitan police magistrate for the correction thereof and if it appears to the magistrate that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept by such clerk of the peace with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands in accordance with such certificate. Correction of errors in deposited plans &c.

**35.** The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may at all Power to Council to enter upon property for



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—  
survey and  
valuation.

reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into any lands and buildings by this Part of this Act authorised to be taken and used for the purpose of surveying and valuing the same without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Benefits to  
be set off  
against  
compensa-  
tion.

**36.** In estimating the amount of compensation or purchase money to be paid by the Council in respect of the acquisition by them under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the execution of the improvements or arising through such adjoining lands becoming lands fronting on any new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensa-  
tion payable  
by Council  
in case of  
recently  
created  
interest.

**37.** For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part of this Act the following provisions shall apply and have effect (that is to say):—

(1) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the seventeenth day of July one thousand nine hundred and twenty-eight and before the date of the passing of this Act if in the opinion of the arbitrator the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act:

(2) Subject as is hereinafter in this section provided the arbitrator shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably neces-

sary for properly maintaining such premises) made after that date which in the opinion of the arbitrator materially enhances the value of such premises; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act :

- (3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Part of this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Part of this Act gives notice in writing to the Council of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Council do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) Subsection (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) Subsection (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said seventeenth day of July one thousand nine hundred and twenty-eight and before the date of the passing of this Act :

- (4) The Council shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Part of this Act.

A.D. 1929.

—  
Extinguish-  
ment of  
private  
rights of  
way.

**38.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by the Council shall as from the date of such acquisition be extinguished. Provided that the Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Leasing and  
exchange of  
lands.

**39.**—(1) The Council may grant leases of or let for a term of years or from year to year or for any shorter period all or any lands and buildings or structures thereon acquired by them for the purposes of this Act until the said lands and buildings or structures are required for those purposes and the Council may exchange all or any lands buildings or structures so acquired and not required for the said purposes.

(2) The Council may execute and do any deed act or thing requisite or proper for effectuating any such leasing letting or exchange.

Sale of  
ground  
rents.

**40.** The Council may sell and dispose of the ground rents to be reserved by any leases or agreed to be reserved by any agreements for leases of any lands acquired by them under this Act and not required for the purposes thereof and also the fee simple in reversion in such lands and in the buildings or structures thereon either together or in parcels and either by public auction or by private contract for such sum or sums of money as the Council think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council for the benefit of the Council or any party entitled to other property adjoining or held under title derived from the Council.

Council  
may sell  
land in  
the first

**41.** The Council may if they think it expedient so to do sell and dispose of any lands acquired by them under the powers of this Act and not required for the

purposes thereof without having previously granted or agreed to grant any lease thereof for such sum or sums of money as the Council think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council think fit.

A.D. 1929.  
—  
instance without having previously granted a lease thereof.

**42.** The receipt of the Council or of any person duly authorised by the Council for any purchase-money rent or money payable to the Council by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the receipt is given shall not afterwards be answerable or accountable for the mis-application or non-application of the money in such receipt expressed or acknowledged to be received.

Receipts of Council to be effectual discharge.

**43.** The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the lands which the Council may acquire under the powers of this Part of this Act with respect to the sale by the Council to such person of any such last mentioned lands for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any other lands or property required by the Council for the purposes of this Act.

Power to Council to make agreements with owners of property &c.

**44.** The powers of the Council for the compulsory purchase of lands under this Part of this Act shall cease on the thirty-first day of October one thousand nine hundred and thirty-two.

Limitation of time for purchase of lands.

## PART VI.

### ACQUISITION OF LAND BY THE WANDSWORTH COUNCIL.

**45.** Subject to the provisions of this Act the Wandsworth Council may enter upon take and use for the purposes of the Baths and Washhouses Acts 1846 to 1925 the lands in the metropolitan borough of Wandsworth bounded on the north-east by the south-western boundary of the Wandsworth public baths and an imaginary line

Acquisition of land by Wandsworth Council.

A.D. 1929. — in continuation of that boundary in a south-easterly direction to the centre of the relief stream forming the south-eastern boundary of the said public baths and flowing into the river Wandle on the south by Buckhold Road and an imaginary line coinciding with the northern side of the bridge carrying that road over the said relief stream and extending to the centre of that stream on the south-east by an imaginary line following the centre of the said relief stream and on the north-west partly by land belonging or reputed to belong to Doctor Herbert Watney and partly by land belonging or reputed to belong to George Hardwick and Sons Limited which lands are shown on the deposited plans and described in the deposited book of reference.

Application  
of certain  
provisions  
of this Act  
to Wandsworth  
Council.

**46.** The provisions of the sections of Part V (Acquisition of land by the Council) of this Act of which the marginal notes are respectively as follows:—

- “ Power to certain persons to grant easements &c. by agreement ”;
- “ Correction of errors in deposited plans &c.”;
- “ Power to Council to enter upon property for survey and valuation ”;
- “ Compensation payable by Council in case of recently created interest ”;
- “ Leasing and exchange of lands ”;
- “ Sale of ground rents ”;
- “ Council may sell land in the first instance without having previously granted a lease thereof ”;
- “ Receipts of Council to be effectual discharge ”;
- “ Power to Council to make agreements with owners of property &c. ”; and
- “ Limitation of time for purchase of lands ”

shall extend and apply to the Wandsworth Council and the lands to be acquired by them under this Part of this Act as if the Wandsworth Council and the town clerk of the metropolitan borough of Wandsworth were named in the said provisions instead of the Council and the clerk of the Council respectively and as if in the said section of this Act of which the marginal note is “ Compensation payable by Council in case of recently created interest ” the twenty-first day of February one thousand



nine hundred and twenty-eight were substituted for the seventeenth day of July one thousand nine hundred and twenty-eight and as if in the said applied sections references to this Part of this Act were substituted for references to the said Part V. A.D. 1929.  
—

47. The Wandsworth Council may expend on capital account for the purposes of this Part of this Act such amount as may be necessary for those purposes and may for those purposes borrow under and subject in all respects to the provisions of the Baths and Washhouses Acts 1846 to 1925 such sums of money as may be requisite. Capital expenditure and borrowing by Wandsworth Council.

48. Nothing in this Part of this Act shall affect any sewer or watercourse vested in belonging to or maintained by the Council or extend to prejudice diminish alter or take away any right power privilege or authority vested in the Council under the Metropolis Management Act 1855. Saving for Council.

## PART VII.

### AMENDMENT OF CAMBERWELL AND OTHER METROPOLITAN BOROUGH COUNCILS (SUPERANNUATION) ACT 1908.

49.—(1) Subsection (1) of section 4 (Title of officers and servants to superannuation allowances) of the Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908 shall have effect as if— Amendment of Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908.

(a) the words “ 1925 as amended by any other Act “ or under any Act repealed by that Act or “ under any scheme made pursuant to any such “ Act ” were substituted for the words “ 1906 or any scheme made thereunder ” ; and

(b) there were added at the end thereof the following proviso :—

“ Provided that any officer or servant who  
 “ has completed ten years’ service or aggregated service and in respect of permanent  
 “ incapacity due to an injury receives under  
 “ the Workmen’s Compensation Act 1925  
 “ as amended by any other Act or under any  
 “ Act repealed by that Act or under any

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“ scheme made pursuant to any such Act  
“ compensation of a less amount than that  
“ of the superannuation allowance to which  
“ he would have been entitled under this  
“ section if such permanent incapacity had  
“ been due to any cause other than an  
“ injury for which he receives such compen-  
“ sation shall be entitled to receive out of  
“ the superannuation fund an annual allow-  
“ ance equal to the amount by which such  
“ superannuation allowance exceeds such  
“ compensation.”

(2) The expression “ superannuation allowance ” or  
“ superannuation allowances ” shall for the purposes of  
the following sections of the said Camberwell and other  
Metropolitan Borough Councils (Superannuation) Act  
1908 be deemed to include an annual allowance or  
annual allowances :—

Section 8 (Return of contributions and power  
to grant gratuities and superannua-  
tion allowances in certain cases)  
except subsection (2) of that  
section ;

Section 9 (Return of contributions in case of  
death) ;

Section 11 (Allowance not assignable) ;

Section 15 (Superannuation fund) ;

Section 17 (Case of subsequent appointment) ;  
and

Section 22 (Arbitration).

PART VIII.

AMENDMENT OF SAINT MARYLEBONE BOROUGH  
COUNCIL (SUPERANNUATION) ACTS 1908 AND 1922.

Amendment  
of Saint  
Marylebone  
Borough  
Council  
(Super-  
annuation)  
Acts 1908  
and 1922.

50.—(1) Subsection (1) of section 3 (Title of officers  
and servants to superannuation allowances) of the Saint  
Marylebone Borough Council (Superannuation) Act 1908  
shall have effect as if—

(a) the words “ 1925 as amended by any other Act  
“ or under any Act repealed by that Act or  
“ under any scheme made pursuant to any

“ such Act ” were substituted for the words A.D. 1929.  
“ 1906 or under any scheme made thereunder ” ;  
and

(b) there were added at the end thereof the following proviso :—

“ Provided that any officer or servant who  
“ has completed ten years’ service or aggre-  
“ gated service and in respect of permanent  
“ incapacity due to an injury receives under  
“ the Workmen’s Compensation Act 1925  
“ as amended by any other Act or under  
“ any Act repealed by that Act or under any  
“ scheme made pursuant to any such Act  
“ compensation of a less amount than that  
“ of the superannuation allowance to which  
“ he would have been entitled under this  
“ section if such permanent incapacity had  
“ been due to any cause other than an  
“ injury for which he receives such com-  
“ pensation shall be entitled to receive out  
“ of the superannuation fund an annual  
“ allowance equal to the amount by which  
“ such superannuation allowance exceeds  
“ such compensation.”

(2) The expression “ superannuation allowance ” or  
“ superannuation allowances ” shall for the purposes  
of the following provisions be deemed to include an  
annual allowance or annual allowances :—

*Saint Marylebone Borough Council (Superannua-  
tion) Act 1908—*

Section 6 (Return of contributions and  
power to grant gratuities and  
superannuation allowances in  
certain cases) except subsection  
(3) of that section ;

Section 9 (Allowances not assignable) ;

Section 12 (Superannuation fund) ; and

Section 18 (Arbitration).

*Saint Marylebone Borough Council (Superannuation)  
Act 1922—*

Section 4 (Reduction in salary or wages) ;

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Section 5 (Reckoning service under other local authorities);

Section 7 (Payments in case of death of contributor).

(3) The Saint Marylebone Borough Council (Superannuation) Acts 1908 and 1922 and this Part of this Act may be cited together as the Saint Marylebone Borough Council (Superannuation) Acts 1908 to 1929.

PART IX.

PREVENTION OF FLOODS.

Inspection  
of banks  
and super-  
vision of  
flood works.

51.—(1) For the purposes of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 (in this Part of this Act referred to as "the Act of 1879") it shall be the duty of the Council—

(a) to exercise general supervision of all banks; and

(b) to inspect any banks whenever it appears to them to be necessary so to do for the purpose of ascertaining whether such banks are out of repair dangerous or insufficient for the effectual protection of any premises within the limits of the Act of 1879 from floods or inundations caused by the overflow of the river Thames; and

(c) to supervise the execution of any flood works;

and for the purpose of facilitating the discharge of such duties section 18 (Power to inspect lands) of the Act of 1879 shall extend and apply as if the powers of entry inspection and survey exerciseable under that section by any person duly authorised in writing by the Council had been made exerciseable with reference to any bank as well as with reference to such premises as are referred to in that section and as if in relation to the entry inspection and survey by any person so authorised the references to particular hours contained in the said section had been omitted therefrom.

(2) Any information obtained by the Council as a result of the inspection of any bank under or by virtue of the provisions of this Part of this Act shall be deemed to have been made known to them within the meaning of section 24 (Survey and repair of dangerous or insufficient banks and maintenance and repair of same) of the

Act of 1879 and the provisions of that section shall extend and apply accordingly Provided that where the person who made such inspection was a competent surveyor— A.D. 1929.

(a) such inspection shall be deemed to have been a survey within the meaning of the said section 24; and

(b) a certificate of such surveyor given upon completion of such inspection that the bank inspected by him is out of repair dangerous or insufficient as aforesaid shall for the purposes of that section be deemed to be a certificate given upon completion of such a survey.

**52.**—(1) Words and expressions to which meanings are assigned by the Act of 1879 have in this Part of this Act the same respective meanings. Meaning of terms and citation.

(2) The Act of 1879 sections 46 and 47 of the Metropolitan Board of Works (Various Powers) Act 1882 and so much of section 48 of the last mentioned Act as relates to those sections Part VI (Prevention of floods) of the London County Council (General Powers) Act 1907 and this Part of this Act may be cited together as the Thames River (Prevention of Floods) Acts 1879 to 1929.

## PART X.

### SUPERANNUATION OF EMPLOYEES AT EDUCATIONAL INSTITUTIONS.

**53.**—(1) It shall be lawful for the Council on such terms and conditions and subject to such modifications as they may think fit to confer upon all or any of the persons in the employment of the governing body of any polytechnic technical institute secondary school or other similar institution which is for the time being aided by the Council under the provisions of the Education Act 1921 superannuation and other benefits similar to those conferred by any scheme or schemes made in pursuance of the provisions of Part IV (Superannuation &c.) of the London Council (General Powers) Act 1891. Super-annuation of persons employed in polytechnics &c.

(2) For the purpose of giving effect to the provisions of this section the Council may make such annual or other payments to or from the superannuation and provident fund established in pursuance of the said provisions of Part IV of the said Act of 1891 as they



A.D. 1929.

may think fit and may make a scheme or amend any scheme so made or any existing scheme made under the last mentioned provisions and those provisions shall subject to the provisions of this section in all respects apply to such new or amended scheme.

(3) The provisions of this section shall be subject and without prejudice to the operation of Rule 14 (1) (a) contained in the First Schedule to the Teachers (Superannuation) Act 1925.

Super-  
annuation  
of certain  
persons  
employed  
in London  
Day  
Training  
College.

54.—(1) Notwithstanding any transfer of the London Day Training College from the Council to the University of London (hereinafter referred to as "the university") it shall be lawful for the Council on such terms and conditions as they may think fit—

(a) to allow any person who immediately before the date of the transfer was on the staff of the said college and was a contributor to the superannuation and provident fund established by the Council pursuant to the provisions of Part IV (Superannuation &c.) of the London Council (General Powers) Act 1891 and who on such transfer becomes a servant of the university to continue after such transfer and for any period not exceeding the period of his service with the university to be a contributor to the said fund; and

(b) to grant benefits or make payments from the said fund in respect of such person

as if his service with the university for the period during which he is a contributor to the said fund had been service with the Council.

(2) The Council and the university may enter into and carry into effect agreements for the purpose of giving effect to the provisions of this section.

## PART XI.

### MISCELLANEOUS PROVISIONS.

Contribution  
by Council  
towards  
rebuilding  
of Sadler's  
Wells  
Theatre.

55. The Council may subject to such terms and conditions as they think fit contribute any sum not exceeding one thousand pounds towards the cost of the rebuilding of the theatre known as Sadler's Wells and situate in the metropolitan borough of Finsbury.

**56.** For the purpose of enabling the Council to enter into agreements with borough councils for the carrying out of improvement schemes for the purposes of Part II of the Housing Act 1925 and for the apportionment of the expenses incurred in carrying out such schemes subsection (4) of section 56 (Local authorities for the purposes of Part II) of that Act shall be read and have effect and shall be deemed always to have had effect as if after the words "City of London" there were inserted the words "or any metropolitan borough council."

A.D. 1929.  
—  
Amendment  
of section 56  
(4) of  
Housing  
Act 1925.

**57.—**(1) The provisions of section 26 (Byelaws—Parks &c.) of the London Open Spaces Act 1893 so far as it relates to the power of the Council to provide buildings or erections upon any parts of the open space known as Hackney Marshes for the recreation and enjoyment of the public shall extend to enable the Council to provide and maintain upon any parts of that open space buildings or erections to be used partly for the purposes of the Education Act 1921 and partly for the recreation and enjoyment of the public or to extend and adapt for use in part for the purposes of the last mentioned Act buildings or erections provided upon that open space for the recreation and enjoyment of the public.

Extension  
of section 26  
of London  
Open  
Spaces Act  
1893 for  
education  
purposes.

(2) The Council may set apart for the purposes of the Education Act 1921 during such periods as they deem expedient the whole or any part of any building or erection provided maintained extended or adapted pursuant to the provisions of this section.

(3) The Council shall make any necessary adjustments in their accounts consequential upon the exercise of the powers conferred upon them by this section.

**58.** The time limited by the London County Council (Lambeth Bridge) Act 1924 as extended by the London County Council (General Powers) Act 1927 for the compulsory purchase of lands for the purposes of the first mentioned Act is hereby further extended until the thirty-first day of October one thousand nine hundred and thirty-one.

Extension  
of time for  
compulsory  
purchase of  
lands for  
Lambeth  
Bridge  
reconstruc-  
tion.

[Ch. lxxxvii.] *London County* [19 & 20 GEO. 5.]  
*Council (General Powers) Act, 1929.*

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—  
Amendment  
of section 60  
of London  
County  
Council  
(General  
Powers)  
Act 1924.

**59.** Notwithstanding anything contained in section 60 (Fire insurance fund) of the London County Council (General Powers) Act 1924 all such interest and annual proceeds as are referred to in subsection (5) of that section shall in lieu of being invested and accumulated as therein mentioned be carried to and form part of the revenue of the general county account of the county fund. Provided that at the end of each year in which any such interest or annual proceeds are carried to the said general county account the Council shall out of that account pay to the fire insurance fund (in addition to any sums payable out of the said account pursuant to subsection (6) of the said section 60) such sum (not exceeding the total amount carried to the said general county account during that year in respect of such interest and annual proceeds) as in the opinion of the Council will be sufficient to maintain the fire insurance fund at an amount reasonably necessary to cover the risks insured thereby.

Compulsory  
acquisition  
of land by  
metro-  
politan  
borough  
councils for  
purposes  
of Baths  
and Wash-  
houses Acts.

**60.** A borough council may be authorised to purchase land compulsorily for the purposes of the Baths and Washhouses Acts 1846 to 1925 by means of an order submitted to the Minister of Health and confirmed by him in accordance with the Third Schedule to this Act :

Provided that nothing in this section shall authorise the compulsory acquisition for the said purposes of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway dock canal water or other public undertaking or which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house.

Annual  
reports of  
metro-  
politan  
borough  
councils.

**61.**—(1) It shall be the duty of each borough council to publish as early as practicable after the thirty-first day of March in the year one thousand nine hundred and thirty and in each subsequent year and in any case not later than the thirtieth day of September next after such thirty-first day of March a report of their proceedings for the year ending on such thirty-first day of March together with a copy of the return prepared

by them for the purposes of the Local Taxation Returns Acts and such other information as may be prescribed by the Minister of Health in respect of that year and a copy of such report and of the epitome of accounts included in the said return and of such other information as aforesaid as soon as published shall be sent to the Minister of Health and to the Council and shall be supplied by the borough council to any person applying for the same on payment of such sum not exceeding one shilling as may be fixed by the borough council.

A.D. 1929.

(2) Section 198 of the Metropolis Management Act 1855 is hereby repealed.

**62.** A borough council may appoint a member thereof to be deputy mayor to hold office during the term of office of the mayor and subject to any rules made by the borough council anything authorised or required to be done by to or before the mayor may notwithstanding any other enactment be done by to or before the deputy mayor Provided that a deputy mayor shall not unless he is a justice act as a justice or in any judicial capacity.

Appoint-  
ment of  
deputy  
mayor of  
a metro-  
politan  
borough.

**63.**—(1) Where any notice or other document under this Act or under any enactment incorporated with this Act requires authentication by the Council or a borough council the signature of the clerk of the Council or of the town clerk (as the case may be) shall be sufficient authentication.

Authenti-  
cation and  
service of  
notices &c.

(2) Notices and other documents required or authorised to be served or given by the Council or a borough council under this Act or under any enactment incorporated with this Act may be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises :

Provided that—

- (a) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if served by post shall be served by registered post;

A.D. 1929.

(b) in the case of a company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at its registered office or at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

Recovery of penalties &c.

**64.** Save as otherwise expressly provided all offences against this Act or any enactment incorporated with this Act and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder may be prosecuted and recovered in a summary manner Provided that costs charges and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid to authorities taking proceedings.

**65.** Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered under or in pursuance of this Act shall be payable to the authority taking the proceedings leading to the recovery of the penalty.

Judges not disqualified.

**66.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Saving for indictments &c.

**67.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act or any enactment incorporated with this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act or any such incorporated enactment Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.



**68.** The Council may expend on capital account A.D. 1929.  
for—

- (a) the purposes of Part II (Tramways) and Part III (Improvements) of this Act and the acquisition of lands for those purposes such moneys as they may think fit not exceeding three hundred and fifteen thousand five hundred and thirty-five pounds;
- (b) the purposes of Part V (Acquisition of land by the Council) of this Act (other than the acquisition of lands for the purposes of the said Part III) such moneys as they may think fit;

Money  
to be raised  
by Council  
on capital  
account.

and may borrow or otherwise provide the money required for those purposes in accordance with the provisions of the London County Council (Finance Consolidation) Act 1912.

**69.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose. Crown  
rights.

**70.—**(1) All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act shall be paid by the Council in like manner Provided that so much of such last mentioned costs charges and expenses as may be incurred in respect of or in connection with the provisions contained in Parts VI (Acquisition of land by the Wandsworth Council) VII (Amendment of Camberwell Payments  
under this  
Act.

[Ch. lxxxvii.] *London County* [19 & 20 GEO. 5.]  
*Council (General Powers) Act, 1929.*

A.D. 1929. — and other Metropolitan Borough Councils (Superannuation) Act 1908) and VIII (Amendment of Saint Marylebone Borough Council (Superannuation) Acts 1908 and 1922) shall be paid as regards the said Part VI by the Wandsworth Council as regards the said Part VII by the Camberwell Council the Deptford Council and the Hackney Council in equal shares and as regards the said Part VIII by the Saint Marylebone Council and such payment shall in each case be made out of the general rate authorised to be levied by the said councils respectively.

(2) All expenses incurred by a borough council in the execution of any of the provisions of this Act shall except as otherwise expressly provided be defrayed out of the general rate authorised to be levied by them.

The SCHEDULES referred to in the  
foregoing Act.

A.D. 1929.

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## FIRST SCHEDULE

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### PART I.

Provisions incorporated with Part II of this Act.

Number of section.	Marginal Note.
LONDON COUNTY TRAMWAYS (ELECTRICAL POWER) ACT 1900.	
3	Use of electrical power.
4	Special provisions as to use of electrical power.
6	Power to construct and provide appliances.
7	Further provisions as to paving materials of roads.
9	Application of materials excavated in construction of works.
10	Alterations in streets &c.
11	Electrical power works subject to Tramways Act 1870.
12	Drainage and cleaning of rails and conduit (as amended by section 37 of the London County Council (Tramways and Improvements) Act 1907).
13	Reference of certain questions to arbitration.
14	Posts &c. to be removed if user discontinued.
22	Agreements as to supply of electric energy.
LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901.	
7	Tramways not to be opened until certified by Board of Trade.
8	As to rails of tramways.
9	Rails to be maintained on level of roadway.
10	Saving rights of access to sewers.
11	Penalty for not maintaining rails and roads in good condition and inspection of tramways.
17	Power to Council to work tramways.
19	For protection of Postmaster-General (as amended (except (B) by section 20 of the London County Council (5) thereof). (General Powers) Act 1927).
22	Provision against interference with tramways.
68	Separate account of receipts and payments relating to tramways.

[Ch. lxxxvii.] *London County Council (General Powers) Act, 1929.* [19 & 20 GEO. 5.]

A.D. 1929.	Number of section.	Marginal Note.
	LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1907.	
	7 (1)	Motive power.
	9	Gauge of tramways.
	12	Application of section 32 of Tramways Act 1870.
	14	Power to make additional crossovers and to double tramway lines.
	17	Power to Postmaster-General in relation to posts &c.
	LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1911.	
	14	Commissioner of Police may affix notices to standards.

PART II.

Provisions incorporated with Part III of this Act.

Number of section.	Marginal Note.
LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1901.	
29	Streets may be raised or lowered.
32	Carriageway footway sewers and other works.
33	Directing how pavement shall be laid and made.
34	Sewers or drains to be arched over or filled up.
35	Power to alter steps areas pipes &c.
38	Power to sell materials.
66	Agreements for closing accounts in cases of joint works.

PART III.

Provisions incorporated with Part IV of this Act.

Number of section.	Marginal Note.
LONDON COUNTY COUNCIL (TRAMWAYS AND IMPROVEMENTS) ACT 1907.	
21	Power to make subsidiary works stop up streets &c.
40	Power to stop up ways temporarily.

**SECOND SCHEDULE.**

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A.D. 1929.

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**PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED  
TO BE TAKEN BY THE COUNCIL.**

<u>Metropolitan borough.</u>	<u>Numbers on deposited plans and in book of reference.</u>
Lewisham	5 6a 8 9 10 16 17 18 19 20 21 22 23 24 25 26 27 29 30 31 33 34 35 36 37 38 39 40 and 42.
Woolwich	1 10 and 11.

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**THIRD SCHEDULE.**

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**PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND  
BY A BOROUGH COUNCIL FOR THE PURPOSES OF THE BATHS  
AND WASHHOUSES ACTS 1846 TO 1925.**

(1) Where a borough council propose to purchase land compulsorily the borough council may submit to the Minister of Health (in this schedule referred to as "the Minister") an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) Any such order shall be of no force unless and until it is confirmed by the Minister and the Minister may confirm the order either without modification or subject to such modifications as he thinks fit and an order when so confirmed shall become final and have effect as if enacted in this Act and the confirmation by the Minister shall be conclusive evidence that the order has been duly made and is within the powers of this Act.

(3) The order shall be in the form prescribed by the Minister and shall contain such provisions as the Minister may prescribe for the purpose of carrying the order into effect and of protecting



[Ch. lxxxvii.] *London Council* [19 & 20 GEO. 5.]  
*Council (General Powers) Act, 1929.*

A.D. 1929. the borough council and the persons interested in the land and shall incorporate subject to the necessary adaptations—

- (a) the Lands Clauses Acts (except sections one hundred and twenty-seven and one hundred and thirty-three of the Lands Clauses Consolidation Act 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act 1919; and
- (b) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act 1845 as originally enacted:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the borough council and shall be sufficient without the addition of the sureties mentioned in that section.

(4) The order shall be published by the borough council in such manner and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners lessees and occupiers of that land as may be prescribed by the Minister.

(5) If within such period as may be prescribed by the Minister notice is given to him by a person interested in the land objecting to the acquisition thereof and specifying the grounds on which he so objects the Minister shall (if the notice is not withdrawn) forthwith cause a public inquiry into the objections of which notice is so given to be held in the locality in which the land is proposed to be acquired and the borough council and all persons interested in the land who shall have given notice of objection as aforesaid shall be permitted to appear and be heard at the inquiry upon the objections specified in the notices given by such persons respectively and the Minister shall before confirming the order duly consider the report of the person by whom such inquiry was held. The costs of or in relation to the inquiry shall be paid by such of the parties concerned in the inquiry and in such proportions as the Minister may direct and the amount directed by the Minister to be paid by any such party shall be recoverable summarily from that party as a civil debt. If no such notice of objection as aforesaid is given to the Minister or if all such notices are withdrawn before an inquiry is held the Minister shall after holding such inquiry (if any) as he may think fit confirm the order unless he is of opinion that the land is unsuitable for the purpose for which it is proposed to be acquired.

(6) In construing for the purposes of this schedule or any order made thereunder any enactment incorporated with the order the section of this Act of which the marginal note is "Compulsory acquisition of land by metropolitan borough councils for purposes of Baths and Washhouses Acts" together with

[19 & 20 GEO. 5.] *London County* [Ch. lxxxvii.]  
*Council (General Powers) Act, 1929.*

the order shall be deemed to be the special Act and the borough council shall be deemed to be the promoters of the undertaking. A.D. 1929.

(7) Where the land is glebe land or other land belonging to an ecclesiastical benefice the order shall provide that sums agreed upon or awarded for the purchase of the land or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

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