



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. lxxx.

An Act to make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis. [25th *June* 1868.]

WHEREAS Subways have been constructed or are proposed to be constructed in the new Streets and Roadways which the Metropolitan Board of Works, in this Act called "the Board," are by virtue of the several Acts set forth in the Schedule to this Act authorized to make within the Metropolis: And whereas, in order to prevent Inconvenience to the Public by the frequent breaking up of the said Streets and Roadways, it is expedient to enable the Board to require Companies or Persons intending or required to place Water, Gas, and other Pipes in the said Streets and Roadways to lay the same in the Subways upon proper Terms and Conditions; and it is also expedient to make other Provision respecting the Use of Subways in the Metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Metropolitan Subways Act, Short Title. 1868."

[*Local.*]

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2. In

The Metropolitan Subways Act, 1868.

Interpreta-
tion of
Terms.

2. In this Act the Term "Subway" means an arched Passage or covered Way under the Surface of a Street constructed for the Reception of Gas, Water, and other Pipes; the Term "Street" has the same Meaning as it has in "The Metropolis Management Act, 1855," and shall include any Roadway on any Embankment or Land reclaimed from the River *Thames* or connected therewith; the Term "Pipe" includes Gas Pipe, Water Pipe, Tube for Telegraph Wires or other Tube, and any Apparatus connected with a Pipe or Tube; the Expression "the Metropolis" means the Metropolis as defined by "The Metropolis Management Amendment Act, 1862."

Extent of
Act.

3. This Act shall apply only to the several Subways under any Street constructed under the Powers of the respective Acts set forth in the Schedule to this Act annexed.

As to new
Pipes.

4. Where any Company, Body, or Person is desirous of laying or may be required to lay any Pipe under the Surface of any Street under which there is a Subway to which this Act applies, and the Board, by Notice served on such Company, Body, or Person, requires them or him to lay the same in the Subway, then, notwithstanding anything in any Special or General Act of Parliament contained, it shall not be lawful for such Company, Body, or Person to lay the same under the Surface of the Street otherwise than in the Subway, or after the Service of such Notice to open or break up the Street for that Purpose.

Power for
Board to re-
quire Com-
panies, &c. to
use Subways.

Remedies
against Com-
panies, &c.
violating
foregoing
Provisions.

5. If any Company, Body, or Person lays a Pipe or opens or breaks up a Street in any respect in contravention of the foregoing Provision, they or he shall for every such Offence (without Prejudice to any other Remedy or Proceeding against them or him) be liable to a Penalty not exceeding Twenty Pounds; and the Board (whether having the Control or Management of the Surface and Soil of the Street or not), if they think fit, may remove the Pipe so laid, and may fill in the Ground and make good the Surface and Pavement of the Street so opened or broken up, and the Expenses incurred by the Board in so doing shall be repaid, on Demand, to the Board by such Company, Body, or Person, and in default of Payment may be recovered as a Penalty is under this Act recoverable.

As to exist-
ing Pipes in
Streets in
which there
is a Subway.

6. Where the Board has before or after the passing of this Act constructed a Subway under any Street to which this Act applies, and a Pipe has been laid under the Surface of the Street otherwise than in the Subway, the Board may, by Notice served on the Company, Body, or Person to whom such Pipe belongs, require them

or

The Metropolitan Subways Act, 1868.

or him to remove the same into the Subway, and the Cost of such Removal shall be defrayed by the Board; and if any Difference arise as to the reasonable Amount of such Cost, the same shall be settled by an Arbitrator to be appointed by the Board of Trade on the Application of either Party, and the Cost of the Reference shall be in the Discretion of the Arbitrator; and if Default be made by the Company in the Removal of any such Pipe, the Board, whether having the Control or Management of the Surface and Soil of the Street or not, if they think fit, may take up the Pipe in respect of which Default is made, and may remove the same into the Subway, and if it be necessary for the Purpose of such Removal to substitute new Pipes for the existing Pipes in the Street, the Arbitrator may apportion the Cost of such Substitution between the Board and the Company, Body, or Person, if he considers the Company, Body, or Person derive any Benefit from the Substitution.

7. This Board shall, so far as Space will admit, and without Favour or Preference, allow Pipes to be laid in a Subway.

Right of all Companies, &c. to use Subways.

8. All Pipes placed in the Subways shall be maintained by the Companies, Bodies, or Persons to whom the same belong, under the Supervision of an Officer appointed by the Board, and the Subways shall be maintained by the Board in an efficient State of Ventilation and Repair, and free from Water and other Obstruction in the Way of the Companies, Bodies, and Persons using the same.

Pipes to be maintained by Companies, &c.

9. The Supervision of the Pipes and the general Supervision of the Subways to be provided by the Board shall be in such Manner and upon such Terms, pecuniary and otherwise, as may be agreed upon between the Board and the Company, Body, and Person using the Subway, and, in case of Difference, the Manner and Terms of such Supervision shall be determined by the Board of Trade, or by an Arbitrator appointed by that Board, on the Application of either Party, and the Costs of the Reference shall be in the Discretion of the Arbitrator, and each Party shall do all Acts necessary to give Effect to such Arbitration.

As to Supervision.

10. For the Purposes and in the Execution of this Act, the Board shall have and may exercise all such Powers, Privileges, and Authorities as are conferred on the Board by the Acts constituting and regulating the Board, and as far as may be the Provisions of those Acts shall apply for the Purposes and in the Execution of this Act, and in particular the Provisions of those Acts relative to Byelaws shall extend to empower the Board to make, alter, and repeal Byelaws for regulating the Use of Subways constructed by the Board before or after the passing of this Act, and of the Com-

Application to this Act of Powers, &c. of Local Management Act, &c.

See Section 202 and following Sections of the Local Management Act, 1855.

munications

The Metropolitan Subways Act, 1868.

munications therewith; and Penalties under this Act shall be recoverable and applicable as Penalties under the said Acts are recoverable and applicable.

No Byelaws to come into operation until allowed by the Board of Trade.

11. No Byelaws made under the Authority of this Act shall come into operation until the same be allowed by the Board of Trade, and Twenty-one Days Notice of the Intention to apply to the Board of Trade for the Allowance of such Byelaws shall be given to the Gas and Water Companies supplying Gas and Water in the Districts in which the Subways to which such Byelaws relate shall be situate; and the Board of Trade may allow, disallow, or alter any such Byelaws as they think proper.

Expenses of Act

12. The Costs, Charges, and Expenses of and incidental and preliminary to the obtaining and passing of this Act, and incurred by the Board in relation thereto, and of carrying the same into effect, shall be paid by the Board out of the Funds which they may raise within the Metropolis, as defined by "The Metropolis Management Amendment Act, 1862," under the Powers and Provisions of "The Metropolis Management Act, 1855," and the Acts amending the same.

The SCHEDULE to which the foregoing Act refers.

ACTS authorizing the making, by the Metropolitan Board of Works, of new Streets and Roadways.

1. Covent Garden Approach, and Southwark and Westminster Communication Act, 1857.
2. Victoria Park Approach Act, 1858.
3. The Thames Embankment Act, 1862.
4. The Thames Embankment Act, 1863.
5. The Metropolis Improvement Act, 1863.
6. The Thames Embankment Act, 1864.
7. The Whitechapel and Holborn Improvement Act, 1865.

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