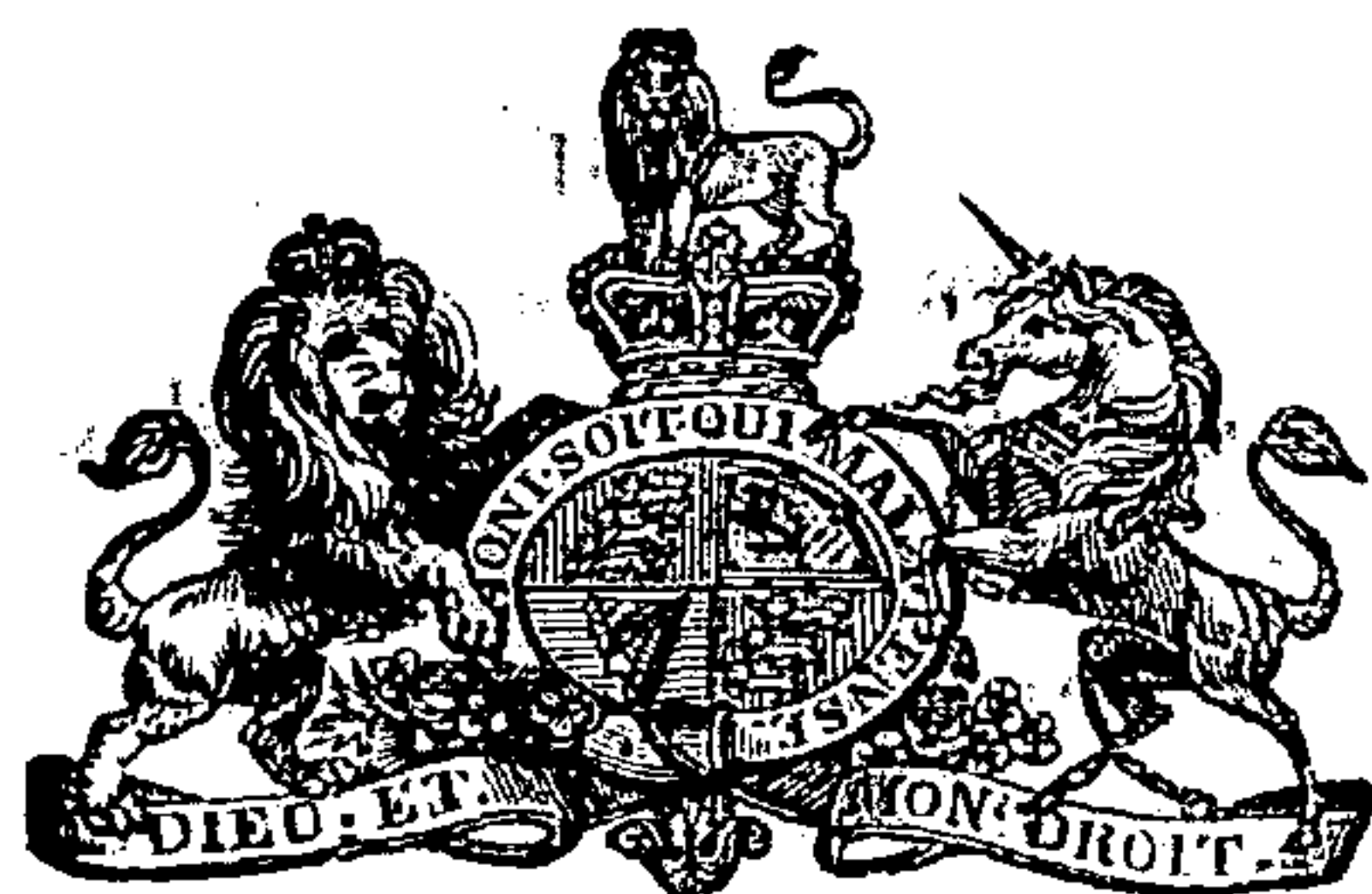


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   Act, 1902.



CHAPTER cclv.

An Act to confer further powers on the Baker Street and Waterloo Railway Company.     [18th November 1902.]     A.D. 1902.

**W**HEREAS by the Baker Street and Waterloo Railway Act 1893 (in this Act called "the Act of 1893") the Baker Street and Waterloo Railway Company (in this Act called "the Company") were incorporated and empowered to raise a share capital of one million two hundred and fifty thousand pounds and to borrow not exceeding four hundred and sixteen thousand pounds and to make and maintain railways from Baker Street in the parish of Saint Marylebone to Waterloo Station in the parish of Saint Mary Lambeth both in the county of London :

And whereas by the Baker Street and Waterloo Railway Act 1896 (in this Act called "the Act of 1896") the time limited by the Act of 1893 for the completion of the railways and works thereby authorised was extended until the twenty-eighth day of March one thousand eight hundred and ninety-nine and the Company were empowered to construct an extension of their authorised line from Baker Street, terminating in Harewood Square in the said parish of Saint Marylebone :

And whereas by the Baker Street and Waterloo Railway Act 1899 (in this Act called "the Act of 1899") the Company were empowered to construct a deviation railway in the parish of Saint Mary Lambeth and a subway for foot passengers in the parish of Saint Martin-in-the-Fields and the time limited by the said Acts of 1893 and 1896 respectively for the completion of the railways and works by those Acts authorised was extended until the twenty-eighth day of March one thousand nine hundred and three :

And whereas it is expedient that the time limited for the completion of the railways and works by those Acts respectively authorised should be extended and that the time limited for the purchase of lands by the Act of 1899 should be also extended :

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And whereas by the Baker Street and Waterloo Railway Act 1900 (in this Act called “the Act of 1900”) the Company were authorised to raise an additional capital of one million pounds and to construct further railways and works in the parishes of Saint Marylebone Paddington Saint Mary Lambeth Saint Mary Newington and Saint George the Martyr Southwark :

And whereas the Company in execution of the powers granted to them by the said Acts respectively have expended three hundred and forty-five thousand two hundred and three pounds in the purchase of lands and five hundred and ninety-nine thousand four hundred and ninety-nine pounds in the execution of works and other matters incidental thereto and have nearly completed so much of their authorised railways as will give a through communication between Waterloo Station and Oxford Circus :

And whereas it is expedient that section 22 of the Act of 1893 and section 22 of the Act of 1900 should be repealed and that further powers should be granted to the Company as to their borrowing powers :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King’s most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Baker Street and Waterloo Railway Act 1902.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part III. (relating to debenture stock) of the Companies Clauses Act 1863 (as amended by any subsequent Act) are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts of 1893 1896 1899 and 1900 respectively and by the Acts wholly or in part incorporated herewith have the same meanings respectively unless there be something in the subject or context repugnant to such construction :

The Acts of 1893 1896 1899 and 1900 mean the Baker Street and Waterloo Railway Act 1893 the Baker Street and Waterloo Railway Act 1896 the Baker Street and Waterloo Railway Act 1899 and the Baker Street and Waterloo Railway Act 1900 respectively “The railways” or “the works” mean the railways and works respectively authorised by the recited Acts ;



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The expression "the council" means the London County Council; A.D. 1902.

The expression "the county" means and includes the administrative county of London.

4. The powers of the Act of 1899 with respect to the compulsory purchase or taking of lands are hereby extended and shall continue in force until the first day of August one thousand nine hundred and four. Extending time for purchase of lands authorised by Act of 1899.

5. The time limited by the Acts of 1893 1896 and 1899 for the completion of the railways and works by those Acts authorised is hereby extended until the first day of August one thousand nine hundred and five except that the Company shall complete the construction of the South Station Tunnel in Northumberland Avenue by the twenty-eighth day of March one thousand nine hundred and three. Extending time for completing railways and works.

6. If the railways and works authorised by the Acts of 1893 1896 and 1899 shall not be completed within the period limited by this Act then on the expiration of such period the powers by the Acts of 1893 1896 and 1899 and this Act granted to the Company for making and completing those railways and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed. Time limited for completion of railways and works.

7. Section 9 of the Act of 1893 is hereby repealed and in lieu thereof the following provisions shall have effect :— For protection of Postmaster-General.

(1) The Company shall so construct their electric lines and works of all descriptions and shall so work their undertaking in all respects as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines :

(2) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make

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any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

- (3) If a telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company be injuriously affected and he is unable to ascertain whether such injurious affection is caused by the Company or by any other persons generating or using electric currents for traction purposes the Postmaster-General may give notice to the Company requiring them to make at such times as he may specify such experiments (by working their generating stations running their cars or otherwise working any part of their undertaking or in case of continuous working by stopping the current generated for the purpose of their undertaking at such times as would not unduly interfere with the traffic) as he may deem necessary to enable him to discover which of the undertakings causes the disturbance and such tests shall be carried out by the Company as and when required by the Postmaster-General :
- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) This section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the railway :
- (6) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878 :
- (7) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

Incorporation of section 43 of Act of 1900.

8. The provisions contained in section 43 of the Act of 1900 (Special provisions as to use of electrical power) shall extend and be applicable in all respects to the railways and works by the Acts of 1893 and 1896 respectively authorised.



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9. The Company shall submit for the approval of the Board of Trade plans sections and other details of their proposals with respect to—

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Plans &c.  
to be ap-  
proved by  
Board of  
Trade.

- (A) Permanent way tunnels platforms stairs lifts and other communications;
- (B) Rolling stock;
- (C) Lighting; and
- (D) Ventilation;

and the railway rolling stock and other works shall be constructed reconstructed and maintained only in accordance with the plans sections and other details as approved by the Board of Trade.

10.—(1) In addition to the provisions of the Acts incorporated herewith with respect to compensation for lands taken or injuriously affected the Company shall make compensation to the owner lessee and occupier of any land house or building which shall be injuriously affected by reason of the working of the railway where constructed in tunnel (including the working of lifts and any other works in connexion with the said railway) notwithstanding that no part of the property of such owner lessee or occupier is taken by the Company. Provided that all claims for compensation under this section shall be made within two years from the date of the opening of the railway for public traffic and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the power of the court or a judge under section 5 of the said Act.

Compensa-  
tion for  
damage by  
working.

(2) An arbitrator under this section may with the consent of all parties concerned hear together any class or group of claims under this section.

11. The Company shall within six months after the date of the passing of this Act cause a survey and a map on a scale of not less than five feet to a mile to be made of the positions in which and the route along which any underground stations platforms approaches passages subways tunnels sidings shafts lifts stairs or other underground works have been laid down or formed by them and shall cause to be marked on such map the course and situation of all such existing underground works belonging to them in order to show all such underground works along the said route and their situation relatively to any streets or roads on the surface over near or adjacent to the same and shall within six months of the making of any alterations or additions cause the said map to be from time to time corrected and such additions made thereto as

Map and  
plan of  
underground  
works of  
Company to  
be made.



A.D. 1902. — may show the line and situation of all such underground works as may be laid down or formed by them from time to time after the passing of this Act and such map and plan or a copy thereof with the date thereon of the last time when the same shall have been so corrected as aforesaid shall be kept in the office of the Company and shall be open to the inspection of the council who shall be entitled to be supplied with copies thereof or extracts therefrom.

Conditions  
to be ob-  
served in  
opening road  
for boring  
purposes.

**12.—(1)** The Company shall furnish to the council full and detailed information as to the strata traversed in any boring for the purposes of their authorised works and other matters of the like nature.

(2) The Company shall not unless with the consent of the council carry on any works of boring through any part of the surface of any street within the county except between the hours of ten in the evening and eight in the morning.

As to  
unsightly  
hoardings.

**13.** The Company shall not erect or permit to be erected in connexion with any part of their authorised works in or within twenty feet above the surface and within view of any public street in the county any machinery which shall not be effectively screened from view or any unsightly hoarding and if the Company shall erect any such machinery or any hoarding which shall in the opinion of the council be unsightly they shall upon being required by the council so to do forthwith make such alterations therein as the council may prescribe and if the Company shall neglect or omit to make such alterations the council and their authorised officers may remove such machinery or hoarding or any part thereof and recover from the Company the costs charges and expenses incurred in so doing.

Buildings  
not to be  
constructed  
within  
prescribed  
distance  
from centre  
of road.

**14.** Notwithstanding anything contained in this or any former Act or shown on the deposited plans referred to in any such Act it shall not be lawful for the Company to erect any building or structure in such manner that any external wall thereof or the external fence or boundary of any forecourt or space in front thereof shall be within the prescribed distance (as defined by the London Building Act 1894) from the centre of the roadway of any street or way (being a highway) upon which the same will abut.

Inspection  
of works by  
council.

**15.** It shall be lawful for the engineer or other officer of the council duly appointed for the purpose by the said engineer from time to time to enter upon and inspect any underground works of the Company within the county.



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**16.** If the Company shall construct any work not being an essential part of the railways by this or any former Act authorised which would interfere with or prevent the construction or use of any subway or tunnel which the council are or may hereafter be authorised and intending to construct the Company shall upon being so required by the council and at the expense of the council make all such alterations in such work as may in the opinion of the council be necessary for the purposes of such subway or tunnel and as would not prevent the use of or reasonable access to the said railways.

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For protection of future subways of Council.

**17.** The Company shall not generate use or supply electrical energy otherwise than for the purposes of their authorised undertaking or the undertaking of any company over whose railways they have running powers or which is worked in connexion with their undertaking.

Limiting use of electrical energy.

**18.** All stations for generating electrical energy shall be so constructed as far as practicable of iron steel brick stone glass or concrete or such other materials of such description as to secure stability in such generating stations and minimise risk of danger from fire The provisions of the London Building Act 1894 and any Act or Acts amending the same with respect to the materials to be used in construction and the submission and approval of plans shall not apply to any such generating stations But the Company shall before commencing to erect any such generating station submit plans thereof with explanatory information relating thereto to the Board of Trade for their approval.

As to construction of generating stations.

**19.** The Company shall permit all persons to use without payment of any toll or charge all subways to be constructed by the Company for public use and having direct access to any public street at all times at which the same shall be open for public use.

Public subways to be free of toll or charge.

**20.** It shall not be lawful for the Company to take or demand on Sunday or on any bank or public holiday any higher rates or charges than those levied or made by them on ordinary working days.

Company not to increase fares on bank holidays &c.

**21.** The Company shall on demand pay to the council the amount of all costs charges and expenses (other than remuneration for work done in the ordinary course of employment by salaried officers of the council) incurred by them in or about the inspection and approval of plans or works or otherwise in respect of any matter or thing which the Council are by this or any former Act required or permitted to do.

Company to pay to council costs of inspection &c.



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As to sub-  
mission of  
notices &c.

22. Where under the provisions of this or any former Act any notice plans sections elevations or drawings are required to be given or submitted to the council the same shall save where otherwise expressly required be deemed to have been duly given or submitted if the same shall have been sent by post addressed to the clerk to the council.

Repeal of  
section 22 of  
Act of 1893.

23. Section 22 of the Act of 1893 is hereby repealed and in lieu thereof be it enacted that in respect of the railways authorised by that Act the Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole four hundred and sixteen thousand pounds but no part thereof shall be borrowed until the whole capital of one million two hundred and fifty thousand pounds by that Act authorised is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Repeal of  
section 22 of  
Act of 1900.

24. Section 22 of the Act of 1900 is hereby repealed and in lieu thereof be it enacted that in respect of the railways authorised by that Act the Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole three hundred and thirty-three thousand pounds in manner following (that is to say) The Company may as each sum of three hundred thousand pounds of the capital has been issued and accepted and one-half of each such sum has been paid up borrow on mortgage any sums not exceeding one hundred thousand pounds and in respect of the remaining one hundred thousand pounds may borrow any sum not exceeding thirty-three thousand pounds but no part thereof shall be borrowed until the whole of the capital in respect of which the borrowing power is exercised is issued and accepted and one half thereof is paid up and the Company have proved to



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the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares or stock or shares and stock for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and not less than one-fifth part of the amount of each separate share and the whole amount of the stock in the said portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares or stock or shares and stock as the case may be were issued and accepted and such one half of the said portion of capital was paid up bonâ fide and that such shares or stock or shares and stock as the case may be are held by the persons to whom the same were issued or their executors administrators successors or assignees and also in so far as the said portion of capital is raised by shares that such persons their executors administrators successors or assignees are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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25.—(1) The Company shall not under the powers of any former Act extended by this Act purchase or acquire in any metropolitan borough or in the city of London twenty or more houses or sites of houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions  
on displacing  
persons of  
labouring  
class in  
London.

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

(B) Shall have given security to the satisfaction of the Secretary of State for the carrying out of the scheme.

(2) The approval of the Secretary of State to any scheme under this section may be given either absolutely or conditionally and



A.D. 1902. — after the Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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

Provided that the Secretary of State may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

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

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

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require.

(7) The Company may on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid, and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this



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section shall for a period of twenty-five years from the date of such A.D. 1902.  
scheme be appropriated for the purpose of such dwellings and every  
conveyance demise or lease of such lands and buildings shall be  
endorsed with notice of this enactment :

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

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

(9) The Secretary of State may direct any inquiries to be held  
by any persons appointed by him as inspectors which he may deem  
necessary in relation to any scheme under this section or to the  
carrying out thereof and may appoint or employ inspectors for the  
purposes of any such inquiry and the inspectors so appointed or  
employed shall for the purposes of any such inquiry have all such  
powers as the inspectors of the Local Government Board have for  
the purposes of inquiries directed by the Local Government Board  
under the Public Health Act 1875.

(10) The Company shall pay to the Secretary of State any  
expenses incurred by him in relation to any inquiries under this  
section including the expenses of any witnesses summoned by the  
inspector and a reasonable sum to be fixed by the Secretary of State  
for the services of such inspector.

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



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A.D. 1902. by such number of such persons as in the opinion of the Secretary of State they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Extending provisions of Act of 1893 for appointment of a receiver.

26. The provisions contained in section 23 of the Act of 1893 as to the appointment of a receiver shall extend and be applicable to this Act as if the same had been re-enacted in this Act with reference thereto.

Deposits for future Bills not to be paid out of capital.

27. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

28. Nothing in this Act contained shall exempt any company named in this Act or the railway of any such company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

29. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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