

**CHAPTER ccxvi.**

An Act to extend the time limited by the Baker Street and Waterloo Railway Act 1900 for the compulsory purchase of lands and for the construction of certain of the railways authorised by that Act and for other purposes. A.D. 1903.
[11th August 1903.]

WHEREAS the Baker Street and Waterloo Railway Company (hereinafter referred to as “the Company”) was incorporated by the Baker Street and Waterloo Railway Act 1893 (hereinafter referred to as “the Act of 1893”) whereby the Company were authorised to make and maintain underground railways between Baker Street and Waterloo Stations :

And whereas by the Baker Street and Waterloo Railway Act 1896 (hereinafter referred to as “the Act of 1896”) the Company were authorised to extend their authorised railway from Baker Street to Harewood Square :

And whereas by the Baker Street and Waterloo Railway Act 1900 (hereinafter referred to as “the Act of 1900”) the Company were authorised inter alia to extend their line from Harewood Square to Bishop’s Road and to construct a subway from Bishop’s Road to the north-eastern side of Eastbourne Terrace in the borough of Paddington :

And whereas the period limited by the Act of 1900 for the compulsory purchase of lands for the purposes of the railways and works thereby authorised will expire on the 6th day of August 1903 and the period for the completion of such railways and works will expire on the 6th day of August 1905 and it is expedient that such periods should be extended and that such other provisions should be made in reference thereto as in this Act provided :

A.D. 1903. — 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 (Extension of Time) Act 1903.

Incorporation of Part II. of Railways Clauses Act 1863. **2.** Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Extension of time for purchase of lands. **3.** The powers granted to the Company by the Act of 1900 for the compulsory purchase of lands for the purposes of that Act are hereby extended and may be exercised for a period of two years from the 6th day of August 1903.

Extension of time for completion of works. **4.** The time limited by the Act of 1900 for the completion of the railways and works by that Act authorised shall be and the same is hereby extended until the expiration of two years from the 6th day of August 1905 and on the expiration of that period the powers granted to the Company by the Act of 1900 for making and completing the railways and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Certain sections of Act of 1900 to apply. **5.** Sections 14 and 15 of the Act of 1900 the marginal notes whereof are respectively "Deposit money not to be repaid except so far as railway is opened" and "Application of deposit" shall respectively apply and have effect as fully and effectually as if such sections had been specially re-enacted in this Act and shall be read and construed as if the period extended and limited by this Act for the completion of the railways had been the period limited by the Act of 1900 for such completion.

Extending provisions of Act of 1900. **6.** The following sections of the Act of 1900 except so far as the same are expressly repealed varied or amended by this Act are incorporated with and form part of this Act as fully and effectually to all intents and purposes as if those sections had been repealed and expressly re-enacted in this Act with reference thereto (that is to say) :—

Section 6 Extending provisions of Act of 1899 (except so far as such provisions extend to sections 44 45 48 52 and 94 of the Act of 1893).

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| Section 7 | Works within twenty-five feet of surface to be constructed in accordance with plans approved by Council. | A.D. 1903. |
| Section 8 | Deposit of objects of interest. | |
| Section 9 | Lands for generating station. | |
| Section 11 | Lands for extraordinary purposes. | |
| Section 13 | Owners may be required to sell parts only of certain lands and buildings. | |
| Section 17 | Power to apply funds to purposes of Act. | |
| Section 25 | For the protection of the Paddington Estate. | |
| Section 26 | For the protection of the Portman Estate. | |
| Section 27 | For the protection of the rector and churchwardens of Christ Church Saint Marylebone. | |
| Section 28 | Company to widen Harewood Place. | |
| Section 31 | For protection of Grand Junction Canal Company. | |
| Section 32 | For the protection of the Great Western Railway Company. | |
| Section 34 | For protection of the Baker Estate. | |
| Section 35 | For the protection of the Great Central Railway Company. | |
| Section 37 | For the protection of the vestry of the parish of Paddington. | |
| Section 38 | For the protection of the Holy Trinity Church Paddington. | |
| Section 39 | For the protection of the Frederick Hotels Limited and the Hotel Great Central. | |
| Section 41 | For the protection of the London County Council. | |
| Section 43 | Special provisions as to use of electrical power. | |
| Section 45 | Power to pay interest out of capital during construction. | |

7. The provisions of the London Building Act 1894 and any Act or Acts amending the same shall (except so far as the same may be expressly varied by this Act) apply to the execution by the Company of any works on any lands in the administrative county of London which may be acquired by them under the powers extended by this Act and the Company shall save as aforesaid be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Act contained but no such exemptions shall be deemed to apply to such part of any building as shall be used or intended to be used for other than railway purposes.

Application
of London
Building
Acts.

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Station en-
trances and
exits.

8. The entrances and exits to and from the station buildings of the Company erected on any lands acquired under the powers extended by this Act in the administrative county of London and the booking offices waiting rooms and conveniences to be provided therein for passengers shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in the adjoining streets and all such works shall be executed only in accordance with plans thereof previously submitted to and approved by the London County Council and in case any question shall arise between the Company and the council as to such plans or the approval thereof such question shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Buildings
not to be
brought be-
yond general
line &c.

9. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the administrative county of London or without the consent of the London County Council to erect or maintain any building or structure beyond the general line of buildings in any street part of a street place or row of houses in the said county or 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 distances hereinafter prescribed from the centre of the roadway of any street or way (being a highway) upon which the same will abut that is to say where such street or way is used for the purposes of carriage traffic twenty feet and where such street or way is used for the purposes of foot traffic only ten feet.

Compensa-
tion for
damage by
working.

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 connection 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. A.D. 1903.
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(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.—(1) The Company shall not under the powers of this Act or 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 next before the passing of this Act or of the former Act by which the purchase or acquisition was originally authorised 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 displac-
ing persons
of labouring
class.

(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 said fifteenth day of December next before the passing of this Act or of the former Act as the case may be 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 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 buildings 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.

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(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 houses site or sites for the purposes of this Act or of any former Act the powers of which are extended by 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 section shall for a period of twenty-five years from the date of such 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. A.D. 1903.

(9) The Secretary of State may direct any inquiries to be held by any person 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 and employ inspectors for the purposes of any such inquiries and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as 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 or sites of houses purchased or acquired by the Company for or in connection with any of the purposes of this Act or of any former Act the powers of which are extended by this Act whether purchased or acquired in exercise of the powers conferred 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 of the passing of this Act or of such former Act as the case may be and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State 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 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

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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.

Provision as
to general
Railway Acts.

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

Costs of Act.

13. 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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