



CHAPTER xxxix.

An Act to empower the London County Council A.D. 1928.
to enlarge their tramway subway and to recon-
struct the tramways therein and adjacent thereto
to make street improvements and for other
purposes. [2nd July 1928.]

WHEREAS the London County Council (hereinafter referred to as "the Council") by virtue of the London County Council (Subways and Tramways) Act 1902 as amended and extended by the London County Council (Tramways and Improvements) Act 1906 have constructed and own and use a subway or covered way with approaches thereto (hereinafter called "the subway") between a point near the junction of Southampton Row with Vernon Place and the Victoria Embankment in the administrative county of London and by virtue of the said Acts have constructed and own and work tramways (hereinafter called "the tramways") in and adjacent to the subway :

And whereas owing to the insufficient dimensions of the subway the Council are able to run only single-decked tramcars on the tramways instead of the double-decked tramcars in use by them generally on their tramway system :

And whereas it is expedient that the Council should be authorised to enlarge the subway so as to accommodate double-decked tramcars to afford better access by tramway to the various parts of the tramway system of

A.D. 1928. — the Council and greater public convenience and traffic facilities and to reconstruct the tramways as by this Act provided :

And whereas it is expedient to confer upon the Council in connection with and for the purposes of such enlargement and reconstruction the powers hereinafter set forth :

And whereas it is expedient that the Council should be empowered to execute the street improvements and works by this Act authorised and to acquire lands for those purposes :

And whereas it is expedient to confer on the Council such powers as are hereinafter set forth with regard to the raising of money for the purposes of this Act :

And whereas it is expedient to confer upon the Council the other powers in this Act mentioned :

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

And whereas an estimate has been prepared by the Council of the amount which they will require to expend on capital account for and in connection with the said enlargement of the subway and for the acquisition of lands and easements therefor and for and in connection with the reconstruction and equipment of the tramways and such estimate amounts to three hundred and twenty-six thousand five hundred pounds :

And whereas an estimate has been similarly prepared of the amount which the Council will require to expend on capital account for the execution of the said street improvements and works connected therewith and for the acquisition of lands therefor and such estimate (being calculated to cover the original cost of purchasing lands and executing the works without any allowance in respect of returns from resale or letting of lands or from contributions from metropolitan borough councils or other authorities) amounts to one hundred and ten thousand two hundred pounds :

And whereas the Council have deposited with the clerk of the peace for the county of London plans and sections showing the lines and levels of the works by this Act authorised and the lands in through or under which the said works may be made or which may be taken

for the purposes thereof or otherwise under the powers of this Act and also 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 and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference : A.D. 1928.
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May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the London County Council (Tramway Subway and Improvements) Act 1928. Short title.

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

Part I.—Preliminary.

Part II.—Enlargement of subway and reconstruction of tramways.

Part III.—Street improvements.

Part IV.—Extensions of time.

Part V.—Miscellaneous.

3. The provisions of the Lands Clauses Acts (so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act with the following exceptions and modifications :— Incorporation of Acts.

(a) Sections 127 and 133 of the Lands Clauses Consolidation Act 1845 shall not apply in the case of any lands purchased by the Council under the powers of this Act ;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section.

[Ch. xxxix.] *London County* [18 & 19 Geo. 5.]
Council (Tramway Subway and Improvements) Act, 1928.

A.D. 1928.
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Interpreta-
tion.

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

“the Council” means the London County Council;

“the county” means the administrative county of London;

“the Westminster Council” means the mayor aldermen and councillors of the city of Westminster;

“the Holborn Council” means the council of the metropolitan borough of Holborn;

“the Shoreditch Council” means the council of the metropolitan borough of Shoreditch;

“the Act of 1902” means the London County Council (Subways and Tramways) Act 1902;

“the subway” means the tramway subway of the Council with the approaches thereto extending between a point near the junction of Southampton Row and Vernon Place and the Victoria Embankment in the county;

“the tramways” means the portion of the tramways of the Council which may be reconstructed under the provisions of this Act and any part thereof;

“the reconstructed tramways” means the tramways as reconstructed under the provisions of this Act and any part thereof;

“the improvements” means the street improvements and works by Part III. of this Act authorised and any part thereof;

“the Lands Clauses Acts” means the Lands Clauses Acts as varied 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 powers of this Act;

“street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893.

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. A.D. 1928.
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(2) Where in this Act any distance or length is stated in the description of any works that distance or length shall be read and have effect as if the words "or thereabouts" were inserted thereafter.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or varied by or in pursuance of any subsequent enactment including this Act.

PART II.

ENLARGEMENT OF SUBWAY AND RECONSTRUCTION OF TRAMWAYS.

5. The Council may construct maintain and use in the lines and according to the levels shown on the deposited plans and sections the work hereinafter described with all necessary and proper stations station entrances and refuges works and conveniences in connection therewith and may in connection with or for the purposes of such work alter any refuges or subways or any stations station entrances or any other works in or held in connection with the subway. Enlarge-
ment of
subway.

The work hereinbefore referred to will be situate in the county and is—

An enlargement of the subway (5 furlongs and 1 chain in length) commencing in the metropolitan borough of Holborn at a point 3 chains southward of the junction of Vernon Place with Southampton Row and terminating in the city of Westminster at a point on the northern side of the Victoria Embankment $1\frac{1}{2}$ chains eastward of Savoy Street.

6.—(1) The Council may reconstruct (which expression where used in this Part of this Act includes the placing of the reconstructed tramways in a different position from that occupied by the tramways) in the lines and according to the levels shown on the deposited Reconstruction
tion of
tramways.

A.D. 1928. plans and sections the tramways hereinafter described.
— (that is to say):—

- (a) So much of the tramways in the subway in the metropolitan borough of Holborn and the city of Westminster as lies between a point 3 chains southward of the junction of Vernon Place with Southampton Row and a point on the northern side of the Victoria Embankment $1\frac{1}{2}$ chains eastward of Savoy Street such point being the termination of the subway;

The said reconstructed tramways will be a double line 5 furlongs 1 chain in length:

- (b) So much of the tramways in the city of Westminster as lies between the said point on the Victoria Embankment and a point opposite Savoy Street;

The said reconstructed tramways will be a double line 2·23 chains in length:

- (c) So much of the tramways in the city of Westminster as lies between the said point on the Victoria Embankment and a point $2\frac{1}{2}$ chains eastward of the junction of Savoy Street with the said Embankment;

The said reconstructed tramways will be a double line 2·09 chains in length.

(2) The reconstructed tramways shall for all purposes form part of the tramway undertaking of the Council.

System of traction.

7. The tramways shall be reconstructed so that the same system of electrical traction may be used in working the same as is used in working the tramways as existing at the date of the passing of this Act.

Deviation from lines and levels.

8. In constructing the enlargement of the subway and reconstructing the tramways the Council may subject to the provisions of this Part of this Act deviate to any extent from the lines thereof within the limits of deviation shown on the deposited plans and the Council may subject to the provisions of this Part of this Act deviate to any extent not exceeding eight feet from the levels thereof shown on the deposited sections.

9.—(1) For the purpose of enlarging the subway or constructing or altering any stations station entrances refuges or other works and conveniences in connection therewith the Council may within the limits of deviation shown on the deposited plans open break up stop up and appropriate the site and soil of any part of any street or footpath. A.D. 1928.
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Encroach-
ment on
surface of
streets and
reduction of
footpaths.

(2) The Council may within such limits widen or alter the carriageway of Southampton Row by reducing the width of the footpath at the side thereof at the places hereinafter mentioned to an extent not exceeding the extent shown on such plans but in the exercise of the powers of this section the Council shall not reduce the width of any such footpath to less than eleven feet.

The said places are as follows:—

- (a) On the eastern side of Southampton Row between Fisher Street and a point $\frac{1}{2}$ chain southward thereof;
- (b) On the western side of Southampton Row between points respectively $\frac{1}{2}$ chain northward and 1 chain southward of the junction of Fisher Street with Southampton Row.

10. In connection with the reconstruction of the tramways the Council may to the extent shown on the deposited sections lower the carriageway of the Victoria Embankment in the city of Westminster on the northern side thereof between points respectively 1 chain and 2 chains eastward of the junction of Savoy Street with the Victoria Embankment. Alterations
of street
level.

11. If the execution of the works by this Part of this Act authorised is not completed on or before the thirty-first day of December one thousand nine hundred and thirty-three then as from that date the powers of the Council under this Act for the execution of the same shall cease except so far as the same are then completed. Period for
completion
of works.

12. The Council may during the execution of the works by this Part of this Act authorised wholly or partially stop or suspend the working or user of the subway or the tramways or any portion thereof without being subject to any liability penalty or forfeiture by reason or in consequence of any such stoppage or suspension. As to cesser
of working.

A.D. 1928.

Power to
take lands.

13. The Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Part of this Act.

Acquisition
of ease-
ments in
lands.

14.—(1) With respect to any of the lands shown on the deposited plans and described in the deposited book of reference in relation to this Part of this Act and notwithstanding anything contained in this Act or shown on the said plans the Council may purchase take and use and the owners of and all other persons interested in any such lands shall if so required by the Council sell to the Council an easement or right of using the subsoil and undersurface thereof for the purposes of this Act.

(2) The provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of user except that no such easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

As to cellars
or vaults.

15. Nothing in this Act shall authorise the Council to enter upon take or use (except by agreement) any cellar or vault belonging to or connected with any building unless such cellar or vault or the building to which it belongs or with which it is connected is described in the deposited book of reference.

Incorporation of
sections of
previous
Acts.

16.—(1) The sections of the London County Tramways (Electrical Power) Act 1900 the London County Council (Tramways and Improvements) Act 1901 the Act of 1902 the London County Council (Tramways and Improvements) Act 1906 the London County Council (Tramways and Improvements) Act 1907 and the London County Council (General Powers) Act 1927 of which the numbers and marginal notes are respectively set forth in this section are hereby incorporated with and form part of this Part of this Act and the said sections shall so far as applicable extend and apply to the works authorised by this Part of this Act and to the lands and easements which the Council are authorised to acquire by this Part of this Act and to the subway as enlarged and the reconstructed 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 Act with reference thereto.

[18 & 19 GEO. 5.] *London County* [Ch. xxxix.]
Council (Tramway Subway and Improvements) Act, 1928.

The sections of the said Acts hereinbefore referred to A.D. 1928.
are :—

London County Tramways (Electrical Power) Act
1900—

- Section 4 (Special provisions as to use of electrical power);
- Section 6 (Power to construct and provide appliances);
- Section 9 (Application of materials excavated in construction of works);
- Section 10 (Alterations in streets &c.); and
- Section 13 (Reference of certain questions to arbitration).

London County Council (Tramways and Improvements) Act 1901—

- Section 7 (Tramways not to be opened until certified by Board of Trade);
- Section 8 (As to rails of tramways);
- Section 10 (Saving rights of access to sewers);
- Section 11 (Penalty for not maintaining rails and roads in good condition and inspection of tramways);
- Section 17 (Power to Council to work tramways);
- Section 19 (For protection of Postmaster-General) except paragraph (B) (5) of that section and as amended by the *London County Council (General Powers) Act 1927*;
- Section 22 (Provision against interference with tramways);
- Section 38 (Power to sell materials);
- Section 50 (Alteration of electric lines); and
- Section 57 (Receipts of Council to be effectual discharges).

The Act of 1902—

- Section 6 (Gauge of tramway &c.) ;
- Section 7 (Power to stop up ways temporarily);
- Section 8 (Power to alter sewers &c.);

[Ch. xxxix.] *London County* [18 & 19 Geo. 5.]
Council (Tramway Subway and Improvements) Act, 1928.

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- Section 13 (Council empowered to underpin or otherwise strengthen houses near subway);
- Section 16 (Power to certain persons to grant easements &c. by agreement);
- Section 17 (Correction of errors &c. in deposited plans and book of reference);
- Section 18 (Power to Council to enter upon property for survey and valuation);
- Section 20 (Alteration of position of water gas and other pipes);
- Section 21 (For protection of gas and water companies);
- Section 29 (Vaults &c. of Somerset House not to be interfered with without consent of Commissioners of Works);
- Section 30 (Saving rights of Crown);
- Section 31 (Authorising dealings with property of Duchy of Lancaster);
- Section 32 (Saving rights of Duchy of Lancaster);
- Section 35 (Apportionment of expenses of subway and tramway); and
- Section 36 (Separate account of receipts and payments relating to tramway).

The London County Council (Tramways and Improvements) Act 1906—

- Section 30 (Byelaws);
- Section 31 (Penalty for contravention of byelaws as to explosives and dangerous packages); and
- Section 55 (Applying provisions of London County Council (Subways) Act 1893).

The London County Council (Tramways and Improvements) Act 1907—

- Section 7 (1) (Motive power); and
- Section 14 (Power to make additional cross-overs and to double tramway lines).

[18 & 19 GEO. 5.] *London County* [Ch. xxxix.]
Council (Tramway Subway and Improvements) Act, 1928.

The London County Council (General Powers) Act A.D. 1928.
1927—

Section 20 (For protection of Postmaster-General).

Provided that for the purposes of this section—

(a) 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 for the Metropolis” had been inserted therein after the words “twenty inhabitant ratepayers of such district”;

(b) the incorporated sections 20 and 21 of the Act of 1902 shall be read and construed as if the Metropolitan Water Board and the London Hydraulic Power Company were water companies.

(2) The provisions of sections 26 30 31 and 33 of the Tramways Act 1870 with respect to the making forming laying down maintaining and renewing of a tramway shall extend and apply to the reconstruction of the tramways and shall also apply as if all conduits tubes pipes wires and other apparatus used or to be used by the Council for the purposes of electrical power were parts of the tramways and for the purposes of the said sections the expression “the promoters” means the Council.

17. Section 29 of the Act of 1902 (Vaults &c. of Somerset House not to be interfered with without consent of Commissioners of Works) shall extend to and include the site bounded on the north by the property known as 125 to 130 Strand or Wellington House on the south by the property at present occupied by the Duchy of Lancaster as offices on the east by Wellington Street and on the west by Savoy Street and to any buildings with their foundations erected or hereafter to be erected thereon and any vaults under Wellington Street appurtenant to such buildings and the Council shall in respect thereof be under the restrictions and obligations of the said section. Provided that nothing in the section shall affect the Council's rights of determination and re-entry contained in a lease of certain vault spaces dated the eighteenth day of April one thousand nine hundred and

Extending
section 29
of Act of
1902.

A.D. 1928. twenty-eight and made between the Council and the
— solicitor for the affairs of the Duchy of Lancaster.

For pro-
tection of
Westmin-
ster Council.

18. For the protection of the Westminster Council the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans or sections apply and have effect unless otherwise agreed between the Council and the Westminster Council (that is to say):—

(1) The Council shall not construct or maintain any of the works by this Part of this Act authorised (in this section hereinafter referred to as “the authorised works”) in such a way as to damage or interfere with the existing public conveniences of the Westminster Council in Wellington Street or to prevent or hinder the proposed reconstruction of the said conveniences or the construction of subways to be used in connection therewith :

(2) At least one month before commencing to alter any existing or to construct any new station entrance or refuge in the city of Westminster the Council shall deliver to the Westminster Council detailed plans drawings and sections describing the exact position and manner in and the level at which the work is proposed to be constructed and no such works shall be commenced or constructed except in accordance with such plans drawings and sections as reasonably approved by the Westminster Council :

Provided that if the Westminster Council do not signify to the Council their approval or disapproval of such plans drawings and sections within 28 days of the delivery thereof they shall be deemed to have approved the same :

(3) The Council shall not during the execution of any of the authorised works stop up or cause to be stopped up or break up the surface of or erect or place any hoarding or obstruction to traffic in any street vested in the Westminster Council except with the consent of that Council which consent shall not be unreasonably withheld :

(4) The Council shall not in the construction or maintenance of any of the authorised works

interfere with or damage any other works or property of the Westminster Council and shall indemnify the Westminster Council against and repay to the Westminster Council any costs charges and expenses that that Council may be put to or incur by reason of any such interference with or damage to any such works or property :

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- (5) Any dispute between the Council and the Westminster Council as to whether any requirements of the Westminster Council are reasonable or as to whether any consent of the Westminster Council is unreasonably withheld shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and any such reference shall be deemed a submission to arbitration under the Arbitration Act 1889.

19. For the protection of the Holborn Council the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans or sections apply and have effect unless otherwise agreed between the Council and the Holborn Council (that is to say) :—

For protection of
Holborn
Council.

- (1) At least one month before commencing to alter any existing or to construct any new station entrance or refuge in the metropolitan borough of Holborn the Council shall deliver to the Holborn Council detailed plans drawings and sections describing the exact position and manner in and the level at which the work is proposed to be constructed and no such works shall be commenced or constructed except in accordance with such plans drawings and sections as reasonably approved by the Holborn Council. Provided that if the Holborn Council do not signify to the Council their approval or disapproval of such plans drawings and sections within twenty-eight days of the delivery thereof they shall be deemed to have approved the same :
- (2) The Council shall not during the execution of any of the works by this Part of this Act authorised (in this section hereinafter referred to as

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“ the authorised works ”) stop up or cause to be stopped up or break up the surface of or erect or place any hoarding or obstruction to traffic in any street vested in the Holborn Council except with the consent of that Council which consent shall not be unreasonably withheld :

(3) The Council shall not except with the consent of the Holborn Council (which shall not be unreasonably withheld) in the construction or maintenance of any of the authorised works interfere with any works or property of the Holborn Council and shall indemnify the Holborn Council against and repay to the Holborn Council any costs charges and expenses that that Council may be put to or incur by reason of any interference with or damage to any such works or property :

(4) Any dispute between the Council and the Holborn Council as to whether any requirements of the Holborn Council are reasonable or as to whether any consent of the Holborn Council is unreasonably withheld shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and any such reference shall be deemed a submission to arbitration under the Arbitration Act 1889.

For protection of
Metropolitan District
Railway
Company.

20. For the protection of the Metropolitan District Railway Company (in this section called “ the company ”) the following provisions shall notwithstanding anything in this Act contained have effect unless otherwise agreed between the Council and the company (that is to say) :—

(1) The Council shall execute all works in connection with the enlargement of the subway and the reconstruction of the tramways which will be situate within thirty-six feet six inches of the railway of the company (which works together with the subway as enlarged and the tramways as reconstructed are in this section referred to as “ the said works ”) in such a manner as to interfere as little as possible with the said railway and the tunnels thereof and works connected therewith (all of which are hereinafter in this section referred to as “ the railway ”) and

the Council shall so maintain such subway when enlarged and tramways when reconstructed as not to interfere with the railway : A.D. 1928.
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- (2) The Council shall not without the consent in writing of the company acquire any part of the structure of the railway of the company :
- (3) The said works shall only be executed according to plans sections and specifications previously submitted to and reasonably approved by and to the reasonable satisfaction of the engineer of the company (in this section referred to as "the engineer") :

Provided that unless the company by notice in writing to the Council within twenty-eight days after the submission of such plans sections and specifications give notice in writing to the Council objecting thereto or making any requirement with respect thereto the said plans sections and specifications shall be deemed to have been approved on behalf of the company and the work may be proceeded with accordingly :

- (4) In the event of any injury being caused to the railway by the said works or the maintenance working or failure thereof the company may at the reasonable expense of the Council restore the railway or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned and the company may recover from the Council the amount of such expense :
- (5) The said works shall be so executed maintained and worked that the traffic upon the railway shall not be impeded or interfered with :
- (6) The company may if they deem fit employ such watchmen or inspectors or other persons as may be reasonably necessary to watch and inspect the said works during the execution or subsequent alteration thereof and the wages of such watchmen or inspectors or other persons shall be borne by the Council and the Council shall afford full and free right of entry to the said works to such watchmen inspectors or other

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persons during the execution or alteration of the said works :

- (7) The Council shall be responsible for and make good to the company all costs losses damages and expenses which may be occasioned to the company or to the railway or to the traffic thereon during and by reason of the execution alteration maintenance working or failure of the said works or by the acts or defaults of the Council or of any persons in their employ or of their contractors or otherwise and the Council shall effectually indemnify and hold harmless the company from all claims and demands made upon or against them by reason of such execution alteration maintenance working or failure or of any such act or default Provided that the company shall give to the Council immediate notice of any such claim or demand and that no settlement or compromise thereof shall be made except with the consent of the Council:
- (8) If and whenever in the opinion of the company any alteration or strengthening of the railway shall be rendered necessary by reason of the execution maintenance or user of the said works the company shall give the Council twenty-eight days' notice (or in case of emergency such notice as may be reasonably practicable) of the works which in the opinion of the company are necessary and unless the nature and extent of such works shall be agreed upon between the Council and the company it shall be referred to arbitration to determine what works may be necessary for so altering or strengthening the railway and pending such determination the execution or working of the said works shall not be proceeded with at the place in question other than in case of emergency such works as the company consider necessary The reasonable costs and expenses of and incidental to such works shall be paid by the Council and upon the completion of such works the Council shall also pay such a sum as may be agreed between the Council and the company or (in default of agreement) determined by arbitration by way of compensation for and

in satisfaction of all claims by the company A.D. 1928.
in respect of the additional expense (if any)
of maintenance arising from any alteration or
strengthening of the railway :

- (9) If the company shall at any time require to strengthen reconstruct alter or repair the railway and shall find it necessary for such purpose that the working or user of any part of the said works be wholly or in part stopped or delayed or that such part of the said works be temporarily diverted or 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 the case of emergency such notice as may be reasonably practicable) requiring such stoppage delay diversion taking up or removal then the working or user of such part of the said works shall be stopped or delayed or such part of the said works shall be diverted taken up or removed at the reasonable expense of the Council and under the superintendence of the engineer (if he shall give such superintendence) but only to such extent and for so long as shall be reasonably necessary for effecting such purpose as aforesaid and such part of the said works 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 diversion taking up or removal as aforesaid :

Provided that if such part of the said works be constructed as a double line of tramway the company shall not be at liberty to require more than one line of rails to be stopped at any one time or if such part of the said works be constructed as a single line of tramway 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 :

- (10) If any difference arise under this section between the Council and the company the matter in difference shall be referred to and be determined by an engineer to be appointed in default

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of agreement by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

PART III.

STREET IMPROVEMENTS.

Power to
Council to
execute im-
provements:

21. The Council may execute in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the improvements in the county hereinafter described viz. :—

(a) A widening in the city of Westminster and the metropolitan borough of Holborn of Great Queen Street on the south-eastern side thereof between Drury Lane and Wild Street ;

(b) A widening in the metropolitan borough of Shoreditch of Shoreditch High Street on the eastern side thereof between Bethnal Green Road and a point $\frac{1}{2}$ chain southward of the junction of Church Street with Shoreditch High Street.

Power to
Council to
take lands.

22.—(1) The Council may enter upon take and use any of the lands shown on the deposited plans and described in the deposited book of reference which they may require 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 this Part of this Act.

(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.

Period for
completion
of improve-
ments.

23. If the improvements be not completed on or before the thirty-first day of December one thousand nine hundred and thirty-three then as from that date the powers of the Council under this Part of this Act for the

execution of the improvements shall cease except so far as the same shall then have been completed. A.D. 1928.

24. When and as each of the improvements or any part thereof 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 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 Subject to the provisions of this Part of this Act so much of the land acquired by the Council for any improvement as is thrown into and used for the carriageway or footway of any street shall on the completion of the improvement (subject to the enjoyment by the council of the city or 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) be and remain vested in the Council and the maintenance repair paving cleansing and lighting of so much of the improvement as has been laid out as aforesaid shall be under the care management control and jurisdiction of the council of the said city or metropolitan borough in the same manner as other streets in such city or metropolitan borough.

Improve-
ments to
form public
streets
repair &c.

25.—(1) The Westminster Council and the Holborn Council may and they are hereby required to contribute towards the expenses incurred by the Council in the execution of the widening of Great Queen Street by this Part of this Act authorised and the purchase of lands therefor the sum of five hundred pounds each.

Contribu-
tions by
Westmin-
ster and
Holborn
Councils.

(2) For the purpose of paying to the Council such contributions the said councils may respectively borrow the requisite moneys and for the purpose of securing the repayment with interest of any money so borrowed the said councils may respectively 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 as amended by subsequent Acts and any borrowing by the said councils respectively under this section shall be

A.D. 1928. subject in all respects to the provisions of sections 183 to 189 of the said Act of 1855 as amended as aforesaid
— Provided that all money borrowed by the said councils respectively under the powers of this section shall be repaid within a period not exceeding sixty years from the date of borrowing.

Contribu-
tion by
Shoreditch
Council.

26.—(1) The Shoreditch Council may contribute towards the expenses incurred by the Council in the execution of the improvement and the purchase of lands therefor such sums as the Shoreditch Council may from time to time by resolution determine not exceeding one-tenth of the expenses so incurred. Provided that if on the ascertainment of the net cost of the improvement it appears that the total amount so contributed by the Shoreditch Council exceeds one-tenth of such net cost the amount of such excess shall be repaid by the Council to the Shoreditch Council.

(2) For the purposes of this section “the improvement” referred to in this section means the widening of Shoreditch High Street by this Part of this Act authorised and “the net cost of the improvement” means the sum by which the aggregate amount expended by the Council in the execution of the improvement and the purchase of lands therefor exceeds the aggregate amount received by the Council under this Part of this Act from the sale of materials or by way of proceeds of the sale or premiums on the letting of lands or any other sums (including any contribution made by the Minister of Transport) which recoup the Council part of their expenses in the execution of the improvement or the purchase of lands for or in connection with the improvement.

(3) For the purpose of paying to the Council any contribution provided for in this section the Shoreditch Council may borrow the requisite moneys and for the purpose of securing the repayment with interest of any money so borrowed the Shoreditch 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 as amended by subsequent Acts and any borrowing by the Shoreditch Council under this section shall be subject in all respects to the provisions of sections 183 to 189 of the said Act as amended as aforesaid. Provided that all money borrowed by the Shoreditch

Council under the powers of this section shall be repaid within a period not exceeding sixty years from the date of borrowing. A.D. 1928.
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27. Where under the powers of this Part of this Act an improvement has been or is to be carried out at the joint cost of the Council and of the council of a metropolitan borough it shall be lawful for the Council and such borough council to enter into and carry into effect any agreement for determining the amount of the respective contributions of the Council and such borough council and for settling and closing the account between them in relation to the improvement although the improvement may not be at the time completed and although the total cost of the improvement may not have been at the time ascertained and either party may accept from the other of them and the other of them may make a conveyance or assignment of any estate or interest in any surplus lands in connection with such settlement in such manner as may be agreed between them. Agreements for closing accounts in cases of joint works.

28. The sections of the London County Council (General Powers) Act 1901 the London County Council (General Powers) Act 1905 and the London County Council (General Powers) Act 1925 of which the numbers and marginal notes are set forth in this section are hereby incorporated with and form part of this Part of this Act and shall so far as applicable extend and apply to the execution of the improvements and to the lands by this Part of this Act authorised to be acquired 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 Act with reference thereto. Incorporation of sections of previous Acts.

The sections of the said Acts hereinbefore referred to are :—

London County Council (General Powers) Act 1901—

- Section 8 (Streets may be raised or lowered);
- Section 9 (Deviation from line and levels);
- Section 13 (Alteration of electric lines);
- Section 14 (Carriageway footway sewers and other works);
- Section 15 (Directing how the pavement shall be laid and made);

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Council (Tramway Subway and Improvements) Act, 1928.

A.D. 1928.

- Section 16 (Sewers or drains to be arched over
 or filled up);
- Section 17 (Power to alter steps areas pipes &c.);
- Section 21 (Power to sell materials);
- Section 24 (Power to certain persons to grant
 easements &c. by agreement);
- Section 25 (Correction of errors &c. in deposited
 plans and book of reference);
- Section 26 (Power to Council to enter upon pro-
 perty for survey and valuation);
- Section 34 (Council may sell land in first instance
 without having previously granted
 a lease thereof);
- Section 37 (Receipts of Council to be effectual
 discharges); and
- Section 38 (Power to Council to make agreements
 with owners of property &c.).

London County Council (General Powers) Act 1905—

- Section 8 (Power to stop up ways temporarily);
- Section 9 (Power to make subsidiary works stop
 up streets &c.);
- Section 10 (Alteration of position of water gas
 and other pipes); and
- Section 11 (For protection of Metropolitan Water
 Board and gas companies).

London County Council (General Powers) Act 1925—

- Section 11 (Compensation payable by Council in
 case of recently created interest);
- Section 12 (Leasing and exchange of lands); and
- Section 13 (As to sale of ground rents):

Provided that in the application of section 11 of the
London County Council (General Powers) Act 1925 that
section shall be read and have effect as if the twelfth day
of July one thousand nine hundred and twenty-seven
were therein referred to instead of the twenty-ninth
day of July one thousand nine hundred and twenty-four
Provided also that in the application of section 11 of the

London County Council (General Powers) Act 1905 that A.D. 1928.
 section shall be read and have effect as if the London
 Hydraulic Power Company were a gas company. —

PART IV.

EXTENSIONS OF TIME.

29. The time limited by—

- Extensions
of time for
compulsory
purchase of
lands.
- (a) the London County Council (Tramways and Improvements) Act 1920 for the compulsory purchase of lands for the widenings at Cable Street and Brook Street in the metropolitan borough of Stepney described in and authorised by that Act as extended by the London County Council (General Powers) Act 1923 and the London County Council (General Powers) Act 1926; and
 - (b) the London County Council (General Powers) Act 1921 for the compulsory purchase of lands in the Strand and Church Row in the city of Westminster and in High Street Notting Hill and Church Street in the royal borough of Kensington as extended by the London County Council (General Powers) Act 1924 and the London County Council (General Powers) Act 1926; and
 - (c) the London County Council (Tramways and Improvements) Act 1925 for the compulsory purchase of lands for the construction of the new street in the metropolitan borough of Lewisham and for the widenings at Bromley Road and Baring Road in the said metropolitan borough described in and authorised by that Act; and
 - (d) the London County Council (General Powers) Act 1925 for the compulsory purchase of lands in the city of Westminster for the purpose of a widening of the Strand;

is hereby extended or further extended until the thirty-first day of December one thousand nine hundred and thirty.

A.D. 1928.

PART V.

MISCELLANEOUS.

Limitation
of time for
purchase of
lands.

30. The powers of the Council for the compulsory purchase of lands under Parts II. and III. of this Act shall cease on the thirty-first day of October one thousand nine hundred and thirty-one.

Notice to
Commis-
sioner of
Police.

31. Before breaking up or otherwise interfering with any street or road in connection with the works by this Act authorised 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 or road during the execution of such works.

Money to be
raised on
capital
account.

32. The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding four hundred and thirty-six thousand seven hundred pounds 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 as amended by subsequent Acts.

As to pay-
ments under
this Act.

33. 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 or any other 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.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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