

[20 & 21 GEO. 5.]

Dartford Tunnel
Act, 1930.

[Ch. clxxxii.]



CHAPTER clxxxii.

An Act to authorise the construction of a tunnel under the river Thames between Dartford in the county of Kent and Purfleet in the county of Essex and approaches to such tunnel and for other purposes. A.D. 1930.
[1st August 1930.]

WHEREAS the construction of a tunnel for vehicular and pedestrian traffic under the river Thames between Dartford in the county of Kent and Purfleet in the county of Essex and approaches thereto would be of public and local advantage and it is expedient that the county councils of the administrative counties of Essex and Kent should be empowered to construct the tunnel by this Act authorised :

And whereas the Minister of Transport has with the approval of the Treasury determined to make contributions out of the road fund towards the cost of the works authorised by this Act in accordance with the terms and conditions set forth in the Fifth Schedule thereto :

And whereas it is expedient that a committee of the said Councils should be incorporated for the purposes in this Act in that behalf mentioned :

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

And whereas an estimate has been prepared of the cost of constructing the tunnel and other works by this Act authorised (including the amount necessary for the

A.D. 1930. — purchase of lands and easements required therefor) and such estimate amounts to two million nine hundred and ninety-three thousand pounds :

And whereas the several works included in such estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Essex and with the clerk of the peace for the county of Kent which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas the objects of this Act cannot be attained 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 (that is to say) :—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the Dartford Tunnel Act 1930.

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

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Finance.

Part IV.—Constitution and powers of committee.

Part V.—Tolls byelaws &c.

Part VI.—Miscellaneous.

3. In this Act unless the subject or context otherwise requires the several words and expressions to which by the Acts incorporated with this Act meanings are assigned shall have in relation to the relative subject matter the same respective meanings And the expressions—

A.D. 1930.

Inter-
pretation.

“the Essex Council” means the county council of the administrative county of Essex;

“the Kent Council” means the county council of the administrative county of Kent;

“the Councils” means the Essex Council and the Kent Council and includes either of the said councils;

“the Minister” means the Minister of Transport;

“the tunnel” means the tunnel by this Act authorised;

“the port authority” means the Port of London Authority;

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

“the arbitrator” means the arbitrator to whom any question of disputed compensation is referred under the provisions of this Act;

“the committee” means the Dartford Tunnel Committee by this Act incorporated;

“telegraphic line” has the same meaning as in the Telegraph Act 1878.

4. The following Acts and part of Act (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

Incorporation of
Acts.

- (1) The Lands Clauses Acts (except sections 127 to 131 and 133 of the Lands Clauses Consolidation Act 1845) Provided that for the purposes of the incorporation of those Acts with this Act the committee shall be deemed to be a local or public authority referred to in the Acquisition of Land (Assessment of Compensation) Act 1919 and that the bond required by section 85 of the said Act of 1845 shall be under the seal of the Councils or under the seal of the committee on

A.D. 1930.

behalf of the Councils and shall be sufficient without the addition of the sureties mentioned in that section;

- (2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof:

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the said Acts shall be construed to mean the Councils or the committee and the expression "the railway" in the Railways Clauses Consolidation Act 1845 shall be construed to mean the works by this Act authorised and the expression "the centre of the railway" in the said Act shall be construed to mean any part of the said works.

PART II.

WORKS AND LANDS.

Power to
construct
works.

5. Subject to the provisions of this Act the Councils may make and maintain in accordance with the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say):—

Work No. 1 A tunnel (to be called the Dartford Tunnel) under the river Thames with approaches to such tunnel on either side thereof commencing in the urban district of Purfleet in the county of Essex by a junction with the road leading from Purfleet to Grays passing thence under the river Thames into and through the parish of Stone in the rural district of Dartford in the county of Kent and into and terminating in the urban district of Dartford in the said last mentioned county by a junction with the road known as the Dartford Southern Bye-pass Road;

Work No. 2 A road wholly in the said urban district of Purfleet commencing by a junction with the

[20 & 21 GEO. 5.] *Dartford Tunnel* [Ch. clxxxii.]
Act, 1930.

said road leading from Purfleet to Grays and A.D. 1930.
terminating by a junction with the said Work
No. 1 at a point fourteen chains or thereabouts
measured in a southerly direction along the
said Work No. 1 from the point of commence-
ment of that work ;

together with all such approaches tunnels lifts stairs
subways passages means of ingress or egress shafts
stagings buildings apparatus plant machinery and sub-
sidiary and incidental works as may be necessary or
convenient.

6. In executing any of the works by this Act Power to
authorised the Councils may subject to the provisions of deviate.
this Act deviate laterally to any extent from the line or
situation thereof within the limits of deviation defined on
the deposited plans and vertically from the levels thereof
defined on the deposited sections to any extent not
exceeding ten feet upwards and to any extent down-
wards :

Provided that in constructing so much of Work
No. 1 as will be situate under the bed and shore of the
river Thames no upward deviation shall be made from
the levels shown on the signed section referred to in the
section of this Act of which the marginal note is " For
protection of port authority."

7. Subject to the provisions of this Act the Councils Subsidiary
may in connection with and at or near any works to be works
executed or constructed under the powers of this Act affecting
construct place and maintain in the river Thames and river
the banks bed and foreshore thereof all such temporary Thames.
piles fenders booms dolphins pontoons caissons stagings
cofferdams embankments piers abutments wharves walls
fences drains stairs buildings and other works and con-
veniences as they may deem expedient or necessary.

8. Except for the purpose of landing or loading from Restrictions
or into vessels not arriving from or departing for foreign as to
parts any goods or materials required for or used in the landing
construction maintenance or repair of any works by this place.
Act authorised none of the works constructed under the
powers of this Act shall be used as a landing or loading
place for goods or passengers conveyed or intended to be
conveyed in any vessel.

A.D. 1930.

Period for
completion
of works.

9. If the tunnel is not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Councils for making and completing the tunnel or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Stopping
up of roads.

10. The Councils may stop up (a) Manor Cart Road in the urban district of Purfleet and (b) so much of Moody's Lane in the parish of Stone in the rural district of Dartford as lies between the junction of that lane with the accommodation road leading from Cotton Farm to Littlebrook Manor and the northern termination of the said lane and thereupon all rights of way over that road and portion of road shall be extinguished.

Power
temporarily
to stop up
or interfere
with
streets.

11. Subject to the provisions of this Act the Councils may within the limits of deviation shown upon the deposited plans stop up break up make junctions and communications with and alterations of lines and levels of and otherwise interfere with alter or divert temporarily all or any part of any road street bridge stairs footpath way wharf stream or watercourse as they shall think necessary and may put up or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such road street bridge stairs footpath way or wharf open for traffic and make such orders for regulating the traffic as to them shall seem proper Provided that the Councils shall provide reasonable access for all persons bona fide going to or returning from any house in any such road street or place.

Vesting of
soil of
streets
stopped up.

12. On the stopping up (otherwise than temporarily) of any street road or lane or part of a street road or lane under the powers of this Act all rights of way over the same shall be extinguished and the site and soil thereof shall vest in the Councils but the Councils shall not save so far as is permitted by the section of this Act of which the marginal note is "Stopping up of roads" permanently stop up any street or portion thereof or appropriate the site and soil thereof unless they are owners in possession of all houses and lands on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree.

13. And whereas in order to avoid in the execution and maintenance of any works by this Act authorised injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same therefore the Councils at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

A.D. 1930.

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Under-
pinning of
houses near
works.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Councils shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the clerk of the committee:
- (3) If any owner lessee or occupier of any such house or building or the Councils shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference:
- (4) Such arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Councils may and shall proceed forthwith so to underpin or strengthen the said house or building:

A.D. 1930.

- (5) The Councils shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Councils such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against any further injury arising from the execution or use of the works of the Councils then and in every such case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by such arbitrator the Councils shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Councils from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to
pump water
and use
sewers for
removing
water.

14. Subject to the provisions of this Act the Councils may pump any water found by them in the execution and maintenance of the works by this Act authorised and may use for the discharge of any such water the river Thames or any available stream or watercourse or any sewer or drain and for that purpose may within the limits of deviation shown on the deposited plans lay down take up and alter conduits pipes and other works

and make any convenient connections with any such stream watercourse sewer or drain : A.D. 1930.

Provided always that the Councils shall not make any opening into any such sewer save in accordance with plans reasonably approved by and under the superintendence (if the same shall be given) of the local or other authority (if any) in which such sewer may be vested.

Any question arising between the Councils and any such local or other authority under the provisions of this section shall unless otherwise agreed be determined by arbitration.

15. The Councils may after consultation with the local authority raise lower divert alter remove arch over or fill up or otherwise interfere with all such sewers or drains or parts thereof as shall be necessary for the purposes of this Act but so that no sewer or drain or part thereof (unless the same becomes unnecessary by reason of the purchase by the Councils of the property entitled to the use thereof) shall be interfered with without another sewer or drain being made in lieu thereof equally serviceable and convenient before the removal or filling up thereof and when made and completed any substituted sewer or drain or part thereof shall be under the same jurisdiction care management and direction as the existing sewer or drain or part thereof for which it is substituted. Power to
alter sewers
and drains.

16.—(1) Subject to the provisions of this section the Councils may for the purposes of this Act upon the lands acquired by them under the powers of this Act and also in any street road or place within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company authority or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic postal or other purposes or for supplying electricity (all of which mains pipes tubes wires and apparatus are in this section included in the expression "apparatus") and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and incon- Alteration
of position
of water
gas and
other pipes.

A.D. 1930. — venience as circumstances admit and making reasonable compensation to any company authority or person who suffers damage by any such alteration.

(2) Before the Councils alter the position of or execute any work which would interfere with or endanger any apparatus laid down or used by any such company authority or person they shall (except in cases of emergency) give to the company authority or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given except in case of emergency fourteen days at least before the commencement of the work and such work shall be done under the superintendence at the expense of the Councils of the company authority or person to whom such apparatus belongs unless such company authority or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Councils shall execute such work to the reasonable satisfaction of the engineer of such company authority or person.

(3) If within seven days of the receipt of such notice any such company or authority shall give notice to the Councils of their desire themselves to execute any such work of alteration they shall forthwith proceed to do so and the cost reasonably incurred by them in so doing shall be repaid to them by the Councils Provided that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the Councils.

(4) The Councils shall not cause any street road or way to be lowered or raised nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering of less than three feet where the covering now existing is not less than three feet unless the Councils shall in such case protect such apparatus from frost or injury by artificial covering to the reasonable satisfaction of the engineer of the company authority or person to whom the same belongs or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Councils in such case provide special means of access to the same to the reasonable satisfaction of the engineer of such company authority or person.

(5) If any difference arises between the Councils and any such company authority or person touching the amount of any costs expenses or charges under the provisions of this section to be paid by the Councils to any such company authority or person or touching any work matter or thing with reference to such apparatus under such provisions to be done or executed by the Councils or the mode of doing or executing the same such difference shall unless otherwise agreed be settled by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers whose decision shall be final and binding and the expenses of the reference shall be borne as the referee may direct. A.D. 1930.
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(6) The Councils shall not raise sink or otherwise alter the position of or interfere with any telegraphic line or other apparatus belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878.

17. The Councils may within the limits of deviation defined on the deposited plans and for the purposes of this Act— Power to
alter steps
areas &c.
and
execute
protective
works.

- (a) raise sink or otherwise alter or cause to be altered the position of any of the steps areas vaults cellars cellar-flaps pavement lights gratings boundary walls railings fencings windows watercourses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Councils shall make reasonable compensation to any person who suffers damage by any such alteration;
- (b) execute any works and do any things necessary for the protection of any adjoining land or buildings and for the strengthening and supporting of any walls of such buildings.

18. The Councils may lay out the works by this Act authorised or any part thereof for carriageways and for footways as they may think proper and may sewer level pave metal flag channel and complete such carriageways and footways and may from time to time Laying out
repair and
lighting of
works.

A.D. 1930.

— execute all such works and do all such acts in under or upon any of the carriageways and footways forming part of the works by this Act authorised as they may from time to time think proper for preserving repairing lighting ventilating or improving the works by this Act authorised and may for that purpose enter upon and break open the soil and pavement of such carriageways and footways and any sewers drains or tunnels within or under the same causing as little inconvenience as may be in the execution of the powers hereby conferred and restoring the said carriageways footways sewers drains or tunnels as nearly as practicable to the same condition as they were in before such breaking and opening.

Mainten-
ance and
lighting of
works.

19.—(1) The works by this Act authorised shall so soon as the same shall be completed (but subject to the provisions of this Act) become and be under the jurisdiction and management of the Essex Council so far as the same are within the administrative county of Essex and under the jurisdiction and management of the Kent Council so far as the same are within the administrative county of Kent and shall be deemed to be county roads and the soil under any such works (other than the bed banks or shores of the river Thames) for such estate and interest as the Councils or the committee shall have acquired therein shall be vested so far as the same shall be in the said county of Essex in the Essex Council and so far as the same shall be in the said county of Kent in the Kent Council.

(2) The Councils may light any works by this Act authorised and may enter into and carry into effect any agreement with any other body or person with respect to lighting the same and any expense incurred in lighting ventilating draining or otherwise maintaining the said works or any of them shall be deemed to be part of the expense of constructing and maintaining the said works and shall be defrayed accordingly and for the purposes of the Development and Road Improvement Funds Act 1909 as amended by any subsequent Act the said works shall be deemed to be a new road and such lighting ventilating draining or other maintenance shall be deemed to be maintenance of the said new road.

(3) In addition to the foregoing powers the Councils shall have the same powers for carrying such drains and other works and conveniences as they may consider

necessary or convenient for the drainage of the works authorised by or vested in the Councils under this Act as a local authority have under the Public Health Act 1875 for carrying sewers within and without their district and when exercising such powers the Councils shall be subject to the restrictions to which a local authority would be subject if exercising the same and the provisions of that Act relating to the construction of sewers shall with any necessary modifications apply accordingly. A.D. 1930.

(4) For the purposes of this Act the boundary between the counties of Essex and Kent shall be the boundary shown on the deposited plans and the Councils shall in the construction of the tunnel cause to be affixed therein a mark indicating the point at which the tunnel passes over such boundary and the said boundary shall be deemed to be the boundary as so indicated.

20. The Councils on the one hand and the Minister on the other hand may enter into and carry into effect agreements and arrangements with respect to the construction or maintenance of the tunnel or the approaches thereto or any part thereof and as to other objects or purposes of this Act and matters incidental thereto and the Councils on the one hand and any Government department or the port authority or any company body or person on the other hand may enter into and carry into effect agreements and arrangements with respect to the construction of any works by this Act authorised which may be carried under or affect the river Thames or the bed banks or shores thereof or over or under or affect any property of such department company body or person or with respect to the maintenance of any such works or property and as to any matters incidental thereto or as to any other objects or purposes of this Act and any such agreement or arrangement may make provision as to the payments to be made by any party thereto to any other party thereto in respect of any such matter but any such agreement with respect to the construction of any works by this Act authorised shall be subject to the approval of the Minister. Any payments to be made by the Minister under any such agreement or arrangement may be made by the Minister out of the Road Fund and save so far as may be otherwise provided by such agreement shall be deemed to be part of the cost of the works authorised by this Act. Agreements with Government departments and others.

A.D. 1930.

As to
closing
tunnel and
works.

21. The Councils may whenever in their opinion it is necessary so to do for the purposes of the maintenance repair or improvement of the tunnel or any other works by this Act authorised wholly or partially close the tunnel or any such works or any portion thereof.

No mains
or pipes to
be laid in
tunnel.

22. Notwithstanding anything contained in any enactment no person shall enter upon break up or interfere with the works by this Act authorised or the carriageways and footways of the same for the purpose of laying down any main pipe or wire or executing any work therein thereon or thereunder except with the consent of the Councils in writing and in accordance with such terms and conditions either as to the payment of rent or other valuable consideration or otherwise as the Councils may determine :

Provided that the consent of the Councils to the breaking up of and interference with the said works by this Act authorised or the carriageways and footways of the same for the purpose of laying down electric lines therein shall not be withheld unreasonably and that any question which may arise as to whether such consent is so withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be determined by the Minister.

For
protection
of Post-
master-
General.

23.—(1) For the purposes of the Telegraph Acts 1863 to 1926 the tunnel shall be deemed to be a subway within the meaning of section 6 of the Telegraph Act 1878 and nothing in this Act contained shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1926.

(2) The Councils shall in constructing the tunnel provide for the telegraphic lines of the Postmaster-General such reasonable accommodation as shall be sufficient for three cables not exceeding with any tube or pipe enclosing the same the external diameter of six inches The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Councils his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

24. The Councils may sell or dispose of all matters or things excavated or obtained in the construction of the works by this Act authorised and all building and other materials of any houses buildings or structures acquired by them under the powers of this Act and not required for the purposes of this Act and also all matters or things in under or upon any road street or other place altered by them for the purposes of this Act and any matters or things obtained in the alteration of or interference with any drain or sewer under the powers of this Act.

A.D. 1930.

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Power to
sell
materials.

25.—(1) At any time after the passing of this Act the Essex Council and the Kent Council respectively may within their respective counties prescribe a building line in relation to any part of any road being an approach road to the tunnel and forming part of Work No. 1 by this Act authorised or any part of any such road in anticipation of the making of such road.

Building
lines in
approach
roads.

(2) Any building line so prescribed shall be marked on a plan signed by and deposited with the clerk of the council prescribing the same and such plan shall be at all reasonable times open to public inspection and such council shall give notice by advertisement in a newspaper or newspapers circulating in the district of the prescription of such line.

(3) No building erection excavation or obstruction (being of a permanent character) shall be begun constructed or made after such line has been prescribed in respect of any such road or part thereof or having been so made shall be retained if it shall be nearer than such line to the centre of such road or such part thereof.

(4) The Councils may when serving notice to treat upon the owner of and other persons interested in any lands required by them for the purpose of making any such road or any part thereof specify in such notice the building line in respect of such road upon any land to be retained by such owner or other person.

(5) The Councils shall make full compensation to the owner of and other persons interested in any land for any loss or damage they may sustain in consequence of the foregoing provisions of this section. The amount of any such compensation shall in case of difference be determined by the same tribunal at the same time and

A.D. 1930. subject to the same provisions as the compensation to be paid to such owner or other person as the case may be for his interest in the land taken by the council by whom the notice is served.

(6) Any person who shall contravene any of the provisions of this section shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds for each day on which such contravention continues after conviction in that behalf.

(7) Nothing in this section shall derogate from any rights or powers of the Councils under the Roads Improvement Act 1925.

Owners
may be
required
to sell
parts only
of certain
properties.

26. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Councils of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Councils and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (1) The owner of and persons interested in any of the properties specified in the First Schedule to this Act and whereof a portion only is required for the purposes of the Councils or each or any of them are in this section included in the term “the owner” and the said properties are in this section referred to as “the scheduled properties” :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Councils that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Councils such portion only without the Councils being obliged or compellable to purchase the whole the Councils paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Councils allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Councils have compulsory powers of purchase) can be so severed : A.D. 1930.
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- (4) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Councils the portion which the arbitrator shall have determined to be so severable without the Councils being obliged or compellable to purchase the whole the Councils paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (5) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Councils may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses

A.D. 1930.

reasonably and properly incurred by him in consequence of such notice :

- (7) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Councils in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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

Owners
may be
required to
grant
easements
only.

27. With respect to the properties shown on the deposited plans which are described or referred to in the Second Schedule to this Act notwithstanding anything contained in this Act or shown on the said plans the Councils shall not be required to purchase or take the same or any part of the surface thereof but the Councils may purchase and take and the owners of and other persons interested in any such property shall sell an easement or right of using the subsoil and under-surface of such property for the purposes of this Act and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of user as fully as if the same were lands within the meaning of those Acts 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 Provided that the Councils shall not acquire compulsorily an easement or right of using the subsoil and under-surface of

[20 & 21 GEO. 5.] *Dartford Tunnel* [Ch. clxxxii.]
Act, 1930.

any such property the ground surface of which is at a less height than twenty-five feet above the crown of the tunnel as the same shall be constructed. A.D. 1930.
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28. The powers granted by this Act for the compulsory purchase of lands shall cease on the thirty-first day of December one thousand nine hundred and thirty-three. Period for compulsory purchase of lands.

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

30. In settling any question of disputed purchase money or compensation for lands or easements acquired by the Councils under this Act the arbitrator shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the twentieth day of November one thousand nine hundred and twenty-nine if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands or any easement therein. Compensation in case of recently altered buildings.

31. In estimating the amount of compensation or purchase money to be paid by the Councils under this Act the benefits accruing to the person to whom the same shall be payable shall be fairly estimated and shall be set off against the said compensation or purchase money. Benefits to be set off against compensation.

32. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Councils Correction of errors in deposited plans and book of reference.

A.D. 1930. — after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for the correction thereof and if it appear to the justices hearing the application that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which the lands therein referred to are situate and a duplicate thereof shall also be deposited with the clerk of the urban or rural district in which such lands are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and the Councils may take the lands and execute the works in accordance with such certificate.

Power to
enter upon
property
for survey
and
valuation.

33. The Councils and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the same without being deemed trespassers and without being subject or liable to any fine penalty or punishment for entering or continuing upon any part of the said lands and premises.

Persons
under
disability
may grant
easements
&c.

34. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Councils any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

35. Subject to the provisions of this Act the Councils may in connection with the powers granted to them by this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property which may be acquired under the provisions of this Act or which may be in the neighbourhood of the works by this Act authorised with respect to the sale or purchase by the Councils of any lands or property or any rights or easements in on or affecting the same for such consideration as may be agreed upon between the Councils and such person or with respect to the reinstatement of such person or the exchange of lands for such purpose and the Councils may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by them for the purposes of this Act and may pay or receive money for equality of exchange.

A.D. 1930.
 —
 Agreements
 with owners
 of property.

36. In addition to the lands shown on the deposited plans and described in the deposited book of reference the Councils may purchase take on lease or acquire by agreement and may hold any lands not exceeding in the whole fifty acres in connection with and for the purposes of the works by this Act authorised or for providing substituted sites or facilities for any persons whose lands may be required by the Councils for the said purposes.

Purchase of
 lands by
 agreement.

37.—(1) Notwithstanding anything in any other Act or otherwise to the contrary the Councils may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Retention
 and disposal
 of lands.

(2) Nothing in this section contained shall release the Councils or any person purchasing or acquiring any

A.D. 1930. — lands from them under this section from any covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Councils or any person from or through whom the Councils may have derived or may hereafter derive title to the same but all such covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Power to
lay out
streets &c.

38. The Councils may lay out any lands acquired by them under the powers of this Act and not required for the purposes for which they were acquired and may also grant any easements rights or privileges in under or over such lands or any part or parts thereof.

Under-
taking to
be exempt
from rates.

39. Notwithstanding anything contained in any Act the tunnel and approaches by this Act authorised and the carriageways and footways thereof and the toll houses toll gates machinery apparatus and works used in connection therewith shall not be assessed to any parochial or local rate.

For
protection
of port
authority.

40. For the protection of the port authority the following provisions shall unless otherwise agreed have effect (that is to say) :—

- (1) The Councils shall not execute or commence to execute any work in the river Thames (in this section called "the river") or on or under the bed shores or banks thereof except in accordance with plans elevations and sections to be approved by the port authority in writing under the hand of their secretary or failing such approval settled by arbitration. The port authority shall be deemed to have approved such plans elevations and sections unless they notify to the Councils their disapproval within two months after the submission thereof by the Councils :
- (2) All such works shall be executed and performed to the reasonable satisfaction of the engineer of the port authority and in the execution and performance thereof the traffic of the

river shall not be interfered with more than A.D. 1930.
may be absolutely necessary : —

- (3) Notwithstanding anything in this Act or shown on the deposited sections no part of the tunnel or of any works connected therewith shall be constructed in such position or of such dimensions or otherwise so as to prevent the port authority from deepening and dredging the river in any part to the depth shown by the red line on the section signed in quadruplicate by Major the Right Honourable William Ormsby-Gore the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred and which section has been deposited as to one copy in the Parliament Office of the House of Lords as to another copy in the Committee and Private Bill Office of the House of Commons and as to the third and fourth copies at the offices of the Minister and the port authority respectively :
- (4) The port authority shall not be liable for any damage or injury howsoever caused to the tunnel or to any other works (whether temporary or permanent) authorised by this Act resulting from the dredging operations of the port authority or the carrying out by them in the execution of their statutory powers and duties of any operations in the river or works for the improvement or maintenance thereof but the provisions of this subsection shall not protect the port authority in respect of operations which are within two hundred feet on each side of the centre line of the tunnel as constructed and below the depth shown by the said red line :
- (5) The owners and masters of vessels shall not be liable to make good any damage which may be caused to the tunnel or to any other works (whether temporary or permanent) authorised by this Act except such as may arise from the wilful act or wilful default of such owners or masters or their servants or agents :

A.D. 1930.

- (6) Nothing in this Act shall authorise or empower the Councils without the previous consent of the port authority to embank encroach upon or interfere with any part of the bed shores or banks of the river except as is expressly authorised by this Act :
- (7) The Councils shall not deposit any material on the bed or shores of the river and all materials excavated by the Councils from the bed shores or banks thereof in the construction of the works authorised by this Act shall be removed by and at the expense of the Councils and shall not be allowed to fall or to be washed into the river The Councils shall also bear and pay any additional cost to which the port authority may be put in dredging the channel of the river as a result of any accumulation of mud or silt consequent upon the execution or maintenance of any temporary works which may be placed under the powers of this Act in the river :
- (8) The Councils shall allow the authorised representatives of the port authority to inspect and survey all or any of the works executed by the Councils under the powers of this Act in on under or over the river or immediately adjoining the river while in course of construction and shall give all reasonable facilities for so doing :
- (9) The Councils shall not (except so far as may be necessary in the construction of the works authorised by this Act) take any gravel soil or other material from the bed shore or banks of the river without the previous consent of the port authority signified in writing under the hand of their secretary :
- (10) The Councils shall during the progress of any works by this Act authorised and so long as any such works are maintained on the bed shores or banks of the river hang out and exhibit at or near to the said works every night from sunset to sunrise such lights to be kept burning by and at the expense of the

Councils and during every day such marks or beacons as shall be proper and sufficient for the navigation and safe guidance of vessels and shall take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the port authority The said lights marks and beacons shall from time to time be altered by the Councils in such manner and be of such kind and number and be so placed and used as the port authority by writing under the hand of their secretary shall approve or direct and in case the Councils fail so to exhibit and keep burning such lights and to exhibit such marks and beacons they shall for every such offence be liable to a penalty not exceeding twenty pounds :

A.D. 1930.
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- (11) The Councils shall upon reasonable notice in writing from the port authority so to do remove any temporary works and materials for temporary works which may have been placed in the river by the Councils and are no longer in use and in any event within one year after the completion of the construction of the tunnel and on the Councils failing so to do the port authority may remove the same charging the Councils with the expense of so doing and the Councils shall forthwith repay to the port authority all expenses so incurred :
- (12) Notwithstanding anything in this Act the compensation or consideration payable to the port authority by the Councils in respect of any temporary works placed in the river or on over or under the bed shores or banks thereof and in respect of any mains pipes cables wires or other works or apparatus which may with the consent of the Councils be at any time carried under the river by means of the said tunnel (other than such as may be placed and used solely by the Councils for the purpose of their respective undertakings or in pursuance of any of their powers or duties) shall be assessed in accordance with the provisions of section 254 of the Port of London

A.D. 1930.

(Consolidation) Act 1920 or any statutory provision in lieu thereof for the time being in force Provided that the Councils shall give notice in writing to the port authority of the placing or carrying of any such main pipe cable wire or other work or apparatus under the river by means of the tunnel other than such thereof as are so excepted as aforesaid :

- (13) Nothing in this Act or in any Act incorporated therewith shall authorise the Councils in the construction of the works authorised by this Act or any of them or in the exercise of any powers of this Act to discharge or allow to escape either directly or indirectly into the river or its tributaries any offensive injurious or solid matter in suspension or otherwise or to prejudice or affect in any manner the powers of the port authority under sections 226 to 239 (inclusive) of the Port of London (Consolidation) Act 1920 or entitle the Councils to infringe any of the provisions of those sections or any requirements of the port authority thereunder :
- (14) On the completion of the construction of the tunnel the Councils shall supply to the port authority without payment a plan on a scale of not less than one inch to two hundred and eight decimal thirty-three feet and sections and cross-sections on scales of not less than one-eighth of an inch to one foot showing the situation and levels of the tunnel and of all other permanent works (if any) constructed by the Councils under the river :
- (15) Except as is expressly provided by this Act nothing in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the port authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the port authority did or might lawfully claim use or exercise under and by virtue of the Port of London

[20 & 21 GEO. 5.] *Dartford Tunnel* [Ch. clxxxii.]
 Act, 1930.

(Consolidation) Act 1920 or any Act extending A.D. 1930.
or amending that Act or otherwise : —

- (16) Any difference which shall arise between the Councils and the port authority under any provisions of this section (other than subsections (6) (12) and (13) thereof) shall be referred to and determined by arbitration.

41. For the protection of the Metropolitan Water Board (in this section referred to as “the board”) the following provisions shall unless otherwise agreed in writing between the board and the Councils have effect (that is to say) :—

For
protection
of Metro-
politan
Water
Board.

- (1) The following modifications of the section of this Act whereof the marginal note is “Alteration of position of water gas and other pipes” in its application to the board and their mains pipes valves hydrants plugs or other works or apparatus (hereinafter referred to in this section as “apparatus”) shall have effect (that is to say) :—

(a) The period of twenty-eight days shall be substituted for the period of fourteen days mentioned in subsection (2) of the said section and the period of fourteen days shall be substituted for the period of seven days mentioned in subsection (3) of the said section ;

(b) Subsection (4) of the said section shall so far as regards any apparatus of the board be read and have effect as if the words “five feet” were substituted therein for the words “six feet” wherever those words occur :

- (2) Notwithstanding the stopping up temporarily or otherwise of any road street or footpath under the powers of this Act the board their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the board situate in or under any such road street or footpath as they had immediately before the passing of this Act and shall be at liberty to execute and do all such works and things in upon or under such road street or footpath as may be necessary

A.D. 1930.

for inspecting repairing maintaining removing
or renewing such apparatus :

- (3) The provisions of this section shall except as otherwise expressly provided be in addition to and not in substitution for or derogation of any other provision of this Act to the benefit of which the board would otherwise be entitled :
- (4) If any difference shall arise under this section between the Councils and the board such difference shall be settled in accordance with the provisions of subsection (5) of the section of this Act of which the marginal note is "Alteration of position of water gas and other pipes."

For
protection
of South
Essex
Water-
works
Company.

42. For the protection of the South Essex Water-works Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Councils and the company apply and have effect (that is to say) :—

- (1) The tunnel shall be lined throughout with iron or other metal plates properly jointed throughout or with other suitable material :
- (2) Any space between the lining of the tunnel and the surrounding soil shall be properly filled in by grouting with cement or by some other reasonable method :
- (3) The Councils shall during the construction of the tunnel take all such steps as may be reasonably necessary to prevent any serious inflow of water into the tunnel and for this purpose compressed air or other suitable means shall be used when reasonably necessary :
- (4) The Councils shall be responsible for and make good to the company all damage and expense which may be occasioned to the company in consequence of the execution of Work No. 1 or Work No. 2 by this Act authorised or any works in connection therewith (in this subsection called "the Councils' works") Provided that all claims under this section shall be made during the construction of or within three years after the completion of the Councils' works :

- (5) Any difference which may arise between the Councils and the company under the provisions of this section shall be referred to and determined by arbitration. A.D. 1930.
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43. For the protection of the London Midland and Scottish Railway Company (hereinafter in this section referred to as “the company”) the following provisions shall unless otherwise agreed in writing apply and have effect (that is to say):— For
protection
of London
Midland
and
Scottish
Railway
Company.

- (1) The Councils shall not under the powers of this Act enter upon take use or interfere with the railways of the company where any works by this Act authorised (in this section called “the authorised works”) cross the same or any of the lands now belonging to the company connected therewith (which railways and lands are in this section referred to as “the railway”) without the consent of the company signified in writing but the company shall if so required by the Councils grant and the Councils may take an easement or right of constructing and maintaining the authorised works over the railway subject to and in accordance with the provisions of this Act:
- (2) The Councils shall pay to the company for the easement or right which they may acquire under the provisions of this section such consideration as may be agreed upon or in the event of difference may be settled in the manner provided by the Lands Clauses Acts with respect to the settlement of disputed compensation and the provisions of the Lands Clauses Acts shall apply to any proceedings for determining such compensation:
- (3) The Councils shall construct the authorised works in such line or situation within the limits of land to be acquired shown upon the deposited plans as shall be reasonably approved by the engineer of the company (in this section referred to as “the said engineer”) and by such means and in such manner as to leave the running lines undisturbed at all times and so as to in no way obstruct impede or interfere with the free uninterrupted and safe user thereof or the

A.D. 1930.
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traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the Councils shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which the company may be put as well as full compensation for any loss sustained by them by reason of any such interruption or interference :

- (4) The Councils shall unless otherwise agreed by the said engineer carry the authorised works over the railway by means of a suitable bridge in accordance with the dimensions shown on the deposited sections except that notwithstanding anything in this Act contained or shown on such sections such bridge shall have a clear headway over the railway of not less than fifteen feet above the existing level of the upper surface of the rails of the railway at the point of crossing and the Councils shall at all times thereafter maintain such headway Provided that the said bridge shall be completed within two years from the commencement thereof and all temporary works in connection therewith shall be removed from the lands of the company within that period :
- (5) The Councils shall twenty-eight days before they commence the construction of any part of the authorised works which shall or may pass over the railway furnish to the said engineer proper and sufficient plans sections and specifications of the said works for his approval and shall not commence the same until such plans sections and specifications shall have been approved in writing by the said engineer or in case of any difference arising between him and the Councils until the same have been settled by arbitration Provided that if the said engineer does not signify his approval or disapproval of the said plans sections and specifications within fourteen days he shall be deemed to have disapproved the same :
- (6) If any additions or alterations to the signalling apparatus or the telephone or telegraph wires and

works on the railway are in the reasonable opinion of the said engineer necessary in consequence of the construction of the authorised works the same may be made by the company at the expense of the Councils and the cost thereof as certified by the said engineer shall be repaid to the company by the Councils on demand: A.D. 1930.
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- (7) The bridge carrying the authorised works over the railway and all works necessary or incidental to the construction thereof or affecting the railway shall be executed under the superintendence (if such be given) and to the reasonable satisfaction of the said engineer and the Councils shall bear and pay the reasonable expense of the employment by the company of a sufficient number of inspectors or watchmen to be appointed by them for watching the railway with reference to and during the construction renewal or repair of the said bridge and for preventing as far as may be all interference obstruction danger or accident from any of the operations of the Councils or from the acts or defaults of their contractors or any person or persons in their employ or otherwise:
- (8) The Councils shall at all times maintain the authorised works and all other works which may in any manner affect the railway in substantial repair and good order and condition to the reasonable satisfaction of the said engineer and if and whenever the Councils fail so to do the company may make and do in and upon as well the lands and property of the company as the Councils such works and things as may be requisite in that behalf and the reasonable cost of so doing shall on demand be repaid to the company by the Councils:
- (9) The Councils shall be responsible for and make good to the company all costs losses damages and expenses which may be occasioned to the railway or to the traffic thereon by reason of and during the construction of or by reason of failure to maintain or repair the authorised works or of any act or omission of the Councils

A.D. 1930.
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or of any person or persons in their employ or of their contractors or others in the course of such construction maintenance or repair and the Councils shall effectually indemnify the company from all claims and demands upon or against them by reason of such construction maintenance or repair or failure as aforesaid or of any such act or omission. Provided that the fact that any work or thing has been done in accordance with any plan section or specification approved by the said engineer or in accordance with any requirements of the said engineer or under his superintendence shall not excuse the Councils from any liability for damage as aforesaid or affect any claim of the company for injury to the railway or the traffic thereon save so far as the same may arise by reason of any such requirement :

- (10) If at any time hereafter the company shall be desirous of extending widening or altering under any existing statutory powers of the company in that behalf any part of the railway affected by the authorised works the Councils shall give to the company all proper and reasonable facilities for that purpose and any extra cost to which the company may be put in carrying out such extension or widening to the extent of two additional running lines of railway or alteration by reason or in consequence of the construction of the authorised works as certified by the said engineer shall be repaid to them by the Councils :
- (11) Any difference which shall arise between the Councils and the company or their respective engineers under this section shall be referred to and determined by arbitration.

For
protection
of Southern
Railway
Company.

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

- (1) (a) Notwithstanding anything in this Act contained or shown on the deposited plans and

sections the Councils shall not without the previous consent in writing of the company under their common seal purchase or acquire by compulsion any lands or property of the company but the Councils may purchase and acquire and the company if so required by the Councils shall sell to the Councils such easement or right of using so much of the lands works and property of the company as may be required by the Councils for the purpose of constructing and maintaining the bridge for carrying the approach of the tunnel forming part of Work No. 1 over the North Kent line of the company;

A.D. 1930.
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(b) The Councils shall not either temporarily or permanently enter upon use or interfere with any railway works or property of the company save only so far as may be necessary for the said purpose;

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

- (2) (a) The said bridge shall be of such strength and design as may be reasonably required by the company and shall be constructed only in accordance with the provisions of this section and with a clear headway throughout of at least fifteen feet above the upper surface of the rails;

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

- (3) Before commencing the execution or construction of the said bridge or so much of any of the works by this Act authorised as shall or may pass over or in any way affect the railway or property of the company (which works are hereinafter in

A.D. 1930.
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this section referred to as “the said works”) the Councils shall submit to the engineer for his reasonable approval plans sections specifications and particulars of the said works and of the stages by which it is proposed to carry out the same. Provided that if the engineer does not signify his approval or disapproval or requirements within twenty-eight days after the submission to him of the said plans sections specifications and particulars he shall be deemed to have approved of the same. The said works shall be executed only in accordance with such plans sections specifications and particulars as shall be approved as aforesaid or settled by arbitration as hereinafter provided and under the supervision if the same be given and to the reasonable satisfaction of the engineer :

- (4) Before commencing the said works the Councils shall give twenty-eight days’ previous notice in writing to the engineer of their intention to commence the same. Such notice shall be accompanied by a sufficient description of the works to be executed and all such works shall be carried out only at such time as the engineer shall reasonably require and the construction or execution of the said works when commenced shall proceed with all reasonable dispatch :
- (5) Before the Councils commence the construction of the said works any temporary works which may be reasonably required by the engineer or settled by arbitration as hereinafter provided as necessary to prevent the construction of the said works adversely affecting the stability of the railways and property of the company shall be carried out by and at the cost of the Councils to the reasonable satisfaction of the engineer or the company may if they so elect themselves carry out such temporary works and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Councils to the company :
- (6) If it shall at any time appear to the engineer during the execution of the said works that owing

to or in consequence of the execution thereof any additional works or other measures of precaution are required either by way of addition to the existing works of the company or in connection with the said works of the Councils or in relation to the method of executing the same so as to prevent damage happening to the railways works or property of the company the Councils shall on being required in writing by the engineer so to do make and execute at their own expense and according to plans sections and specifications to be reasonably approved by him such additional works or take such measures of precaution (including the temporary cessation of the construction of the said works) as the engineer shall reasonably require : A.D. 1930.

(7) The Councils shall bear and pay to the company the reasonable expenses incurred by them in the employment of a sufficient number of inspectors watchmen and signalmen for supervising and inspecting the said works and watching and signalling the railway and works of the company during the execution of the said works and for preventing as far as may be interference obstruction danger and accident from any of the operations of the Councils and for insuring the company against claims in respect of such men under the Employers' Liability or Workmen's Compensation Acts or otherwise and the Councils shall at all times afford reasonable facilities to the engineer and to his assistants and inspectors for access to the said works during their construction and shall also furnish him or them with all information he or they may reasonably require with regard to the said works or the method of construction thereof :

(8) If by reason of the construction of the said works it shall become reasonably necessary to reconstruct add alter or remove any signal cabin signal posts signal telegraph and telephone posts and wires permanent way fences or other works or apparatus belonging to or on or

A.D. 1930.

connected with the railway of the company or to substitute other works therefor the company may effect any such reconstruction addition alteration removal or substitution and the reasonable cost thereof shall be repaid to them by the Councils :

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

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

- (10) Any additional expense which the company may reasonably incur in widening or altering under their existing powers or maintaining their railway by reason of the existence of the said works shall be paid by the Councils to the company :
- (11) Notwithstanding anything in this Act contained the Councils shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to them by reason of the construction or failure of the said works or of any act or omission of the

[20 & 21 GEO. 5.] *Dartford Tunnel* [Ch. clxxxii.]
Act, 1930.

Councils or of any persons in their employ or of their contractors or others and the Councils shall effectually indemnify and hold harmless the company from and against all claims and demands upon or against them by reason of such construction failure act or omission : A.D. 1930.

(12) The fact that any work or thing has been done in accordance with any plan section or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Councils from any liability for damage under the last preceding subsection or affect any claim of the company for injury to the railway or the traffic thereon save so far as the same may arise by reason of any such requirement :

(13) Except as in subsection (1) of this section otherwise provided any question which may arise between the Councils and the company under the provisions of this section shall be referred to and determined by arbitration.

45. For the protection of the London Power Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Councils have effect (that is to say) :— For protection of London Power Company Limited.

(1) If the Company shall at any time within ten years from the date of the commencement of the construction of Work No. 1 by this Act authorised commence to construct a single line of railway (in this section referred to as "the siding") extending from the lands of the company at Dartford to a junction with the railway of the Southern Railway Company as shown by a red line on the plan (in this section referred to as "the signed plan") signed by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office

A.D. 1930.
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House of Lords and with the Councils and with the company) the Councils shall—

(a) if and when required by the company so to do grant to the company free of charge an easement or right in perpetuity of constructing maintaining repairing renewing and using the siding upon and over the lands coloured pink on the signed plan ;

(b) for that purpose acquire the said lands under the powers of this Act; and

(c) on the completion of the siding pay to the company a sum to be agreed between the Councils and the company or (failing such agreement) to be determined by arbitration as representing the excess of the cost to the company of constructing that part of the siding which lies to the south of the point marked " A " on the signed plan over the cost which the company would have incurred if they had constructed the said part of the siding in the position shown by a blue line on the signed plan :

(2) (i) If at any time before the Councils have constructed that part of Work No. 1 by this Act authorised which will be over the siding or the site thereof at the point marked " B " on the signed plan the company shall have commenced the construction of the siding the Councils shall carry the said Work No. 1 over the siding or the site thereof at the said point by means of a bridge having a clear headway throughout of not less than fifteen feet measured from the rail level or intended rail level of the siding (which rail level or intended rail level shall for the purposes of this section be deemed to be forty-five and a half feet above Ordnance datum) when measured below the centre line of the said Work No. 1 :

(ii) If the Councils shall have completed the construction of the said part of the said Work No. 1 before the company have commenced the construction of the siding then if at any time within ten years after the date of the com-

mencement of the construction of the said Work No. 1 the company commence to construct the siding the Councils shall (unless they shall already have constructed a bridge for carrying the said Work No. 1 over the site of the siding at the said point by means of a bridge having such clear headway throughout as aforesaid) forthwith after the commencement of the construction of the siding execute all necessary works for providing such a bridge :

A.D. 1930.

- (3) The Councils shall carry the said Work No. 1 over the railway of the Southern Railway Company at the point marked "C" on the signed plan by means of a bridge of such span and headway and in such a position as to permit of the convenient construction and use thereunder of the siding at the said point and the junction thereof with the said railway.

46. For the protection of the County of London Electric Supply Company Limited and of the West Kent Electric Power Company Limited (in this section referred to as "the companies" which expression shall be deemed to include either or both of those companies as the context may require) the following provisions shall unless otherwise agreed in writing between the companies and the Councils have effect :—

For
protection
of County
of London
Electric
Supply
Company
Limited
and West
Kent
Electric
Power
Company
Limited.

- (1) In the carrying out of the works by this Act authorised the Councils shall not remove or alter any apparatus (as hereinafter defined) or without the consent in writing of the companies do anything to interrupt the continuous supply of electricity by means of such apparatus until good and sufficient apparatus and all other works necessary or proper for maintaining the continuity of such supply shall at the expense of the Councils and to the reasonable satisfaction of the companies have been first made and laid down and be ready for use in such positions as the companies shall reasonably approve :
- (2) Subject to and without prejudice to the provisions of subsection (1) hereof the provisions of section 17 of the schedule to the Electric

A.D. 1930.

Lighting (Clauses) Act 1899 shall apply to any alteration under the powers of this Act of any apparatus of the companies as if in that section "the operators" meant "the Councils" and "the owners" meant "the companies" but with the substitution of "two months" for "one month" in paragraph (a) and "six weeks" for "three weeks" in paragraph (b) of that section :

- (3) Should any interruption of the supply of electricity by the companies during the construction of the works authorised by this Act be in any way occasioned either by reason of the exercise by the Councils of the powers of this Act or by any act or default of the Councils or any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Councils shall make to the companies full compensation for any loss injury or damage sustained by the companies consequent upon such interruption :
- (4) Where by reason or in consequence of the exercise of any of the powers of this Act any apparatus of the companies is rendered derelict or unnecessary the Councils shall pay to the companies the value of such apparatus so rendered derelict or unnecessary unless proper and sufficient substituted apparatus is provided by or at the cost of the Councils :
- (5) In any case where the Councils stop up temporarily any road street bridge footpath or way under the powers of the section of this Act of which the marginal note is "Power temporarily to stop up or interfere with streets" they shall afford to the companies and their respective officers and employees reasonable access for the purposes of inspecting repairing maintaining removing replacing or extending any apparatus of the companies in on or under such road street bridge footpath or way :
- (6) In this section the term "apparatus" includes any electric line as defined in the Electric Lighting Act 1882 and any other works or apparatus of the companies :

(7) Any difference which shall arise between the Councils and the companies under the provisions of subsections (1) (3) (4) and (5) hereof shall be determined in the manner mentioned in subsection (5) of the section of this Act of which the marginal note is "Alteration of position of water gas and other pipes":

A.D. 1930.
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(8) The provisions of subsections (1) (2) and (3) of the section of this Act of which the marginal note is "Alteration of position of water gas and other pipes" shall not apply to the companies but subject thereto the provisions of this section shall be in addition to and not in substitution for or derogation of any other provisions of this Act for the benefit of which the companies would otherwise have been entitled.

47. For the protection of the Thurrock Grays and Tilbury Joint Sewerage Board (in this section called "the board") the following provisions shall unless otherwise agreed in writing between the Councils and the board have effect (that is to say) :—

For
 protection
 of Thurrock
 Grays and
 Tilbury
 Joint
 Sewerage
 Board.

(1) Before constructing any part of the approach to the tunnel (Work No. 1) by this Act authorised over or within one hundred yards from any part of the sewer of the board which runs east and west near to and on the northern side of the London Midland and Scottish Railway the Councils shall divert the said sewer and carry the diverted portion thereof (in this section called "the diverted sewer") by means of cast-iron pipes supported on concrete and piles so as to pass between the abutments of the bridge carrying the said approach over the said railway. The extent of the said sewer to be so diverted and the line to be taken by the diverted sewer shall be such as may be reasonably required by the board for the purpose of ensuring the due flow of sewage in the sewer and preventing all risk of injury to the sewer by reason of the weight of the said bridge and abutments and the embankment to carry the said approach or by reason of anything done in the construction maintenance

A.D. 1930.
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and use of the said bridge abutments and embankment In executing the said diversion the Councils shall provide and construct such means of access for inspection repair and renewal of the diverted sewer as may be reasonably required by the board :

- (2) The Councils shall to the reasonable satisfaction of the board make all such temporary arrangements and construct all such temporary works (if any) as may be necessary for preventing any interruption or retardation of the flow of sewage in the sewage system of the board during and as a result of the diversion :
- (3) The diverted sewer and all works apparatus and equipment in connection therewith to be constructed or provided by the Councils in pursuance of the provisions of this section shall forthwith become and be the property of the board but shall be maintained in a good and sound condition by the Councils for a period of twelve months after the completion of the works :
- (4) Save so far (if at all) as may be necessary for the purposes of carrying out the said diversion and constructing the said approach and bridge in conformity with the provisions of this section the Councils shall not under the powers of this Act enter upon take or use any lands or property of the board or any easement or right in relation thereto :
- (5) The provisions of the sections of this Act whereof the respective marginal notes are "Power to pump water and use sewers for removing water" and "Power to alter sewers and drains" shall not apply to any sewer or drain of the board and the Councils shall not under the powers of this Act deposit any materials or conduct any other operations in such a position as to involve risk of injury to or interference with any work or property of the board or the means of access thereto :
- (6) Before commencing the diversion of the said sewer or the execution of any works under the powers of this Act over or within one hundred yards from any part of the said sewer the

Councils shall give to the board not less than twenty-eight days' previous notice in writing of their intention to commence the same accompanied by detailed plans drawings sections and specifications thereof and the said diversion and works shall not be executed except in accordance with such plans drawings sections and specifications as approved by the board or as determined by arbitration in manner in this section provided and under the superintendence (if given) and to the reasonable satisfaction of the engineer of the board. Provided that if such plans drawings sections and specifications are not objected to by the board within twenty-eight days from the receipt thereof by the board they shall be deemed to have been approved by the board :

A.D. 1930.
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- (7) All works to be executed by the Councils in pursuance of this section shall be carried out in all respects at the expense of the Councils and the Councils shall repay to the board the amount of any expenses reasonably incurred by the board in connection with the execution of the said works including the proper charges of an engineer to act on behalf of the board but not including any remuneration of any person in the permanent service of the board :
- (8) The Councils shall be responsible for and make good to the board all damage or expense which may be occasioned to any works of the board in consequence of the execution of Work No. 1 or Work No. 2 by this Act authorised or any works in connection therewith (in this subsection called " the Councils' works ") either (a) during the construction of the Councils' works or (b) within one year after the completion of the Councils' works and shall also be responsible for and make good to the board all damage or expense which may be occasioned to any sewer of the board within five years from the completion of the Councils' works through the settlement of any embankment forming part of the Councils' works or movement of soil due to any such embankment if such settlement or

A.D. 1930.

movement can be shown to be attributable to the special nature of the subsoil :

- (9) Any difference which shall arise between the Councils and the board with respect to anything contained in or provided for under this section shall be referred to and determined by arbitration.

For
protection
of Com-
missioners
of Sewers.

48. For the protection of the Commissioners of Sewers for the levels of Rainham Wennington West Thurrock and Aveley Chadwell Little Thurrock and Grays East Tilbury West Tilbury and Childerditch in the county of Essex and of the Commissioners of Sewers for the limits extending from Lombard's Wall to Gravesend Bridge in the county of Kent (hereinafter in this section respectively referred to as "the commissioners") the following provisions shall unless otherwise agreed in writing between the commissioners and the Councils have effect (that is to say):—

- (1) Not less than one month before commencing the execution of any works under the powers of this Act which shall or may pass over under or by the side of or interfere with any sewer watercourse drain culvert bank river wall defence or other work or property belonging to or under the jurisdiction or control of the commissioners (hereinafter in this section referred to as "the commissioners' works") or which shall involve any alteration of any of the commissioners' works or in any way affect the drainage of the districts under their control the Councils shall submit to the commissioners particulars together with plans sections and drawings showing all details of any such works which the Councils propose to carry out and no such works shall be carried out otherwise than in accordance with the particulars plans sections and drawings approved by the commissioners in writing or settled by arbitration as hereinafter provided :
- (2) If by reason of or in connection with the execution of any such works the commissioners shall reasonably require the Councils to divert or alter the course of any of the commissioners' works or to bridge over or execute any other work for protecting or preserving the flow of

water therein the Councils shall at their own cost in accordance with particulars plans sections and drawings previously submitted to and approved by the commissioners in writing or settled by arbitration as hereinafter provided make and execute such diversions alterations or other works as the commissioners may have so required or as may have been settled by arbitration :

- (3) If within one month after the receipt of any such particulars plans sections and drawings as are hereinbefore mentioned the commissioners shall not have intimated to the Councils their disapproval thereof or their requirements with respect to any such works they shall be deemed to have approved such particulars plans sections and drawings and such works may be carried out in accordance therewith :
- (4) The Councils shall not under the powers of this Act execute any works so as to obstruct or impede the flow of water in any of the commissioners' works and shall execute and do all such works and things and take all such precautions as the commissioners may reasonably require for preventing any injury to any of the commissioners' works :
- (5) All such works of the Councils as are referred to in subsection (1) of this section shall be executed under the superintendence (if after reasonable notice from the Councils the same be given) and to the reasonable satisfaction of the surveyor engineer or other officer or officers of the commissioners :
- (6) The Councils shall be responsible for and make good to the commissioners all damage or expense which may be occasioned to any works of the commissioners in consequence of the execution of Work No. 1 or Work No. 2 by this Act authorised or any works in connection therewith (in this subsection called " the Councils' works") either (a) during the construction of the Councils' works or (b) within one year after the completion of the Councils' works and shall also be responsible for and make good to the commis-

A.D. 1930.

sioners all damage or expense which may be occasioned to any sewer of the commissioners within five years from the completion of the Councils' works through the settlement of any embankment forming part of the Councils' works or movement of soil due to any such embankment if such settlement or movement can be shown to be attributable to the special nature of the subsoil :

- (7) All reasonable costs charges and expenses to which the commissioners may be put whether in the examination or approval of plans sections particulars or drawings or in superintendence by the commissioners under the provisions of this section other than the remuneration of any person in the employ of the commissioners shall be paid to the commissioners by the Councils :
- (8) If any difference shall arise between the commissioners and the Councils under the provisions of this section the matter in difference shall be referred to and determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For
protection
of West
Kent Main
Sewerage
Board.

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

In carrying out the works under the powers of this Act it shall not be lawful for the Councils to throw or pass or permit or cause to pass into any sewer of the board or into any sewer or drain connecting directly or indirectly with any sewer of the board (i) any matter or substance by which the free flow of the sewage may be interfered with or by which any sewer of the board may be injured (ii) any chemical refuse or any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit) which either alone or in combination with the sewage causes

a nuisance or is dangerous or injurious to health (iii) any petroleum or any produce of or residue from petroleum or any liquid or substance giving off or liable to give off inflammable vapour or to lift the cover of any sewer or drain or otherwise make an emergency entrance to any sewer or drain for the purpose of admitting subsoil waters storm waters or the drainage of any land to any sewer of the board or to any sewer or drain communicating directly or indirectly with a sewer of the board.

A.D. 1930.
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50. For the protection of the Thames Board Mills Limited or other the owners or owner for the time being of the existing water main for the supply of water to the Thames Board Mills laid in or through the lands numbered respectively upon the deposited plans 10 15 17 and 18 in the urban district of Purfleet alongside and to the north of the London Tilbury and Southend section of the London Midland and Scottish Railway (hereinafter respectively referred to as "the owners" and "the said main") the following provisions shall notwithstanding anything in this Act contained or shown upon the deposited plans and sections and unless otherwise agreed between the owners and the Councils apply and have effect (that is to say):—

For
protection
of Thames
Board Mills
Limited.

- (1) The Councils shall not take or use the said main or (except as in this section provided) otherwise interfere with the same :
- (2) The Councils shall not in exercise of the powers conferred by the section of this Act of which the marginal note is "Alteration of position of water gas and other pipes" or of any other powers conferred by this Act raise sink alter the position of or otherwise interfere with the said main in such manner as to interrupt diminish prejudice or interfere with the continuity of the supply of water afforded by means thereof.

51.—(1) If at any time during the construction or within three years after the completion of so much of the works authorised by this Act as will be situate on the south side of the river Thames it shall be proved by the mayor aldermen and commons of the city of London in common council assembled (hereinafter in this section

For
protection
of City of
London
Mental
Hospital.

A.D. 1930. — referred to as “ the common council ”) that by reason of the construction of so much of the said works as aforesaid the supply of water from the well (hereinafter in this section referred to as “ the well ”) from which at the time of the commencement of the said works the water supply to the City of London Mental Hospital in the parish of Stone in the rural district of Dartford in the county of Kent is obtained has diminished or has ceased the Councils may if they think fit for the purpose of providing a supply of water equal to the diminution of the supply or cesser of supply in the well deepen the well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution or cesser and the common council shall without making any charge therefor give the Councils access and every facility for carrying out such deepening borings or headings The Councils shall reimburse to the common council any capital or other expenditure incurred by them in lowering pumps and lifting water rendered necessary by the exercise by the Councils of the powers of this subsection.

(2) If the Councils shall not deepen the well or make such borings or headings therein as aforesaid or if any operations of the Councils under the powers of this section at the well shall fail to make good the said diminution or cesser the Councils shall make compensation in money to the common council for the said diminution or cesser so far as the same shall not be made good by any such operations of the Councils and they shall also make like compensation for any injury caused to the common council by the exercise of the powers conferred on the Councils by the last preceding subsection.

(3) The Councils shall not be liable in respect of any claim made by the common council under this section if the common council shall have failed to afford to the Councils and their officers servants and other representatives at all reasonable times after the passing of this Act access to the well and facilities for ascertaining particulars thereof and the level and quality of the water therein.

(4) Any question which may arise between the Councils and the common council as to any compensation payable under this section and any other question dispute or difference which may arise between the Councils and the common council thereunder shall be referred to arbitration.

52. For the protection of the Thurrock Chalk and Whiting Company Limited their successors and assigns owners or owner of the lands hereinafter in this section referred to (all of whom are in this section collectively referred to as "the company") the following provisions shall notwithstanding anything in this Act contained or shown upon the deposited plans and sections and unless otherwise agreed in writing between the Councils and the company apply and have effect (that is to say):—

A.D. 1930.

—
For
protection
of Thurrock
Chalk and
Whiting
Company
Limited.

(1) In this section the expressions—

"the signed plan A" means the plan so marked signed in triplicate by Alec George Vaughan-Lee on behalf of the Councils and by Eric Houghton Brown on behalf of the company one copy of which has been retained by each of the Councils and the other copy has been retained by the company;

"the signed plan B" means the plan so marked copies of which have been signed in triplicate and retained as aforesaid;

"the existing railways of the company" means the existing railways and sidings of the company shown upon the signed plan A and thereon coloured black and indicated by the letter "A";

"the diverted railways of the company" means the railways and sidings to be substituted under the provisions of this section for the existing railways of the company (either by the diversion of the same or the substitution of new railways and sidings therefor) and coloured blue on the signed plan A:

(2) If the Councils shall acquire under and for the purposes of this Act any of the property of the company they shall not acquire a less portion thereof than the portion thereof which is coloured red on the signed plan A (including therein so much of the site of the proposed road coloured brown on the said plan as is also hatched red thereon) and no greater quantity thereof such acquisition to be subject to and with the benefit of all leases or tenancies thereof (if any) for the time being subsisting:

A.D. 1930.
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(3) The exercise or putting into force by the Councils of the powers or provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall be subject to the conditions and limitations following (that is to say):—

(i) The prescribed limits for the purposes of the said powers and provisions shall in relation to the lands of the company be so much of the lands coloured red and pink on the signed plan A as are within two hundred yards of any part of the works authorised by this Act and the compensation to be paid by the Councils to the company in respect of the temporary occupation of so much of the said lands as is situate within one hundred feet of the west side of any works authorised by this Act shall be such rent per acre per annum as may have been or may hereafter be agreed between the Councils and the company;

(ii) The said powers and provisions shall (so far as may be reasonably practicable) be so exercised by the Councils as not to interrupt impede or interfere with the use by the company of the existing railways or the new railways of the company or the due carrying on of the trade and business of the company as the same is carried on at the passing of this Act:

(4) Before the Councils interfere with the user of the existing railways of the company they shall—

(a) divert the existing railways of the company and (where so indicated on the signed plan A) provide and complete fit for use new railways in substitution therefor in accordance with the signed plan A. The Councils shall make all necessary provision in the construction of the said new railways and the embankments thereof and of the bridge for carrying the same over the road referred to in paragraph (b) of this subsection for the addition by the company or their

licensees at their own expense at any subsequent time or times of a further single line of railway to the diverted railways of the Company or any part or parts thereof; A.D. 1930.

(b) construct the new road coloured brown on the signed plan A such road to be of a uniform width throughout its length of not less than thirty feet and carry the diverted railways of the company over the same by means of a bridge to be constructed of a uniform width not less than twenty-eight feet between the parapets and capable of carrying main-line locomotive engines. Provided that the company shall reserve free of cost a strip of land ten feet wide throughout the length of the said road coloured brown as aforesaid so far as such road is constructed on the company's land and adjoining the west side of the said road to permit of the widening of such road to a width of forty feet. Provided also that the land for the said road so far as it is on the company's property shall be made available by the company free of cost;

(c) construct in lieu of the existing assembling sidings of the company shown upon the signed plan A new assembling railway sidings in such position as may be agreed to by the London Midland and Scottish Railway Company and reasonably approved by the company;

(d) use their best endeavours to secure for the company from the London Midland and Scottish Railway Company such facilities for the reception and delivery of traffic to or from the London Midland and Scottish Railway from or to the diverted railways of the company as shall be as nearly as may be practicable equivalent to the facilities in that behalf enjoyed by the company in relation to the existing railways of the company at the passing of this Act;

(e) provide or secure the provision of any catchpoints necessary for the purposes of the diverted railways of the company;

A.D. 1930.
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(f) remove and re-erect in a position to be reasonably approved by the company the existing weighbridge of the company shown upon the signed plan A and connect the same to the diverted railways of the company :

All the foregoing works shall be carried out by the Councils in accordance with plans sections and specifications to be submitted to the company and reasonably approved by them prior to their commencement. The same shall also be carried out in such manner as to cause as little interference with the conduct of the company's business as may be practicable. The Councils shall also maintain the diverted railways of the company and the said new road and bridge referred to in paragraph (b) of this subsection and the weighbridge referred to in paragraph (f) thereof in good and serviceable condition until the expiration of the period of one year from the date of the completion of the construction of the works by this Act authorised. The company shall afford to the Councils free of charge all reasonable facilities for the purposes of the construction and maintenance by the Councils of the works to be constructed and maintained by them under this subsection over the lands of the company which shall not be acquired by the Councils under this section :

Nothing in this section shall be deemed to give any person other than the Councils any right in the subsoil of the portion of the said new road which is hatched red on the signed plan A or to lay upon the Councils any liability for maintaining any part of the said road after the expiration of the said period of one year but the company shall not object to the Councils or persons employed in the construction or maintenance of any works by this Act authorised at any time making any reasonable use of the said road :

The Councils shall grant to the company without monetary consideration and for all the purposes of the company and its licensees a perpetual right of user of the portion of the said new road which is hatched red on the signed

plan A but so that such right shall not be exclusive and neither the company nor its licensees shall at any time demand or take any payment in respect of any user of any part of the said road other than contributions towards the cost of the maintenance thereof : A.D. 1930.
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- (5) The materials constituting the diverted railways of the company shall upon completion become vested in the company who and whose licensees shall be entitled in perpetuity to the sole and exclusive enjoyment and use of the diverted railways and to a right to pass over the site thereof and of access thereto for the purpose of maintaining repairing and renewing the same without any rent or other consideration being paid therefor to the Councils. The company and their licensees shall also be entitled at any time and from time to time if they think fit at their own expense to add a further single line of railway to the whole or any part or parts of the diverted railways of the company and the Councils shall afford to the company and their licensees free of charge all reasonable facilities for the purposes of the construction maintenance repair and renewal of any such further single line. As from the construction of any such further single line the materials constituting the same shall be vested in the company and the company and their licensees shall be entitled in perpetuity to the same rights of enjoyment and use thereof and of access thereto as in the case of the diverted railways of the company. No permanent level crossings shall be constructed over the diverted railways of the company by the Councils under the powers of this Act or by the Councils or their successors in title by virtue of their ownership of the land forming the site of the diverted railways or any part thereof but this restriction shall not apply to the company as regards any part of the said land which they may acquire. The weighbridge referred to in subsection (4) of this section when removed shall

A.D. 1930.

be and remain the property of the company and the company and their licensees shall have the exclusive use thereof and full power to maintain repair and renew the same :

(6) If the Councils for the purposes of this Act require to fill in any part of the existing drain shown on the signed plan A and thereon marked B (in this subsection referred to as "the existing drain") they shall—

(a) if and when requested by the company fill in at the cost of the company so much of the existing drain as lies between the points marked C and D on the signed plan A ;

(b) at their own expense construct such works as may be necessary to carry away to the reasonable satisfaction of the company the waters which would have been discharged by the existing drain ;

(c) at their own expense maintain the works referred to in the last preceding sub-paragraph of this subsection in good and serviceable condition for the period of one year after the completion of their construction :

(7) The Councils shall not object but will (so far as their consent may be necessary) consent to the company at any time (subject to the company obtaining any other necessary authority consent or licence for such purposes) constructing in the river Thames on the west side of the tunnel a new pier or jetty extending into the river from any of their lands coloured pink on the signed plan A or constructing a new arm extension or widening of any of their existing piers or jetties on the said river notwithstanding that such new pier or jetty or new arm extension or widening may overlap or extend in front of the lands to be acquired by the Councils provided that no part of any work of the company shall be nearer the centre line of the tunnel where it passes under the said river than seventy feet but any vessel moored at any such pier or jetty may extend over the tunnel or the

site thereof so long as such vessel shall not anchor over the tunnel : A.D. 1930.

- (8) Within one month after the completion of Work No. 1 by this Act authorised the Councils shall offer in writing to sell to the company (a) so much of the lands coloured green on the signed plan B and (b) so much of the lands coloured mauve on the said plan as the Councils may in each case determine to be land not required for the purposes of the works by this Act authorised and thereupon the company shall be entitled by notice in writing to be given by them to the Councils at any time within one month after the receipt of such notice to purchase or repurchase (as the case may be) the whole of the part of the lands comprised in such offer as is coloured green on the signed plan B either (a) together with or (b) without the whole of the part of the lands comprised in such offer as is coloured mauve on the signed plan B The price to be paid by the Company for so much of any of the said lands so offered as are coloured green and mauve respectively on the signed plan B shall be such price as may have been or may hereafter be agreed with reference thereto between the Councils and the company In the event of the company purchasing or repurchasing the part of the lands coloured green upon the signed plan B so offered to them the Councils shall not object but will (so far as their consent may be necessary) consent to the company at any time (subject to the company obtaining any other necessary authority consent or licence for such purposes) constructing in the river Thames on the east side of the tunnel a pier or jetty not more than forty feet in width and extending into the river from the lands so purchased or repurchased and commencing at a point not being less than ten yards from the eastern boundary of such lands :

Any such pier or jetty may overlap or extend in front of the lands retained by the Councils Provided that no part of such pier or jetty

A.D. 1930.

shall be nearer the centre line of the tunnel than seventy feet but nothing in this section shall prevent any vessel moored at any such pier or jetty extending over the tunnel or the site thereof so long as such vessel shall not anchor over the tunnel :

- (9) The Councils shall not oppose except on details any application made by the company at any time hereafter for any such consent or authority as is referred to in subsections (7) and (8) of this section except so far as may be necessary for the protection of the tunnel :
- (10) Any difference which may arise between the Councils and the company under the provisions of this section (other than any question as to disputed compensation) shall be referred to arbitration.

PART III.

FINANCE.

Confirming
conditions
of grant by
Minister.

53. The general conditions relating to the grant by the Minister towards the cost of the works by this Act authorised and to the arrangements for the execution of such works and the payment of the cost thereof as set forth in the Fifth Schedule to this Act are hereby confirmed and made binding.

Power to
borrow.

54.—(1) Each of the Councils (in addition to any other sums which they are authorised to raise) may borrow or raise money at interest for all or any of the purposes mentioned in the section of this Act of which the marginal note is "Contributions by Councils" the sum of two hundred and fifty thousand pounds.

(2) Each of the Councils may also with the consent of the Minister of Health borrow such further money as may be necessary for any purposes of this Act.

(3) Any money to be borrowed under this Act shall be borrowed under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 as amended by the Local Government Act 1929 but the consent of the Minister of Health shall not be required to the borrowing or to the period of repayment of moneys borrowed under this section except as regards money referred to in subsection (2) of this section.

(4) The Councils shall severally make provision for the repayment of any money borrowed under this section within the following periods (namely):— A.D. 1930.
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- (a) As regards money borrowed under subsection (1) of this section for the purpose (a) therein mentioned sixty years (in this Act called “the prescribed period”) from the date or dates of borrowing;
- (b) As regards money borrowed with the consent of the Minister of Health such period as may be prescribed by him.

55.—(1) The clerk of the Essex Council or the Kent Council shall if and when requested by the Minister of Health so to do send to the Minister of Health a return showing the provision made for the repayment of any loans raised by the Essex Council or the Kent Council as the case may be for the purposes of this Act. Return to
Minister of
Health
with respect
to repay-
ment of
debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister of Health may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the council making the return and shall be sent within one month after the making of the request and in the event of the Councils failing to make such return the clerk or other officer as aforesaid shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister of Health in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the returns shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

(3) If it appears to the Minister of Health by such a return as aforesaid or otherwise that the Councils have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the said Minister

A.D. 1930.
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may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council making the return shall notify the said Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the said Minister out of the High Court.

Application
of interest
on sinking
funds.

56. Where sums are set apart as a sinking fund for the purpose of paying off money borrowed by either of the Councils in the exercise of their powers under this Act the interest received in any year from the investment of the sums so set apart shall instead of being accumulated in accordance with the provisions relating to such sinking fund form part of the revenue for that year of the fund or rate out of which the sums were set apart but the contribution to be made to the sinking fund out of such fund or rate shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at such rate that the accumulations would with the sums set apart be sufficient to pay off the moneys borrowed within the period sanctioned.

Application
of sinking
funds of
Councils.

57. The Councils may from time to time apply the whole or any part of any sinking fund formed for the purpose of repaying moneys borrowed under the powers of this Act in or towards the discharge of the principal moneys for the discharge of which such fund shall have been established provided that they pay in each year into the sinking fund and accumulate until the whole of the principal moneys in respect of which it shall have been accumulated shall have been discharged a sum equivalent to the interest of the principal moneys so paid off or discharged. Provided also that whenever and so long as the value of the securities standing at the credit of the sinking fund shall be equal at the market price of the day to the amount of the principal moneys then outstanding and to be paid off by means of such fund the Councils may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

58. The Councils shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them under the powers of this Act may be subject but the receipt of the person in whose name any loan or security for loan stands in the books of the Councils shall be a sufficient discharge to the Councils in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Councils have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

A.D. 1930.

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Councils
not to
regard
trusts.

59. If the Councils pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or by appropriations or annual repayments they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall for the purposes of repayment be deemed to form the same loan as the moneys originally borrowed and the obligations of the Councils with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Power to
Councils to
re-borrow.

60. A person lending money to the Councils under this Act shall not be bound to inquire as to the observance by the Councils of any provisions of this Act or to see to the application or be answerable for any loss mis-application or non-application of the money lent or any part thereof.

Protection
of lender
from
inquiry.

61. Where more persons than one are registered as joint holders of any security granted by the Councils under this Act any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Councils by any other of them.

Interest on
securities
held
jointly.

PART IV.

CONSTITUTION AND POWERS OF COMMITTEE.

62.—(1) A committee to be called “the Dartford Tunnel Committee” shall be and is hereby incorporated for the purpose of exercising for and on behalf of the

Establish-
ment of
committee.

A.D. 1930

Councils subject to the provisions of this Act the powers (other than the powers of borrowing money) hereinbefore in this Act conferred upon the Councils and all or any such powers may be exercised by the Councils or by the committee accordingly.

(2) Subject as is in this section hereinafter provided the committee shall be a body corporate with perpetual succession and a common seal and shall consist of three members of the Essex Council appointed by that council and three members of the Kent Council appointed by that council.

(3) Subject to the provisions of this Act the provisions of the Fourth Schedule to this Act with respect to the constitution and procedure of the committee shall have effect.

(4) The proceedings of the committee shall not require the approval of the Councils.

(5) The Essex Council and the Kent Council may at any time by resolutions passed by them respectively declare that the committee shall be abolished as from such date as may be stated in such resolutions and as from such date the committee shall cease to exist. Provided that if and so long as tolls continue to be payable under the powers of this Act in respect of traffic passing through and into the tunnel the committee shall not be abolished without the consent of the Minister.

Accounts of
committee.

63.—(1) The committee shall keep accounts of all moneys received by them which accounts shall be made up for each financial year in such form as the Minister may prescribe so as to distinguish capital from revenue and any capital moneys received by the committee in pursuance of this Act shall be credited to the capital account of the committee and any moneys received on account of revenue by the committee in pursuance of this Act shall subject to the provisions of the section of this Act of which the marginal note is "Tolls" be credited to the revenue account of the committee.

(2) The Committee shall every year within three months after the closing of the financial year or such longer period as the Minister may allow furnish a copy of its accounts to the Councils and the Minister.

64.—(1) Each of the Councils shall provide towards the cost of the works by this Act authorised the sum of two hundred and fifty thousand pounds.

A.D. 1930.

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Contribu-
tions by
Councils.

(2) Any sums provided by either of the Councils may be provided in whole or in part out of their respective county funds or county rates or other their revenues or out of moneys borrowed under the powers of this Act.

65. Any council of any administrative county or county borough adjoining the administrative counties of Essex and Kent respectively or either of such last mentioned counties or any local or road authority in either of the said two last mentioned counties or any such adjoining county with the consent of the Minister of Health may out of their county funds or general rate fund or their county rate or general rate or other their revenues make any contribution towards the cost of the works by this Act authorised.

Contribu-
tions to
cost of
works.

66.—(1) The committee shall from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or an accountant or accountants approved for the purpose by the Minister to act as auditor or auditors of the accounts of the committee in such manner as the committee directs. Any auditor or auditors appointed by the committee under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

Audit of
accounts of
committee.

(2) The capital and revenue accounts of the committee shall be made up for each financial year and shall be audited by the appointed auditor and he shall be entitled to require from any officer of the committee all such papers books accounts vouchers information and explanations as may be necessary for the performance of his duties.

(3) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the committee such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

A.D. 1930.

PART V.

TOLLS BYELAWS &C.

Tolls.

67.—(1) The committee may demand take and recover in respect of all traffic passing through or into the tunnel tolls not exceeding those specified and set forth in the Third Schedule to this Act and for any other services approved by the Minister rendered by the committee in connection with the tunnel such reasonable charges as they may think fit There shall be actually demanded in respect of such traffic such tolls as the Minister after full consultation with the Councils may from time to time prescribe.

(2) The tolls which may be collected in pursuance of this Act shall be collected and brought into account in such manner as the Minister may direct and be applied—

- (a) in defraying the cost of providing any toll houses toll gates offices or other conveniences required for the collection of the tolls;
- (b) in meeting in each year all expenses (including a proper proportion of office charges) incurred in such year and about such collection.

Subject as is in this section before mentioned any tolls taken under the powers of this section may to such extent as the Minister may approve be applied towards all or any of the following purposes (that is to say):—

- (c) in meeting in any year any interest which may from time to time be or remain payable in respect of that or any previous year on any amount by which the cost of the works by this Act authorised exceeds the contributions payable by the Minister as provided by the conditions set out in the Fifth Schedule to this Act and the two sums of two hundred and fifty thousand pounds to be contributed by the Councils respectively under this Act and other contributions (if any) to the cost of the said works which may be made by any other body or person (which amount is in this section called “the excess sum”);
- (d) in paying off from time to time any part of the excess sum as may from time to time remain outstanding.

(3) So soon as all the payments provided for by subsection (2) of this section which shall have been approved by the Minister shall have been made the power to demand take and recover tolls conferred by this Act shall cease and determine. A.D. 1930.
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68.—(1) If at any time it is represented in writing to the Minister— Revision
of tolls.

(a) by any representative body of traders or of owners or users of vehicles or any person who in the opinion of the Minister is a proper person for the purpose; or

(b) by the Councils or the committee;

that under the circumstances then existing all or any of the tolls authorised in pursuance of this Act should be revised the Minister may if he thinks fit make an order revising all or any of such tolls as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister may if he thinks fit cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this Act.

(2) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the person holding an inquiry for the purposes of this section may call for such documents and accounts as they may consider relevant and may hear such witnesses as they shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

69. The committee may from time to time provide set up maintain and remove at or upon the tunnel and the approaches thereto such toll-houses toll-gates offices and other conveniences in connection with the works by this Act authorised as may be necessary or convenient. Power to
provide
toll-houses
&c.

70. A list of the tolls by this Act authorised to be demanded and taken and which shall from time to time be charged by the committee shall at all times List of
tolls to be
exhibited.

A.D. 1930. — be exhibited in a conspicuous place at or near the places where such tolls shall be payable.

Regulations
as to
payment
of tolls.

71. The tolls by this Act authorised to be demanded and taken shall be paid to such persons and at such places in or near the tunnel and in such manner and under such regulations as the committee may appoint and the committee may recover such tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

Persons
may be
prevented
from using
tunnel on
refusal to
pay tolls.

72. If the tolls payable by any person desirous of using the tunnel be demanded from him before using the same and such person shall after demand from him of such tolls (such demand being made by any collector or other person appointed to receive the same) knowingly and wilfully refuse or neglect to pay the same or any part thereof the collector or other person so appointed may refuse to permit the person so in default to use the tunnel and may by himself or with such assistance as he shall think necessary stop and prevent the person so in default from using the same.

Power to
compound
for payment
of tolls.

73. The committee may compound and agree with any person using the tunnel for the passage of any such person or of any traffic through the tunnel. Provided that such compositions shall be subject to the approval of the Minister and shall be paid in advance and in the like circumstances at all times charged equally to all persons.

Penalties
on persons
practising
frauds.

74. If any person shall wilfully refuse or neglect to pay any toll when the same shall be demanded from him by virtue of this Act he shall without prejudice to any remedy of the committee for the recovery of such toll for every such offence be liable to a penalty not exceeding five pounds.

Byelaws.

75.—(1) The Councils may in pursuance of this Act and any other Act enabling them in that behalf make and enforce byelaws for the regulation control and protection of the tunnel and the approaches thereto and of persons resorting to or using the same and for the management regulation direction and control of traffic of every description using the tunnel and approaches with power to fix a speed limit for motor vehicles and to prohibit the passage of particular traffic at certain hours.

(2) All byelaws from time to time made in pursuance of this section shall be made under and according to the provisions contained in sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority as if the Councils were an urban sanitary authority except that as regards confirmation of such byelaws and inquiries in relation thereto the Minister shall be substituted for the Minister of Health. A.D. 1930.

(3) The Minister shall before confirming any byelaw made in pursuance of this section for the management regulation direction and control of traffic take into consideration any objections to such byelaw submitted to him by any representative body of traders or of owners or users of vehicles or any person who in the opinion of the Minister is a proper person for the purpose and may for that purpose cause a public inquiry respecting such byelaw to be held in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this Act.

(4) A copy of all byelaws made in pursuance of this section shall at all times be exhibited in a conspicuous place at each entrance to the tunnel or the approaches thereto.

(5) Notwithstanding anything in section 253 of the Public Health Act 1875 the Councils or either of them or the committee may take proceedings for the recovery of any penalty.

(6) Nothing in this section shall restrict or interfere with any existing rights and privileges of the port authority or conflict with any byelaws made from time to time by that authority under and by virtue of the Port of London (Consolidation) Act 1920.

PART VI.

MISCELLANEOUS.

76.—(1) Where any notice or other document under this Act or under the Lands Clauses Acts as incorporated with this Act requires authentication by either of the Councils or of the committee the signature of the clerk or other duly authorised officer of such council or of the committee shall be sufficient authentication. Authentication and service of notices &c.

A.D. 1930.

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

Provided that—

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

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

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

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

Settlement
of questions
between
Councils.

77. Any question arising between the Essex Council and the Kent Council under any of the provisions of this Act shall be referred to and determined by arbitration.

Application
of penalties.

78. All penalties recovered on a prosecution under this Act or under any byelaw thereunder by either of the Councils or by the committee shall be paid to whichever of them may recover the same.

Recovery of
penalties
&c.

79. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable

[20 & 21 GEO. 5.] *Dartford Tunnel* [Ch. clxxxii.]
Act, 1930.

along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. A.D. 1930.
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80. Without prejudice to any existing right of His Majesty and save as provided by the Army Act and the Air Force Act nothing in this Act shall extend to authorise any tolls to be demanded or received from any person when on duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in the execution of his duty or for any mail bag as defined by the Post Office Act 1908. If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable on summary conviction to a fine not exceeding ten pounds.

Exemption from tolls in case of persons in service of Crown &c.

81.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

Inquiries by Minister of Health.

(2) The Councils shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

82. In respect of the exercise of any powers conferred on the Minister by this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.”

Inquiries by Minister.

83. Where under this Act any question or dispute is to be referred to an arbitrator or determined by arbitration (other than questions or disputes to which the

Application of Arbitration Act 1889.

A.D. 1930. provisions of the Lands Clauses Acts apply) then unless other provision is made the reference shall be to an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply accordingly.

Crown
rights.

84. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Saving for
Trinity
House.

85. Subject to the provisions of subsection (10) of the section of this Act of which the marginal note is "For protection of port authority" nothing contained in this Act shall prejudice or affect the powers rights and privileges of the Corporation of Trinity House of Deptford Strond.

Costs of
Act.

86. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be borne by the Councils in equal shares and shall be paid out of their respective county funds or out of moneys to be borrowed under this Act.

The SCHEDULES referred to in the A.D. 1930.
foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY
MAY BE TAKEN COMPULSORILY.

Area.	Nos. on Deposited Plans.
Urban district of Purfleet	- 9 to 17 inclusive and 23 to 27 inclusive.

THE SECOND SCHEDULE.

DESCRIBING PROPERTIES UNDER WHICH EASEMENTS
ONLY MAY BE TAKEN.

Area.	Nos. on Deposited Plans.
Urban district of Purfleet	- 23 to 26 inclusive and 28.
Parish of Stone	- 1 3 to 11 inclusive 14 15 and 23.
Urban district of Dartford	- 1 and 7.

A.D. 1930.

THE THIRD SCHEDULE.

MAXIMUM TOLLS LEVIABLE IN RESPECT OF TRAFFIC
USING THE TUNNEL.

PART I.

Horse drawn vehicles (including driver and one horse)—	s.	d.
For every—Brougham or cab	2	0
Cart	2	0
Float	2	0
Hearse	3	6
Lorry or wagon	2	6
Oil tank wagon	3	6
Trap	2	0
Van—furniture	3	0
„ other than furniture	2	0
Wagonette or omnibus	2	6
For each additional horse	8	d.

PART II.

Motor vehicles (including driver)—	s.	d.
For every—Ambulance	2	0
Bicycle and trader's side-car	0	9
Car or chassis	2	0
„ 3 wheels 2 seats	1	0
Char-a-banc or omnibus (not exceeding 14 seats)	2	6
Char-a-banc or omnibus (exceeding 14 seats)	5	0
Van—furniture	3	0
„ other than furniture	2	0
Hearse	3	6
Lorry or wagon	2	6
„ „ with trailer	5	0
Motor bicycle	0	6
Oil tank wagon	3	6
Taxi cab	2	0
Tractor engine	5	0
„ „ with trailer	7	0

PART III.

Steam propelled vehicles (including driver)—	s.	d.
For every—Lorry or wagon	2	6
„ „ with trailer	5	0
Roller	5	0
Tractor engine	5	0
„ „ with trailer	7	0

Between 12 midnight and 5 a.m. all tolls for vehicles in Parts I II and III of schedule to be increased by 50 per centum.

[20 & 21 GEO. 5.] *Dartford Tunnel* [Ch. clxxxii.]
Act, 1930.

PART IV.

A.D. 1930.

Animals—								<i>s.</i>	<i>d.</i>
Calves per head	-	-	-	-	-	-	-	0	3
Cattle „ „	-	-	-	-	-	-	-	0	7
Dog	-	-	-	-	-	-	-	0	2
Horse or donkey	-	-	-	-	-	-	-	0	8
Sheep or pig	-	-	-	-	-	-	-	0	1½
„ „ per 100	-	-	-	-	-	-	-	10	0

For animals conveyed in a vehicle no charge beyond the appropriate charge for the vehicle.

PART V.

Foot passengers bicycles &c.

Single rate—								<i>s.</i>	<i>d.</i>
Adults	-	-	-	-	-	-	-	0	2
Children under 14 years of age	-	-	-	-	-	-	-	0	1
Bicycle	-	-	-	-	-	-	-	0	3
Perambulator mailcart go-cart or bath chair	-	-	-	-	-	-	-	0	4
Street organ	-	-	-	-	-	-	-	2	6
Hand cart	-	-	-	-	-	-	-	0	6
Trucks (small hand) or wheelbarrow	-	-	-	-	-	-	-	0	5

Between 12 midnight and 5 a.m. the foregoing tolls in Part V of schedule to be increased by 50 per centum.

								<i>s.</i>	<i>d.</i>
Return rate for workman	-	-	-	-	-	-	-	0	3
„ „ „ and bicycle	-	-	-	-	-	-	-	0	4

Workmen's tickets to be issued to workmen before 8 a.m. except on Sundays Christmas Day Good Friday and Bank Holidays to return at any time on day of issue.

All tolls for vehicles in Part V of schedule include tolls for the persons in charge thereof.

PART VI.

Passengers conveyed in any conveyance (other than the person in charge thereof)—

The same tolls as tolls (single rate) for foot passengers.

PART VII.

Traffic not specified above in this Schedule—

Tolls as nearly as may be equivalent to the tolls for the most similar description of traffic specified above in schedule.

A.D. 1930.

THE FOURTH SCHEDULE.

CONSTITUTION AND PROCEDURE OF THE DARTFORD TUNNEL COMMITTEE.

PART I.—PROVISIONS AS TO APPOINTMENT AND QUALIFICATION OF MEMBERS TENURE OF OFFICE CASUAL VACANCIES &C.

(1) The first appointment of members of the committee by the Essex Council and the Kent Council (each of whom is in this schedule included in the expression “constituent authority”) shall be made at a meeting of the constituent authority to be held as soon as conveniently may be after the passing of this Act and the members so appointed shall subject to the provisions of this Act continue in office until the thirty-first day of March one thousand nine hundred and thirty-four.

(2) Each constituent authority shall at its quarterly meeting held in the autumn in every year appoint the members of the committee whom it is by this Act authorised to appoint to hold office until the end of the following year. Any retiring member of the committee may if qualified be reappointed a member thereof.

(3) If a constituent authority fails to appoint first members of the committee as by this Act provided it shall be competent nevertheless for the other members of the committee to exercise their powers under this Act and if a constituent authority fails subsequently to appoint members of the committee at the proper time for their appointment the then existing members of the committee representing such authority and qualified to be members of the committee shall continue in office until their successors are appointed.

(4) A person shall not be qualified to be a member of the committee unless he is a member of the constituent authority by whom he is appointed and if a member of the committee ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the committee.

(5) A person shall be disqualified for being appointed or being a member of the committee if he—

(a) holds any paid office under the committee save as permitted by this Act; or

(b) is concerned in any bargain or contract entered into with the committee or participates in the profit of any such bargain or contract or of any work done under the authority of the committee :

Provided that a person shall not be disqualified for being appointed or being a member of the committee by reason of being interested— A.D. 1930.
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(i) in any newspaper in which any advertisement relating to the affairs of the committee is inserted; or

(ii) in any bargain or contract with the committee as a shareholder or director or officer of any company;

but he shall not vote at any meeting of the committee on any question in which he is so interested.

(6) Whenever an appointment of a member of the committee has been made the clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the committee and shall forthwith transmit the certificate of the clerk of the committee. Provided that in the case of the first appointment the clerk of each constituent authority shall return the names of the members appointed by his authority to the clerk of the other constituent authority.

(7) A member of the committee may resign his office by notifying in writing his intention so to do to the chairman or clerk of the committee.

(8) If any member of the committee dies or resigns or is disqualified or ceases to be a member of the committee the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the committee in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

(9) A chairman or vice-chairman may if otherwise qualified be reappointed chairman or vice-chairman and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the committee before the appointment of his successor.

(10) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification or otherwise another member shall be appointed by the committee in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

(11) Where any member becomes disqualified for holding office or vacates his office from absence or otherwise the committee shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed in such manner as the committee thinks fit.

A.D. 1930. PART II.—PROVISIONS AS TO MEETINGS AND PROCEDURE.

(1) The committee shall hold its first meeting at such place and at such time as may be agreed between the chairmen of the constituent authorities and subsequent meetings of the committee shall be held at such places on such days and at such times as the committee may from time to time appoint.

(2) The chairman or any three or more members of the committee may at any time by writing addressed and sent to the clerk of the committee require a special meeting to be convened and the clerk shall convene a meeting accordingly.

(3) The meetings of the committee shall be convened by the clerks of the Councils until the committee has appointed a clerk and afterwards by the clerk of the committee. Meetings shall be convened by circular delivered to each member of the committee or sent by ordinary letter post to or delivered at his residence three clear days at least before the day of the meeting.

(4) To constitute a meeting of the committee there must be present not less than two members of the committee.

(5) The committee from time to time shall elect from their number a chairman and a vice-chairman who shall not both be persons appointed by the same Council and may remove any persons so elected.

(6) At every meeting the chairman of the committee shall preside but if he is not present at the time appointed for the meeting the vice-chairman if present shall preside and if neither the chairman nor vice-chairman is present the members then present shall choose one of their number to preside at that meeting.

(7) If at any meeting neither the chairman nor vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(8) Subject to the provisions of this Act every question at a meeting of the committee shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

(9) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and copies or prints of such minutes shall after each meeting be forwarded by the clerk of the committee to the clerk of each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting.

(10) A minute of the proceedings of the committee or of a committee of the committee signed at the same or the next ensuing meeting by a member of the committee describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof. A.D. 1930
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(11) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

PART III.—GENERAL.

(1) Subject to the provisions of this Act the committee may make standing orders for the regulation of its proceedings.

(2) The committee may appoint out of its own body such and so many committees either of a general or special nature consisting of such number of persons as it thinks fit for any purposes which in the opinion of the committee would be better regulated and managed by means of its committees and may delegate with or without any restrictions or conditions as it may think fit any of its powers or duties to any committee of the committee so appointed.

(3) The committee may appoint and may remunerate a clerk manager engineer treasurer and other such officers clerks and servants as it from time to time thinks requisite and all officers clerks and servants so appointed shall (subject to the terms of their appointment) be removable by the committee at its pleasure. No member of the committee or of a constituent authority shall be an officer of the committee but an officer of a constituent authority may also be an officer of the committee. All acts and things required or authorised to be done by the clerk of the committee may (subject to any restrictions imposed by the committee) be done by a deputy-clerk who may act notwithstanding a vacancy in the office of clerk.

(4) No act or proceeding of the committee shall be questioned on account of any vacancy in its body or on account of any defect in the appointment of any member of the committee.

A.D. 1930.

THE FIFTH SCHEDULE.

GRANT BY THE MINISTER OF TRANSPORT AND
GENERAL CONDITIONS RELATING THERETO.

(1) The Minister will make a grant from the Road Fund towards the cost of the works by this Act authorised (hereinafter called "the works") of (a) a sum not exceeding the difference between three million five hundred thousand pounds (being the estimated cost of the works) or the actual cost of the works if less than three million five hundred thousand pounds on the one hand and the sum of the capital moneys to be contributed towards the cost of the works by the Councils and any other local or road authority on the other hand or (b) a sum of two million six hundred and twenty-five thousand pounds or (c) a sum equal to seventy-five per centum of the actual cost of the works whichever of the said sums (a) (b) or (c) shall be the less :

Provided that if the cost of the works exceeds the sum of the grant from the Road Fund and the capital moneys to be contributed by the Councils and any other local or road authority by an amount not exceeding fifty thousand pounds the Minister may if he thinks fit make a further grant from the Road Fund equivalent to such excess.

In addition to making any such grant or grants as aforesaid the Minister will provide from the Road Fund the amount by which the cost of the works exceeds the sum of any such grant or grants as aforesaid and the said capital moneys to be contributed by the Councils and any other local or road authority towards the said cost.

Any sum provided as aforesaid together with the interest (if any) which may from time to time be or remain payable thereon shall be repaid to the Minister out of tolls collected in pursuance of this Act in manner provided by the section of this Act of which the marginal note is "Tolls" and such tolls shall be applied by the committee in such repayment.

(2) For the purpose of calculating the cost of the works the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or any agreement made with the Minister thereunder and any costs charges damages or expenses which may be paid or become payable by the Councils or the Minister under or in pursuance of any provisions contained in this Act or any agreement made thereunder shall be deemed to be part of the cost of the works and all sums realised by the sale of materials and plant and surplus lands and the value of surplus lands (if any) retained

[20 & 21 GEO. 5.] *Dartford Tunnel* [Ch. clxxxii.]
 Act, 1930.

by the Councils or either of them (in so far as the purchase price thereof is charged as part of the construction cost) shall be taken into account in order to arrive at such cost of the works. A.D. 1930.
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(3) The Minister may convey to either of the Councils and either of the Councils may take a conveyance of so much of any lands in their county now vested in the Minister as may be required for the purpose of the works. The value of the lands so conveyed shall be deemed to be such sum as shall be certified by the Minister to have been the cost to the Minister of the acquisition thereof and the grant hereinbefore referred to shall be deemed to be reduced by the amount of the value of any land so conveyed by the Minister to either of the Councils as aforesaid.

(4) The Minister shall if requested by either of the Councils convey to such Council and either of the Councils may take a conveyance of any land in their county now vested in the Minister and which has been acquired by the Minister in anticipation of the construction of a tunnel under the river Thames and works incidental thereto and which are not lands required for the purposes of the works. The Council to whom any such land shall be so conveyed shall pay to the Minister therefor such sum as may be agreed by such Council and the Minister to be the fair market value thereof.

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