



CHAPTER 1v.

An Act to empower the London County Council A.D. 1931.
to make new streets and street improvements
at and near Vauxhall Cross in the metropolitan
borough of Lambeth and to construct and work
new tramways in connection therewith and for
other purposes. [8th July 1931.]

WHEREAS it is expedient that the London County Council (hereinafter referred to as "the Council") should be empowered to construct the new streets and to make the street improvements described in this Act and to acquire lands for those and other purposes in this Act mentioned :

And whereas it is expedient that the Council should be empowered to construct and maintain the tramways described in this Act and that provision should be made with respect to the use and working of such tramways :

And whereas it is expedient that in connection with and for the purposes of the new streets street improvements and tramways by this Act authorised the powers hereinafter set forth should be conferred upon the Council :

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

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

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And whereas an estimate has been prepared of the amount which the Council will require to expend on capital account in the execution of this Act and such estimate amounts to six hundred and seventeen thousand pounds :

And whereas the Minister of Transport has with the approval of the Treasury determined to make in accordance with the general conditions set forth in the First Schedule to this Act contributions out of the Road Fund towards the expenditure incurred or to be incurred by the Council in connection with this Act :

And whereas plans and sections showing the lines and levels of the works by this Act authorised such plans also showing the lands which may be acquired or used compulsorily under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the Council and are in this Act respectively referred to as the deposited plans sections and book of reference :

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 London County Council (Vauxhall Cross Improvement) Act 1931.

Act divided
into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street works.

Part IV.—Tramways.

Part V.—General provisions relating to improvements.

Part VI.—Miscellaneous and financial.

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

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 Interpretation.

“The county” means the administrative county of London;

“The Council” means the London County Council;

“The Minister” means the Minister of Transport;

“The street works” means the new streets street widenings and alterations of streets and other works by Part III of this Act authorised or any of them or any part thereof respectively and “street work” means any of the street works or any part thereof;

“The tramways” means the tramways by Part IV of this Act authorised or any part thereof respectively;

“The improvements” means the street works the tramways and the other works by this Act authorised and “improvement” means any of the improvements or any part thereof;

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

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

“Street” has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

Terms to which meanings are assigned by any enactment incorporated with this Act or which have in any such enactment special meanings have in and for the purposes of this Act the same respective meanings but the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

(2) Where in this Act any distance or length is stated in the description of any of the improvements the reference to that distance or length shall be construed as if the words “or thereabouts” were inserted after such distance or length.

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(3) Any reference to the junction of any two streets in the descriptions contained in this Act of the improvements shall be construed as a reference to the point at which the imaginary centre lines of those streets if produced would intersect.

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

Incorporation of
Lands] [Clauses
Acts.]

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

(a) Sections 127 and 133 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

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

PART II.

LANDS.

Power to
Council to
take lands
for improve-
ments &c.

5.—(1) Subject to the provisions of this Act the Council may enter upon take and use and may hold or otherwise deal with or dispose of any of the lands delineated on the deposited plans and described in the deposited book of reference which may be required for the purposes of the improvements or for providing space for the erection of houses and buildings adjoining or near to the improvements or for the purposes of recoupment reinstatement or exchange or for other purposes of this Act.

(2) The powers of the Council for the purchase of lands by agreement shall subject to the provisions of this Act be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands which they may think it desirable to purchase in order to provide sites for the erection of houses for persons of the working

class or substituted sites or facilities for any persons whose lands may be required for the purposes of or in connection with the improvements. A.D. 1931.
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6. Subject to the provisions of this Act the Council may enter upon take use and appropriate so much of the subsoil and under-surface of any public street road or footway within the limits of deviation shown on the deposited plans as shall be necessary for the purposes of the improvements or any part thereof without being required to purchase the same or any easement therein or thereunder. Power to use subsoil of road.

7. And whereas in the execution of the improvements or otherwise in the exercise by the Council 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 Council 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 :— Taking of parts of certain properties.

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to collectively as "the scheduled properties" and severally as a "scheduled property" :

(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 Council 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 Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

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- (3) If within such twenty-one days the owner shall by notice in writing to the Council 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 Council have compulsory powers of purchase) can be so severed :
- (4) If the arbitrator determines 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 Council the portion so determined to be severable without the Council being obliged or compellable to purchase the whole the Council 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 determines 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 determines 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 Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

- (7) If the arbitrator determines 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 Council 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. A.D. 1931.

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 of the scheduled properties.

8. Subject to the provisions of the section of this Act of which the marginal note is "For protection of Southern Railway Company" but notwithstanding any other provisions of this Act or anything shown on the deposited plans the Council— As to certain railway properties.

(a) may enter upon take and use such portions as they may think fit of any of the properties respectively numbered on the said plans 7 8 to 12 (inclusive) 36 37 39 44 and 67 to 80 (inclusive) in the metropolitan borough of Lambeth; or

(b) may purchase and acquire and the owners of and other persons interested in any of the said properties shall if required by the Council so to do sell to the Council such easements or rights (whether permanent or temporary) in over or under any part of such property as the Council may deem necessary or expedient for the purposes of the improvements;

without the Council being required in any such case to purchase or acquire any other part of such property or

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— or any other right or interest in any such property or
undertaking.

For the purposes of this section any such easement or
right shall be deemed to be lands within the meaning of
that expression in the Lands Clauses Acts.

Extinguish-
ment of pri-
vate rights
of way.

9. All private rights of way over any lands which
shall under the powers of this Act be acquired compul-
sorily shall as from the date of such acquisition be
extinguished. Provided that the Council shall make full
compensation to all parties interested in respect of any
such rights and such compensation shall be settled in
manner provided by the Lands Clauses Acts with reference
to the taking of lands otherwise than by agreement.

Power to
certain per-
sons to grant
easements
&c. by agree-
ment.

10. Persons empowered by the Lands Clauses Acts
to sell and convey or release lands may (if they think fit)
subject to the provisions of the Lands Clauses Acts and
of this Act grant to the Council 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 for the purposes of this Act
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 easements rights
and privileges as aforesaid and to any grant of the same
respectively.

Correction
of errors &c.
in deposited
plans &c.

11. If there is any omission mis-statement or wrong
description of any lands referred to in this Act or of the
owners lessees or occupiers of any such lands shown on
the deposited plans or specified in the deposited book of
reference the Council after giving ten days' notice to the
owners lessees and occupiers of the land in question may
apply to a metropolitan police magistrate for the correc-
tion thereof and if it appears to the magistrate that the
omission mis-statement or wrong description arose from
mistake he shall certify the same accordingly and he shall
in his certificate state the particulars of the omission and
in what respect any such matter is mis-stated or wrongly
described and such certificate or a copy thereof shall be
deposited with the clerk of the Council and such certificate
or copy shall be kept by such clerk with the other
documents to which the same relates and thereupon

the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the improvements in accordance with such certificate. A.D. 1931.
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12. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice to the occupiers thereof enter upon and into the lands and buildings by this Act authorised to be taken and used as aforesaid or any of them or any premises in respect of which a claim for compensation under this Act is received for the purpose of surveying and valuing the said lands and buildings and of inspecting the said premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands buildings or premises. Power to enter upon property for survey &c.

13. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):— Compensation in case of recently created interest.

(1) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the twenty-ninth day of July one thousand nine hundred and thirty and before the date of the passing of this Act if in the opinion of the arbitrator the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act:

(2) Subject as is hereinafter in this section provided the arbitrator shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any

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improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the arbitrator materially enhances the value of such premises; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act :

- (3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Council of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Council do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) paragraph (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) paragraph (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said twenty-ninth day of July and before the date of the passing of this Act :

- (4) The Council shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

14.—(1) The Council may for the purposes of this Act appropriate and use or deal with or dispose of in accordance with the provisions of this Act any lands or estate or interest in lands belonging to them and not required by them for any other purpose and the provisions of this Act relating to lands acquired by the Council thereunder shall apply to any lands or estate or interest in lands appropriated by the Council under the powers of this section as if such lands or estate or interest in lands had been so acquired. Provided that the Council shall make any necessary adjustments in their accounts required in consequence of any such appropriation as aforesaid.

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 Power to appropriate lands for purposes of Act.

(2) (a) An amount equivalent to the ascertained value of any lands or estate or interest in lands appropriated by the Council under the powers of this section shall be added to and be deemed to form part of the expenditure incurred by the Council in carrying into execution the provisions of this Act.

(b) The said ascertained value shall be such a sum as may be agreed between the Minister and the Council or in the event of difference between them as may be settled by arbitration. Provided that for the purposes of this subsection the section of this Act of which the marginal note is "Arbitration" shall apply as if in that section the words "the President of the Chartered Surveyors' Institution" were substituted for the words "the President of the Institution of Civil Engineers."

15. In determining the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the improvements or arising through such adjoining lands becoming lands fronting on any new or existing street shall failing agreement be determined by the arbitrator and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

16.—(1) Notwithstanding anything contained in section 84 of the Lands Clauses Consolidation Act 1845 the Council may at any time after notice to treat for the compulsory acquisition of any land under the

Power to enter on land after service of notice to treat.

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(2) Where the Council have agreed to purchase any land for the purposes of this Act or have determined to appropriate land for those purposes subject to the interest of the person in possession thereof and that interest is not greater than that of a tenant for a year or from year to year then at any time after such agreement has been made or such appropriation has been determined upon by the Council the Council may after giving to the person so in possession not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent but subject to the payment to the person so in possession of the like compensation (with such interest thereon as aforesaid) as if the Council had been authorised to purchase the land compulsorily in accordance with the provisions of the Lands Clauses Acts (except the provisions thereof relating to the service of notice to treat and except sections 84 to 90 of the Lands Clauses Consolidation Act 1845) and such person had in pursuance of such authorisation been required to quit possession before the expiration of his term or interest in the land.

(3) The powers conferred by this section shall be in addition and without prejudice to any other powers of entry upon lands exerciseable by the Council under any other provision of this Act.

Rent and
Mortgage
Interest
(Restrictions) Acts
not to apply.

17.—(1) Nothing contained in the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 shall be deemed to prevent the Council from obtaining possession of any lands houses or property delineated on the deposited plans which are vested in or which may under the powers of this Act be acquired by the Council and the possession of which is required by them for the purpose of exercising their powers under this Act.

(2) The Council may pay to the tenant or occupier of any dwelling-house to which the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 would have applied but for subsection (1) of this section who is dispossessed under the provisions of this Act such reasonable allowance on account of his expense in removing as the Council may determine. A.D. 1931.
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18. The Council may use for any purposes of or in connection with the improvements (including the provision of open areas street refuges enclosures or gardens) and lay out construct streets and footways upon and develop all or any lands acquired by them under the powers of this Act and not required for any other purpose thereof. Powers with reference to certain lands.

19.—(1) Subject to the provisions of this Act the Council may grant leases of or let for a term of years or from year to year or for any shorter period all or any lands and buildings or structures thereon acquired for the purposes of this Act and not for the time being required for those purposes. Leasing of lands until required for improvements.

(2) The Council may execute and do any deed act or thing requisite or proper for effectuating any such leasing or letting.

20. The Council may demise lease or let from year to year or for a less period or for a term of years at such rent (including a peppercorn rent) for such purposes and subject to such restrictions and conditions as they may think fit or exchange or otherwise dispose of any lands acquired by them under the powers of this Act and not required for the purposes thereof and any buildings or structures on such lands and may grant any easements rights or privileges in under or over any such lands buildings or structures and may execute and do any deed act or thing requisite or proper for effectuating any such letting lease exchange or other disposition or any such grant. Leasing &c. of surplus lands.

21. Subject to the provisions of this Act the Council may sell and dispose of the ground rents to be reserved by any leases or agreed to be reserved by any agreements for leases of any lands acquired by them under this Act and not required for the purposes thereof and also the fee simple in reversion in such lands and in the buildings or structures thereon either together or in Sale of ground rents.

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parcels and either by public auction or by private contract for such sum or sums of money as the Council think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council for the benefit of the Council or any party entitled to other property adjoining or held under title derived from the Council.

Power to
sell land in
first in-
stance with-
out having
previously
granted
a lease
thereof.

22. Subject to the provisions of this Act the Council may if they think it expedient so to do sell and dispose of all or any lands acquired under the powers of this Act and not required for the purposes of or in connection with the improvements without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be deduced to the hereditaments to be sold as the Council shall think fit.

Receipts of
Council to
be effectual
discharge.

23. The receipt of the Council or of any person duly authorised by the Council for any purchase money rent or money payable to the Council by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the receipt shall be given shall not afterwards be answerable or accountable for the mis-application or non-application of the money in such receipt expressed or acknowledged to be received.

Power to
make agree-
ments with
owners of
property
&c.

24. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of any lands which may be acquired by or are vested in the Council under the provisions of this Act with respect to the sale by the Council to such person of any of such last-mentioned lands for such consideration as may be

agreed upon between the Council and such person and the Council 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 the Council for the purposes of this Act. A.D. 1931.
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25. The powers of the Council for the compulsory purchase of lands under this Act shall cease on the first day of October one thousand nine hundred and thirty-four. Limitation of time for purchase of lands.

PART III.

STREET WORKS.

26. Subject to the provisions of this Act the Council may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute the works in the metropolitan borough of Lambeth hereinafter described (that is to say):— Power to Council to execute works.

Work No. 1 A widening of Upper Kennington Lane on the northern side thereof between Albert Embankment and a point $4\frac{1}{2}$ chains westward of the junction with that embankment of the portion of Upper Kennington Lane which is westward of that embankment;

Work No. 2 A new street (including a bridge under the Southern Railway) commencing by a junction with Albert Embankment at a point $1\frac{1}{2}$ chains southward of the junction therewith of Spring Gardens Walk and terminating by a junction with Goding Street as widened under the powers of this Act at a point 1 chain southward of the junction of Italian Walk with Goding Street;

And in connection therewith the Council may widen Albert Embankment on the eastern side thereof between Spring Gardens Walk and the said new street;

Work No. 3 A widening of Goding Street on the eastern side thereof between Italian Walk and Upper Kennington Lane;

Work No. 4 A new street commencing at or near the junction of Upper Kennington Lane and

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Harleyford Road and terminating by a junction with The Grove at a point 1 chain eastward of the junction of The Grove with South Lambeth Road;

And in connection therewith the Council may widen Harleyford Road on the south-western side thereof (at its junction with the said new street (Work No. 4)) between points respectively 1 chain and $1\frac{1}{2}$ chains south-eastward of the junction of Upper Kennington Lane with Goding Street;

Work No. 5 A widening of South Lambeth Road on the eastern side thereof between The Grove and Langley Lane;

Work No. 6 A widening of South Lambeth Road on the western side thereof and Archer Street on the northern side thereof between points respectively 1 chain northward and 1 chain westward of the junction of Archer Street with South Lambeth Road;

Work No. 7 A widening of Archer Street (including the lengthening reconstruction or alteration of the bridge carrying the Southern Railway over Archer Street) on the southern side thereof between South Lambeth Road and Bond Street;

Work No. 8 A new street commencing by a junction with Bond Street at a point $\frac{1}{2}$ chain southward of the junction of Archer Street with Bond Street and terminating by a junction with Wandsworth Road at a point $5\frac{1}{2}$ chains north-eastward of the junction of Nine Elms Lane with Wandsworth Road.

Alteration
of footways
in connec-
tion with
widening.

27. In connection with the widening of any street or part of a street under the powers of this Act the Council may within the limits of deviation shown on the deposited plans increase or reduce to such extent as they may think fit the width of the footway or footways on either or both of the sides of such street Provided that the powers of this section shall not be so exercised that the width of any footway on either side of the street or part of a street as widened is less than six feet.

28.—(1) Subject to the provisions of this Act the Council may cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation shown on the deposited plans construct erect and provide such vaults cellars arches bridges sewers drains subways (whether for persons on foot or for the accommodation of mains pipes or wires) and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

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 Carriageway
 footway
 sewers sub-
 ways and
 other works.

(2) The provisions of the London County Council (Subways) Act 1893 shall extend and apply to any subway for the accommodation of mains pipes or wires to be constructed by the Council under the powers of this Act as well during as after the construction thereof as if such subway had been included in the expression “subway” in the said Act of 1893 and all byelaws for the time being in force thereunder shall extend and apply to such subway. Provided that for the purposes of the application of the said Act of 1893 to any such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

29. The Council may cause to be removed arched over or filled up all such sewers drains or watercourses or parts thereof as shall be in or near the streets to be interfered with for the purposes of the street works and as shall become unnecessary by reason of the purchase of the property entitled to the use thereof.

Sewers &c.
 to be re-
 moved
 arched over
 or filled up.

30.—(1) When any of the street works is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and that the street work to which such certificate relates has been completed and from the date of such certificate so much of the street work to which such certificate relates as has been laid out as carriageway or footway shall subject to the provisions of this Act form part of the street and may be used by the public accordingly.

Street works
 to form
 public
 streets re-
 pair &c.

(2) Subject to the provisions of this Act so much of the land acquired by the Council for or in connection

A.D. 1931. with the street works as is thrown into and used for the carriageway or footway of any street shall after the issue of the certificate relating thereto (subject to the enjoyment by the council of the metropolitan borough of Lambeth of all such rights in such land as are usually enjoyed in respect of a street by the road authority) be and remain vested in the Council and the maintenance repair paving draining cleansing and lighting of so much of the street works as has been laid out as aforesaid (including any subways for persons on foot constructed in connection with the street works) shall be under the care management control and jurisdiction of the council of the metropolitan borough of Lambeth in the same manner as other streets in that borough. Provided that the provisions of this section with reference to the repair of carriageway shall not apply to that part of any carriageway which under the provisions of the Tramways Act 1870 the Council are bound to keep in repair.

PART IV.

TRAMWAYS.

Incorporation of parts of Tramways Act 1870 with Part IV of Act.

Power to Council to make tramways.

31. Section 3 (Interpretation of terms) and Parts II and III of the Tramways Act 1870 (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act.

32. Subject to the provisions of this Act the Council may make form lay down and maintain in the lines and according to the levels shown on the deposited plans and sections the tramways in the metropolitan borough of Lambeth hereinafter described with all such rails plates sleepers junctions turntables turnovers crossings passing-places works and conveniences connected therewith as may be necessary or proper therefor (that is to say):—

Tramway No. 1 (1 furlong 0·85 chain in length whereof 4·02 chains will be double line and 6·83 chains will be single line) commencing in Upper Kennington Lane by a junction with the northern track of the existing tramway in that lane at a point 5 chains north-westward of the junction with Albert Embankment of the portion of Upper Kennington Lane which is westward of that embankment and passing thence in an

easterly and southerly direction along Upper Kennington Lane (as widened under the powers of this Act) and the new street (Work No. 2) by this Act authorised into and terminating in Goding Street (as widened under the powers of this Act) at a point 1 chain northward of the junction of Goding Street with Upper Kennington Lane;

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Tramway No. 2 (single line 2 furlongs 3·39 chains in length) commencing in Goding Street (as widened under the powers of this Act) by a junction with the western track of Tramway No. 1 by this Act authorised at the termination thereof and passing thence in a southerly direction into and along the new street (Work No. 4) by this Act authorised South Lambeth Road (as widened under the powers of this Act) Archer Street (as widened as aforesaid) and the new street (Work No. 8) by this Act authorised into and terminating in Wandsworth Road by a junction with the south-eastern track of the existing tramway in that road at a point $4\frac{1}{2}$ chains north-eastward of the junction of Wandsworth Road with Nine Elms Lane;

Tramway No. 3 (single line 1·39 chains in length) commencing in Albert Embankment by a junction with the eastern track of the existing tramway in that embankment at a point $\frac{1}{2}$ chain southward of the junction of Spring Gardens Walk with Albert Embankment and passing thence into and terminating in the new street (Work No. 2) by this Act authorised by a junction with Tramway No. 1 by this Act authorised at a point 1 chain eastward of the junction of the said new street with Albert Embankment;

Tramway No. 4 (single line 1·74 chains in length) commencing in Goding Street (as widened under the powers of this Act) by a junction with the eastern track of Tramway No. 1 by this Act authorised at the termination thereof and passing thence into and terminating in Harleyford Road by a junction with the north-eastern track of the existing tramway in that road at a point $\frac{1}{2}$ chain southward of the junction of Auckland Street with Upper Kennington Lane;

A.D. 1931. Tramway No. 5 (single line 1.15 chains in length) in South Lambeth Road (as widened under the powers of this Act) commencing by a junction with Tramway No. 2 by this Act authorised at a point $\frac{1}{2}$ chain northward of the junction of Archer Street with South Lambeth Road and terminating by a junction with the eastern track of the existing tramway in South Lambeth Road at a point $\frac{1}{2}$ chain northward of the junction of Langley Lane with South Lambeth Road;

Tramway No. 6 (single line 2.8 chains in length) in South Lambeth Road (including the portion thereof widened under the powers of this Act) commencing by a junction with the western track of the existing tramway in that road at a point $1\frac{1}{2}$ chains southward of the junction of Archer Street with South Lambeth Road and terminating by a junction with the eastern track of the existing tramway in South Lambeth Road at a point $1\frac{1}{2}$ chains northward of the junction of South Lambeth Road with Archer Street;

Tramway No. 7 (single line 1.44 chains in length) commencing in South Lambeth Road by a junction with the eastern track of the existing tramway in that road at a point $3\frac{1}{2}$ chains southward of the junction with Albert Embankment of the portion of Upper Kennington Lane which is eastward of that embankment and passing thence into and terminating in Vauxhall Cross by a junction with the western track of the existing tramway in that thoroughfare at a point $2\frac{1}{2}$ chains southward of the said junction of Upper Kennington Lane with Albert Embankment.

Tramways to
form part of
Council's
tramway
undertaking.

System of
traction.

33. The tramways shall for all purposes form part of the tramway undertaking of the Council.

34. For the purpose of working the tramways by electrical power the Council may adopt the same system of electrical traction as is used for the working of the existing tramways with which the tramways are connected.

35. The sections of the Acts hereinafter in this section mentioned of which the numbers and marginal notes are respectively set forth in this section are hereby incorporated with and form part of this Part of this Act and the said sections shall so far as applicable extend and apply to the tramways and to the Council in respect thereof as fully and effectually as if such sections had been re-enacted with the necessary modifications in this Part of this Act with reference thereto.

A.D. 1931.
 —
 Incorporation of sections of previous Acts with reference to tramways.

The sections of the said Acts hereinbefore referred to are—

London County Tramways (Electrical Power) Act 1900—

- Section 3 (Use of electrical power);
- Section 4 (Special provisions as to use of electrical power);
- Section 6 (Power to construct and provide appliances);
- Section 7 (Further provisions as to paving materials of roads);
- Section 10 (Alterations in streets &c.);
- Section 11 (Electrical power works subject to Tramways Act 1870);
- Section 12 (Drainage and cleaning of rails and conduit) as amended by section 37 of the London County Council (Tramways and Improvements) Act 1907;
- Section 13 (Reference of certain questions to arbitration);
- Section 14 (Posts &c. to be removed if user discontinued); and
- Section 22 (Agreements as to supply of electric energy).

London County Council (Tramways and Improvements) Act 1901—

- Section 7 (Tramways not to be opened until certified by Board of Trade);
- Section 8 (As to rails of tramways);

[Ch. lv.] *London County* [21 & 22 GEO. 5.]
Council (Vauxhall Cross Improvement) Act, 1931.

A.D. 1931.

Section 9 (Rails to be maintained on level of roadway);

Section 10 (Saving rights of access to sewers);

Section 11 (Penalty for not maintaining rails and roads in good condition and inspection of tramways);

Section 17 (Power to Council to work tramways);

Section 19 (For protection of Postmaster-General) (except paragraph (B) (5) of that section) as amended by section 20 of the London County Council (General Powers) Act 1927;

Section 22 (Provision against interference with tramways); and

Section 68 (Separate account of receipts and payments relating to tramways).

London County Council (Tramways and Improvements) Act 1907—

Section 7 (Motive power) (except subsection (2) thereof);

Section 9 (Gauge of tramways);

Section 12 (Application of section 32 of Tramways Act 1870); and

Section 14 (Power to make additional crossovers and to double tramway lines).

London County Council (Tramways and Improvements) Act 1911—

Section 14 (Commissioner of Police may affix notices to standards).

Provided that for the purposes of this section section 11 of the London County Council (Tramways and Improvements) Act 1901 shall be read and have effect as if the words “or by the Commissioner of Police of the metropolis” had been inserted therein after the words “twenty inhabitant ratepayers of such district.”

Power to
remove ex-
isting tram-
ways.

36.—(1) In connection with or for the purposes of the construction of the tramways the Council may if they think fit discontinue the working of the whole or so much as they may determine of such parts of the

existing tramways in the metropolitan borough of Lambeth as are hereinafter described (that is to say):— A.D. 1931.

- (a) The northern track of the tramway in Upper Kennington Lane and Harleyford Road between the commencement of Tramway No. 1 and the termination of Tramway No. 4 by this Act authorised;
- (b) The eastern track of the tramway in Albert Embankment Vauxhall Cross and South Lambeth Road between the commencement of Tramway No. 3 and the commencement of Tramway No. 7 by this Act authorised;
- (c) The tramway track in Albert Embankment and Upper Kennington Lane connecting the tracks (a) and (b) hereinbefore described;
- (d) The tramway track in Upper Kennington Lane and Vauxhall Cross connecting the said tracks (a) and (b) hereinbefore described;
- (e) The eastern track of the tramway in South Lambeth Road between the termination of Tramway No. 5 and the termination of Tramway No. 6 by this Act authorised;
- (f) The western track of the tramway in South Lambeth Road and Vauxhall Cross between the commencement of Tramway No. 6 and the termination of Tramway No. 7 by this Act authorised;
- (g) The south-eastern track of the tramway in Wandsworth Road and Vauxhall Cross between the termination of Tramway No. 2 by this Act authorised and the junction of the said track with the track (b) hereinbefore described.

(2) The Council may at any time after the discontinuance of any portion of any of the existing tramways which they are by this section authorised to discontinue take up and remove the rails posts cables wires and other works and apparatus constructed or provided for the purposes of or in connection with the said portions of tramways and may use or sell or dispose of the rails posts cables wires and other works and apparatus so taken up and removed.

(3) If the Council elect not to discontinue the working of the whole or any part of any of the portions of tramways described in this section the portions of tramways

A.D. 1931. — to which such election relates shall not be used except in cases of emergency and for the purpose of such user the Council may with the consent of the Minister make maintain alter and remove such crossovers passing places sidings junctions and other works as they find necessary or convenient.

PART V.

GENERAL PROVISIONS RELATING TO IMPROVEMENTS.

Power to deviate.

37. The Council in constructing the improvements may deviate laterally from the lines or situations thereof as shown on the deposited plans relating thereto respectively to the extent of the limits of deviation marked on those plans and vertically from the levels thereof as shown on the deposited sections relating thereto respectively to any extent not exceeding six feet. Provided that where in any street in which any of the tramways is situate no limits of deviation are marked on the deposited plans the boundaries of such street shall be deemed to be such limits.

Subsidiary works &c.

38. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council in connection with and for the purposes of this Act and as part of the improvements (in addition to the works described or referred to in any other provision of this Act) may execute or do any of the following works or things (that is to say):

- (a) Make junctions and communications between any street work and any existing street or any railway station crossed intersected or interfered with by or contiguous to any of the street works and divert widen or alter the line or alter the level of any existing street for the purposes of the street works;
- (b) Relay and alter the line or alter the level of any tramway in or along any street of which the whole or part is to be diverted widened raised lowered or otherwise interfered with under the powers of this Act and provide during such relaying and alteration any temporary line or lines of tramway which may be necessary for continuing the traffic on any tramway to be so relaid or altered;

- (c) Stop up any street or part of a street which they may consider unnecessary to retain or to throw into the street works and alter and divert any street or part of a street; A.D. 1931.
- (d) Raise sink or otherwise alter the position of any of the steps areas cellars cellar-flaps pavement-lights gratings boundary walls railings fencings windows sewers drains watercourses pipes or spouts belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and paying reasonable compensation to any person who suffers damage by any such alteration;
- (e) Execute any works for the protection of any adjoining land or buildings;
- (f) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings.

39. For the purposes of or in connection with the execution of the improvements or any of them the Council may suspend (either wholly or partially) for such periods as they may deem necessary the working or user of any tramway or portion thereof situate within the limits of deviation marked on the deposited plans or outside those limits but forming connections between portions of tramway within such limits without being subject to any liability penalty or forfeiture by reason or in consequence of any such suspension. Suspension of working of tramways.

40. Subject to the provisions of this Act the Council may for the purposes of or in connection with the improvements and within the limits of deviation shown on the deposited plans construct and execute all such bridges arches piers viaducts embankments tunnels abutments wing walls and other works as they may deem necessary or expedient for carrying the improvements over or under any railway stream or watercourse or any land and may for the purpose of and during the execution of the improvements over or under any railway erect place or execute and maintain upon over or under such railway all such temporary structures erections works apparatus and appliances as may be necessary or convenient and Power to construct bridges &c. and to execute temporary works on railways.

[Ch. Iv.] *London County* [21 & 22 GEO. 5.]
Council (Vauxhall Cross Improvement) Act, 1931.

A.D. 1931. as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon.

Power to
stop up
ways tem-
porarily.

41.—(1) Subject to the provisions of this Act the Council may for the purposes of and during the execution of the improvements stop up interfere with alter or divert temporarily all or any part of the carriageway or footway of any street or part of a street shown within the limits of deviation marked on the deposited plans and may execute and do all necessary works and things for or in connection with such stopping up interference alteration or diversion and for keeping such carriageway or footway open for traffic and may after consultation with the Commissioner of Police of the metropolis remove or alter any drinking-troughs lamp-posts street refuges lavatories posts and other erections upon the said lands.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any premises in any street of which the carriageway or footway is stopped up interfered with altered or diverted under the powers of this section.

Removal
&c. of appa-
ratus.

42.—(1) In and for the purposes of this section—

“ apparatus ” includes sewers drains culverts watercourses and mains pipes valves tubes cables wires or apparatus laid down or used for or in connection with the carrying conveying or supplying of a supply of water or water for hydraulic power gas or electricity or for telegraphic or other purposes standards and brackets carrying street lamps and street refuges lavatories posts and other structures and works ;

“ undertakers ” means the company body or person (other than the Council) to whom any apparatus in relation to which the expression is used belongs ;

“ the permitted works ” means all such works and things as the Council are by this section authorised to execute or do.

(2) The Council for any purpose in connection with the exercise by them of the powers of this Act may and (if and when reasonably required by the undertakers) shall remove divert alter the position or line or level of or

carry out any other alterations to any apparatus in under over or upon the lands acquired by or vested in them under the provisions of this Act and also in any street or part of a street within the limits of deviation shown on the deposited plans and any other apparatus connected with any apparatus so removed diverted or altered and may remove any other obstruction in under or near such lands street or part of a street and shall make such appropriate substituted works either permanent or temporary as may be reasonably necessary and shall cause as little detriment and inconvenience as circumstances admit and shall make reasonable compensation for any damage caused by the execution of the permitted works Provided that before the Council execute any of the permitted works relating to any apparatus they shall (except in cases of emergency) give to the undertakers notice of their intention to do so such notice to be given seven days at least before the commencement of the execution of the permitted works and such works shall be done under the superintendence (at the expense of the Council) of the undertakers unless the undertakers refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such works or discontinue the same during the execution of such works and the Council shall execute such works to the reasonable satisfaction of the undertakers. A.D. 1931.
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(3) If within seven days after notice under subsection (2) of this section has been served upon any undertakers those undertakers so elect they shall themselves execute such works to their apparatus as may be necessary for the purposes of this section and the reasonable cost of executing such works shall be repaid to them by the Council Provided that such works shall be carried out in accordance with the directions and to the reasonable satisfaction of the Council.

(4) All sewers drains and watercourses substituted under the provisions of this section for any existing sewers drains or watercourses shall be under the same jurisdiction care management and direction as the existing sewers drains or watercourses for which they may respectively be so substituted.

(5) If any difference arises between the Council and any undertakers touching the amount of any compensation or cost to be paid by the Council under the

A.D. 1931. foregoing provisions of this section or touching any work matter or thing to be done or executed by the Council or by such undertakers under such provisions with reference to any apparatus or touching the mode of doing or executing the same such difference shall be settled by arbitration.

For protec-
tion of
Postmaster-
General.

43.—(1) The Council shall not remove divert alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(2) Notwithstanding the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove therefrom any telegraphic line which is in under upon along over or across the same and any post office letter box or telephone call box and the Council shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line or of any telegraphic line connected therewith which in consequence will be rendered useless and of such letter box or call box and the substitution of a telegraphic line or letter box or call box (as the case may be) in such other place as the Postmaster-General may require.

Underpin-
ning of
buildings
near im-
provements.

44. The Council at their own costs and charges may subject as hereinafter provided underpin or otherwise strengthen any house or building within one hundred feet of any of the improvements or of any work building or structure erected or constructed by them and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall unless in cases of emergency be given to the owners lessees and occupiers of the house or building so intended to be underpinned or otherwise strengthened:
- (2) Each such notice shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845:
- (3) If any owner lessee or occupier of any such house or building shall within seven days after the giving of such notice give a counter-notice

in writing that he disputes the necessity of such underpinning or strengthening the question of the necessity shall be settled by arbitration: A.D. 1931.

- (4) The Council 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 provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:
- (5) (a) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Council may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the opening for traffic of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the Council and the owner lessee or occupier of the house or building shall be settled by arbitration:
- (b) If in any such case as is referred to in this subsection the underpinning or strengthening done by the Council shall at any time within twelve months from the opening for traffic of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of such work the Council shall make compensation to the owner lessee and occupier of the house or building for such injury provided that the claim for compensation in respect thereof be made within one month from the discovery thereof:
- (6) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Council from the liability

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to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :

- (7) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts :
- (8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Vesting of
 site of
 streets
 stopped up.

45. On the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act all rights of way over the same and other rights in respect thereof shall be extinguished and the site and soil thereof shall vest in the Council so far as such site and soil shall not already be vested in them but the Council shall not stop up any street or portion thereof unless they are owners in possession of all houses and lands (other than lands forming part of any street) 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 Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Vesting and
 disposal of
 materials.

46. There shall be by virtue of this Act vested in the Council—

- (a) all building or other materials of houses buildings and structures acquired under the powers of this Act and all materials and apparatus in under upon or over any lands so acquired;
- (b) all lamp-posts paving metalling and other materials in over or under any street or part of a street stopped up altered or diverted; and
- (c) all materials obtained in the alteration of or interference with any street sewer or drain in connection with the improvements;

and the Council may appropriate and use or sell or dispose of the same or any of them.

47. Before breaking up or otherwise interfering with any street in connection with the construction of the improvements the Council shall (except in cases of emergency) give seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of the works.

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 Notice to
 Commis-
 sioner of
 Police.

48. If the improvements are not completed on or before the first day of October one thousand nine hundred and thirty-eight then as from that date the powers of the Council under this Act for the execution of the improvements shall cease except so far as the same are respectively then completed.

Period for
 completion
 of improve-
 ments.

PART VI.

MISCELLANEOUS AND FINANCIAL.

49. The general conditions relating to the grant by the Minister towards the expenditure incurred or to be incurred by the Council in connection with this Act and to the arrangements for the execution of the improvements as set forth in the First Schedule to this Act are hereby confirmed.

Conditions
 of grant by
 Minister.

50.—(1) The Council on the one hand and the council of the metropolitan borough of Lambeth or any company or body having the control or management of water gas or other pipes or electric or other wires or apparatus on the other hand may with the approval of the Minister enter into and carry into effect agreements with reference to any of the provisions of this Act relating to or affecting only the parties to such agreements respectively.

Agreements.

(2) The Council on the one hand and the Southern Railway Company on the other hand may with the approval of the Minister enter into and carry into effect agreements with reference to any of the provisions of this Act relating to or affecting only the parties to such agreements.

(3) Notwithstanding anything contained in this Act any agreement entered into between the Council and the said railway company may with the approval of the

A.D. 1931. Minister provide for the variation of any of the provisions of this Act (so far as they relate only to the powers rights obligations or interests of the Minister or of the parties to any such agreement) or of the provisions of any previous agreement between the same parties.

(4) The Minister on the one hand and the Council on the other hand may enter into and carry into effect agreements with reference to any matters arising out of the carrying of this Act into execution and may by any such agreement vary any of the provisions of this Act but not so as to affect prejudicially the rights or interests of any person other than the Minister and the Council.

As to purposes of certain agreements.

51. For the purposes of this Act the provisions and purposes of any agreement entered into under the provisions of the section of this Act of which the marginal note is "Agreements" shall be deemed to be provisions and purposes of this Act.

For protection of Southern Railway Company.

52. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Council and the company apply and have effect (that is to say) :—

(1) (a) The Council shall not under the powers of this Act purchase or acquire by compulsion any lands or property of the company or any interest of the company in any lands or property other than—

(i) such easements as may be required for the purposes of the construction maintenance and user under the railways of the company of the new street (Work No. 2) the widening of Archer Street (Work No. 7) and the Tramways Nos. 1 2 and 3 by this Act authorised; and

(ii) easements in respect of so much of the surface of the properties of the company numbered on the deposited plans 36 37 and 39 in the metropolitan borough of Lambeth as may be required for the purposes of the construction maintenance and user of the

new street (Work No. 4) and the Tramway No. 2 by this Act authorised and the works and conveniences in connection therewith; and

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(iii) the interest of the company in so much of the properties numbered on the deposited plans 7 9 10 11 12 69 71 72 73 79 and 80 in the said metropolitan borough as may be agreed between the company and the Council or (failing such agreement) determined by arbitration as being necessary for the purposes of the new street (Work No. 2) the widening (Work No. 6) and the widening of Archer Street (Work No. 7) by this Act authorised;

and the company shall if so required by the Council grant and convey the said easements and land to the Council;

- (b) The Council shall not either temporarily or permanently enter upon take use or interfere with the railways works or property of the company save only so far as may be reasonably necessary for the said purposes;
- (c) Any land or easement to be conveyed or granted by the company to the Council under the provisions of this section shall be conveyed or granted on such terms as (failing agreement) shall be determined in the manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 and for the purposes of any such determination the acquisition of such easement shall be deemed to be a taking of lands within the meaning of the Lands Clauses Consolidation Act 1845:
- (2) Subject to the acquisition by the Council from the company of such easements as are referred to in subparagraph (ii) of paragraph (a) of subsection (1) of this section the subsoil of the said properties numbered 36 37 and 39 shall remain vested in the company with full right and liberty for them to construct enlarge lay maintain renew and use therein cellars vaults

A.D. 1931.

subways pipes mains lines apparatus and other works and conveniences Provided that—

(i) any constructional work to be carried out by the company under the subsoil of the said properties shall be executed in accordance with such plans sections specifications and particulars as may be reasonably approved by the Council; and

(ii) the right and liberty so reserved to the company shall not be exercised so as to cause any injury or damage to the said new street (Work No. 4) or any tramway laid down therein or to interfere with or interrupt the use of the said new street for traffic of all descriptions or the working of any such tramway and that if any such injury damage interference or interruption shall be caused by reason or in consequence of the exercise of the said right and liberty the company shall repay to the Council and the council of the metropolitan borough of Lambeth the cost reasonably incurred by them respectively in making good such injury or damage and shall make reasonably adequate compensation to the Council and the council of the said metropolitan borough for all loss or injury suffered by those councils respectively by reason or in consequence of such injury or damage or of any such interference or interruption and shall indemnify the said councils against all claims demands costs charges and expenses made against or incurred by them respectively and arising out of such injury damage interference or interruption The fact that any work has been done in accordance with any plan section or specification approved by the Council shall not excuse the company from any liability or affect the claim of the Council or the council of the said metropolitan borough for any such injury damage interference or interruption :

(3) (a) In the construction of the said works Nos. 2 and 7 the present levels of the railways of the company shall not be altered;

(b) The Council shall carry the railways of the company over the said Works Nos. 2 and 7 by means of steel girder bridges of such strength and design as may be reasonably required by the chief engineer of the company (in this section referred to as "the engineer") and such bridges shall be constructed in accordance with the provisions of this section; A.D. 1931.
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(c) If the company give notice in writing to the Council within twenty-eight days after the submission of the plans sections specifications and particulars referred to in subsection (5) of this section that the company desire themselves to construct the said bridges or either of them they may and shall with all reasonable expedition on behalf of the Council and to their reasonable satisfaction construct the same in accordance with the said plans sections specifications and particulars as approved by the engineer or settled by arbitration together with any such temporary works as are referred to in subsection (6) of this section and the Council shall as a first instalment towards meeting the expenses reasonably incurred or to be incurred by the company in that behalf pay to the company such sum as may be agreed between the Council and the company or settled by arbitration on the certificate of the engineer countersigned by the Council's chief engineer that the said bridge works have been effectively commenced and thereafter shall pay from time to time but not more frequently than once a month on the certificate of the engineer countersigned as aforesaid a further instalment of a sum representing the value of such of the work as has been carried out by the company in excess of the total of the sums paid by the Council on previous certificates (other than the amount of the said first instalment) Provided that—

(i) the company shall set off against the cost of the said bridge works such amounts (if any) as may from time to time be received

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by the company as interest on such of the moneys paid by the Council as has not for the time being been expended;

(ii) the final instalment to be paid to the company on the completion of the said bridge works shall be such sum as together with the instalments already paid shall amount to the total sum of the expense reasonably incurred by the company in carrying out such bridge works less any amount to be set off under the last foregoing proviso and if the Council have in the aggregate paid under the provisions of this subsection sums amounting to more than the said expense less any amount to be so set off the company shall repay the difference to the Council;

- (d) In constructing the said bridges or either of them under the provisions of the last foregoing paragraph of this subsection the company shall at all times afford reasonable facilities to the Council's chief engineer and to any person authorised by him for access (but at the sole risk of the said chief engineer or such person) to the said bridge works during their construction and shall also furnish the said chief engineer with all information he may reasonably require with regard to the said bridge works or the method of construction thereof;
- (e) All works executed by the Council in connection with the construction of the said bridges shall be executed in such a manner as will not (in the opinion of the engineer) require the imposition of a speed restriction on engines trains or traffic passing over the railways of the company during the months of July August and September in any year and so that any speed restriction which it may be necessary to impose shall be confined to the least number of running tracks at any one time that may be practicable;
- (f) Subject to the provisions of this section the construction of the said bridges (whether by the Council or the company) when commenced shall be carried on without cessation and the said

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—

bridges shall be completed with the utmost dispatch and so that the temporary interference with the traffic on the railways of the company shall be of the least practicable duration and unless otherwise required by the engineer all temporary works in connection therewith shall be removed from the property of the company immediately the permanent works have been completed;

- (g) The said bridges shall become the property of the company and shall be maintained by them as part of their undertaking and the Council shall upon the completion of the said bridges pay to the company such sum as may be agreed or determined by arbitration as representing the capitalised amount of the additional cost to the company of maintaining the said bridges by reason of the substitution of such bridges for the existing viaduct of the company in the case of Work No. 2 and for the existing bridge carrying the railway of the company over Archer Street in the case of Work No. 7 :
- (4) (a) In constructing the said Work No. 4 the Council shall provide a footway of not less than eight feet in width along the eastern side of the Vauxhall station and railway viaduct of the company between the junction of Upper Kennington Lane and Harleyford Road and The Grove together with such carriage openings in the said footway as may be reasonably necessary for the purpose of enabling vehicles passing to or from the said station and viaduct or the arches thereunder to cross over the said footway ;
- (b) In constructing the said Work No. 4 and making and maintaining Tramway No. 2 by this Act authorised the Council shall execute such works of strengthening or otherwise as may be reasonably required to the basement and subway under the property numbered on the deposited plans 36 in the said metropolitan borough and the Council shall from time to time execute any further works of strengthening or otherwise that may become reasonably necessary owing to the passage of traffic over the said basement

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and subway (including any further works reasonably rendered necessary by the increased weight or volume of such traffic) and shall on the completion of the said Work No. 4 and Tramway No. 2 pay to the company such sum as may be agreed or determined by arbitration as representing the capitalised amount of any additional cost to the company of maintaining the said basement and subway owing to the construction existence or user of the said Work No. 4 or Tramway No. 2 Provided that the Council shall not without the written consent of the company (which consent shall not be unreasonably withheld) erect stanchions in the said basement or subway for the purpose of complying with the provisions of this subsection :

(5) Before commencing the execution or construction of so much of the said Works Nos. 2 4 6 and 7 as may pass under or across or in any way affect the railways works or property of the company (which works or such portions thereof as aforesaid together with all works necessary or incidental to the execution or construction thereof are hereinafter in this section referred to as "the said works") the Council 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 shall not signify his disapproval of or requirements in regard to the said plans sections specifications and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved of the same The said works shall be constructed and executed in accordance with such plans sections specifications and particulars as shall be approved as aforesaid or settled by arbitration and in accordance with the provisions of this section :

(6) Before the Council commence the construction of the said works any temporary works which may in the opinion of the engineer be reasonably necessary to ensure the stability of the railways

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works and property and the safety of the traffic on the railways of the company shall be carried out by the Council to the reasonable satisfaction of the engineer or the company if they so elect themselves may and shall carry out such temporary works on behalf of the Council and to their reasonable satisfaction and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Council to the company :

- (7) Before commencing the said works the Council 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 times as the engineer shall reasonably require and the construction or execution of the said works when commenced shall (subject to the provisions of this section) proceed with all reasonable dispatch :
- (8) If it shall at any time appear to the engineer either during the execution or within two years of the completion of the said works that owing to or in consequence of the execution thereof any additional works or other measures of precaution are reasonably required either by way of addition to the existing works of the company or in connection with the said works or in relation to the method of the execution thereof so as to prevent subsidence or damage happening to the railways works or property of the company the Council shall on being required in writing by the engineer at any time not later than the expiration of the said period of two years 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. Provided that the company if agreed by the Council may and shall carry out such works or take such measures of precaution

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on behalf of the Council and to their reasonable satisfaction and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Council to the company :

- (9) The said works shall be executed so as not to endanger the structure or stability of the railways and works of the company and all works and operations in connection with the said works shall be executed so as to cause as little interference with or delay or interruption to the working and handling of traffic on the said railways and works and at the Vauxhall station of the company as may be and if any such interference delay or interruption shall be caused or take place the Council shall pay to the company all reasonable costs and expenses to which they may be put as well as reasonably adequate compensation for any loss sustained by them by reason of any such interference delay or interruption :
- (10) The said works shall be executed under the superintendence (if such be given) and to the reasonable satisfaction of the engineer and the Council shall bear and pay to the company all reasonable costs charges and expenses incurred by them in respect of such superintendence and of the employment by the company of a sufficient number of inspectors watchmen and signalmen to be appointed by them for inspecting and watching the said works and for watching signalling and protecting the railways and works of the company and the traffic thereon with reference to and during the execution of the said works and for preventing as far as may be interference obstruction danger or accident arising from any of the operations of the Council or from the acts or defaults of their contractors or of any person in their respective employ :
- (11) The Council shall at all times afford reasonable facilities to the engineer and to any person authorised by him for access to the said works during their construction and shall also furnish

the engineer with all information he may reasonably require with regard to the said works or the method of construction thereof : A.D. 1931.

- (12) If by reason of the construction of the said works it shall become reasonably necessary within twelve months of the completion thereof to reconstruct add to alter strengthen or remove any signal cabin signal posts signal telegraph and telephone post and wires permanent way or other works or apparatus belonging to or on or connected with the railways of the company or to substitute other works therefor the company may effect such reconstruction addition alteration strengthening removal or substitution and the reasonable expense thereof shall be repaid to them by the Council :
- (13) Any additional expense which the company may reasonably incur in widening altering reconstructing or maintaining their railway or works by reason of the existence of the said Works Nos. 2 and 7 on across or under the same (other than such additional cost as is referred to in paragraph (g) of subsection (3) and such expense as is referred to in subsections (8) and (12) of this section) shall be paid by the Council to the company :
- (14) The Council shall be responsible for and make good to the company all reasonable costs charges losses damages and expenses not otherwise provided for which may be occasioned to the company or to the railways works or property of the company or to any person or persons lawfully using the same by reason of the construction or failure of any of the works by this Act authorised or required to be executed by the Council (except where such costs charges losses damages and expenses arise from the negligence of the company their servants or agents) or of any act or omission of the Council or of their contractors or of any person in the employ of either of them and the Council shall except as aforesaid effectually indemnify and hold harmless the company from and against all claims and demands upon or against them

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by reason of such construction or failure or of any such act or omission :

- (15) The fact that any work or thing has been done by the Council 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 Council from any liability or affect any claim of the company for injury to their railways or works or the traffic thereon except so far as the same may arise by reason of any such requirement :
- (16) The Council shall at all times during the execution of the improvements maintain sufficient access to the reasonable satisfaction of the engineer for both vehicular and pedestrian traffic to or from the Vauxhall railway station of the company :
- (17) The provisions of section 27 (For protection of London and South Western Railway Company) (except subsection (d)) of the London County Council (Tramways and Improvements) Act 1901 shall extend and apply to the making forming laying down and maintenance by the Council of Tramways Nos. 1 2 and 3 by this Act authorised as if that section had been re-enacted with the necessary modifications in this Act and as if the words "the Southern Railway Company" had been inserted therein in lieu of the words "the London and South Western Railway Company" :
- (18) Any expenses reasonably incurred by the Company under the provisions of paragraph (c) of subsection (3) or subsection (6) or subsection (8) of this section or in the employment of inspectors watchmen and signalmen under subsection (10) of this section shall be deemed to include any compensation payable to any workmen or their legal representatives or their dependants in respect of the injury or death of such workmen whilst employed by the company in and about the works respectively mentioned in the said paragraph or subsections or the cost of any insurance to cover such risks :

- (19) If any difference arises between the Council and the company touching any of the matters (including the reasonableness of any action or thing) referred to in this section (except paragraph (c) of subsection (1)) such difference shall be settled by arbitration. A.D. 1931.

53. For the protection of the County of London Electric Supply Company Limited and the South London Electric Supply Corporation Limited (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Council and the company have effect:—

- (1) The reasonable expense of all repairs or renewals of any electric lines mains works or other apparatus (in this section called "apparatus") of the company which may be necessary (a) by or in consequence of the acts or defaults of the Council during and in connection with the construction of the improvements or (b) by reason or in consequence of any subsidence resulting from the works executed by the Council under the powers of this Act whether during the construction of the improvements or within twelve months after the completion thereof shall be borne by the Council and paid by them on demand to the company:

- (2) In carrying out the improvements the Council shall not—

(a) remove displace or alter any apparatus of the company; or

(b) without the consent in writing of the company (which consent shall not be unreasonably withheld) 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 Council and to the reasonable satisfaction of the company have been first made and laid down and be ready for use in such position in a road footpath or subway as the company shall reasonably approve:

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- (3) Should any interruption of the supply of electricity by the company be in any way occasioned either by reason of the exercise by the Council of the powers of this Act or by any act or default of the Council or any of their contractors agents workmen or servants or any person in the employ of them or any or either of them in connection with the exercise of such powers the Council shall indemnify the company against all claims demands proceedings costs losses damages and expenses which may be made or taken against the company or which the company may incur consequent upon such interruption :
- (4) The Council shall also indemnify the company in respect of any actions claims or demands arising from any interference by the Council with any apparatus of the company in the exercise of the powers of this Act :
- (5) Any dispute which shall arise between the Council and the company under the provisions of this section shall be settled by arbitration.

Authentica-
tion and
service of
notices &c.

54.—(1) Where any notice or other document under this Act or any enactment incorporated therewith requires authentication by the Council the signature of the clerk of the Council or any officer duly authorised by him shall be sufficient authentication.

(2) Notices and other documents required or authorised to be served or given by the Council under this Act or any enactment incorporated therewith may except as by this Act otherwise provided 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; A.D. 1931.
- (c) in the case of a firm any such notice or document may be delivered or sent by post addressed to the firm by their firm-name at their principal place of business and any notice or document so sent shall be deemed to have been delivered or sent to each member of the firm (the expressions "firm" and "firm-name" where used in this proviso having the same respective meanings as in the Partnership Act 1890).

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.

55. Any question or difference which pursuant to this Act is to be settled by arbitration shall (except as otherwise provided by this Act or any enactment incorporated therewith) be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) 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. Arbitration.

56. Save as otherwise expressly provided all offences against this Act or any enactment incorporated with this Act and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder may be prosecuted and recovered in a summary manner Provided that costs charges and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

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Penalties to
be paid to
authorities
taking pro-
ceedings.

Recovery of
demands.

57. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered under or in pursuance of this Act shall be payable to the authority taking the proceedings leading to the recovery of the penalty.

58. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Judges not
disqualified.

59. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Saving for
indictments.

60. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act or any enactment incorporated with this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act or any such incorporated enactment. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Inquiries by
Minister.

61. In respect of the exercise of any powers or duties conferred or imposed on the Minister or the giving by him of any consent or approval under 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."

Money to be
raised on
capital
account.

62. The Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding six hundred and seventeen thousand pounds and may borrow or otherwise

provide the whole or any part of the money required for those purposes in accordance with the provisions of the London County Council (Finance Consolidation) Act 1912. A.D. 1931.
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63.—(1) Notwithstanding anything contained in this or any other Act all receipts and payments by the Council relating to the provisions and purposes of this Act (other than receipts and payments relating to the maintenance repair or working of the tramways) shall be carried or charged to separate accounts to be kept by the Council in relation to this Act. Separate accounts of receipts and payments.

(2) The said accounts shall at all times be available for examination by officers appointed for the purpose by the Minister.

64. All costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 according as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner. As to payments under this Act.

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The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

GENERAL CONDITIONS OF GRANT BY MINISTER OF TRANSPORT.

1. The Minister will make a grant from the Road Fund of sixty per centum of the net amount (as agreed between the Minister and the Council) of the expenditure incurred or to be incurred by the Council in defraying the costs of and incidental to the promotion of the Bill for this Act and in carrying into execution the provisions and purposes of this Act including expenditure to be incurred in connection with or as ancillary to the rehousing of persons of the working class displaced under the provisions of this Act but not including expenses incurred in or in connection with the maintenance repair or working of the tramways.

2. All plans specifications estimates and engineering details relative to the improvements and any modifications thereof respectively and any tender proposed to be accepted by the Council shall be subject to the approval of the Minister.

3. (a) As soon as may be after the passing of this Act the Council shall forward to the Minister an estimate in such form as the Minister may require or approve of the expenditure to be incurred by them under the provisions of this Act during the twelve months next ensuing.

(b) On or before the expiration of the said period and thereafter at such intervals as may be approved by the Minister the Council shall forward to the Minister in such form as he may require or approve statements showing estimates of the liabilities incurred and to be incurred by them under the provisions of this Act during such ensuing period as may be specified by the Minister.

(c) After receipt of any such estimate the Minister will pay to the Council such sums at such times as will furnish the Council with sixty per centum of the moneys required to meet as and when they arise the liabilities of the Council in connection with carrying into execution the provisions of this Act subject to the grant specified in paragraph 1 hereof not being exceeded.

(d) The Council shall furnish to the Minister at such times and in such form and accompanied by such vouchers certificates reports or other documents as he may require or approve statements of the amounts paid by them under the provisions of this Act. A.D. 1931.
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4. If any difference shall arise between the Minister and the Council with reference to the adjustment of accounts or the basis of such adjustment for giving effect to the foregoing conditions such difference shall be determined in such manner as may be agreed between the Minister and the Council.

SECOND SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED TO BE TAKEN.

Area.	Numbers on deposited plans and in book of reference.
Metropolitan borough of Lambeth.	2 7 8 to 12 inclusive 36 37 39 44 67 to 70 inclusive 73 to 79 inclusive 85 90 106 108 and 116.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

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