



CHAPTER vi.

An Act to empower the London County Council to make a new street street improvements and other works in the vicinity of the Elephant and Castle and to construct and work new tramways in connection therewith and for other purposes. A.D. 1930.
[19th December 1930.]

WHEREAS it is expedient that the London County Council (in this Act referred to as "the Council") should be empowered to construct the new street 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 also expedient to confer upon the Council in connection with and for the purposes of the said new street and street improvements and the tramways by this Act authorised the powers hereinafter set forth :

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 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 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 one million nine hundred and fifty thousand pounds :

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 peace for the county of London 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 :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the London County Council (Improvements) Act 1930.

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.—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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Interpre-
tation.

“The county” means the administrative county of London;

“The Council” means the London County Council;

“The Minister” means the Minister of Transport;

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

“The improvements” means—

(a) where used in Parts II and V of this Act the new street and widenings and alterations of streets and other works authorised by Part III of this Act and the tramways;

(b) where used in Part III of this Act the said works authorised by that Part;
and “improvement” means any of the improvements;

“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 works 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 works thereby authorised 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 amended extended or varied by or by virtue of any subsequent enactment including this Act.

PART II.

LANDS.

Incorporation of general enactments relating to lands with Part II of Act.

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 Part of this Act are hereby incorporated with and form part of this Part of this Act with the following exception 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.

Power to Council to take lands for improvements &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.

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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 as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the 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 : A.D. 1930.

- (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.

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

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

8. Subject to the provisions of this Act the Council—

- (a) may enter upon take and use any part of the properties numbered on the said plans 20 21 171 172 and 173 in the metropolitan borough of Southwark; 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 a right or easement of constructing and maintaining any portion of the improvements in over or under any part of such property;

without the Council being required in any such case to purchase or acquire any other part of such property or of any undertaking of which the same may form part or

As to certain railway properties.

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

Extinguish-
ment of
private
rights of
way.

9. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished :

Provided that the 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
persons to
grant ease-
ments &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 or 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 in
deposited
plans and
book of
reference.

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 correction 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 peace for the county of London 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.

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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)—

Compensa-
tion 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 fourth day of February 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

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any 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 fourth day of February 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. A.D. 1930.
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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 : Power to appropriate lands for purposes of Act.

Provided that the Council shall make any necessary adjustments in their accounts required in consequence of any such appropriation as aforesaid.

(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 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.

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

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 provisions of this Act has been served upon all persons whose estate or interest therein is required to be taken by the Council and after giving to such persons 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 or compliance with sections 85 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

(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 exercisable by the Council under any other provision of this Act.

Increase of
Rent and
Mortgage

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.

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Interest
(Restrictions) Act
1920 not
to apply.

(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.

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
improve-
ments.

(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) and for such purposes and subject to such restrictions and conditions as they may think fit or exchange or otherwise dispose of any lands and buildings or structures thereon acquired by them under the powers of this Act and not required for the purposes thereof 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.

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Sale of
ground
rents.

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 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
instance
without
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.

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.

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

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-five.

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 Southwark hereinafter described (that is to say):—

Power to
Council to
execute
works.

A new street commencing at a point $4\frac{1}{2}$ chains southward of the junction of Walworth Road with New Kent Road and terminating at a point 5 chains northward of the junction of New Kent Road with Newington Causeway;

An alteration of the line of Newington Causeway and Walworth Road and a widening on the western sides thereof commencing at the said point of termination of the said new street and terminating by a junction with the new street at the said point of commencement of the said new street;

A widening of New Kent Road on the southern side thereof between its junction with Walworth Road and a point 2 chains eastward of such junction;

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Widenings of Walworth Road—

(a) on the eastern side thereof between its junction with New Kent Road and a point 1 chain southward thereof; and

(b) on the western side thereof between Draper Street and a point 2 chains northward of the junction therewith of Walworth Road;

A widening of Draper Street on the northern side thereof between Walworth Road and Newington Butts;

A widening of Newington Butts on the eastern side thereof between Draper Street and a point 3 chains northward of the junction therewith of Newington Butts.

Subsidiary
works &c.

27. 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 improvement and any existing street crossed intersected or interfered with by or contiguous to any of the improvements and divert widen or alter the line or alter the level of any existing street for the purposes of the improvements;
- (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) Suspend (either wholly or partially) for such periods as they may deem necessary the working or user of any tramway or portion thereof without being subject to any liability penalty or forfeiture by reason or in consequence of any such suspension;

- (d) Stop up any street or part of a street within the limits of deviation shown on the deposited plans which they may consider unnecessary to retain or to throw into the improvements and alter and divert any street or part of a street within the same limits; A.D. 1930.
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- (e) 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;
- (f) Execute any works for the protection of any adjoining land or buildings;
- (g) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings.

28.—(1) Subject to the provisions of this Act the Council may stop up the whole or so much as they may think fit of the streets and parts of streets mentioned in the Third Schedule to this Act. Power to Council to stop up streets and subways.

(2) Subject to the provisions of this Act the Council may in the metropolitan borough of Southwark stop up all or any of the existing subways authorised by the London County Council (General Powers) Act 1909 and may remove fill up and discontinue all or any of the stairs entrances or approaches thereto and any works and conveniences in connection therewith.

29.—(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 or of any subway 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 Power to stop up ways temporarily.

A.D. 1930. 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.

Vesting of
site of
streets
stopped up.

30. On the stopping up (otherwise than temporarily) of any street or part of a street or subway 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.

For protec-
tion of
Postmaster-
General.

31.—(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.

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32.—(1) Subject to the provisions of this Act the Council may cause such parts of the improvements 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 improvements.

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 such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

33. 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 improvements 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.

34.—(1) When any of the improvements 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

Improve-
ments to
form public
streets
repair &c.

A.D. 1930. received as evidence that such certificate has been duly made and that the improvement to which such certificate relates has been completed and from the date of such certificate so much of the improvement to which such certificate relates as has been laid out as carriageway or footway shall subject to the provisions of this Act form part of the street and may be used by the public accordingly.

(2) Subject to the provisions of this Act so much of the land acquired by the Council for or in connection with the improvements 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 Southwark 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 improvements as has been laid out as aforesaid (including unless otherwise agreed under the provisions of the section of this Act of which the marginal note is "Agreements" any subways for persons on foot constructed in connection with the improvements) shall be under the care management control and jurisdiction of the council of the metropolitan borough of Southwark in the same manner as other streets in such 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.

For protec-
tion of
London
Electric
Supply
Corporation
Limited.

35. For the protection of the London Electric Supply Corporation Limited (in this section called "the company") the following provisions notwithstanding anything contained in this Act or shown on the deposited plans and sections shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say) :—

(1) Save so far as is by this Act expressly provided nothing in this Act shall extend to prejudice or affect any of the provisions for the protection of the company contained in any Act of Parliament :

- (2) 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 the construction of the improvements or (b) by reason or in consequence of any subsidence resulting from the works of the Council 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 : A.D. 1930.
- (3) Any new apparatus laid by the Council or the company under the powers of this Act in substitution for or in consequence of any alteration of any existing apparatus of the company or any apparatus which is diverted or the position line or level whereof is altered under such powers shall so far as reasonably practicable be laid or relaid as the case may be under the footway of any existing or new street wherein the same may be laid or relaid or if it be not reasonably practicable to so lay or relay them then as near as may be to a footway in the street and in such manner so far as reasonably practicable as to enable supplies to be conveniently afforded therefrom to any premises in such street :
- (4) Any new or altered apparatus provided or laid by the Council or by the company under the powers of this Act for the use of the company shall as from the completion of the provision or laying thereof become and be the property of the company and maintainable by them :
- (5) The Council shall indemnify the company in respect of any actions claims or demands arising from any interference by the Council with any apparatus of the company :
- (6) In executing the works by this Act authorised and in carrying out any removal or alteration of or interference with any apparatus of the company the Council shall not except with the consent of the company (which consent shall not be unreasonably withheld) interrupt the

A.D. 1930.

supply of electricity by means thereof and before removing altering or interfering with any such apparatus they shall if required by the company provide to the reasonable satisfaction of the company such proper and sufficient substituted apparatus as may be reasonably necessary :

- (7) If any difference shall rise under this section between the company and the Council the same shall be settled by arbitration.

For protec-
tion of
County of
London
Electric
Supply
Company
Limited.

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

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

(a) remove displace or alter any electric lines mains works or other apparatus of the Company (in this section called "apparatus"); or

(b) without the consent in writing of the county 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 county company have been first made and laid down and be ready for use in such position in a road footpath or subway as the county company shall reasonably approve:

- (2) Should any interruption of the supply of electricity by the county 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 the Council shall indemnify the county company against all claims demands proceedings

costs losses damages and expenses which may be made or taken against the county company or which the county company may incur consequent upon such interruption :

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- (3) Any dispute which shall arise between the Council and the county company under the provisions of this section shall be settled by arbitration.

PART IV.

TRAMWAYS.

37. 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 Part of this Act.

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

38. 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 Southwark 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) :—

Power to Council to make tramways.

Tramway No. 1 (double line 2 furlongs 8·03 chains in length) commencing by a junction with the north-eastern track of the existing tramway in London Road at a point $\frac{1}{2}$ chain south-eastward of the junction therewith of Ontario Street and terminating by a junction with the south-western track of the said existing tramway in London Road at a point $\frac{1}{2}$ chain south-eastward of the junction therewith of Ontario Street ;

Tramway No. 2 (double line 3·09 chains in length) commencing by a junction with Tramway No. 1 at a point in the new street by this Act authorised $\frac{1}{2}$ chain eastward of the junction therewith of Skipton Street and terminating in Newington Causeway by a junction with the western track of the existing tramway therein at a point 2 chains southward of the junction therewith of Southwark Bridge Road ;

A.D. 1930.

Tramway No. 3 (double line 2·57 chains in length) commencing by a junction with the eastern track of the existing tramway in Newington Causeway at a point $2\frac{1}{2}$ chains southward of the junction therewith of Southwark Bridge Road and terminating by a junction with Tramway No. 1 at a point 3 chains northward of the junction of London Road with Newington Causeway;

Tramway No. 4 (2·32 chains in length whereof 1·85 chains will be double line and ·47 chain will be single line) commencing by a junction with Tramway No. 1 at a point 1 chain northward of the junction of London Road with Newington Causeway and terminating by a junction with the northern track of Tramway No. 5A hereinafter described in New Kent Road at a point 2 chains eastward of the junction therewith of Newington Causeway;

Tramway No. 5 (double line 2·38 chains in length) commencing by a junction with the southern track of the said Tramway No. 5A in New Kent Road at a point 2 chains eastward of the junction therewith of Newington Causeway and terminating by a junction with Tramway No. 1 at a point 2 chains southward of the junction of Walworth Road with New Kent Road;

Tramway No. 5A (double line 1·45 chains in length) commencing by a junction with Tramways Nos. 4 and 5 in New Kent Road at the said points of termination of Tramway No. 4 and commencement of Tramway No. 5 and terminating therein by a junction with the existing tramway at a point $3\frac{1}{2}$ chains eastward of the junction of Newington Causeway with New Kent Road;

Tramway No. 6 (3·92 chains in length whereof 2·88 chains will be double line and 1·04 chains will be single line) commencing by a junction with Tramway No. 1 at a point 3 chains southward of the junction of Walworth Road with New Kent Road and terminating by a junction with the eastern track of the existing tramway in Walworth Road at a point 5 chains northward of the junction therewith of Draper Street;

- Tramway No. 7 (double line 2·02 chains in length) commencing by a junction with the western track of the existing tramway in Newington Butts at a point 4 chains northward of the junction therewith of St. Gabriel Street and terminating by a junction with Tramway No. 1 at a point 1 chain westward of the junction of Newington Butts with the said new street; A.D. 1930.
- Tramway No. 8 (double line 1·71 chains in length) commencing by a junction with Tramway No. 1 at a point 1 chain northward of the junction of Temple Street with the said new street and terminating by a junction with the southern track of the existing tramway in St. George's Road at a point $\frac{1}{2}$ chain eastward of the junction therewith of Oswin Street;
- Tramway No. 9 (double line 2·15 chains in length) commencing by a junction with the northern track of the existing tramway in St. George's Road at a point opposite Oswin Street and terminating in the said new street by a junction with Tramway No. 1 at a point $1\frac{1}{2}$ chains northward of the junction therewith of St. George's Road;
- Tramway No. 10 (double line 2·39 chains in length) commencing by a junction with Tramway No. 1 at a point $1\frac{1}{2}$ chains south-westward of the junction of London Road with the said new street and terminating by a junction with Tramway No. 1 at a point 1 chain north-eastward of the junction of the said new street with London Road;
- Tramway No. 11 (single line 2·11 chains in length) commencing by a junction with the eastern track of the existing tramway in Walworth Road at a point 2 chains northward of the junction therewith of Draper Street and terminating by a junction with the southern track of Tramway No. 12 hereinafter described at a point $1\frac{1}{2}$ chains westward of the junction of Draper Street with Walworth Road;
- Tramway No. 12 (double line 1·44 chains in length) commencing by junctions with Tramway No. 11 and with Tramway No. 14 hereinafter described at the points of termination of the said Tramways

A.D. 1930.

Nos. 11 and 14 and terminating by junctions with Tramways Nos. 13 and 15 hereinafter described at a point $2\frac{1}{2}$ chains eastward of the junction of Newington Butts with Draper Street;

Tramway No. 13 (single line 3·97 chains in length) commencing by a junction with the southern track of Tramway No. 12 at its said point of termination and terminating by a junction with the eastern track of the existing tramway in Newington Butts at a point $1\frac{1}{2}$ chains south-westward of the junction therewith of Draper Street;

Tramway No. 14 (single line 2·02 chains in length) commencing by a junction with the western track of the existing tramway in Walworth Road at a point $\frac{1}{2}$ chain south-eastward of the junction therewith of Draper Street and terminating by a junction with the northern track of Tramway No. 12 at its said point of commencement;

Tramway No. 15 (single line 3·38 chains in length) commencing by a junction with the northern track of Tramway No. 12 at its said point of termination and terminating by a junction with the western track of the existing tramway in Newington Butts at a point 1 chain northward of the junction therewith of St. Gabriel Street.

Tramways to form part of Council's tramway undertaking.

System of traction.

Incorporation of sections of previous Acts with reference to tramways.

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

40. 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.

41. 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. 1930.

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 9 (Application of materials excavated in construction of works);
- 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);
- 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);
- Section 9 (Rails to be maintained on level of roadways);
- 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;

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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);

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

Section 37 (Amending section 12 of London County Tramways (Electrical Power) Act 1900).

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
existing
tramways.

42.—(1) In connection with and for the purposes of the construction of the tramways the Council may discontinue the working of the whole or so much as they think fit of such parts of the existing tramways in the metropolitan borough of Southwark as are hereinafter described (that is to say):—

(a) The tramway in London Road and New Kent Road between the points of commencement and termination of Tramway No. 1 authorised by this Act and the point of termination of Tramway No. 5A authorised by this Act;

(b) The eastern track of the tramway in Newington Causeway and Newington Butts between the commencement of Tramway No. 3 authorised

by this Act and the termination of Tramway No. 13 authorised by this Act; A.D. 1930.

- (c) The western track of the tramway in Newington Causeway and Newington Butts between the termination of Tramway No. 2 authorised by this Act and the commencement of Tramway No. 7 authorised by this Act;
- (d) The single line of tramway in Newington Causeway and Walworth Road between its junction with the eastern track of the tramway in Newington Causeway and its junction with the eastern track of the tramway in Walworth Road;
- (e) The single line of tramway in Newington Causeway New Kent Road and Walworth Road or one of them between its junction with the northern track of the tramway at the junction of Newington Causeway with New Kent Road and its junction with the single line of tramway in Walworth Road;
- (f) The tramway in St. George's Road between the termination of Tramway No. 8 authorised by this Act and the commencement of Tramway No. 9 authorised by this Act and its junction with the tramway in Newington Butts;
- (g) The tramway in Walworth Road between the termination of Tramway No. 6 authorised by this Act and its junction with the tramway in Newington Butts;
- (h) The western track of the tramway in Walworth Road between the termination of Tramway No. 6 authorised by this Act and the commencement of Tramway No. 14 authorised by this Act;
- (i) The tramway in London Road St. George's Road and Newington Butts or one of them from a point 2 chains south-eastward of the junction of London Road with Skipton Street to a point opposite St. George's Road.

(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

A.D. 1930. 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) So much of section 28 (Repair of part of road where tramway is laid) of the Tramways Act 1870 as imposes any obligation upon the promoters where any tramway is taken up shall not apply with respect to any portions of the said existing tramways referred to in subsection (1) of this section.

For protec-
tion of
Metro-
politan
Water
Board in
relation to
tramways
to be dis-
continued.

43. For the protection of the Metropolitan Water Board (in this section referred to as "the board") and notwithstanding any other provision in this Act the following provisions shall unless otherwise agreed in writing between the Council and the board apply and have effect in relation to any of the existing tramways of the Council to be discontinued under the powers of the section of this Act of which the marginal note is "Power to remove existing tramways" (that is to say) :—

(1) The provisions of the Tramways Act 1870 and of any other enactment or any agreement which at the date of the passing of this Act enure for the protection of the board in relation to the said existing tramways and to any equipment used in connection therewith shall in relation to any of the said existing tramways which shall be so discontinued as aforesaid continue in force and enure for the protection of the board until the date when the taking up and removal thereof or of the rails or apparatus laid provided or used for the purposes thereof shall be commenced :

(2) The provisions of section 30 of the Tramways Act 1870 except subsection (1) thereof shall extend and apply to—

(a) the taking up and removal of any rails or apparatus laid provided or used for the purposes of any of the said existing tramways so discontinued as aforesaid; and

(b) the filling in of the ground and the making good and restoration (if any) of the

portion of road disturbed by such taking up and removal in all respects as if those works or operations were the laying down of a tramway within the meaning of the said section. A.D. 1930.

PART V.

MISCELLANEOUS AND FINANCIAL.

44. 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.

45. The Council in constructing the improvements may deviate laterally from the lines or situations of the works shown on the deposited plans thereof to the extent of the limits of deviation marked on those plans and vertically from the levels of the said works shown on the deposited sections thereof to any extent not exceeding six feet. Power to deviate.

46. If the improvements are not completed on or before the first day of October one thousand nine hundred and thirty-seven 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 improvements.

47. 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):— Underpinning of buildings near improvements.

- (1) At least ten days' notice shall unless in case 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 :

A.D. 1930.
—

- (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 :
- (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 to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act : A.D. 1930.
—

(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.

48.—(1) In and for the purposes of this section— Removal &c. of apparatus.

“ 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

A.D. 1930. 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.

(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 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.

49. There shall be by virtue of this Act vested in the Council— A.D. 1930.

- (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;

Vesting and disposal of materials.

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

50. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Council have effect notwithstanding any other provision of this Act (that is to say) :—

For protection of Metropolitan Water Board in relation to execution of works.

- (1) Not less than twenty-eight days before commencing any of the works authorised by Part III (Street works) or Part IV (Tramways) of this Act the Council shall submit to the board plans and sections with detailed particulars of so much of the said works respectively as may affect any main pipe valve hydrant work or apparatus (all of which are in this section referred to as "apparatus") of the board and of any lowering raising diversion or alteration of any such apparatus which the Council propose to execute under the powers of this Act and such plans sections and particulars shall so far as they relate to any such lowering raising diversion or alteration of apparatus be subject to the reasonable approval of the board. Provided that if within twenty-one days after the submission to them of such last-mentioned plans sections and particulars the board shall not in writing have intimated to the Council their disapproval thereof or have made any requirement with respect thereto they shall be deemed to have approved such plans sections

A.D. 1930.

and particulars and the said works may be executed by the Council in accordance therewith and not otherwise :

(2) The board may within fourteen days from the receipt by them of plans sections and particulars as aforesaid of any work involving the removal lowering raising diversion or alteration of any apparatus belonging to the board intimate to the Council their intention themselves to effect such removal lowering raising diversion or alteration and in case the board shall give any such notice the board shall with all reasonable dispatch effect such removal lowering raising diversion or alteration to the reasonable satisfaction of the Council :

(3) In any case in which the level of the carriageway of any street is altered under the powers conferred by the said Part III of this Act so as to leave over any apparatus of the board laid thereunder a less depth of cover than three feet or the existing covering whichever is the less or a greater depth of cover than five feet or the existing covering whichever is the greater or in which under the powers of the said Part III the Council add to the carriageway of any street any portion of any footway in or under which any such apparatus is laid or placed the board may lower such apparatus to a depth not exceeding three feet or raise to a depth not less than five feet (as the case may be) below the surface of the carriageway measured from the upper side of the apparatus or in any such case as last aforesaid the board may if circumstances will reasonably allow relay the apparatus under the altered footway :

(4) The Council shall repay to the board the cost charges and expenses reasonably incurred by the board pursuant to subsection (2) or subsection (3) of this section :

(5) The Council shall repay to the board the reasonable cost to the board of providing and laying the mains (in this subsection referred to as "new mains") shown by a red colour on the plan signed on behalf of the Council by George

William Humphreys and on behalf of the board A.D. 1930.
by Henry Edward Stilgoe and any other appropriate substituted mains so far as such new mains or substituted mains may be rendered necessary by works executed by the Council under the powers of this Act. Such new mains and substituted mains shall be of such material and surrounded by such special casing (if any) as may be agreed between the Council and the board or settled by arbitration. Provided that—

(a) the Council shall not be required to pay in respect of the substituted mains any greater sum than the amount of the cost which would have been incurred in providing and laying a main of a diameter not exceeding that of the existing main for which it is substituted;

(b) if the board provide and lay in substitution for an existing main a main of greater diameter than that of the existing main the cost of such provision and laying shall be apportioned between the Council and the board on the basis of the foregoing proviso (a):

- (6) The Council shall pay to the board their reasonable charges of and incidental to the cutting off of any apparatus from any other apparatus so far as such cutting off is rendered necessary by or in consequence of the exercise of any of the powers of this Act:
- (7) If by reason or in consequence of the exercise by the Council of any of the powers of this Act any damage to any apparatus or property of the board or any interruption in the supply of water by the board shall be caused the Council shall bear and pay the cost reasonably incurred by the Board in making good such damage and shall make reasonable compensation to the board for any loss sustained by them and shall also indemnify the board against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the board by

A.D. 1930.

reason or in consequence of any such damage or interruption :

- (8) Where the Council under the powers of this Act stop up temporarily any street or part of a street in which any apparatus of the board is situate the officers and servants of the board shall have free and uninterrupted access to and along such street or part of a street for the purpose of enabling them to inspect repair or renew any such apparatus and the Council shall provide all necessary facilities for that purpose :
- (9) The reasonable expense of all repairs or renewals of any apparatus of the board or any works in connection therewith which may be rendered reasonably necessary within a period of twelve months from the respective dates of completion of the works referred to in Part III and Part IV of this Act by reason of any subsidence resulting from the execution of the said works respectively shall be borne and paid or repaid by the Council as the case may be :
- (10) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act to the benefit of which the board would have been entitled if this section had not been enacted but in any case in which any such other provision is inconsistent with the provisions of this section the last-mentioned provisions shall prevail :
- (11) If any difference or dispute shall arise between the Council and the board under this section such difference shall be referred to arbitration.

For protec-
tion of
London
Electric and
City and
South
London
Railway
Companies.

51. For the protection of the London Electric Railway Company and the City and South London Railway Company (hereinafter in this section respectively referred to as "the London Company" and "the City Company" and collectively as "the two companies") the following provisions shall notwithstanding anything contained in this Act or in any Act wholly or partly incorporated therewith or shown on the deposited plans and sections unless otherwise agreed in writing between

the Council and the two companies be observed and have effect (that is to say) :— A.D. 1930.

(1) In this section the following expressions have the meanings hereby respectively assigned to them (that is to say) “the London railway” means and includes the lands railways subways passages Elephant and Castle Station electrical substation and other works of the London Company and any property held in connection therewith “the City railway” means and includes the lands railways subways passages Elephant and Castle Station and other works of the City Company and any property held in connection therewith “the works” means and includes so much of any works authorised by or in pursuance of this Act and of any works appurtenant or incidental thereto respectively which are within fifty feet of the London railway or of the City railway and any temporary or other works which the Council may execute under or in pursuance of this Act within the distance aforesaid :

(2) The Council shall not without the previous consent in writing (which consent shall not be unreasonably withheld) of the London Company in respect of the London railway or of the City Company in respect of the City railway enter upon take or use either temporarily or permanently any part of the London railway or of the City railway as the case may be or without the like consent purchase or acquire any right or easement of constructing and maintaining any portion of the works in over or under any part of either of those railways or without the like consent alter vary or in any way interfere with either of those railways or any part thereof but with such consent as aforesaid and subject to the terms thereof the Council may purchase and the London Company or as the case may be the City Company shall sell such of its property as may be agreed between the Council and those companies respectively to be reasonably necessary to enable the Council to carry out the works by this Act authorised :

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- (3) Before the Council in the exercise of the powers conferred on them by or in pursuance of this Act commence the execution of the works they shall give to the two companies at least three months' notice in writing of their intention so to do accompanied by plans and general information as to their intentions and shall at least twenty-eight days before actually commencing such work give to the two companies full and detailed plans sections and specifications of such work and a full detailed description of the proposed mode of executing the same :
- (4) No part of the works shall be commenced until such plans sections drawings specifications and descriptions as aforesaid as relate to that part of the works shall have been approved in writing by the two companies or by any arbitrator to be appointed as hereinafter provided Provided that if the two companies do not within twenty-eight days after receiving such notice as aforesaid and the plans sections drawings specifications and descriptions aforesaid with regard to the works signify in writing their approval of that part of the works being carried out in accordance with such plans sections drawings specifications and descriptions a difference with regard thereto shall be deemed to have arisen between the two companies and the Council :
- (5) The Council shall not without the written sanction of the two companies carry out any part of the works otherwise than in accordance with the plans sections drawings specifications and descriptions with regard thereto as approved in writing by the two companies or by such arbitrator as aforesaid as the case may be :
- (6) The Council shall execute such protective works and take such other precautions as the two companies shall deem necessary for ensuring the safety of the London railway and the City railway and the works and such protective works as aforesaid (if any) when commenced shall be proceeded with with dispatch and during such hours as the two companies may require or as may in case of difference be directed by an

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arbitrator to be appointed as hereinafter provided Any differences between the two companies and the Council as to the necessity for any protective works or as to the mode of carrying out the same shall be referred from time to time to the decision of an arbitrator to be appointed as hereinafter provided :

- (7) If at any time or times the two companies consider that the safety of the London railway or the City railway or any part of those railways is likely to be endangered by the execution or continued execution of any part of the works they may reasonably require the same to be suspended until such precautionary measures are taken for securing the safety of those railways as the two companies may reasonably require If the execution or continued execution of any part of the works is so required to be suspended the Council shall not further proceed therewith until the precautionary measures so required by the two companies or if a difference shall arise with regard to the necessity therefor or the extent and nature thereof such precautionary measures as shall be directed by an arbitrator to be appointed as hereinafter provided shall have been carried out to the satisfaction of the two companies :
- (8) The two companies shall be entitled at the expense of the Council at all times to inspect the works and to supervise the mode in which the works are carried out and for these purposes to appoint such engineers clerks of the works inspectors and watchmen as may be reasonably necessary and every facility shall be afforded him and them for such inspection and supervision and every reasonable notice which the engineer of the two companies and those authorised by him may give touching any defect or want of repair shall immediately or as soon as possible be complied with by the Council and any special expenditure incurred by the two companies or either of them shall be repaid to them by the Council :

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- (9) If in consequence of the execution of the works or any part thereof any structural damage shall be caused to those parts of the property of the London railway or of the City railway which shall be retained by them respectively the London Company or the City Company as the case may be may make good such injury or damage and recover the reasonable cost thereof from the Council :
- (10) The Council shall not in constructing any of the works cause any obstruction or hindrance to or interference with the free uninterrupted and safe user and working of the railways of the London Company or the City Company or any unreasonable obstruction or hindrance to the free uninterrupted and safe road or subway access to the stations now or hereafter constructed on those railways at or near the Elephant and Castle in the metropolitan borough of Southwark and the Council shall take all reasonable steps to ensure that during the construction of any building on any lands acquired under the provisions of this Act no such unreasonable obstruction hindrance or interference shall take place and if at any time or times hereafter the free and uninterrupted and safe user and working of the said railways or the access to the said stations shall be obstructed hindered or interfered with contrary to this enactment the Council shall pay to the London Company or the City Company as the case may be all reasonable costs and expenses to which either or both those companies may be put as well as full compensation for the loss sustained by them or either of them by reason of any such obstruction hindrance or interference :
- (11) The Council shall bear and on demand shall pay to the two companies such reasonable expenses (including all compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the two companies or either of them in or about the works) as the two companies may incur in the employment of such

engineers inspectors or watchmen as they may consider it requisite to appoint for watching the London railway and the City railway and the works and conveniences connected therewith with reference to and during the execution of the works and for preventing as far as may be any interference obstruction danger or accident likely to arise from any of the operations of the Council in the construction of the works or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise in the course of such construction :

- (12) Whenever any difference arises between the London Company or the City Company and the Council which under the provisions of this section is to be referred to the decision of an arbitrator the same shall be referred to and determined by an engineer to be agreed upon by the Council and the London Company or the City Company or failing agreement to be appointed on the application of either of such parties 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 :
- (13) The fact that any work or thing has been done or executed in accordance with any plan section drawing specification or description which is not objected to or which is approved by or on behalf of the London Company or the City Company or with any requirement of the London Company or the City Company or under the supervision of their engineer or in accordance with any direction or award of an arbitrator shall not excuse the Council from any liability under this section or otherwise howsoever or prejudice or affect any claim by the London Company or the City Company in respect thereof :
- (14) The London Company the City Company and the Council may agree upon any variation of or alteration in the works or in the manner in which the same shall be executed Provided that no such variation or alteration shall be of

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such a character as to affect the rights or interests of any persons other than the parties to the agreement :

- (15) Any notice or other document required or authorised to be served on or given by the Council to the London Company or the City Company under this Act shall if served by post be served by registered post. Any requirement of or direction by the London Company or the City Company or their engineer shall be deemed to have been duly made or given if made or given to the Council or in any case of emergency to any clerk of the works or other official of the Council who is employed on or in connection with the works.

Notice to
Commis-
sioner of
Police.

52. 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.

Agreements.

53.—(1) The Council on the one hand and the council of the metropolitan borough of Southwark 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.

(2) The Council on the one hand and the London Electric Railway Company and the City and South London Railway Company or either of them 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.

(3) Notwithstanding anything contained in this Act any agreement entered into between the Council and

the said railway companies or either of them may with the approval of the 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.

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(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.

54. 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.

As to purposes of certain agreements.

55.—(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.

Authentication and service of notices &c.

(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;

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(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;

(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.

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.

Arbitration.

56. 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.

Recovery of
penalties
&c.

57. 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.

- 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. A.D. 1930.
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Recovery of demands.
- 59.** 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. Penalties to be paid to authorities taking proceedings.
- 60.** 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. Judges not disqualified.
- 61.** 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 : Saving for indictments.
Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.
- 62.** 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." Inquiries by Minister.
- 63.** 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 one million nine hundred and fifty thousand pounds and may borrow or otherwise provide the whole or any part of the money Money to be raised on capital account.

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required for those purposes in accordance with the provisions of the London County Council (Finance Consolidation) Act 1912.

Separate
accounts of
receipts and
payments.

64.—(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.

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

Costs of
Act.

65. 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.

The SCHEDULES referred to in the
foregoing Act.

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FIRST SCHEDULE.

GENERAL CONDITIONS OF GRANT BY
MINISTER OF TRANSPORT.

1. The Minister will make a grant from the Road Fund of seventy-five 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 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 seventy-five 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.

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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 Southwark.	155 196 197 and 198.

THIRD SCHEDULE.

STREETS WHICH MAY BE STOPPED UP IN THE METROPOLITAN BOROUGH OF SOUTHWARK.

- (i) Princess Place.
- (ii) Princess Mews.
- (iii) Newington Butts between the junction thereof with London Road and a point 5 chains southward of that junction.
- (iv) Temple Street between the junction thereof with St. George's Road and a point 2 chains southward of that junction.
- (v) St. George's Road between the junction thereof with Newington Butts and a point 5 chains westward of that junction.
- (vi) London Road between the junction thereof with Newington Causeway and a point 5½ chains north-westward of that junction.
- (vii) Skipton Street between the junction thereof with London Road and a point 2½ chains northward of that junction.

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