

**CHAPTER lxxiii.**

An Act to empower the Metropolitan Water Board to make waterworks and other works and to acquire lands and for other purposes. A.D. 1915.
[29th July 1915.]

WHEREAS the Metropolitan Water Board (in this Act referred to as "the Board") are charged with the duty of supplying water within an area which comprises the whole of the county of London and parts of the counties of Middlesex Surrey Kent Essex and Hertford :

And whereas it is expedient that the Board should be empowered to construct the waterworks and other works and to acquire the lands hereinafter referred to :

And whereas it is expedient that the Board should be empowered to borrow money for the purposes of this Act :

And whereas it is expedient that such further powers should be conferred upon the Board and that such further provisions should be made as are contained in this Act :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

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May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Metropolitan Water Board Act 1915.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Works &c.

Part III.—Lands.

Part IV.—Financial Provisions.

Part V.—Miscellaneous Provisions.

Incorporation of general Acts.

3. The following Acts and parts of Acts are incorporated with this Act (namely):—

The Lands Clauses Acts (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845 and the words “with two sufficient sureties to be approved of by two justices in case the parties differ” in section 85 of that Act);

The provisions of the Waterworks Clauses Act 1847 with respect to the following matters (that is to say):—

The construction of the waterworks;

The construction of works for the accommodation of lands adjoining the waterworks;

The breaking up of streets for the purpose of laying pipes;

The provision for guarding against fouling the water of the undertakers;

The recovery of damages not specially provided for and of penalties and the determination of any other matter referred to justices or to the sheriff; and

Access to the special Act;

The Waterworks Clauses Act 1863 (except section 12 of that Act and the words "under any agreement for the supply of water for other than domestic purposes" in section 13 of the said Act); and A.D. 1915.

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

Provided that for the purposes of the said section 85 of the Lands Clauses Consolidation Act 1845 as incorporated with this Act the Board shall be deemed to be a railway company and section 36 (except paragraph (4) thereof) of the Railway Companies Act 1867 shall apply accordingly.

4.—(1) The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that in and for the purposes of this Act the expressions "the undertakers" or "the promoters of the undertaking" or "the company" used in such incorporated Acts shall mean the Board. Provided also that for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act 1845 the works by this Act authorised shall be deemed to be the railway and the centre lines of the embankments shown on the deposited plans of such of the said works as consist of reservoirs and the centre lines of the remainder of the said works shown on the said plans shall respectively be deemed to be the centre of the railway. Interpretation.

(2) In this Act unless the subject or context otherwise require—

"The Board" means the Metropolitan Water Board;

"The limits of deviation" means the limits of deviation marked on the deposited plans and where on any road or footpath (whether public or private) no such limits are marked on the said plans means the boundaries of the road or footpath;

"The Act of 1902" means the Metropolis Water Act 1902;

"The water fund" means the water fund established by the Board under the Act of 1902.

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PART II.

WORKS &c.

Power to
make water-
works.

5. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the waterworks hereinafter described (that is to say) :—

A reservoir (No. 1) in the parish of Southgate in the county of Middlesex adjoining the western side of the existing Bourne Hill Reservoir of the Board :

A reservoir (No. 2) in the parish of Eltham in the metropolitan borough of Woolwich and county of London adjoining the southern side of the existing Eltham Reservoir of the Board :

A reservoir (No. 3) in the parish of Bromley in the county of Kent situate upon lands bounded on the north-west north and north-east respectively by Park Farm Road and Elmstead Lane :

A reservoir (No. 4) in the said parish of Bromley shown on the deposited plans as situate in the enclosure numbered on the $\frac{1}{2500}$ scale Ordnance map edition of 1909 (Kent sheet No. VII. 12) 755 in that parish :

A reservoir (No. 5) in the parish of Farnborough in the county of Kent adjoining the western side of the existing reservoir of the Board constructed on part of the enclosure numbered on the $\frac{1}{2500}$ scale Ordnance map edition of 1909 (Kent sheet No. XVI. 13 and 14) 147 in that parish :

A reservoir (No. 6) in the parish of Shoreham in the county of Kent shown on the deposited plans as situate on the gardens or premises respectively numbered on the $\frac{1}{2500}$ scale Ordnance map edition of 1909 (Kent sheet No. XVI. 16) 120 and 120A in that parish :

An aqueduct or line or lines of pipes (Aqueduct No. 1) wholly in the said parish of Bromley commencing by a junction with an existing main of the Board in Burnt Ash Lane and terminating in the reservoir (No. 4) by this Act authorised :

An aqueduct or line or lines of pipes (Aqueduct No. 2) commencing in the parish and metropolitan borough of Lewisham in the county of London by a junction with an existing main of the Board in Bromley Road and terminating in the said parish of Bromley and county of Kent in Avondale Road by a junction with the aqueduct (No. 1) by this Act authorised: A.D. 1915.

An aqueduct or line or lines of pipes (Aqueduct No. 3) wholly in the said parish of Bromley commencing in the reservoir (No. 4) by this Act authorised and terminating by a junction with an existing main of the Board in Burnt Ash Lane:

An aqueduct or line or lines of pipes (Aqueduct No. 4) wholly in the said parish of Farnborough commencing in the reservoir (No. 5) by this Act authorised and terminating by a junction with an existing main of the Board in the road from London to Sevenoaks:

An aqueduct or line or lines of pipes (Aqueduct No. 5) wholly in the said parish of Shoreham commencing in the road numbered on the $\frac{1}{2500}$ scale Ordnance map edition of 1909 (Kent sheet No. XVI. 16) 132 in that parish by a junction with a main to be laid by the Board in that road and terminating in the reservoir (No. 6) by this Act authorised:

An aqueduct or line or lines of pipes (Aqueduct No. 6) commencing in the parish of Walton-upon-Thames in the county of Surrey at a point in the north-western boundary of the enclosure numbered on the $\frac{1}{2500}$ scale Ordnance map edition of 1914 (Surrey sheet No. XII. 1) 19 in that parish and terminating in the parish of Saint Mary Lambeth in the metropolitan borough of Lambeth and county of London in the premises of the Board forming part of their waterworks at Brixton Hill:

An aqueduct or line or lines of pipes (Aqueduct No. 7) wholly in the county of London commencing in the premises of the Board hereinbefore referred to in the said parish of Saint Mary Lambeth and terminating in the existing reservoir of the Board known as the Beachcroft Reservoir at Honor Oak in the parish and metropolitan borough of Camberwell:

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An aqueduct or line or lines of pipes (Aqueduct No. 8) wholly in the said parish and metropolitan borough of Camberwell commencing in the north-westernmost of the reservoirs of the Board adjoining Nunhead Cemetery and terminating by a junction with an existing main of the Board in Queen's Road :

A well and pumping station in the parish of Eynsford in the county of Kent shown on the deposited plans as situate in the enclosure numbered on the $\frac{1}{2500}$ scale Ordnance map edition of 1909 (Kent sheet No. XVII. 10) 222A in that parish.

Subsidiary works in connection with waterworks.

6. Subject to the provisions of this Act the Board may in connection with and as part of the works referred to in the section of this Act of which the marginal note is "Power to make waterworks" make and maintain upon or in any lands within the limits of deviation for the said works respectively all such intakes outfalls cuts channels catchwaters aqueducts culverts tunnels shafts adits sewers drains pipes junctions sluices by-washes weirs gauges sumps tanks filter-beds filters embankments dams retaining walls bridges roads approaches telegraphic and telephonic apparatus electrical cables engines pumps machinery buildings tramroads aerial ropeways tramways lifts and other works apparatus and appliances as may be necessary or convenient whether for constructing inspecting maintaining repairing cleansing managing working and using the said works or for the general purposes of their undertaking.

Any telegraphic or telephonic apparatus made or maintained by the Board under this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and any electrical cables machinery or apparatus made or maintained by the Board shall be constructed and used in such manner as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Power to Board to make junctions &c.

7. It shall be lawful for the Board at any point outside their limits of supply to make maintain and use junctions connections and communications between all or any of the works referred to in the section of this Act of which the marginal note is "Power to make waterworks" and any mains pipes conduits aqueducts culverts and other works of the Board made or to be made:

Provided that the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply to the making maintenance and use of any such junctions connections or communications in any street. A.D. 1915.

8. For the purpose of making or maintaining any of the works referred to in the section of this Act of which the marginal note is "Power to make waterworks" or any subsidiary work in connection with such works the Board may (but subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) open and break up any public road or public footpath shown on the deposited plans in connection with such works in under across or over which any of such works are authorised to be constructed: Breaking up
of roads and
footpaths.

Provided that where they open or break up any such road or footpath they shall be subject to the following obligations:—

- (1) They shall with all convenient speed complete the work on account of which they open or break up the road or footpath and subject to the making and maintenance of the said work fill in the ground and make good the surface and restore the portion of the road or footpath to as good a condition as that in which it was when it was opened or broken up and clear away all surplus paving or metalling material or rubbish occasioned thereby:
- (2) They shall in the meantime cause the place where the road or footpath is opened or broken up to be fenced and watched and to be properly lighted at night:
- (3) Where they require under the powers of this section to open or break up any such road within the Metropolitan Police area for the purpose of laying mains pipes or other works across the same they shall not except as hereinafter provided execute their works in such a way as to obstruct the entire width of the carriageway at any one time but shall make provision for the accommodation of a single line of vehicular traffic at the point at which the works are executed Provided that if and whenever it shall be necessary for any such purpose as aforesaid for the

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Board to obstruct the entire width of the carriageway of any road within the Metropolitan Police area at any one time it shall be lawful for them to do so but in that case they shall provide and during the continuance of the obstruction maintain at the point at which the works are executed such temporary accommodation (if any) for vehicular traffic as the Commissioner of Police of the Metropolis may require.

Power to
make sub-
way or
tunnel.

9. Subject to the provisions of this Act the Board may make and maintain in the line and situation shown on the deposited plans and according to the levels shown on the deposited sections the following work (that is to say):—

A subway or tunnel wholly in the parish and metropolitan borough of Camberwell and county of London under the roads respectively known as Dog Kennel Hill and Grove Lane commencing in Dog Kennel Hill at a point 270 yards or thereabouts north-westward of the junction therewith of Constance Road and terminating in Grove Lane at a point 70 yards or thereabouts north-westward of the junction therewith of Stories Road.

Power to
open surface
of streets for
purposes of
subway or
tunnel.

10. Subject to the provisions of this Act the Board may for the purpose of constructing the subway or tunnel by this Act authorised and works incidental thereto stop up temporarily and enter on and open up within the limits of deviation the roads respectively known as Dog Kennel Hill and Grove Lane or either of them and may make and maintain such permanent openings entrances accesses shafts steps and other works and conveniences in the said roads or either of them or the surface thereof respectively as may be necessary or convenient for the purpose of giving access to the said subway or tunnel Provided always that in the exercise of the powers conferred by this section the Board shall comply with such directions as the Commissioner of Police of the Metropolis may prescribe with regard to the position of hoardings and road works generally and shall complete their operations when once commenced by working continuously day and night:

Provided also that no permanent opening in the surface of the said roads or either of them shall be constructed which prevents reasonable means of access for vehicles to the entrances of any premises fronting on those roads.

11. The Board may construct lay down place maintain repair alter and renew all such mains pipes works and apparatus as they may think fit in the subway or tunnel by this Act authorised and the Board and their officers and servants and persons authorised by them shall at all times have the exclusive right to enter and use the said subway or tunnel for all or any of the purposes of the Board:

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 Power to lay mains &c. in and to have exclusive use of subway or tunnel.

Provided that nothing in this section contained shall affect the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1913 and the Metropolitan Water Board (Various Powers) Act 1907.

12. Subject to the provisions of this Act the Board may make in the line or situation shown on the deposited plans the following work and may exercise the following powers (that is to say):—

Power to make new footpath and stop up existing footpath.

(1) They may make a footpath in the parish of Walton-upon-Thames in the county of Surrey commencing by a junction with Hurst Road and terminating by a junction with the towing-path on the right bank of the River Thames:

(2) At any time after two justices shall have certified that the said footpath has been completed to their satisfaction and is open for public use the Board may stop up the existing footpath in the said parish leading from Hurst Road past the western side of the pumping station of the Board to the River Thames and as from the date of the said certificate all rights of way over or along the said existing footpath shall be extinguished and the Board may appropriate and use for the purposes of their undertaking the site of the footpath stopped up as far as the same is bounded on both sides by lands of the Board Provided that the Board shall make full compensation to all parties interested in respect of any private rights of way extinguished 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.

13. The new footpath referred to in the section of this Act of which the marginal note is "Power to make new footpath and stop up existing footpath" shall after the completion thereof

As to repair of new footpath.

A.D. 1915. be maintained and repaired by and at the expense of the authority body or person now liable to maintain and repair the existing footpath referred to in that section.

Power to deviate.

14. In constructing the works by this Act authorised the Board may deviate from the lines thereof shown on the deposited plans to any extent not exceeding the limits of deviation and may also deviate from the levels shown on the deposited sections to any extent upwards not exceeding five feet and to any extent downwards Provided that no part of the works by this Act authorised and therein described as aqueducts or lines of pipes shall be constructed above the surface of the ground except so far as is shown on the deposited sections.

Temporary stoppage of roads and footpaths.

15. In addition to any powers of stopping up diverting or interfering with roads or footpaths which the Board may lawfully exercise within their limits of supply the Board during the execution and for the purposes of any works by this Act authorised or any subsidiary works in connection with such works may temporarily stop up divert and interfere with any road or footpath outside their limits of supply which is shown on the deposited plans in connection with such works and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in any such road from passing along and using the same but the Board shall provide reasonable access for persons bonâ fide going to or returning from any such house or any station goods yard or other railway premises to which such road affords access.

Alteration of position of mains and pipes.

16. Subject to the other provisions of this Act the Board may for the purposes of and in connection with the several works authorised by this Act and within the limits of deviation for such works raise sink or otherwise alter the position of or may remove any sewer drain gas or water main or pipe or any other obstruction of a like nature making in case of alterations proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making compensation to any person who suffers damage by any such alteration or removal Provided that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply otherwise than in accordance

with such provisions Provided also that the Board shall not raise sink or otherwise alter the position of any telegraphic line belonging to or used by the Postmaster-General except under and in accordance with the provisions of the Telegraph Act 1878. A.D. 1915.

17.—(1) It shall be lawful for the Board to divert and alter the course of any streams watercourses or ditches on any lands to be acquired or appropriated by them under the powers of this Act and the bed banks and channel of the diverted portion of such streams watercourses and ditches shall by virtue of this Act vest in the Board and may be appropriated and used by the Board for the purposes of this Act or for any other purpose of their undertaking. Power to divert streams &c.

(2) Nothing in this section or done by the Board thereunder shall in any way alter or affect the boundary between any local areas formed by any such stream watercourse or ditch as aforesaid but such boundary shall continue as if the stream watercourse or ditch forming the same had not been diverted and this Act had not been passed.

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

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Board shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Board :

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- (3) If any owner lessee or occupier of any such house or building or the Board as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade :
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Board may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Board shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Board such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Board then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the arbitrator the Board shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Board from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act: A.D. 1915.
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(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

19.—(1) If the subway or tunnel by this Act authorised is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

(2) If the works referred to in the section of this Act of which the marginal note is "Power to make waterworks" are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for the making thereof or otherwise in relation thereto shall cease except as to such of them as are or so much thereof respectively as is then completed.

20. The works authorised by this Act (other than the new footpath by this Act authorised) shall be deemed part of the undertaking of the Board. Works to be part of undertaking of Board.

21.—(1) Before commencing any of the works by this Act authorised in or under any street or road in or under which any mains pipes syphons or other works (hereinafter called "apparatus") of any company body or authority authorised by any Act of Parliament or Provisional Order confirmed by an Act of Parliament to supply gas water or electricity or any sewers drains electric lines pipes syphons or other works (hereinafter called "pipes") of any main or other sewerage authority constituted by Act of Parliament or of the council of any municipal or metropolitan borough or of any urban or rural district or of any parish (each of which companies bodies authorities and councils is hereinafter referred to as "the protected body") are situate the Board shall deliver to the protected body plans General provisions for protection of gas water and electricity mains and sewers.

A.D. 1915. sections and descriptions of all works so proposed to be executed describing the proposed manner of executing the same and such plans sections and descriptions shall be delivered to the protected body at least twenty-one days before the commencement of any such work.

If it should appear to the protected body that such works will interfere with or endanger any of their apparatus or pipes or any pipes connected therewith or impede the supply of gas water or electricity by means of such apparatus or the flow of sewage or drainage through such pipes the protected body may give notice to the Board to lower or otherwise alter the position of such apparatus or pipes or to support the same or to substitute temporarily or otherwise other apparatus or pipes in such manner as may be considered necessary and to lay or place under any apparatus or pipes cement concrete or other like substance and any difference as to the necessity of such lowering alteration support substitution or laying or placing cement concrete or other like substance (hereinafter called "protective works") shall be settled as hereinafter provided such works of the Board (so far as the same are intended to be constructed underground) to be constructed so that not less than three feet shall anywhere be left between the crown of the said works and the road surface All such protective works shall save as hereinafter provided be done and executed by and at the expense of the Board but to the satisfaction and under the superintendence of the engineer of the protected body and the reasonable costs charges and expenses of such superintendence shall be paid by the Board If any protected body by notice in writing to the Board within fourteen days after the receipt by them of notice of the intended commencement by the Board of any such works of the Board so require the protected body may by their own engineer or workmen do and execute protective works so far as they affect the apparatus or pipes of the protected body and the Board shall on the completion thereof pay to the protected body the reasonable expenses incurred by them in the execution of such protective works.

(2) In the event of the plans sections and descriptions so delivered to the protected body as aforesaid not being objected to within fourteen days from such delivery the works shown and described thereon shall be executed in strict accordance therewith.

(3) The protected body may if they deem fit employ watchmen or inspectors to watch and inspect the works whereby any apparatus or pipes of the protected body or any pipes connected therewith will be interfered with or affected during the construction repair or renewal of such works and the reasonable wages of such watchmen or inspectors shall be borne by the Board and be paid by them to the protected body. A.D. 1915.

(4) If any interruption in the supply of gas water or electricity by means of any apparatus or in the flow of sewage or drainage through any pipes shall without the written authority of the protected body be in any way occasioned either by reason of the exercise of the statutory powers conferred upon the Board or by the act or default of the Board or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Board shall forfeit and pay to the protected body for the use and benefit of the protected body a sum not exceeding ten pounds for every day during which such interruption shall continue.

(5) The expense of all repairs or renewals of any apparatus or pipes of the protected body or any works in connection therewith which may be rendered necessary either by reason of the exercise of the statutory powers conferred upon the Board or by the acts or defaults of the Board their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the works of the Board whether during the construction of such works or within twelve months of the completion thereof shall be borne and paid by the Board.

(6) It shall be lawful for the protected body and the engineers workmen and others in their employ at all times when it may be necessary to enter upon the lands works and premises of the Board at any point or place where there are existing apparatus or pipes of the protected body or pipes connected with such apparatus or pipes and to do all such works in and upon such lands and premises as may be necessary for repairing maintaining or removing or replacing or extending such apparatus or pipes under or over the same lands and premises Provided always that in so doing the protected body their engineers or workmen or others in the employ of the protected body shall not interrupt the user of any of the works of the Board by this Act authorised Provided also that the protected body shall

A.D. 1915. make good and reimburse to the Board all damage to such works occasioned by the exercise of the powers by this section reserved to the protected body.

(7) If any difference shall arise with respect to any matter under this section between the Board and the protected body or their engineer or concerning any plans sections or descriptions to be delivered to the protected body under the foregoing provisions of this section the matter in difference shall be referred to and settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and the costs of such arbitration shall be borne and paid as the arbitrator shall direct and in settling any question under this section an arbitrator shall have regard to any duties or obligations which the protected body may be under in respect of their apparatus or pipes and may if he thinks fit require the Board to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the protected body's apparatus or pipes are used.

Temporary discharge of water into streams.

22.—(1) For the purpose of constructing maintaining repairing cleansing or examining any of the works authorised by the section of this Act of which the marginal note is "Power to make waterworks" or for the purpose of disposing of any water flowing into any excavation made by the Board during the construction and for the purposes of any of the works authorised by this Act the Board may cause the water in any such work to be temporarily discharged into any available river stream ditch or watercourse.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration.

(3) In exercising the powers of this section the Board shall take all reasonable precautions for preventing so far as practicable the introduction of any solid matter whether in suspension or otherwise into the River Thames or any tributary (as defined by section 90 of the Thames Conservancy Act 1894) of that river or into any stream or watercourse in the county of

Middlesex which is under the control or jurisdiction of the county council of that county. A.D. 1915.

23. If any work authorised by this Act involves the removal or alteration of any post office letter-box the Board shall not remove or alter such box but shall give notice to the Postmaster-General of the removal or alteration required and the Postmaster-General shall remove or alter the box as he may think fit and the Board shall pay to the Postmaster-General all expenses incurred by him in relation to such removal or alteration. As to removal of post office letter-boxes.

24. For the protection of the London and South Western Railway Company the London Brighton and South Coast Railway Company and the before-mentioned companies as joint owners of the Tooting Merton and Wimbledon Railway and the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies Managing Committee (in this section referred to collectively and severally as "the railway company") the following provisions in addition to any other provision for their protection contained in this Act or the Acts incorporated therewith shall unless otherwise agreed apply (that is to say):— For protection of certain railway companies.

(1) Aqueduct No. 6 shall be carried under the railways and works and for a distance of twenty-five feet on either side under any adjoining lands of the railway company by means of a culvert or such other method of construction as shall be agreed which shall be constructed and thereafter maintained by the Board so as to admit of such aqueduct being examined to ascertain its condition and state of repair and so that repairs and renewals thereof can be effected without interference with the railways bridges lands or property of the railway company and in the construction of such work provision shall be made for the adequate drainage of the railways and lands of the railway company:

(2) In the work of constructing laying down maintaining repairing renewing or removing any aqueduct or line or lines of pipes or any other works in exercise of any of the powers conferred by this Act (which work and works and any of them and any part thereof are in this section referred to as "the Board's

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work") upon along across under or over the railways works lands or property of the railway company or under over or across any level crossing over any such railway or under over across or in any way affecting the structure of any bridge over or under such railways or the approaches to or roads over any such bridge or any other road which the railway company are or may be liable to maintain the Board's work shall be executed under the superintendence and to the reasonable satisfaction of the chief engineer of the railway company whose railways bridges works lands or other property or level crossing may be affected or by whom any such road is liable to be maintained (in this section called "the engineer") and shall be in accordance with plans specifications sections and detailed drawings (in this section referred to as "the plans") previously submitted to and approved in writing by the engineer or in case of difference settled by arbitration in manner hereinafter provided Provided that if the engineer shall not within twenty-eight days after the plans shall have been submitted for his approval notify to the Board in writing his disapproval thereof he shall be deemed to have approved the plans :

- (3) The Board's work shall be executed by and at the expense of the Board who shall also make good and restore to the reasonable satisfaction of the engineer any property or works of the railway company or any roads liable to be maintained by them affected by the Board's work and shall to the like satisfaction maintain such roads (so far as the same may have been interfered with by the execution of the Board's work) for three months after such restoration and for such further time (if any) not being more than twelve months in the whole as such roads shall continue to subside :
- (4) The Board shall give twenty-eight days' notice in writing to the railway company before commencing the Board's work affecting the railways bridges works lands or property of the railway company or within ten yards of the railway company's boundary :

- (5) The Board's work shall be executed by the Board at such times and in such manner as the engineer may reasonably direct and so as to cause as little injury as may be to the railways bridges works lands and property of the railway company or to any road which the railway company may be liable to maintain: A.D. 1915.
- (6) If the railway company at any time or times hereafter require (of which they shall be the sole judges) to adapt their railways or any part or parts thereof for working by electrical power or to construct any additional or other works upon their lands or railways or in connection therewith or to widen alter reconstruct or repair their railways bridges or works upon across over or under the Board's work or if at any time or times hereafter a bridge shall be constructed in substitution for a level crossing upon across over or under the Board's work the railway company may on giving to the Board twenty-eight days' notice in writing under the hand of their secretary or general manager at the cost of the railway company divert alter support or carry the Board's work across over or under the railways lands works or property of the railway company at any other point to the satisfaction of the engineer of the Board doing as little damage as may be and without being liable to pay compensation in respect of such diversion alteration supporting or carrying of the Board's work Provided always that such diversion or alteration shall be done without unduly interfering with the supply of water by the Board:
- (7) In the execution or alteration by the railway company of the Board's work under the last preceding subsection the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the Board and in accordance with plans specifications sections and detailed drawings previously submitted to and approved in writing by the said engineer or in case of difference settled by arbitration in manner hereinafter provided and if the said engineer shall not within twenty-eight days after the said plans specifications sections and detailed drawings shall

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have been submitted for his approval notify to the railway company in writing his disapproval of the same he shall be deemed to have approved thereof and the railway company shall not at any time or in any manner cause any avoidable interruption in the supply of water by the Board and if any such interruption shall be caused by or be attributable to the works of the railway company or to any acts or defaults of the railway company or their officers servants contractors or workmen or any other person employed in connection with such works or from the failure of any such works the railway company shall indemnify and save harmless the Board from all and any claims and demands which may be made upon the Board in connection with such interruption and shall also make compensation to the Board in respect of any loss or injury which they may sustain or any expense to which they may be put in connection with such interruption and the amount of such compensation shall in case of difference be settled by arbitration in the manner hereinafter provided :

- (8) In executing the Board's work the Board shall not at any time or in any manner cause any damage or injury to the railways or works of the railway company or any injury or danger or (so far as can be avoided) any interruption impediment or delay to the safe passage and conduct of traffic over the railways or at to or from the station sidings or works of the railway company :
- (9) If any damage injury danger interruption impediment or delay shall be caused by or be attributable to the Board's work or by or to the acts or defaults of the Board or their officers servants contractors or workmen or any other person employed in connection with the Board's work or by or to the failure of the Board's work (such damage injury danger interruption impediment or delay not being the result of inevitable accident) the Board shall indemnify and save harmless the railway company from all and any claims and demands which may be made upon the railway company in connection with such damage injury

danger interruption impediment delay or failure and shall also make compensation to the railway company in respect of any damage loss or injury which they may sustain or any expense to which they may be put in connection with any such damage injury danger interruption impediment delay or failure and the amount of such compensation shall in case of difference be settled by arbitration in the manner hereinafter provided : A.D. 1915.

- (10) The Board shall not without the consent in writing of the railway company under their common seal purchase or acquire any of the lands or property of the railway company but the Board may acquire and the railway company shall if required grant to the Board an easement or right of constructing laying down maintaining repairing and renewing the Board's work in or through such lands and property and the sum to be paid for the acquisition of such easement or right shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement Provided always that where the Board shall have acquired any such easement or right as aforesaid nothing in this Act shall prevent the railway company from using their lands and property as they may think fit subject to such reasonable protection for the Board's work as may be agreed or settled by arbitration in manner hereinafter provided :
- (11) The railway company if they so elect to do may themselves execute at the cost charges and expenses of the Board the Board's work affecting their railways lands works or property except the provision of pipes and laying and jointing the same which shall be done by the Board :
- (12) If having regard to the proposed position of the Board's work in relation to the position of the works of the railway company it becomes reasonably necessary that any of the works of the railway company should be altered the railway company may execute the works reasonably necessary for such alteration and

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the reasonable costs of executing such works shall be repaid by the Board to the railway company :

- (13) Nothing in this Act contained shall enable the Board to deviate upwards from the levels as shown on the deposited sections under any land belonging to the railway company or to raise sink remove or otherwise alter the position of any railway sidings embankments bridges stations or works of a similar character belonging to the railway company Provided always that so much of Aqueduct No. 6 as is intended to pass under the railways and lands of the railway company numbered 4 in the parish of Merton shall be carried thereunder in the course of the line dotted red on the plan signed in duplicate by Sir William Howell Davies the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Private Bill Office of the House of Commons and one copy has been deposited in the Parliament Office of the House of Lords) in lieu of the course of the red line as shown on such plan :
- (14) If by reason of the execution of the Board's work it shall become necessary to reconstruct alter strengthen or in any wise interfere with the structure of any bridge or other work of the railway company such reconstruction alteration or strengthening shall be carried out by the railway company at such times and in such manner as they may reasonably think expedient or necessary and the reasonable cost thereof shall be borne by the Board :
- (15) The Board shall bear and on demand pay to the railway company affected by the Board's work all reasonable costs of the superintendence by the railway company of the Board's work and of watching lighting supporting and protecting the railways and works of the railway company with reference to and during the execution of the Board's work but such superintendence shall not relieve the Board from liability for any accidents which may be occasioned by or through any act or default of the Board or any contractors agent or workman or other

person or persons employed in or about the execution of the Board's work: A.D. 1915.

- (16) Any dispute or difference which may arise between the railway company and the Board with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out by the Board or by the railway company shall be settled by arbitration by an engineer or other fit person to be agreed upon between them or failing such agreement to be appointed by the President of the Institution of Civil Engineers on the application of the railway company and the Board or either of them.

25. Notwithstanding anything shown on the deposited plans the Board shall not construct the well and pumping station in the parish of Eynsford in the county of Kent or any part thereof within a distance of ten yards of the viaduct and embankment of the London Chatham and Dover Railway Company and the South Eastern and Chatham Railway Companies Managing Committee.

For protection of London Chatham and Dover Railway Company and South Eastern and Chatham Railway Companies Managing Committee.

26. For the protection of the council of the metropolitan borough of Lambeth (in this section referred to as "the council") the following provision in addition to any other provisions for their protection contained in this Act or the Acts incorporated therewith shall apply (that is to say):—

For protection of Lambeth Metropolitan Borough Council.

The aqueducts or the line or lines of pipes in this Act referred to as Aqueduct No. 6 and Aqueduct No. 7 (which are where subsequently mentioned in this section referred to as "the said aqueducts") shall be so constructed that the upper surface of the said aqueducts shall throughout their entire length and construction in the parish of Saint Mary Lambeth and the metropolitan borough of Lambeth where they pass through the said parish and metropolitan borough be at a depth of not less than three feet below the surface of any roads or streets.

27. For the benefit and protection of the urban district council of Surbiton (in this section referred to as "the council") the following provisions shall notwithstanding anything in this Act contained or shown on the deposited plans and sections apply

For protection of Surbiton Urban District Council.

A.D. 1915. and have effect unless otherwise agreed in writing between the council and the Board (that is to say):—

- (1) So much of the aqueduct or line or lines of pipes No. 6 (in this section referred to as "Aqueduct No. 6") by this Act authorised as is to be constructed upon the lands of the council numbered on the deposited plans 5 in the parish of Long Ditton and 1 15 16 and 17 in the parish of Surbiton (hereinafter called "the lands of the council") shall be constructed in such situation and at such levels as may be agreed between the chief engineer of the Board and the engineer of the urban district council or failing agreement as may be settled by arbitration in the manner hereinafter provided:
- (2) The Board shall not under the powers of this Act acquire any portion of the lands of the council and in the event of the Board's acquiring any easements and rights in such lands for the purposes of Aqueduct No. 6 under the powers of the section of this Act of which the marginal note is "Power to acquire easements only" the council shall be entitled at all times to use such lands for all the purposes for which they were acquired subject to such reasonable protection for the works of the Board including access thereto as may be agreed upon or determined by arbitration in manner hereinafter provided:
- (3) In the construction of Aqueduct No. 6 and the works connected therewith the Board shall not interfere with the structure of any buildings or other works of the council constructed or erected on the lands numbered on the deposited plans 17 in the parish of Surbiton without first constructing at their own cost such substituted works therefor as shall be agreed between the council and the Board or failing agreement as may be settled by arbitration in manner hereinafter provided nor construct or make upon any of the lands of the council any of the works referred to in the section of this Act of which the marginal note is "Subsidiary works in connection with waterworks" otherwise than upon such terms and

conditions as may be agreed upon or failing agreement as may be settled by arbitration in manner hereinafter provided : A.D. 1915.

- (4) All subsoil drains interfered with by Aqueduct No. 6 or works connected therewith where the same passes through the lands of the council shall be reinstated by the Board to the reasonable satisfaction of the engineer of the council :
- (5) In the construction of Aqueduct No. 6 and the works connected therewith in under or along the road within the district of the council known as Victoria Road the work shall be carried out in separate sections in the portions of the said road lying south-west and north-east respectively of the junction of the said road with Saint Andrew's Road and the Board shall complete the construction of the aqueduct and the reinstatement of the surface of the said road to the reasonable satisfaction of the council in one of such sections before breaking up or otherwise interfering with the remaining portion of the said road :
- (6) The Board shall as far as is reasonably possible forthwith remove from Victoria Road aforesaid any surplus soil which may arise in the construction of the Aqueduct No. 6 and works connected therewith and shall not store in such road any pipes or materials to be used in the construction of such aqueduct and works excepting those necessary for the immediate requirement of the works :
- (7) In the construction of the works by this Act authorised the provisions of the section of this Act of which the marginal note is "General provisions for protection of gas water and electricity mains and sewers" shall apply for the protection of the council in respect of any of the sewers and pipes of the council where the same are situate in or under the lands of the council :
- (8) The Board shall refund to the council any damages penalties costs charges or expenses which the council may incur or may become liable to pay in respect of any injury loss or damages occasioned during and for

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twelve months after the execution by the Board on the lands of the council of any works under the authority of this Act:

- (9) In case of any difference or dispute arising between the council and the Board or their respective engineers touching or concerning the true intent and meaning of this section or the construction or carrying into effect of any of the works matters or things to be done or performed by the Board in pursuance thereof the same shall be referred to and settled by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For protec-
tion of Vesey
Hassall
Parke
Bennett.

28. For the protection of Vesey Hassall Parke Bennett of Giggs Hill House in the parish of Thames Ditton in the county of Surrey and his heirs executors administrators and assigns (all and each of whom are in this section included in the expression "Vesey Bennett") in respect of the estate and interest of Vesey Bennett for the time being in the hereditaments and premises known as Giggs Hill House aforesaid the following provisions shall unless otherwise agreed in writing between the Board and Vesey Bennett apply and have effect:—

- (1) No subsidiary works (other than telegraphic or telephonic apparatus and a scour pipe into the River Rythe at the point of crossing) authorised by the section of this Act whereof the marginal note is "Subsidiary works in connection with waterworks" shall be permanently placed on the said lands and any telegraphic or telephonic wires or other means of communication laid by the Board through the said lands shall be placed underground by the side of the said Aqueduct No. 6 but the Board shall maintain the surface of the said lands acquired by them in the same state and condition as the same are now in:
- (2) Notwithstanding anything in this Act contained it shall not be lawful for the Board to permanently divert or alter the course of the River Rythe where it passes through the lands numbered on the deposited plans 13 and 15 in the parish of Thames Ditton:

- (3) If the Board shall sever the said lands numbered 13 and 15 aforesaid so that no portion to the north of the severed portion shall remain to Vesey Bennett the Board shall divide the severed portion by a quickset hedge which they shall from time to time renew as may be required: A.D. 1915.
- (4) Nothing contained in this Act shall authorise the Board for the purpose of constructing any of the works authorised by this Act to exercise the powers of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands upon any lands forming part of the said Giggs Hill House:
- (5) If any difference arises between the Board and Vesey Bennett with reference to the provisions of this section such difference shall be settled by arbitration and the arbitrator failing agreement shall be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other.

29. The following provisions shall unless otherwise agreed have effect for the protection of the London County Council (in this section called "the council") (that is to say):— For protection of London County Council.

- (1) The Board before commencing to construct any works in pursuance of powers contained in this Act over under or by the side of or so as to interfere with the sewers of the council shall give to the council twenty-eight days previous notice in writing of their intention to commence the same accompanied by plans sections and descriptions of the works proposed to be carried out for the reasonable approval of the council Provided that if for twenty-eight days after the submission of such plans sections and descriptions the council fail or neglect to approve the same or to state their reasonable requirements in relation thereto they shall be deemed to have approved thereof The Board shall comply with and conform to all such reasonable directions of the council in the execution of the said works as may be reasonably necessary to secure the sewers and drainage system of London under the jurisdiction and control of the council against interference or risk of damage and so as not

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to obstruct any existing access to the said sewers and shall provide by new altered or substituted works either permanent or temporary in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the said sewers by reason of the intended works or any part thereof and shall save harmless the council against all expenses occasioned thereby and any such new altered or substituted works shall be executed under the supervision (if given) and to the reasonable satisfaction of the council at the costs charges and expenses in all respects of the Board and all reasonable costs charges and expenses (other than salaries or wages of regular officials or servants of the council) which the council may be put to by reason of such works of the Board whether in the execution of works supervision or otherwise shall be paid to the council by the Board on demand and when any new altered or substituted works as aforesaid or any works of defence connected therewith are completed the same shall thereafter form part of the council's main drainage system :

- (2) The plans to be submitted to the council for the purposes of this section shall be detailed plans sections and descriptions describing the exact position and manner in which and the levels at which the works are proposed to be constructed and shall accurately describe the position of all sewers of the council within the limits of deviation shown on the deposited plans (for which purpose the council shall allow the Board access to plans in their possession and to any sewers in order to enable the Board to obtain trustworthy information) and shall comprise detailed drawings of any alterations which the Board propose to make in any such sewer :
- (3) The Board shall be liable to make good all injury or damage caused by or resulting from their works or operations under the powers of this Act to any sewers drains or works vested in the council and the Board shall from time to time pay the amount thereof to the council :

- (4) As regards any works in respect of which the Board are under the provisions of subsection (1) of this section required to submit plans and sections to the council the council may require the Board in constructing such works to make any reasonable deviation from the line or levels shown upon such plans or sections for the purpose of avoiding injury or risk of injury to the sewers of the council and the Board shall in constructing such works deviate accordingly: A.D. 1915.
- (5) Notwithstanding anything contained in this Act or shown on the deposited plans the Board shall not enter upon break up or open any part of the surface of Tooting Bec or Tooting Graveney Common except so far as may be necessary for the purpose of laying Aqueduct No. 6. The said aqueduct shall so far as reasonably practicable be laid in or through the said commons in the line and situation shown on the deposited plans. All works in connection with the said aqueduct affecting the said commons shall be carried out in accordance with plans and sections submitted to and reasonably approved by the council and subject to such conditions and requirements as the council may reasonably impose as to the manner in which and the times at which the works shall be carried out and maintained. Provided that no part of the said aqueduct shall be laid at a less depth than three feet six inches beneath the existing surface of the said commons. The consideration to be paid to the council by the Board in respect of such entering upon breaking up or opening of the said commons shall be such annual or other consideration as may be agreed upon between the council and the Board or failing agreement may be determined in accordance with the provisions of the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement by an arbitrator to be appointed in default of agreement on the application of either party by the President of the Surveyors' Institution:
- (6)—(a) Fourteen days before commencing to construct any works under the powers of this Act which are within

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fifteen feet of any tramway of the council or any of the works or conveniences connected therewith (in this subsection referred to as "the said works") the Board shall deliver to the council plans sections and specifications of the said works and if within fourteen days from such delivery the council do not approve the same or state their reasonable requirements with respect thereto they shall be deemed to have approved thereof:

- (b) The said works shall be constructed in accordance with the said plans sections and specifications as approved or settled by arbitration and under the superintendence (if given) and to the reasonable satisfaction of the council:
- (c) If during the execution or within six months after the completion of any works under the powers of this Act any subsidence of any tramway of the council or any of the works or conveniences connected therewith shall be caused by such execution the Board shall pay to the council compensation for any loss occasioned by reason of such subsidence:
- (7) The tunnel or subway under Dog Kennel Hill and Grove Lane shall be constructed in such position in and under the said streets as may be reasonably approved by the council. In constructing the tunnel or subway the Board shall not sink more than two shafts in all and the position of any openings made in the streets in connection with such shafts or with any works of the Board contiguous thereto and of any hoardings used in connection with such openings shall be reasonably approved by the council. Provided that the position of any permanent access to the said tunnel or subway shall be subject to the reasonable approval of the council and that no part thereof shall be constructed above the surface of the street or footway in which the said access is situate:
- (8) Any difference arising between the council and the Board under subsection (5) (6) or (7) of this section (except in regard to any matter with respect to which another mode of determination is expressly prescribed in those subsections) shall be referred to

and settled by an engineer to be agreed upon or failing agreement appointed by the President of the Institution of Civil Engineers on the application of either party: A.D. 1915.

- (9) The approval by the council of any plans or the supervision by the council of any work under the provisions of this section shall not exonerate the Board from any liability or affect any claim for damages under this section or otherwise.

30. The following provisions for the protection of the county council of the administrative county of Middlesex (in this section referred to as "the county council") shall apply and have effect as regards the works authorised by this Act unless otherwise agreed in writing between the Board and the county council (that is to say):— For protection of Middlesex County Council.

- (1) All works shall be so executed by the Board as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto and the Board shall not break up at any one time a greater length than one hundred yards of any main road:
- (2) The Board shall in making any diversion of any stream or watercourse in or affecting the county of Middlesex under the powers of this Act make the same with good and sufficient banks and in such manner that the stream or watercourse as diverted shall be as commodious in all respects as the same was before such diversion and all such banks and works of diversion and works connected therewith shall be made and maintained in a good and substantial manner and to the reasonable satisfaction of the engineer of the county council (in this section referred to as "the county engineer") for a period of twelve months from the date of their completion:
- (3) All diversions of streams or watercourses in or affecting the county of Middlesex and all works including banks executed for the purpose of or in connection with any such diversion and all permanent works executed by the Board under the powers of the section of this Act of which the marginal note is

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“Temporary discharge of water into streams” for the purpose of causing water to be discharged into any such stream or watercourse as aforesaid shall be carried out in accordance with plans to be previously submitted by the Board to and reasonably approved by the county council:

- (4) Sections 30 and 31 of the Waterworks Clauses Act 1847 in their application to any works by this Act authorised so far as such works affect any main road or county or main road bridge in the county of Middlesex shall (except in cases of emergency arising from accidental leakage or burst in which cases notice shall be given as soon as possible) be read and construed as if the notice required by the said section 30 to be given were not less than seven days and as if every such notice were to be accompanied by the plan required by section 31 of the said Act which plan shall be on a sufficient scale and with sufficient sections to show clearly the proposed works:
- (5) Nothing in this Act shall authorise the Board to break up or interfere with any light railway or tramway of the county council:
- (6) If any difference arises at any time between the county council or the county engineer and the Board touching this section or anything to be done or not to be done thereunder such difference shall be settled by the arbitration of an engineer to be agreed upon between the county council and the Board or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party:
- (7) The provisions of this section shall be in addition to and (except so far as is therein expressly provided) not in substitution for or derogation from any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the county council.

For protection of London United Tramways Limited and

31. The following provisions shall unless otherwise agreed in writing have effect for the protection of the London United Tramways Limited and the South Metropolitan Electric Tramways and Lighting Company Limited in relation to the exercise

by the Board of the powers of executing works conferred by this Act (that is to say):--

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South Metropolitan
Electric
Tramways
and Lighting
Company
Limited.

(1) In this section the expression "the company" shall mean respectively the London United Tramways Limited in respect of any tramway of that company and the South Metropolitan Electric Tramways and Lighting Company Limited in respect of any light railway of that company and the expression "the tramway" shall mean any tramway or light railway of such companies respectively and any posts cables wires or other apparatus connected therewith:

(2)—(a) Fourteen days before commencing to construct any works under the powers of this Act which are within fifteen feet of the tramway (in this section called "the said works") the Board shall deliver to the company plans sections and specifications of the said works and if within fourteen days from such delivery the company do not approve the same or state their reasonable requirements with respect thereto they shall be deemed to have approved thereof:

(b) The said works shall be constructed in accordance with the said plans sections and specifications as approved or settled by arbitration and under the superintendence (if given) and to the reasonable satisfaction of the company:

(c) If during the execution or within six months after the completion of the said works any subsidence of the tramway of the company shall be caused by such execution the Board shall pay to the company compensation for any loss occasioned by reason of such subsidence:

(3) Any difference arising between the company and the Board under this section shall be referred to and settled by an engineer to be agreed upon or failing agreement appointed by the President of the Institution of Civil Engineers on the application of either party:

(4) The approval by the company of any plans sections or specifications or the superintendence by the company of any works under the provisions of this section

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shall not exonerate the Board from any liability or affect any claim for damages under such section or otherwise.

As to reinstatement of surface of roads.

32. Nothing in this Act with regard to the breaking up of streets shall affect the right of any metropolitan borough council under the Metropolis Management Acts themselves to reinstate the surface of any roads and to recover the cost of so doing from the Board.

PART III.

LANDS.

Power to acquire lands for purposes of certain works.

33. Subject to the provisions of this Act the Board may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works authorised by this Act other than the subway or tunnel by this Act authorised.

As to use of subsoil of streets for subway or tunnel and aqueducts.

34. Subject to the provisions of this Act the Board may for the purposes of the subway or tunnel and the aqueducts or lines of pipes by this Act authorised appropriate and use without payment of compensation therefor the subsoil and under-surface of any public street road footway or place shown on the deposited plans with reference thereto and described in the deposited book of reference or so much thereof as shall be necessary for the purposes aforesaid.

Provisions as to cellars under streets not referenced.

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

Acquisition of lands for wells filter-beds &c.

36. Subject to the provisions of this Act the Board may purchase and take for the purposes hereinafter specified the lands hereinafter described which are delineated on the deposited plans and described in the deposited book of reference or any of them (that is to say):—

(a) For the purposes of the well and pumping station by this Act authorised and of the construction of adits

and the erection of buildings and plant and other purposes connected with the said well and pumping station and of forming an approach road thereto— A.D. 1915.

Lands in the parish of Eynsford in the county of Kent being the enclosures numbered on the $\frac{1}{2500}$ scale Ordnance map edition of 1909 (Kent sheet No. XVII. 10) 222 and 222A in that parish and part of the enclosure numbered on the said Ordnance map 231 in the said parish:

(b) For the purposes of filter beds and other purposes connected therewith or incidental thereto—

Lands in the parish of Walton-upon-Thames in the county of Surrey adjoining and bounded on the north-west by the towing-path on the right bank of the River Thames.

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

38. The Board may in lieu of acquiring any lands for the purposes of so much of the aqueducts or lines of pipes by this Act authorised as will be laid underground acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting managing renewing or enlarging aqueducts or pipes and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the provisions of the Lands Clauses Acts shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts: Power to acquire easements only.

Provided that as regards any lands taken or used by the Board for the purpose of any such aqueducts or pipes where such aqueducts or pipes are laid underground the Board shall

A.D. 1915. not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Board:

Provided also that (except as to land forming part of a street) nothing in this section contained shall authorise the Board to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Board to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and (except as aforesaid) every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso:

Provided also that where the Board shall have acquired an easement or right of constructing or maintaining works upon the lands or property of any railway company nothing in this Act shall prevent such railway company from using such lands or property for railway purposes subject to such reasonable protection for the works of the Board as may be agreed or settled by arbitration.

Rights of
passage over
lands
acquired by
Board to be
reserved in
certain cases.

39. The following provisions shall at the option of the Board be applicable with regard to all or any of the lands to be acquired by the Board for the purposes of such parts of the aqueducts or lines of pipes by this Act authorised as are to be laid underground (that is to say):—

- (1) The Board shall not be required to fence off or sever such lands from any adjoining lands of the vendor but they shall upon the acquisition of such first-mentioned lands grant to the vendor thereof and all persons lawfully claiming or to claim through or under him a full and free right of way or passage thereover at all times (except at such times as the said aqueducts or lines of pipes shall be in actual course of construction repair or renewal) and either with or without horses carts carriages or waggons for all purposes of or connected with the use or enjoyment of such adjoining lands of the same description

in all respects as he or they would have enjoyed or been entitled to exercise if the Board had not acquired such lands and also the right of constructing maintaining and using across the lands so acquired by the Board (but in such position and in such manner as the Board shall in writing first approve) roadways dedicated or intended eventually to be dedicated to the use of the public: A.D. 1915.

(2) The jury arbitrators or other authority to whom the question of disputed compensation shall be referred shall in assessing the amount of such compensation take into account the provisions of this section and the benefits to accrue to the vendor thereunder:

(3) The provisions of this section shall not apply with respect to any lands unless such provisions shall be stated in the notice to treat for the acquisition thereof.

40. Notwithstanding anything contained in this Act or shown on the deposited plans the Board shall not purchase or take any part of the commons or commonable lands in the parish of Wandsworth Borough in the metropolitan borough of Wandsworth and county of London known respectively as Tooting Graveney Common and Tooting Bec Common Provided that for the purpose of constructing laying and maintaining the Aqueduct No. 6 by this Act authorised the Board may acquire such easements or rights as they may require in through or under any part of the said commons or commonable lands which is delineated on the deposited plans but shall not enclose the surface of any such lands in connection with any such easement and shall as soon as practicable after the completion of the said Aqueduct No. 6 in through or under the said commons or commonable lands restore the surface thereof to its former condition to the reasonable satisfaction of the conservators of the said commons or commonable lands. As to commonable lands.

41. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Board 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 Board and that such portions or some other portions less than the whole can be severed from Owners may be required to sell to Board parts only of certain lands and buildings.

A.D. 1915. the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:--

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Board or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Board 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 Board such portion only without the Board being obliged or compellable to purchase the whole the Board paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Board allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it 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 Board have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Board the portion which the tribunal shall have

determined to be so severable without the Board being obliged or compellable to purchase the whole the Board 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 tribunal:

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its 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 tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Board may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Board 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 tribunal shall having regard to the circumstances of the case and its 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

A.D. 1915. 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.

Power to appropriate lands for purposes of Act.

42. The Board may appropriate and use for the purposes of the works by this Act authorised or other the purposes of this Act any lands already vested in them and not required for the purposes for which the same are now authorised to be held by the Board:

Provided that nothing contained in this section or done thereunder shall confer upon the Board in relation to any such lands any power of taking impounding or appropriating water which would not be exerciseable by them in relation to such lands if this Act had not been passed.

Limit of time for compulsory purchase of lands &c. by Board.

43. The powers of the Board for the compulsory purchase or taking of lands or easements under this Act shall cease after the expiration of five years from the passing of this Act.

Correction of errors in deposited plans and book of reference.

44. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate (or in the case of lands situate within the Metropolitan Police area to a Metropolitan Police magistrate instead of to two justices) for the correction thereof and if it appear to the justices or magistrate that the omission misstatement or wrong description arose from mistake they or he shall certify the same accordingly and shall in their or his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which the said lands are situate and such certificate shall be kept by such clerk of the peace 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 Board to take the lands and execute the works in accordance with such certificate.

45. In settling any question of disputed purchase-money or compensation under this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the twenty-ninth day of September one thousand nine hundred and fourteen if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

A.D. 1915.
Compensation in case of recently altered buildings acquired by Board.

46. The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Board award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Board by the claimant giving sufficient particulars and in sufficient time to enable the Board to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Board has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Costs of arbitration in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Board to amend the statement in writing of the claim delivered by him to the Board in case of discovery of any error or mistake therein or for any other reasonable cause (such error mistake or cause to be established to the satisfaction of the judge after hearing the Board if they object to the amendment) and such amendment shall be subject to such terms enabling the Board to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

A.D. 1915.

As to private
rights of way
over lands
taken com-
pulsorily.

47. 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 Board 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
retain sell
&c. lands.

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

Power to
acquire lands
for protec-
tion of
waterworks.

49. In addition to any other lands which they are by this or any other Act authorised to acquire the Board may by agreement but not otherwise purchase or acquire and may hold any lands which they may deem necessary for the purpose of protecting their waterworks and sources of water supply against pollution fouling and contamination but the Board shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to and connected with their undertaking.

PART IV.

FINANCIAL PROVISIONS.

Increasing
amount
which may
be raised by
Metropolitan
Water
Board bills.

50. As from the passing of this Act subsection (12) of section 22 (Power to raise money by bills) of the Metropolitan Water Board Act 1906 shall be read and have effect as if the sum of two million pounds had been therein referred to instead

of the sum of one million pounds and the other provisions of the said section shall be read and have effect accordingly. A.D. 1915.

51.—(1) The Board may from time to time (in addition to any moneys which they are now or may by any other Act which may be passed during the present session of Parliament be authorised to borrow) borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):-- Power to borrow.

- (a) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for that purpose:
- (b) For the purchase under the powers of this Act of lands and interests in lands the construction under the said powers of reservoirs well footpath subway or tunnel and diversions of streams and the construction of filter-beds on lands to be acquired under the powers of this Act the sum of two hundred and eighty-five thousand one hundred and fifty pounds:
- (c) For the construction under the powers of this Act of aqueducts or lines of pipes (including mains pipes works and apparatus to be laid in the said subway or tunnel) and pumping station and the construction and provision under the said powers of subsidiary works and conveniences (other than machinery) in connection therewith and with any other works by this Act authorised the sum of three hundred and sixty-five thousand three hundred and fifty pounds:
- (d) For the provision of machinery for and in connection with the works by this Act authorised the sum of thirty-two thousand pounds:
- (e) With the sanction of the Local Government Board such further sum or sums as may be required for the purposes of this Act.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the water fund and all the revenues of the Board.

A.D. 1915.
Periods for
and mode of
payment off
of money
borrowed.

52. The Board shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the purpose (a) mentioned in the section of this Act of which the marginal note is “Power to borrow” within five years from the passing of this Act:

As to moneys borrowed for the purposes (b) mentioned in the said section within sixty years from the date or respective dates of borrowing:

As to moneys borrowed for the purposes (c) mentioned in the said section within fifty years from the date or respective dates of borrowing:

As to moneys borrowed for the purpose (d) mentioned in the said section within twenty years from the date or respective dates of borrowing:

As to moneys borrowed with the sanction of the Local Government Board as mentioned in the said section within such period from the date or respective dates of borrowing as that Board may determine:

And such repayment shall be effected in one or other of the following methods as may be determined by the Board (that is to say):—

Either by equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund;

Every such instalment and payment to the sinking fund shall be paid out of the water fund and the first payment by instalments or to the sinking fund shall be made within one year from the time of the borrowing of the money in respect of which such payment is made.

Application
of provisions
of Act of
1902 and
Metropolitan
Water Board
Act 1906.

53. Section 27 (Provisions as to local inquiries) of the Act of 1902 shall apply for the purposes of this Act and the following sections of the Metropolitan Water Board Act 1906 and the schedule to that Act shall extend and apply to and with respect to moneys authorised to be borrowed under the

powers of this Act and the repayment thereof as if such sections and schedule had been in terms re-enacted in this Act:—

A.D. 1915.

Marginal Note.	No. of Section.
Formation maintenance and application of sinking fund - -	8
Increase reduction or discontinuance of payments to sinking fund -	9
Surplus of sinking fund - - - - -	10
Power to re-borrow - - - - -	11
Form of mortgage - - - - -	12
Register of mortgages - - - - -	13
Transfer of mortgages - - - - -	14
For protection of lenders - - - - -	15
Board not to regard trusts - - - - -	16
Application of borrowed moneys - - - - -	17
Power to raise money by creation and issue of additional amounts of Metropolitan Water stock - - - - -	18
Receiver - - - - -	19
Return to Local Government Board as to repayment of debt -	20

And all references in the said sections or any of them to “the prescribed period” shall be deemed to be references to the periods by this Act respectively prescribed for the repayment of moneys borrowed under the powers thereof.

54. All expenses incurred by the Board in the execution of the purposes of this Act and not otherwise provided for including the payment of interest on any stock issued or moneys borrowed for those purposes and the redemption of such stock and the repayment of such moneys (but excluding expenses properly chargeable to capital and payable out of borrowed moneys) shall be paid out of the water fund.

Expenses of execution of Act.

PART V.

MISCELLANEOUS PROVISIONS.

55. If any person to whom the Board are furnishing a supply of water by measure otherwise than under an agreement in writing between the Board and such person shall neglect for seven days after demand by the Board to pay the rates and charges due and payable in respect of such supply and not being the subject of a bonâ fide dispute the Board may stop the water from flowing into the premises of such person by removing the meter upon such premises or where such removal is for any reason impracticable then by cutting off the pipe to such premises or by such other means as the Board shall think

Remedies of Board in case of non-payment of charges for certain meter supplies.

A.D. 1915. — fit and cease to supply him with water and may recover from such person in the same manner as the water rates in respect of the premises of such person are or would be recoverable the rates and charges due and payable by him in respect of such supply and the expenses of stopping the supply of water by any such means as aforesaid and any expenses incurred by the Board in exercising with reference to the premises of such person the power of removing any meter instrument pipe or apparatus the property of the Board which is conferred by section 15 of the Waterworks Clauses Act 1863 and also the cost of such recovery.

As to limitation of Board's powers of abstracting water.

56. Nothing contained in this Act shall be deemed to affect or prejudice section 34 (Limiting powers of Board to abstract water) of the Metropolitan Water Board (Various Powers) Act 1907.

Application of Arbitration Act 1889.

57. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Consent of Treasury to raising of money.

58. Notwithstanding anything in this Act the Board shall not under the powers of this Act raise or borrow any money (other than money required for paying the costs charges and expenses of this Act as hereinafter defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

Costs of Act.

59. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board.

The SCHEDULE referred to in the foregoing Act.

A.D. 1915.

**DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY ARE
REQUIRED TO BE TAKEN BY THE BOARD.**

Work.	Parish.	Number on deposited Plans.
Reservoir No. 1	- Southgate - -	4.
Aqueduct No. 6	- East Molesey - -	8 to 41 (both inclusive).
	Thames Ditton - -	1 2 9 to 13 (both inclusive) 15 to 20 (both inclusive).
	New Malden - -	8 9A 12 to 15 (both inclusive) 21 28 30 31 33 to 57 (both inclusive).
	Merton - - -	7 8 19 40.
	Mitcham - - -	11 to 14 (both inclusive) 19.
Aqueduct No. 7	- Camberwell - -	11.

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