



CHAPTER xlvii.

An Act to empower the London Passenger Transport Board to construct new works to acquire lands to abandon an unconstructed portion of a work to confer further financial powers on the Whitechapel and Bow Railway Company and for other purposes.
[13th August 1947.]

WHEREAS by the London Passenger Transport Act 1933 (in this Act called "the Act of 1933") the London Passenger Transport Board (in this Act called "the Board") were established: ^{23 & 24} ^{Geo. 5. c. 14.}

And whereas it is the duty of the Board (inter alia) so to exercise their powers under the Act of 1933 as to secure the provision of an adequate and properly co-ordinated system of passenger transport for the London passenger transport area and for that purpose to take from time to time such steps as they consider necessary for extending and improving the facilities for passenger transport in that area in such manner as to provide most efficiently and conveniently for the needs thereof:

And whereas it is expedient that the Board should be authorised to make the new works described in this Act:

And whereas it is expedient that the Board should be authorised to acquire and use lands for the purposes of the said new works and for the other purposes of their undertaking:

And whereas it is expedient that an unconstructed portion of Work No. 1 authorised by the London Passenger Transport Act 1937 (in this Act called "the Act of 1937") should be abandoned: ^{1 Edw. 8. &} ^{1 Geo. 6.} ^{c. xc.}

And whereas it is expedient that further financial powers should be conferred upon the Whitechapel and Bow Railway Company the whole of the share capital of which company is held by the Board and the London Midland and Scottish Railway Company:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Board:

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

And whereas plans showing the lands which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the lines of the said new works and sections showing the levels of such works with 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 respective clerks of the county councils of the administrative counties of London Middlesex Hertford Buckingham Essex Kent and Surrey and with the town clerk of the county borough of Croydon and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference:

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

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

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the London Passenger Transport Act 1947.

(2) The London Passenger Transport Acts 1933 to 1939 the London Passenger Transport Act 1942 and this Act may be cited together as the London Passenger Transport Acts 1933 to 1947.

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

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands &c.

Part IV.—Abandonment.

Part V.—Fares rates and charges.

Part VI.—Protective provisions.

Part VII.—Financial provisions relating to White-chapel Company.

PART I.
—cont.

Part VIII.—Miscellaneous provisions.

Provided always that save as in this Act specially provided the division of this Act into Parts shall not nor shall anything in the titles to such Parts affect the construction of this Act.

3. The following Acts and parts of Acts so far as the same are applicable to the purposes of this Act are (except where varied by this Act or inconsistent with the London Passenger Transport Acts 1933 to 1947) incorporated with and form part of this Act and for the purposes of such incorporated enactments this Act shall be deemed to be the special Act within the meaning of the said enactments (that is to say):—

Incorporation of
general Acts.

The Lands Clauses Acts except sections 127 to 133 (inclusive) of the Lands Clauses Consolidation Act 1845; 8 & 9 Vict. c. 18.

The Railways Clauses Consolidation Act 1845: 8 & 9 Vict. c. 20.

Provided that—

(1) The expressions “parish clerks” and “clerks of the several parishes” in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the county of London mean the town clerks of the metropolitan boroughs;

(2) The provisions of sections 18 to 23 (inclusive) of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if “local authority” were mentioned in those sections in addition to “company or society”. And that any penalties recovered under the said section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated;

Part I (relating to construction of a railway) of the Railways Clauses Act 1863: 26 & 27 Vict. c. 92.

Provided that—

The expression “the railway” where used in the incorporated provisions of the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 shall mean the new works and the expression “the company” where used in the said provisions shall mean the Board.

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PART I.
—cont.
Interpreta-
tion.

4. In this Act unless there be something in the subject or context repugnant to such construction—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have (save as is otherwise expressly provided in this Act) the same respective meanings;

“ The Board ” means the London Passenger Transport Board;

“ The Act of 1933 ” means the London Passenger Transport Act 1933;

“ The Act of 1934 ” means the London Passenger Transport Act 1934;

“ The Act of 1935 ” means the London Passenger Transport Act 1935;

“ The Act of 1936 ” means the London Passenger Transport Act 1936;

“ The Act of 1937 ” means the London Passenger Transport Act 1937;

“ The Minister ” means the Minister of Transport;

“ The deposited plans ” “ the deposited sections ” and “ the deposited book of reference ” mean respectively the plans sections and book of reference deposited with the respective clerks of the county councils of the administrative counties of London Middlesex Hertford Buckingham Essex Kent and Surrey and with the town clerk of the county borough of Croydon in relation to the Bill for this Act;

“ The limits of deviation ” means the limits of deviation shown on the deposited plans;

“ The new works ” means the works described in the section of this Act of which the marginal note is “ Description of new works ”;

“ The railway ” means Work No. 1 authorised by this Act;

“ The subways ” means Works Nos. 2 and 3 authorised by this Act;

“ The works ” means the works authorised by Part II (Works) of this Act;

“ The undertaking ” means the undertaking of the Board as for the time being authorised;

24 & 25
Geo. 5.
c. xciv.

25 & 26
Geo. 5. c. cx.

26 Geo. 5. &
1 Edw. 8.
c. cxxxii.

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- "The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act;
- "The Arbitration Acts" means the Arbitration Act 1889 and the Arbitration Act 1934 or any statutory modification or re-enactment thereof respectively for the time being in force;
- "Enactment" includes any public general local or private Act and any Order having the force of an Act;
- "The tribunal" means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- "Bakerloo Line" means the Baker Street and Waterloo Railway of the Board;
- "Central Line" means the Central London Railway of the Board;
- "Metropolitan Line" means the Metropolitan Railway of the Board;
- "Northern Line" means the railways of the Board formerly known as the Edgware Highgate and Morden Line and the Great Northern and City Line;
- "Piccadilly Line" means the Great Northern Piccadilly and Brompton Railway of the Board;
- "Whitechapel Company" means the Whitechapel and Bow Railway Company;
- "Telegraphic line" has the same meaning as in the Telegraph Act 1878.

PART I.
—cont.

9 & 10
Geo. 5. c. 57.
7 & 8 Geo. 6.
c. 47.
52 & 53 Vict.
c. 49.
24 & 25
Geo. 5. c. 14.

PART II.

WORKS.

5. Subject to the provisions of this Act the Board may make and maintain in the lines shown on the deposited plans and according to the levels shown on the deposited sections the new works in this Part of this Act described with all necessary and convenient buildings platforms booking halls lifts escalators inclines entrances steps stairs approaches shafts tunnels passages sewers drains pipes wires apparatus plant machinery appliances works and conveniences connected therewith or incidental thereto.

Power to
make works.

PART II.
—cont.
Description
of new
works.

6. The new works hereinbefore referred to and authorised by this Part of this Act are—

In the administrative counties of Middlesex and Hertford—

Work No. 1 A railway 0 miles 6 furlongs 2 chains or thereabouts in length situate in the urban district of Harrow the parish and rural district of Elstree and the urban district of Bushey commencing in the urban district of Harrow by a junction with Work No. 1 authorised by the Act of 1937 and terminating in the urban district of Bushey at or near the junction of Dagger Lane with the Watford by-pass:

In the administrative county of London—

Work No. 2 A subway 0 miles 0 furlongs 3.26 chains or thereabouts in length situate wholly in the metropolitan borough of St. Pancras commencing by a junction with Work No. 2A hereinafter described and terminating between the north and southbound station tunnels of the King's Cross station of the Board (Piccadilly Line);

Work No. 2A A subway 0 miles 0 furlongs 4.50 chains or thereabouts in length situate wholly in the metropolitan borough of St. Pancras commencing on the west side of the concourse of the King's Cross station of the London and North Eastern Railway Company and terminating on the east side of the said concourse;

Work No. 2B A subway 0 miles 0 furlongs 4.21 chains or thereabouts in length situate wholly in the metropolitan borough of St. Pancras commencing in the ticket hall of the King's Cross station of the Board and terminating by a junction with Work No. 2A hereinbefore described;

Work No. 2C A subway 0 miles 0 furlongs 2.88 chains or thereabouts in length situate wholly in the metropolitan borough of St. Pancras commencing in the said ticket hall and terminating in the approach road of the King's Cross station of the London and North Eastern Railway Company;

Work No. 3 A subway 0 miles 0 furlongs 2.00 chains or thereabouts in length situate wholly in the metropolitan borough of Holborn commencing by a junction with the eastbound station tunnel of the Holborn station of the Board (Central Line) and terminating by a junction with Work No. 3A hereinafter described;

Work No. 3A A subway 0 miles 0 furlongs 2.65 chains or thereabouts in length situate wholly in the metropolitan borough of Holborn commencing by a junction with Work No. 3 hereinbefore described and terminating between the northbound and Aldwych branch station tunnels of the Holborn station of the Board (Piccadilly Line);

Work No. 3B A subway 0 miles 0 furlongs 1.76 chains or thereabouts in length situate wholly in the metropolitan borough of Holborn commencing by a junction with the existing escalator subway of the Holborn station of the Board (Central Line and Piccadilly Line) and terminating by a junction with the westbound station tunnel of the Holborn station of the Board (Central Line);

Work No. 4 A ventilating subway 0 miles 0 furlongs 3.56 chains or thereabouts in length situate wholly in the metropolitan borough of Lambeth commencing in the embankment of the Southern Railway adjoining York Road and terminating by a junction with the southbound station tunnel of the Waterloo station of the Board (Northern Line);

Work No. 4A A subway 0 miles 0 furlongs 1.00 chains or thereabouts in length situate wholly in the metropolitan borough of Lambeth commencing by a junction with the subway leading to the escalator subway of the Waterloo station of the Board (Northern Line and Bakerloo Line) and terminating by a junction with the southbound station tunnel of the Waterloo station of the Board (Bakerloo Line);

Work No. 5 A ventilating subway 0 miles 0 furlongs 3.15 chains or thereabouts in length situate wholly in the royal borough of Kensington commencing by a junction with the existing stairway shaft in the Notting Hill Gate station of the Board (Central Line) and terminating by a junction with the eastbound station tunnel of the Notting Hill Gate station of the Board (Central Line);

Work No. 6 A subway 0 miles 0 furlongs 1.91 chains or thereabouts in length situate wholly in the city of London commencing between the eastbound and westbound station tunnels of the Bank station of the Board (Central Line) and terminating in the stairway shaft of the said station leading to the Northern Line;

PART II.
—cont.

Work No. 6A A subway 0 miles 0 furlongs 1.50 chains or thereabouts in length situate wholly in the city of London commencing by a junction with Work No. 6 hereinbefore described and terminating by a junction with the existing passenger subway connecting the Central Line with the Northern Line at the Bank station of the Board (Central Line);

Work No. 7. A ventilating subway 0 miles 0 furlongs 2.50 chains or thereabouts in length situate partly in the city of Westminster and partly in the metropolitan borough of St. Marylebone commencing in the city of Westminster in the court yard at the rear of Cavendish Buildings Gilbert Street and terminating in the metropolitan borough of St. Marylebone by a junction with the eastbound station tunnel of the Bond Street station of the Board (Central Line);

Work No. 7A A ventilating subway 0 miles 0 furlongs 1.28 chains or thereabouts in length situate wholly in the city of Westminster commencing by a junction with Work No. 7 hereinbefore described and terminating by a junction with an existing lift shaft in the Bond Street station of the Board (Central Line);

Work No. 7B A ventilating subway 0 miles 0 furlongs 4.45 chains or thereabouts in length situate wholly in the city of Westminster commencing by a junction with the last-mentioned existing lift shaft and terminating by a junction with the westbound running tunnel of the Board (Central Line);

Work No. 8 A ventilating subway 0 miles 0 furlongs 0.38 chains or thereabouts in length situate partly in the city of Westminster and partly in the metropolitan borough of Paddington commencing in the city of Westminster by a junction with Work No. 8A hereinafter described and terminating in the metropolitan borough of Paddington by a junction with the westbound station tunnel of the Lancaster Gate station of the Board (Central Line);

Work No. 8A A ventilating subway 0 miles 0 furlongs 0.61 chains or thereabouts in length situate partly in the city of Westminster and partly in the metropolitan borough of Paddington commencing in the city of Westminster in Kensington Gardens and terminating in the metropolitan borough of Paddington by a junction with the westbound station tunnel of the Lancaster Gate station of the Board (Central Line);

Work No. 8B A ventilating subway 0 miles 0 furlongs 2.68 chains or thereabouts in length situate partly in the city of Westminster and partly in the metropolitan borough of Paddington commencing in the city of Westminster in Hyde Park and terminating in the metropolitan borough of Paddington by a junction with the westbound station tunnel of the Lancaster Gate station of the Board (Central Line).

PART III.
—cont.

7. Subject to the provisions of this Act and (in the case of working by electrical power) to the provisions of any regulations to be made by the Minister the Board may work the traffic on the railway by steam or electrical or other motive power or wholly or partially by any one or more of those modes respectively. Motive power.

8. In the execution of any of the new works or any part of any of such works the Board may subject to the provisions of this Act deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation. Power to deviate laterally.

9. In the execution of any of the new works or any part of any of such works the Board may subject to the provisions of this Act deviate vertically from the levels thereof marked on the deposited sections to any extent not exceeding five feet upwards and to such extent as may be found necessary or convenient downwards. Power to deviate vertically.

10. The Board shall as regards—

(1) so much of Works Nos. 2 2A 2B 2C 3 3A 3B 4A 6 and 6A authorised by this Act as is to be constructed underground from time to time submit for the approval of the Minister plans sections and other details of their proposals with regard to (a) stairs and other communications (b) lighting and (c) ventilation and any work included in the said proposals shall be constructed reconstructed and maintained only in accordance with plans sections and other details as approved by the Minister; Plans &c. to be approved by Minister before certain works commenced.

(2) Works Nos. 4 5 7 7A 7B 8 8A and 8B authorised by this Act submit for the approval of the Minister if so required by him drawings and other details and if he so requires such works shall be constructed reconstructed and maintained only in accordance with drawings and other details as approved by him.

11.—(1) Subject to the provisions of this Part of this Act the Board may for the purpose of constructing the railway enter upon open break up and interfere with so much of the Power to open surface of streets.

PART II.
—cont.

surface of Elstree Road in the urban district of Bushey as is within the limits of deviation.

(2) Before breaking up or interfering with any portion of the surface of Elstree Road under the powers of this section the Board shall give to the Minister not less than fourteen days' previous notice of their intention so to do.

12.—(1) The Board during the execution of Works Nos. 1 3 3A 7 7A 8 8A and 8B may for the purpose of executing such works break up and also temporarily stop up divert and interfere with so much of the streets hereinafter mentioned as is within the limits of deviation and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any land or premises in the said streets or parts of streets from passing along and using the same.

The streets in this section before referred to are—

In the urban district of Bushey—

Elstree Road;

In the metropolitan borough of Holborn—

High Holborn;

In the city of Westminster—

Gilbert Street;

In the metropolitan borough of Paddington—

Bayswater Road.

(2) The Board shall provide reasonable access for foot passengers bona fide going to or returning from any such land or premises.

13. The Board may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Board may think fit not being less than the width hereinafter mentioned in connection therewith (that is to say):—

No. on deposited plans.	Borough or urban district.	Description of road.	Width of roadway.	
			ft.	in.
3	Urban district of Bushey.	Elstree Road.	52	—

Width of roadways over bridges.

Use of sewers for removing water.

14.—(1) The Board may subject to the provisions of this Act use for the discharge of any water pumped or found by them during the construction of the works any available

stream or watercourse or any sewer or drain of the corporation of London the county council of any administrative county or the council of any metropolitan borough or any county district (as the case may be) in or through which the works may be constructed or pass and for that purpose may lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain within the limits of deviation:

Provided that the Board shall not make any opening into any such sewer or drain save in accordance with plans reasonably approved by and under the superintendence (if the same shall be given) of the corporation of London the county council of the administrative county or the council of the metropolitan borough or county district (as the case may be) in whom the sewer or drain shall be vested Any question or difference arising under this subsection shall be settled by arbitration.

(2) The Board shall not make any opening in or discharge water directly into any sewer of the London County Council or into any sewer communicating therewith except with the consent of the London County Council (which consent shall not be unreasonably withheld) and subject to such reasonable conditions as to the making number and position of such openings the quantity of water to be discharged the time of such discharge and otherwise as may be prescribed by the London County Council.

(3) The Board shall not except with the consent of the Grand Union Canal Company discharge any water into any reservoir canal or canalised river forming part of the navigation of that company or into any feeder belonging to or under the control of the company or any stream flowing into any such reservoir canal canalised river or feeder but such consent shall not be unreasonably withheld and any question whether or not such consent is unreasonably withheld shall be referred to arbitration.

15. If any of the new works are not completed within the period expiring on the thirty-first day of October one thousand nine hundred and fifty-two then on the expiration of that period the powers by this Act granted to the Board for making and completing the work which is not so completed or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of new works.

16.—(1) In addition to the provisions of the Acts incorporated herewith with respect to compensation for lands taken or injuriously affected the Board shall make compensation to the owner lessee and occupier of any land house or building which shall be injuriously affected by reason of the working of the subways (including the working of lifts escalators and any other works in connection with the subways) not-

Compensation for damage by working subways.

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—cont.

withstanding that no part of the property of such owner lessee or occupier is taken by the Board Provided that all claims for compensation under this section shall be made within two years from the date of the opening for public traffic of that portion of the works which is alleged to cause such injurious affection and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Acts save that the Minister shall have the powers of the court or a judge under section 5 of the Arbitration Act 1889 and subsection (2) of section 3 of the Arbitration Act 1934.

(2) An arbitrator under this section may with the consent of all parties concerned hear together any class or group of claims under this section.

17. The following provisions of the undermentioned Acts so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as fully and effectually as if such provisions had been re-enacted with any necessary modifications in this Part of this Act (that is to say):—

The Act of 1934—

- Section 45 (Power to make trial borings);
- Section 47 (Underpinning of houses near works);
- Section 52 (Walls of buildings to be made good);
- Section 53 (Saving for general line of buildings);
- Section 54 (Application of London Building Act):

The Act of 1935—

- Section 28 (Works to form part of undertaking);
- Section 29 (Board not liable to repair surface of roads level of which is not permanently altered);

and in particular (without prejudice to the generality of the foregoing provisions of this section) for the purposes of such extension and application—

- (a) the said section 47 of the Act of 1934 shall be read and have effect as if the words “ and by Part II of the Town and Country Planning Act 1944 ” were inserted after the words “ as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 ”;
- (b) the said section 54 of the Act of 1934 shall be read and have effect as if the words “ the London Building Acts 1930 to 1939 ” were substituted for the words “ the London Building Act 1930 ” and as if the words “ the said London Building Acts ” were substituted for the words “ the said London Building Act.”

PART III.

LANDS &C.

18.—(1) Subject to the provisions of this Act the Board may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works or for any purpose connected with the undertaking. Power to take lands.

(2) Without prejudice to the generality of the powers conferred upon the Board by subsection (1) of this section the Board may subject to the provisions of this Act enter upon take and use all or any part of the following lands:—

In the administrative county of London—

- (a) For the purpose of improving the Catford garage of the Board the lands delineated on the deposited plans and numbered 1 in the metropolitan borough of Lewisham and described under the said number in the deposited book of reference;
- (b) For the purpose of improving the Rye Lane depot of the Board the lands delineated on the deposited plans and numbered 1 to 7 (inclusive) in the metropolitan borough of Camberwell and described under the said numbers in the deposited book of reference;
- (c) For the purpose of improving the Bull Yard (Peckham) depot of the Board the lands delineated on the deposited plans and numbered 8 in the metropolitan borough of Camberwell and described under the said number in the deposited book of reference;
- (d) For the purpose of providing a depot for the Board's vehicles the lands delineated on the deposited plans and numbered 7 to 14 (inclusive) in the metropolitan borough of Lambeth and described under the said numbers in the deposited book of reference;
- (e) For the purpose of improving the Vauxhall divisional tramway offices of the Board the lands delineated on the deposited plans and numbered 6 in the metropolitan borough of Lambeth and described under the said number in the deposited book of reference;
- (f) For the purpose of improving the Clapham depot of the Board the lands delineated on the deposited plans and numbered 9 to 15 (inclusive) in the metropolitan borough of Wandsworth and described under the said numbers in the deposited book of reference;

PART III.
—cont.

- (g) For the purpose of improving the Streatham garage of the Board the lands delineated on the deposited plans and numbered 1 to 8 (inclusive) in the metropolitan borough of Wandsworth and described under the said numbers in the deposited book of reference;
- (h) For the purpose of improving the Shepherds Bush garage of the Board the lands delineated on the deposited plans and numbered 1 to 11 (inclusive) in the metropolitan borough of Hammersmith and described under the said numbers in the deposited book of reference;
- (i) For the purpose of improving the Victoria garage of the Board the lands delineated on the deposited plans and numbered 21 to 23 (inclusive) in the city of Westminster and described under the said numbers in the deposited book of reference;
- (j) For the purpose of improving the Minories lay-by of the Board the lands delineated on the deposited plans and numbered 1 in the metropolitan borough of Stepney and 2 in the city of London and described under the said numbers in the deposited book of reference:

In the administrative county of Middlesex—

- (k) For the purpose of improving the Hounslow garage of the Board the lands delineated on the deposited plans and numbered 1 to 23 (inclusive) in the borough of Heston and Isleworth and described under the said numbers in the deposited book of reference:

In the administrative county of Buckingham—

- (l) For the purpose of providing an omnibus garage the lands delineated on the deposited plans and numbered 1 to 5 (inclusive) in the borough of Slough and described under the said numbers in the deposited book of reference:

In the administrative county of Hertford—

- (m) For the purpose of improving the Tring garage of the Board the lands delineated on the deposited plans and numbered 1 in the urban district of Tring and described under the said number in the deposited book of reference;
- (n) For the purpose of providing an omnibus garage the lands delineated on the deposited plans and numbered 1 in the borough of Watford and described under the said number in the deposited book of reference:

In the administrative county of Essex—

- (o) For the purpose of improving the Grays garage of the Board the lands delineated on the deposited plans and numbered 1 in the urban district of Thurrock and described under the said number in the deposited book of reference;
- (p) For the purpose of providing an omnibus garage the lands delineated on the deposited plans and numbered 1 in the urban district of Chigwell and described under the said number in the deposited book of reference;
- (q) For the purpose of providing an omnibus garage the lands delineated on the deposited plans and numbered 1 in the borough of Romford and described under the said number in the deposited book of reference:

In the administrative county of Kent—

- (r) For the purpose of improving the Dartford garage of the Board the lands delineated on the deposited plans and numbered 1 to 3 (inclusive) in the borough of Dartford and described under the said numbers in the deposited book of reference;
- (s) For the purpose of improving the Elmers End garage of the Board the lands delineated on the deposited plans and numbered 1 in the borough of Beckenham and described under the said number in the deposited book of reference:

In the administrative county of Surrey—

- (t) For the purpose of improving the Godstone garage of the Board the lands delineated on the deposited plans and numbered 1 in the parish of Godstone in the rural district of Godstone and described under the said number in the deposited book of reference:

In the county borough of Croydon—

- (u) For the purpose of improving the Croydon garage of the Board the lands delineated on the deposited plans and numbered 1 to 3 (inclusive) in the county borough of Croydon and described under the said numbers in the deposited book of reference;
- (v) For the purpose of providing an omnibus stand the lands delineated on the deposited plans and numbered 4 in the county borough of Croydon and described under the said number in the deposited book of reference.

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PART III.
—cont.

(3) Subject to the provisions of this Act the Board may enter upon use and appropriate so much of the subsoil and undersurface of any common or commonable lands public street road footway or place delineated on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the works authorised by the section of this Act of which the marginal note is "Power to make works" or for railway works connected with the undertaking without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

Restriction
on taking
certain
lands.

19. The Board shall not under the powers of this Act enter upon take or use any part of the lands delineated on the deposited plans and numbered 1 in the borough of Saint Albans and described under the said number in the deposited book of reference.

Provisions
as to cellars
under
streets not
referenced.

20. Nothing in this Act 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.

Board may
acquire
certain
easements
compul-
sorily.

21. Notwithstanding anything in this Act the Board may purchase and acquire an easement or right of constructing maintaining renewing and using or removing the works in under or over any railways rivers and navigations without the Board being obliged or compellable to purchase any greater interest in under or over the same respectively and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right as if the same were lands within the meaning of those Acts.

Owners may
be required to
grant ease-
ments only
under certain
properties.

22.—(1) With respect to the lands delineated on the deposited plans (other than public streets roads or places or carriageways or footways) which are described or referred to in the First Schedule to this Act notwithstanding anything in this Act or shown on the deposited plans the Board shall not be required to purchase or take the same or any part of the surface thereof or any houses buildings or premises thereon or any cellar vault arch or other construction held or connected therewith but the Board instead of purchasing and taking the same may purchase and take an easement or right of using the subsoil and under-surface of any such lands.

(2) If the Board require to take use and pull down or open any such cellar vault arch or other construction they may purchase take and use and the owners of and other persons interested in any such cellar vault arch or other construction shall sell the same for the purposes of the undertaking.

(3) The provisions of the Lands Clauses Acts with respect to lands shall (subject to the provisions of this Act) extend and apply to such easement or right of user and to any such cellar vault arch or other construction as if the same were lands within the meaning of those Acts except that the purchase of any such easement or right or of any such cellar vault arch or other construction shall not in any case be deemed to be the purchase of a part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

PART III.
—cont.

23. And whereas in the construction of the works 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 the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect (that is to say):—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Board or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter 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 to such remainder 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 tribunal shall in addition to the other questions required to be determined by it determine whether the whole of the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment to such remainder and if not whether any and what other portion (which

- may include part of the portion in respect of which such notice to treat was served) of such scheduled properties can be so severed:
- (4) If the tribunal determines that the whole of 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 to such remainder the owner may be required to sell and convey to the Board the portion so determined to be severable without the Board being obliged or compellable to purchase the whole of such scheduled property 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 determines that the whole of 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 to such remainder 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 determines that the whole of the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment to such remainder (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 determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment to such remainder but that any such other portion as aforesaid can be so severed such notice to treat shall be construed and read as if such other portion as aforesaid had been substituted therein for the portion originally specified therein and the Board may withdraw such notice to treat and thereupon shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice but

if the Board shall not withdraw such notice they shall pay to the owner so much of all costs charges and expenses reasonably and properly incurred by him in consequence of such notice as the tribunal shall having regard to the circumstances of the case think fit and its determination thereon shall be final.

PART III.
—cont.

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

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

24. The powers of the Board for the compulsory purchase of lands and easements under or for the purposes of this Act shall cease after the thirty-first day of October one thousand nine hundred and fifty.

Period for compulsory purchase of lands &c.

25. In settling any question of disputed purchase money or compensation payable under this Act by the Board the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirty-first day of October one thousand nine hundred and forty-six if in the opinion of the tribunal 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.

Compensation in case of recently altered building &c.

26. The Board shall not under any part of any public street within the administrative county of London used or appropriated under the powers of this Act construct or permit to be constructed any shop stall shop front or other similar erection (other than newspaper tobacco or sweets shops or stalls telephone boxes or show cases) without the previous consent of the council of the metropolitan borough in which the part of the public street is situate:

As to shops &c. under public streets in administrative county of London.

Provided that nothing in this section shall be deemed to derogate from the powers conferred on the London County Council by the London Building Acts 1930 to 1939.

27. All private rights of way over any lands which under the powers of this Act the Board are authorised to acquire compulsorily shall as from the date of acquisition whether compulsorily or by agreement be extinguished. Provided that the Board shall make full compensation to all parties in

As to private rights of way over lands taken compulsorily.

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PART III.
—cont.

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
stop up
highways.

28. The Board may stop up and discontinue the highways known as Spring Grove and Summer Grove in the metropolitan borough of Poplar and thereupon all rights of way over such highways shall be extinguished but such highways respectively shall not be stopped up unless the Board are the owners in possession of all houses and lands abutting on such highway except so far as the owners lessees and occupiers of those houses and lands may otherwise agree.

Power to
use certain
lands.

29.—(1) The Board may hold use and appropriate for the purposes of erecting thereon garages or depots or of improving existing garages or depots the lands described or referred to in the Third Schedule to this Act which have already been acquired by the Board and are shown coloured red on the plans in a book which has been signed in duplicate by Thomas Judson Brooks esquire M.P. the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which book of plans one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords and one copy in the Committee and Private Bill Office of the House of Commons and thereon coloured red.

(2) Nothing in this section shall prejudice or affect the powers of the Board with respect to the use of lands under the London Passenger Transport Acts 1933 to 1939 or under any other enactment from time to time relating to the Board.

(3) Nothing in this section shall prejudice or affect the operation of the London Building Acts 1930 to 1939 or any byelaw or regulation for the time being in force thereunder:

Provided that—

(a) the Board shall be entitled to the benefit of any special exemptions in favour of railway companies contained in the said London Building Acts but no such exemptions shall be deemed to apply—

(i) to such part of any building as shall be used or intended to be used for purposes connected with transport (but not being railway purposes) without the consent of the London County Council;

(ii) to such part of any building as shall be used or intended to be used for purposes other than those connected with transport;

(b) the consent of the London County Council under this subsection shall not be unreasonably withheld and any question whether or not such consent is

unreasonably withheld shall be determined by the Minister of Health after consultation with the Minister. If the Minister of Health determines that such consent is unreasonably withheld the same shall be deemed to have been given.

PART III.
—cont.

30. The following provisions of the Act of 1934 so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as fully and effectually as if such provisions had been re-enacted with any necessary modifications in this Part of this Act (that is to say):—

Incorporation of provisions of Act of 1934 relating to lands.

Section 61 (As to entry on land after notice to treat);

Section 62 (Persons authorised to convey lands may grant easements);

Section 64 (Power to Board to enter upon property for survey and valuation &c.).

PART IV.

ABANDONMENT.

31. The Board may and shall abandon the construction of so much of Work No. 1 authorised by the Act of 1937 as lies between its junction with Work No. 1 authorised by this Act and the termination of Work No. 1 authorised by the Act of 1937 and has not been constructed.

Abandonment of an unconstructed portion of work authorised by Act of 1937.

PART V.

FARES RATES AND CHARGES.

32.—(1) Subject to the provisions of this section for the purpose of demanding and recovering tolls fares rates and charges the railway shall be deemed to form part of so much of the Edgware Highgate and Morden railway as was authorised by the Charing Cross Euston and Hampstead Railway Acts 1893 to 1905.

Fares rates and charges in respect of railways.

(2) For the purpose of computing the fare for any passenger conveyed on the railway or partly on the railway and partly on any other railway or railways of the Board a fraction of a mile shall be deemed to be a mile.

(3) Where passengers are conveyed partly on the railway and partly on any other railway or railways of the Board the whole of such railways shall for the purpose of short distance fares be considered as one railway but the Board shall not be bound to charge in respect of any passenger a fare which is less than the highest minimum fare which is chargeable on any of the railways over which the journey is made.

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PART V.

—cont.

As to
passengers'
luggage.

First-class
carriages.

Application
of section 29
of Act of
1933.

33. No passenger travelling in a carriage over the railway may take with him personal luggage exceeding twenty-eight pounds in weight.

34. The Board shall not be bound to provide first-class accommodation in any carriage proceeding over the railway.

35. The provisions of subsection (1) of section 29 (Revision of fares of the Board) of the Act of 1933 shall apply to fares charged or chargeable by the Board under this Part of this Act or under any enactment applied by this Part of this Act and an order under that section shall have effect notwithstanding anything in this Part of this Act or in any enactment applied by this Part of this Act limiting or regulating the fares to be charged by the Board.

PART VI.

PROTECTIVE PROVISIONS.

For further
protection
of London
County
Council.

36.—(1) The following provision for the further protection of the London County Council (in this section referred to as "the council") shall unless otherwise agreed in writing between the Board and the council have effect (that is to say):—

If the Board in the construction of Works Nos. 2 2A 2B 2C 3 3A 4 6 6A 7 7A 7B 8 8A and 8B authorised by this Act alter damage or in any way interfere with the existing sewers of the council respectively known as the Fleet sewer the two subway sewers under Kingsway the Fleet sewer (Holborn branch) the Arnold sewer the London Bridge sewer the middle level sewer No. 1 and the King's Scholars Pond sewer the Board shall—

(a) from time to time pay to the council any additional cost to which the council may be put in the maintenance management or renewal of any new altered or substituted sewer which may be necessary in consequence of the construction of the said works; and

(b) give to the council full free and uninterrupted access at all times to any such new altered or substituted sewer and every reasonable facility for the inspection maintenance alteration and repair thereof.

(2) Nothing in this Act shall prejudice or affect the operation of any Order made by the Minister of Health under subsection (3) of section 20 (Application to London) of the Restriction of Ribbon Development Act 1935.

37. The provisions of the section of this Act of which the marginal note is "As to private rights of way over lands taken compulsorily" shall not extend or apply to such rights of way as at the date of the passing of this Act are exercisable by the executors of the will of Frank Mayle deceased and Frank Mayle and Sons Limited or their tenants or licensees over and in respect of the lands delineated on the deposited plans and numbered 9 in the metropolitan borough of Hammersmith and described under the said number in the deposited book of reference.

PART VI.
—cont.

For protection of executors of will of Frank Mayle deceased and Frank Mayle and Sons Limited.

38. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall notwithstanding anything in this Act and unless otherwise agreed in writing between the Board and the company apply and have effect:—

For protection of London and North Eastern Railway Company.

- (1) The Board shall not enter upon take or use any lands belonging or leased to the company or any easement or right therein without the previous consent in writing of the company but such consent shall not be unreasonably withheld and if such consent is decided by an arbitrator to have been unreasonably withheld the same shall be deemed to have been given:
- (2) The Board shall not construct any of the works so far as the same are to be constructed in over under or in any way affecting any property belonging or leased to the company except in accordance with such terms and conditions and such plans sections and specifications as shall previously be agreed between the Board and the company or in default of agreement be settled by arbitration:
- (3) Any difference which shall arise between the Board and the company under this section shall be settled by arbitration:
- (4) Nothing in this Act shall be deemed to prejudice or affect any of the provisions covenants or conditions contained in the indenture dated the sixteenth day of August one thousand nine hundred and eleven and made between the Great Northern Railway Company of the one part and the London Electric Railway Company of the other part.

39. The following provisions for the protection of the Southern Railway Company (in this section referred to as "the company") shall notwithstanding anything in this Act

For protection of Southern Railway Company.

PART VI.
—cont.

contained or shown upon the deposited plans and the deposited sections and unless otherwise agreed in writing between the Board and the company apply and have effect:—

- (1) The Board shall not under the powers of this Act enter upon take or use any of the lands of the company except (a) the lands described in paragraph (h) of subsection (2) of the section of this Act of which the marginal note is "Power to take lands" and (b) such easements or rights of using the lands of the company as may be necessary for the construction maintenance renewal user or removal of the Works Nos. 4 and 4A by this Act authorised and the provisions of the section of this Act of which the marginal note is "Owners may be required to grant easements only under certain properties" shall apply to the acquisition of such easements or rights of user:
- (2) The said Work No. 4 shall be constructed in the position and according to the levels shewn by red colour on the plan and sections signed in duplicate by P. Croom Johnson on behalf of the Board and Vernon Alec Murray Robertson on behalf of the company:
- (3) The company shall have the right to impose a weight of four tons per square foot on the foundations of any works buildings or appliances to be hereafter constructed by them on any part of their property over or in the vicinity of the said Works Nos. 4 and 4A and the Board shall repay to the company any extra or special cost of foundations including reinforced concrete rafts necessary at any particular places which the company may hereafter be put to or incur in connection with the extension or alteration of their premises or the widening extension or alteration of their railway or station or the provision of any works buildings or appliances or in connection with the development of their land or property and which may be caused or become necessary in consequence of the construction of the said Work No. 4 or the said Work No. 4A:
- (4) The Board shall also from time to time repay to the company any other additional expense to which the company may be put or incur in connection with the construction of any works or buildings on their land or in maintaining their railway station or property by reason of or in consequence of the construction or user of the said Works Nos. 4 and 4A:

(5) Subject to the foregoing provisions of this section the Board shall construct the said Works Nos 4 and 4A only in accordance with such terms and conditions and such detailed drawings and specifications as shall previously be agreed between the Board and the company or in default of agreement be settled by arbitration.

PART VI.
—cont.

40. The following provisions for the protection of the Grand Union Canal Company (in this section called "the company") shall unless otherwise agreed in writing between the Board and the company have effect:—

For protection of Grand Union Canal Company.

(1) Before commencing the construction of such part of Work No. 1 authorised by this Act or any works connected therewith or incidental thereto as will cross over or under any feeder belonging to or under the control of the company the Board shall in accordance with plans sections and particulars previously submitted to and reasonably approved by the company construct and thereafter maintain in good and substantial repair all such works as the company may reasonably require for the purpose of securing the free and uninterrupted flow of water into the company's main Aldenham reservoir and Little Aldenham reservoir by means of the existing feeders communicating with the said reservoirs and situate within the limits of deviation for the said Work No. 1:

(2) Any difference which shall arise between the Board and the company under this section shall be settled by arbitration.

41. The following provisions for the protection of the Colne Valley Water Company (in this section called "the company") shall unless otherwise agreed in writing between the Board and the company have effect:—

For protection of Colne Valley Water Company.

(1) The Board shall take every possible means to ensure that no sewage effluent from Work No. 1 authorised by this Act or any works connected therewith or incidental thereto shall either directly or indirectly contaminate the water in the Aldenham reservoir:

(2) Any difference which shall arise between the Board and the company under this section shall be settled by arbitration.

42. The following provisions for the protection of the several companies included in the definition of "the company" in this section shall unless otherwise agreed in writing between the Board and the Company apply and have effect:—

For protection of certain electricity undertakers.

PART VI.
—cont.

(1) In this section—

“ The company ” means each of the following companies:—

Central London Electricity Limited;
The London Electric Supply Corporation Limited;

The London Power Company Limited;
The Metropolitan Electric Supply Company Limited;

The County of London Electric Supply Company Limited;

The Notting Hill Electric Lighting Company Limited; and

The City of London Electric Lighting Company Limited;

and each of the following local authorities:—

The mayor aldermen and councillors of the metropolitan borough of St. Marylebone;

The mayor aldermen and burgesses of the borough of Watford;

The mayor aldermen and councillors of the metropolitan borough of St. Pancras;

“ Works ” where used with reference to works of the company has the meaning assigned to that expression in the Electric Lighting Act 1882:

(2) Section 89 (General provisions for protection of water gas and hydraulic power undertakers) of the Act of 1934 as extended and applied to and for the purposes of this Act by the section of this Act of which the marginal note is “ Incorporation of protective provisions of Acts of 1934 1935 and 1937 ” shall have effect as if—

(a) the expression “ the undertakers ” in that section included the company;

(b) the word “ apparatus ” where used therein meant “ works ” as defined in subsection (1) of this section;

(c) the words “ or electricity ” were inserted after the words “ water gas or hydraulic power ” in all places where the last-mentioned words occur in the section.

43. The following provisions of the undermentioned Acts so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as fully and effectually

as if such provisions had been re-enacted with any necessary modifications in this Part of this Act (that is to say):—

PART VI.
—cont.

The Act of 1934—

- Section 81 (For protection of London County Council);
- Section 82 (For the protection of sewers of the London County Council);
- Section 84 (Inspection of works by London County Council);
- Section 85 (Objects of interest to be at disposal of corporation of London or London County Council);
- Section 89 (General provisions for protection of water gas and hydraulic power undertakers);
- Section 92 (For protection of works of electrical undertakers);
- Section 100 (For further protection of Metropolitan Water Board):

The Act of 1935—

- Section 65 (For protection of Post Office telegraphic lines);
- Subsection (3) of section 71 (For further protection of certain undertakers):

The Act of 1937—

- Section 54 (For protection of corporation of London and of metropolitan borough councils);
- Section 55 (For protection of certain authorities);

and in particular (without prejudice to the generality of the foregoing provisions of this section) for the purposes of such extension and application—

- (a) references in any of the said provisions of the Act of 1934 to Part IV (Works) of the Act of 1934 shall be construed as references to Part II (Works) of this Act;
- (b) references in the said section 65 of the Act of 1935 to the subways (Works Nos. 15 and 16) authorised by the Act of 1935 shall be construed as references to Works Nos. 2 2A 2B 2C 3 3A 3B 4A 6 and 6A authorised by this Act and references in the said section to the underground railways and trolley vehicles shall be deemed to be omitted therefrom.

PART VII.

FINANCIAL PROVISIONS RELATING TO WHITECHAPEL
COMPANY.

Incorporation of enactments for purposes of Part VII.

44. The following enactments so far as the same are applicable to the purposes of this Part of this Act are (except where varied by this Part of this Act) incorporated with and form part of this Act and for the purposes of such incorporated enactments this Part of this Act shall be deemed to be the special Act within the meaning of the said enactments (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The borrowing of money by the company on mortgage or bond; and

The provision to be made for affording access to the special Act by all parties interested;

Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:

Provided that—

(1) The expression “the company” where used in the incorporated provisions of the Companies Clauses Consolidation Act 1845 and the Companies Clauses Act 1863 shall mean the Whitechapel Company;

(2) In the application to the Whitechapel Company of Part III of the Companies Clauses Act 1863 section 22 of that Act shall be construed as if the words “and to the same amount as” were omitted therefrom.

Power to borrow.

45.—(1) The Whitechapel Company may subject to the provisions of this Part of this Act but without the certificate of a justice borrow on mortgage of their undertaking any sum or sums not exceeding in the whole four hundred thousand pounds.

(2) This section shall be deemed to have come into operation on the date of the passing of the Act of 1936.

Debenture stock.

46. The Whitechapel Company may create and issue debenture stock subject to the provisions of section 55 (Debenture stock) of the Whitechapel and Bow Railway Act 1897.

Existing mortgages to have priority.

47. All mortgages granted by the Whitechapel Company in pursuance of the powers of any former Act and subsisting at the date of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts

under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority or the *pari passu* rights of the interest of any debenture stock at any time created and issued by the Whitechapel Company.

PART VII.
—cont.

48. Notwithstanding anything in any enactment from time to time relating to the Whitechapel Company the directors of the Whitechapel Company may by virtue of this section and without further or other sanction or authority exercise any powers for the time being vested in the Whitechapel Company of borrowing and re-borrowing on mortgage or temporary loan or otherwise and of creating and issuing mortgages or debenture stock and of raising money by the issue of notes or bonds.

Exercise of financial powers by directors.

49. Every provision in any Act of Parliament passed before the passing of this Act whereby the Whitechapel Company are authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Whitechapel Company of arrears of interest or principal or principal and interest is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced before the passing of this Act under any such provision.

Appointment of receiver.

The mortgagees of the Whitechapel Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

50. All money raised by the Whitechapel Company under the powers of this Act shall be applied to the general purposes of the Whitechapel Company to which capital is properly applicable and not otherwise and in particular may be applied to the purposes to which the Whitechapel Company were empowered to apply money by subsection (2) of section 31 (Agreements between Board and amalgamated railway companies and Whitechapel and Bow Railway Company) of the Act of 1936.

Application of money.

PART VIII.

MISCELLANEOUS PROVISIONS.

51.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the

Saving for town and country planning.

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PART VIII.
—cont.

meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression "Town and Country Planning Acts" means—

(a) the Town and Country Planning Acts 1932 and 1943; the Town and Country Planning Act 1944 and the New Towns Act 1946; and

(b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

Saving for
certain
enactments.

52.—(1) Nothing in subsection (2) of the section of this Act of which the marginal note is "Power to take lands" or in subsection (1) of the section of this Act of which the marginal note is "Power to use certain lands" shall authorise the provision of any means of access or the erection of any buildings in contravention of the provisions of the under-mentioned enactments or of any byelaw made thereunder or shall exempt the Board from the operation of those provisions provided that the Board shall be entitled to the benefit of any exemptions in favour of the Board or their undertaking or any part thereof in the Acts in which the said enactments are contained.

(2) The enactments hereinbefore in this section referred to are—

Section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888;

Section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925;

Section 5 (Prescription of building lines) of the Road Improvement Act 1925;

Section 1 (Power to adopt standard widths for roads) section 2 (Restriction of building development along frontages of certain roads) and section 17 (Power to require the provision of means of entrance and egress &c. as a condition of approval of building plans) of the Restriction of Ribbon Development Act 1935;

Sections 24 25 27 39 40 42 44 45 51 61 to 71 inclusive and 80 of the Public Health Act 1936;

The Public Health (Drainage of Trade Premises) Act 1937;

Any provision of any local Act or Order enabling a county council urban local highway or other authority to prescribe a building or frontage line to be observed in any street or road or prohibiting or controlling the erection of buildings within a specified distance of any part of any street or road.

53. Where under this Act any claim question difference or dispute (other than a claim question difference or dispute to which the provisions of the Lands Clauses Acts apply) or any matter or thing is to be referred to or settled by arbitration then unless other provision is made the claim question difference or dispute or the matter or thing shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts shall apply to the arbitration.

PART VIII.
—cont.
Arbitra-
tions.

54. The following provisions of the undermentioned Acts so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as fully and effectually as if such provisions had been re-enacted with any necessary modifications in this Part of this Act (that is to say):—

Incorpora-
tion of
provisions of
Acts of 1934
and 1936
relating to
miscella-
neous
matters.

The Act of 1934—

Section 103 (Provisions as to use of electrical power);

The Act of 1936—

Section 89 (Notice to police);

and in particular (without prejudice to the generality of the foregoing provisions of this section) for the purposes of such extension and application—

(a) references in the said section 103 of the Act of 1934 to trolley vehicles shall be deemed to be omitted therefrom;

(b) the said section 89 of the Act of 1936 shall be read and have effect as if the words "twenty-one days" were substituted for the words "seven days."

55. The powers of selling and leasing Crown lands or any easements rights or privileges of any kind over or in relation to such lands given to the Commissioners of Crown Lands by the Crown Lands Act 1927 shall extend to enable the Commissioners of Crown Lands to sell or lease to the Board any lands whatsoever forming part of the hereditary possessions of the Crown or any easements rights or privileges of any kind over or in relation to such lands as may be required for any of the purposes of this Act notwithstanding that such lands or any part thereof may form part of a royal park or be under the management of the Minister of Works and any consideration to be paid by the Board in respect of any sales or

Crown lands.

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—cont.

leases of any such lands as aforesaid or of any easements rights or privileges over or in relation to such lands shall be paid to the Commissioners of Crown Lands. Provided that the Commissioners of Crown Lands shall not sell or lease any lands forming part of any royal park unless with the consent of His Majesty signified in writing under the royal sign manual the Treasury shall so authorise.

Saving for
powers of
Treasury.

56. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of any Order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving the
rights of
the Duchy
of Cornwall.

57. Nothing in this Act shall extend to authorise the Board to take use or in any manner interfere with any land or take away diminish alter prejudice or affect any rights of whatever description belonging to His Majesty in right of the Duchy of Cornwall or to the Duke of Cornwall for the time being without (in the case of land or rights belonging to His Majesty in right of the said duchy) the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or (in the case of land or rights belonging to the Duke of Cornwall for the time being) the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

26 & 27 Vict.
c. 49.

Crown rights.

58. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Works or vested in or in the occupation of the Minister of Works for public purposes or for the public service or in the possession occupation or use of the Minister of Works or of any person authorised in such behalf by him without the consent in writing of the Commissioners of Crown Lands on behalf of His Majesty or of the Minister of Works as the case may be first had and obtained for that purpose.

Costs of
Act.

59. All costs charges and expenses 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 and may in whole or in part be defrayed out of revenue.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

PROPERTIES UNDER WHICH EASEMENTS MAY BE TAKEN.

Area.	Nos. on deposited plans.
Works Nos. 2 2A 2B and 2C— Metropolitan borough of St. Pancras	1
Works Nos. 3 3A and 3B— Metropolitan borough of Holborn ...	4 5 6 7 8 10 and 12
Works Nos. 4 and 4A— Metropolitan borough of Lambeth ...	1 3 4 and 5
Work No. 5— Royal borough of Kensington ...	1 2 3 4 7 8 9 10 11 and 12
Works Nos. 7 7A and 7B— City of Westminster	4 5 6 7 10 11 12 13 15 16 17 19 and 20
Works Nos. 8 8A and 8B— City of Westminster	1 and 2

SECOND SCHEDULE.

PROPERTIES OF WHICH PORTIONS MAY BE TAKEN.

Area.	Nos. on deposited plans.
Works Nos. 2 2A 2B and 2C— Metropolitan borough of St. Pancras	1
Work No. 4— Metropolitan borough of Lambeth ...	4
Works Nos. 7 7A and 7B— City of Westminster	19
Works Nos. 8 and 8A— City of Westminster	2
Work No. 8B— City of Westminster	1
Additional lands— Metropolitan borough of Wandsworth.	8
Metropolitan borough of Ham- smith.	6
Urban district of Thurrock	1
Urban district of Chigwell	1
Rural district of Godstone parish of Godstone.	1
Borough of Heston and Isleworth ...	1-22 (inclusive)
Borough of Slough	1-5 (inclusive)
Borough of Watford	1
Borough of Beckenham	1
Urban district of Tring	1

THIRD SCHEDULE.

LANDS AND PROPERTIES WHICH HAVE ALREADY BEEN ACQUIRED BY THE BOARD AND MAY BE USED FOR THE PURPOSES SPECIFIED IN THE SECTION OF THIS ACT OF WHICH THE MARGINAL NOTE IS "POWER TO USE CERTAIN LANDS."

In the administrative county of London—

City of Westminster—

1. Lands lying between Gillingham Street Wilton Road Longmoore Street and Guildhouse Street comprising (a) the existing Victoria omnibus garage of the Board (b) the piece of land adjoining the Prince of Wales public house and having a frontage of 60 feet or thereabouts to Wilton Road (c) Nos. 22 to 26 (even numbers inclusive) and Nos. 30 to 36 (even numbers inclusive) Longmoore Street and (d) Nos. 15 to 19 (inclusive) Guildhouse Street:

Metropolitan borough of Camberwell—

2. Lands lying between Medlar Street Camberwell Road and Camberwell New Road comprising (a) the existing Camberwell depot of the Board and (b) No. 303 Camberwell New Road:
3. Lands having a frontage of 1010 feet or thereabouts to Warner Road comprising (a) the existing Camberwell omnibus garage of the Board and (b) Nos. 46 to 108 (even numbers inclusive) Warner Road:
4. Lands partly occupied by the existing Bull Yard depot of the Board lying at the rear of Nos. 110 to 138 (even numbers inclusive) Peckham High Street:
5. Lands comprising (a) the existing Rye Lane depot of the Board and (b) Nos. 1 to 7 (inclusive) Ophir Terrace:

Metropolitan borough of Lambeth—

6. Lands comprising (a) the existing Norwood depot of the Board and (b) No. 431 Norwood Road:
7. Lands comprising (a) Nos. 33 to 55 (odd numbers inclusive) Lansdowne Way (b) vacant land at the rear thereof and (c) Nos. 304 to 308 (even numbers inclusive) South Lambeth Road:

Metropolitan borough of Lewisham—

8. Lands partly occupied by the existing Catford omnibus garage of the Board and having a frontage of 367 feet or thereabouts to Bromley Road:

Metropolitan borough of Poplar—

3RD SCH.
—cont.

9. Lands comprising (a) the existing Clay Hall omnibus garage of the Board (b) land on the south-east side thereof having a frontage of 360 feet or thereabouts to Old Ford Road including (after they have been stopped up and discontinued) the highways referred to in the section of this Act of which the marginal note is "Power to stop up highways" and known as Spring Grove and Summer Grove:

Metropolitan borough of Wandsworth—

10. Lands comprising (a) the existing Chelverton Road omnibus garage of the Board and (b) the dwelling-house known as Grove Villa Stratford Grove and land adjacent thereto:
11. Lands partly occupied by the existing Clapham depot of the Board lying at the rear of Nos. 131 to 159 (odd numbers inclusive) High Street Clapham and having frontages of 26 feet or thereabouts to Clapham Park Road and 56 feet or thereabouts to Pleasant Place:
12. Lands partly occupied by the existing Streatham omnibus garage of the Board and having frontages of 131 feet or thereabouts to Streatham High Road and 28 feet or thereabouts to Natal Road.

In the administrative county of Middlesex—

Borough of Finchley—

14. Lands having a frontage of 192 feet or thereabouts to Great North Road comprising (a) the Finchley trolleybus depot the permanent way yard sub-station offices, and canteen and (b) Harwood Villa Great North Road:

Borough of Heston and Isleworth—

15. Lands comprising the existing Hounslow omnibus garage parking place for omnibuses and trolley vehicle sub-station of the Board:

Borough of Tottenham—

16. Lands having frontages of 268 feet or thereabouts to West Green Road and 497 feet or thereabouts to Milton Road:

Borough of Willesden—

17. Lands comprising (a) the existing Willesden omnibus garage of the Board (b) the open yard in High Road Willesden adjacent thereto and (c) the land on the south-east side of the said garage and having a frontage of 454 feet or thereabouts to Pound Lane:

Urban district of Enfield—

18. Lands comprising (a) the existing Enfield omnibus garage of the Board (b) the vacant land on the west side of the said garage and (c) the land on the north side of the said garage having a frontage of 190 feet or thereabouts to Southbury Road:

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—cont.

Urban district of Staines—

19. Lands comprising (a) the existing Staines omnibus garage of the Board and (b) the vacant land on the west and south sides of the said garage.

In the administrative county of Buckingham—

Rural district of Eton parish of Denham—

20. Lands comprising (a) the existing Uxbridge omnibus garage of the Board and (b) the contractors' yard and premises on the north-west north and north-east-sides of the said garage.

In the administrative county of Essex—

Borough of Ilford—

21. Lands having frontages of 365 feet or thereabouts to Fence Piece Road and 320 feet or thereabouts to New North Road:

Borough of Romford—

22. Lands having a frontage of 250 feet or thereabouts to Straight Road:

Urban district of Chigwell—

23. Lands partly occupied by the existing Loughton omnibus garage of the Board and having a frontage of 210 feet or thereabouts to Church Hill:

Urban district of Epping—

24. Lands comprising (a) the existing Epping omnibus garage of the Board (b) the entrance to the said garage from High Road and (c) the vacant land at the south-west side of the said garage:

Urban district of Hornchurch—

25. Lands having frontages of 390 feet or thereabouts to Rainham Road and 540 feet or thereabouts to Ford Lane:
26. Lands partly occupied by the existing Hornchurch omnibus garage of the Board and having a frontage of 172 feet or thereabouts to Hornchurch Road and the dwelling-house and gardens known as No. 11 Candover Road:

Urban district of Thurrock—

27. Lands partly occupied by the existing Grays omnibus garage of the Board and having a combined frontage of 570 feet or thereabouts to London Road and Stifford Road:

In the county borough of West Ham—

28. Lands comprising (a) the existing Forest Gate omnibus garage of the Board and (b) Nos. 167 and 171 Boleyn Road.

In the administrative county of Kent—

3RD SCH.
—cont.

Borough of Royal Tunbridge Wells—

29. Lands partly occupied by the existing Tunbridge Wells omnibus garage of the Board and having frontages of 148 feet or thereabouts to Whitefield Road and 94 feet or thereabouts to Culverden Down:

Borough of Beckenham—

30. Lands partly occupied by the existing Elmers End omnibus garage of the Board and having frontages of 186 feet or thereabouts to Elmers End Road and 290 feet or thereabouts to Beck Lane:

Borough of Bromley—

31. Lands partly occupied by the existing Bromley omnibus garage of the Board and having frontages of 147 feet or thereabouts to Bromley Common and 345 feet or thereabouts to Lower Gravel Lane:

Borough of Dartford—

32. Lands comprising (a) the existing Dartford omnibus garage of the Board and (b) land at the rear of the said garage having a frontage of 25 feet or thereabouts to Anne of Cleves Road:

Urban district of Northfleet—

33. Lands partly occupied by the existing Northfleet omnibus garage of the Board and having frontages of 51 feet or thereabouts to London Road and 415 feet or thereabouts to Beresford Road:

Rural district of Dartford parish of Farningham—

34. Lands partly occupied by the existing Swanley omnibus garage of the Board and having a frontage of 238 feet or thereabouts to Farningham Road:

Rural district of Sevenoaks parish of Dunton Green—

36. Lands partly occupied by the existing Dunton Green omnibus garage of the Board and having frontages of 190 feet or thereabouts to London Road and 178 feet or thereabouts to Barretts Road:

Rural district of Sevenoaks parish of Westerham—

37. Lands having a combined frontage of 620 feet or thereabouts to Croydon Road and Buckham Thorns Road.

In the administrative county of Surrey—

Borough of Reigate—

38. Lands partly occupied by the existing Reigate omnibus garage and offices of the Board and having frontages of 152 feet or thereabouts to Bell Street and 478 feet or thereabouts to Lesbourne Road subject to the rights of way over the public footpath known as Church Walk:

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—cont.

Urban district of Dorking—

40. Lands partly occupied by the existing Dorking omnibus garage of the Board and having combined frontages of 528 feet or thereabouts to South Street and Horsham Road and a frontage of 68 feet or thereabouts to Falkland Road:

Urban district of Caterham and Warlingham—

41. Lands comprising (a) the existing Chelsham omnibus garage of the Board and (b) land adjoining the said garage having frontages of 620 feet or thereabouts and 130 feet or thereabouts to Limpsfield Road 175 feet or thereabouts to Chelsham Road and 40 feet or thereabouts to Sunny Bank:

Rural district of Godstone parish of Godstone—

42. Lands partly occupied by the existing Godstone omnibus garage of the Board and having a frontage of 100 feet or thereabouts to Roman Road.

In the administrative county of Hertford—

Borough of Hertford—

44. Lands partly occupied by the existing Hertford omnibus garage of the Board and having a frontage of 404 feet or thereabouts to Tamworth Road:

Borough of St. Albans—

45. Lands partly occupied by the existing St. Albans omnibus garage of the Board and having frontages of 292 feet or thereabouts to St. Peters Street and 320 feet or thereabouts to Grange Street:

Urban district of Tring—

46. Lands partly occupied by the existing Tring omnibus garage of the Board and having a frontage of 100 feet or thereabouts to Weston Road.

In the county borough of Croydon—

48. Lands comprising (a) the existing Croydon omnibus garage of the Board (b) Nos. 11 and 29 (odd numbers inclusive) Napier Road and Nos. 1 to 4 (inclusive) Magdala Road:
49. Lands partly occupied by the existing Thornton Heath depot of the Board and having frontages of 243 feet or thereabouts to London Road and 256 feet or thereabouts to Whitehall Road:
50. Lands having frontages of 200 feet or thereabouts to Station Road and 50 feet or thereabouts to Wellesley Road.

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