

[9 EDW. 7.] *London County Council (General Powers)* [Ch. cxxx.]
Act, 1909.



CHAPTER cxxx.

An Act to empower the London County Council to construct railway sidings in the county of Surrey and to confer other powers upon that Council to make provisions with respect to sanitary matters to amend the London Building Acts to confer powers upon the councils of the metropolitan borough of Southwark and the royal borough of Kensington and for other purposes. A.D. 1909.
[16th August 1909.]

WHEREAS the London County Council (herein-after referred to as "the Council") have provided certain lunatic asylums and may provide other similar asylums at Horton in the county of Surrey and it is expedient that they should be empowered to construct and work railway sidings from the London and South Western Railway to the said asylums for use in connexion therewith and that the provisions in this Act contained with reference to the said railway sidings should be made :

And whereas it is expedient that the provisions contained in this Act for securing the health and well-being of the inhabitants of the administrative county of London (herein-after referred to as "the county") should be made :

And whereas the erection of buildings in the county and the materials which may be used in such erection are regulated by the London Building Acts 1894 to 1908 and it is expedient that those Acts should be amended as herein-after provided :

And whereas the periods now respectively limited for the compulsory purchase of certain lands and the completion of certain works by the Council are about to expire and it is

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A.D. 1909. — expedient that such periods should be extended as by this Act provided :

And whereas an estimate has been prepared by the Council as to the amount which they will require to expend on capital account for the purposes of this Act and such estimate amounts to the sum of twenty-one thousand three hundred and fifty pounds :

63 & 64 Vict. c. ccxix. And whereas doubts have arisen as to the powers of the Council under the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900 of making byelaws applying to the approaches to the tunnel by that Act authorised and it is expedient that such provisions as are herein-after contained with respect to such byelaws should be made :

And whereas it is expedient that such powers as are herein-after contained of granting pensions or allowances or paying compensation to persons employed in connexion with the Feltham Industrial School upon the discontinuance of the said school should be conferred upon the Council :

And whereas the Council have agreed with the Ecclesiastical Commissioners for the purchase of the estate and interest of the said Commissioners in certain lands required by the Council for a widening of Belvedere Road Lambeth and it is expedient that the agreement for such purchase should be confirmed as by this Act provided :

And whereas it is expedient that the council of the metropolitan borough of Southwark (herein-after referred to as "the Southwark Council") should be empowered to make and maintain the subways and works herein-after referred to :

And whereas estimates have been prepared for the construction of the subways and works by this Act authorised to be constructed by the Southwark Council and such estimates amount to the sum of fifteen thousand pounds :

And whereas the said subways and works are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient that the powers by this Act conferred upon the council of the royal borough of Kensington (herein-after referred to as "the Kensington Council") should be granted :

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And whereas it is expedient that the Southwark Council and the Kensington Council should respectively be empowered and required to contribute to the costs charges and expenses incidental to the obtaining of this Act: A.D. 1909.

And whereas it is expedient that the other provisions contained in and the other powers conferred by this Act should be made and granted:

And whereas an absolute majority of the whole number of the Southwark Council at a meeting held on the eleventh day of November one thousand nine hundred and eight after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the South London Press a local newspaper circulating in the said metropolitan borough of Southwark such notice being in addition to the ordinary notices required for summoning such meeting resolved that so much of the expense in relation to promoting the Bill for this Act as might be incurred in respect of the application for powers to be conferred upon the Southwark Council should be charged on the general rate leviable by that council:

And whereas such resolution was published twice in the said newspaper:

And whereas the propriety of the promotion of the Bill for this Act so far as such Bill related to the matters last aforesaid was confirmed by an absolute majority of the whole number of the Southwark Council at a further special meeting held in pursuance of a similar notice on the third day of February one thousand nine hundred and nine being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas an absolute majority of the whole number of the Kensington Council at a meeting held on the twenty-second day of December one thousand nine hundred and eight after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Kensington News and the Kensington Press local newspapers circulating in the royal borough of Kensington such notice being in addition to the ordinary notices required for summoning such meeting resolved that so much of the expense in relation to promoting the Bill for this Act as might be incurred in respect of the application for powers to be conferred upon the Kensington Council should be charged on the general rate leviable by that council:

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And whereas such resolution was published twice in the said newspapers :

And whereas the propriety of the promotion of the Bill for this Act so far as such Bill related to the matters last aforesaid was confirmed by an absolute majority of the whole number of the Kensington Council at a further special meeting held in pursuance of a similar notice on the nineteenth day of January one thousand nine hundred and nine being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the Southwark Council and the Kensington Council have in relation to the promotion of the Bill for this Act (to the extent herein-before specified in the case of each of such councils) respectively complied with the requirements contained in the First Schedule to the Borough Funds Act 1903 :

And whereas the Council have caused to be deposited with the respective clerks of the peace for the counties of Surrey and London plans and sections describing the lines and levels of the works by this Act authorised and the lands which may be taken or used for the purposes thereof 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 those lands 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 aforesaid cannot be attained without the authority of Parliament :

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

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1909.

Division of Act into Parts.

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

Part I.—Introductory.

Part II.—Railway Sidings.

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Part III.—Accommodation for Storage of Food.

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Part IV.—Amendment of London Building Acts.

Part V.—Extension of Time.

Part VI.—Powers to Southwark Council.

Part VII.—Powers to Kensington Council.

Part VIII.—Miscellaneous and Financial Provisions.

3. In this Act unless there be in the subject or context something repugnant thereto or inconsistent therewith— Interpreta-
tion.

(1) The following words and expressions have the several meanings hereby assigned to them (that is to say):—

“The Council” means the London County Council;

“The county” means the administrative county of London;

“The railway sidings” means the railway sidings and works connected therewith by this Act authorised to be constructed by the Council;

“The corporation” means the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of the city of London in common council assembled;

“Sanitary authority” means—

(A) As respects the city of London the corporation;

(B) As respects the places known as the Inner Temple and the Middle Temple respectively the overseers of such places respectively; and

(C) As respects any metropolitan borough the council of such borough;

“Daily penalty” means a penalty for every day on which any offence is continued after conviction;

“The Southwark Council” and “the Kensington Council” mean respectively the council of the metropolitan borough of Southwark and the council of the royal borough of Kensington;

“The subways” means the subways and works connected therewith by this Act authorised to be constructed by the Southwark Council;

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“Owner” (where used in Part III. of this Act) means the person for the time being receiving the rackrent of the premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such premises were let at a rackrent;

“Rackrent” means rent which is not less than two-thirds of the full annual value of the premises out of which the rent arises and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenants’ rates and taxes and the tithe commutation rentcharge (if any) and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the premises in a state to command such rent;

“Tenement house” means any house occupied by any person of the working class which is wholly or partially let in lodgings or which is occupied by members of more than one family;

“Working class” has the same meaning as in the schedule to the Housing of the Working Classes Act 1903 :

- (2) The several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings.

Incorporation of general Acts.

4. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and not inconsistent with or expressly varied by this Act) are incorporated with and form part of this Act (namely):—

The Lands Clauses Acts (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845);

And (with reference to the railway sidings)—

The Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 :

Provided that in and for the purposes of Part VI. of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts as incorporated herewith shall be construed to mean the Southwark Council and that in and for the purposes of the remainder of this Act the same expressions in the said Acts and in the other Acts wholly or partially incorporated herewith shall be construed to mean the Council. A.D. 1909.

PART II.

RAILWAY SIDINGS.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway sidings in the county of Surrey herein-after described with all proper bridges sidings junctions approaches signals works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes. Power to Council to make railway sidings.

The railway sidings herein-before referred to and authorised by this Act are--

A railway siding (No. 1) (1 furlong 9·3 chains or thereabouts in length) wholly in the parish of Ewell commencing by a junction with the London and South Western Railway (Wimbledon and Epsom line) at a point 4 chains or thereabouts measured in a southerly direction from the bridge carrying Chessington Road over the said railway and terminating near the level crossing over the said railway at West Street:

A railway siding (No. 2) (3 miles 4·5 chains or thereabouts in length) commencing in the said parish of Ewell by a junction with the railway siding (No. 1) herein-before described at a point 15 chains or thereabouts measured in a southerly direction from the said bridge and terminating in the parish and urban district of Epsom in the estate of the Council in the field numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1895 (Surrey) XVIII-4) 53 in the said parish of Epsom:

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A railway siding (No. 2A) (2 furlongs 4 chains or thereabouts in length) wholly in the said parish and urban district of Epsom commencing by a junction with the railway siding (No. 2) herein-before described near Fulford Road and terminating in the field numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1895 (Surrey) XIII-13) 33 in the said parish of Epsom :

A railway siding (No. 2B) (4 furlongs 4 chains or thereabouts in length) wholly in the said parish and urban district of Epsom commencing by a junction with the railway siding (No. 2) herein-before described at a point 36 chains or thereabouts measured in a northerly direction from the north-eastern corner of the Long Grove Asylum of the Council and terminating near the centre of the northern boundary wall of the said asylum :

A railway siding (No. 2c) (3 furlongs 3 chains or thereabouts in length) wholly in the said parish and urban district of Epsom commencing by a junction with the railway siding (No. 2) herein-before described at a point 29 ~~chains or~~ thereabouts measured in a north-westerly direction from the north-western corner of the asylum building known as the central station and terminating near the north-eastern corner of the said asylum building :

And the Council may use and work the said railway sidings and may provide such plant and rolling and working stock as may be necessary for that purpose.

Limits of lateral and vertical deviation.

6. In the construction of the railway sidings the Council may deviate from the lines or position thereof shown on the deposited plans to any extent within the limits of deviation marked on such plans and also from the levels shown on the deposited sections to any extent not exceeding five feet upwards or downwards.

Repair of surface of roads over bridges.

7. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Council shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway sidings or any of them by a bridge or bridges unless the level of such road or public highway is permanently altered so as to increase the gradient of any part thereof.

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8. The Council may enter into and carry into effect agreements with any person for and with respect to the construction maintenance alteration improvement repair working and use of the railway sidings and with respect to the purchase and use for the purposes thereof of any lands or existing works within the limits of deviation shown on the deposited plans and the Council may grant to any such person as aforesaid leases of or the right to work and use the said railway sidings Provided that the railway sidings shall not in any circumstances be used for the conveyance of public traffic.

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—
Agreements
as to con-
struction
working &c.
of railway
sidings.

9. Nothing in any agreement made or lease granted under the authority of this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railway sidings and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in the railway sidings for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement or the granting of any such lease be at liberty to exercise all the rights aforesaid notwithstanding that the railway sidings are owned leased or worked by any of the railway companies mentioned in section 9 of or in the schedule to the Telegraph Act 1868 as freely and fully in all respects as he was entitled to do before the making of any such agreement or the granting of any such lease.

Saving for
Postmaster-
General.

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

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

11. For the protection of the London and South Western Railway Company (herein-after referred to as "the South Western Company") the following provisions and conditions shall unless otherwise agreed apply and have effect in regard to the exercise of the powers of this Part of this Act (that is to say):—

For pro-
tection of
London
and South
Western
Railway
Company.

(1) The Council shall not construct any junction with the running lines of the Wimbledon and Epsom Railway

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of the South Western Company and any junction or communication with that railway shall be by means of a siding or side line of the South Western Company :

- (2) The Council shall not without the consent in writing of the South Western Company take any land belonging to the South Western Company Provided always that the Council may take from the South Western Company and the South Western Company shall if so required by the Council grant in perpetuity to the Council an easement or right of using for the purposes of the junction of Railway Siding (No. 1) with the sidings of the South Western Company such lands of the South Western Company as are necessary :
- (3) Any junction of Railway Siding (No. 1) with the sidings of the South Western Company shall be effected at such points within the limits of deviation shown on the deposited plans as may be determined by the South Western Company and in accordance with plans and sections to be previously submitted by the Council to and approved by the South Western Company and under their superintendence and to their reasonable satisfaction and subject to such means for safeguarding the user of the junction before referred to as to the South Western Company may seem reasonably necessary :
- (4) The South Western Company shall at the reasonable expense of the Council construct and at all times maintain any such junction and works on the land of the South Western Company in good working order and repair and the Council shall also pay to the South Western Company such reasonable sums as may be agreed in respect of the user of any portion of Railway Siding (No. 1) which may be on the land of the South Western Company :
- (5) The South Western Company may at their own expense hereafter alter or remove any such junction and works in connexion therewith on lands of the South Western Company and substitute therefor a new junction and

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works but so that such alteration removal or substitution shall not stop the traffic on Railway Siding (No. 1) or cause increased expense or difficulty to the Council in the working of the said junction or the signals works and conveniences used or connected therewith and the provisions of this Part of this Act shall be applicable to any such altered or substituted junction and works: A.D. 1909.

(6) The Council shall not in any way obstruct or interfere with the traffic passing along the said Wimbledon and Epsom Railway and if there shall be any obstruction or interference with such traffic caused by or resulting from any act neglect or default of the Council the Council shall pay to the South Western Company full compensation for every such obstruction or interference and the Council shall indemnify the South Western Company against all claims in respect of accidents caused by or resulting from any act neglect or default of the Council in regard to the user of such portion of Railway Siding (No. 1) as is on the land of the South Western Company:

(7) Any difference which may arise between the South Western Company and the Council touching any of the matters referred to in this section shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply.

12. For the protection of the Epsom Urban District Council (in this section called "the Epsom Council") the following provisions shall notwithstanding anything in this Act contained or shown on the deposited plans and sections unless otherwise agreed between the Council and the Epsom Council apply and have effect (that is to say):—

For protection of Epsom Urban District Council.

(1) The bridge by which the road numbered on the deposited plans 7 in the parish and urban district of Epsom and known as Hook Road is carried over the Railway Siding (No. 2) by this Act authorised shall be constructed by the Council of a width of not less than thirty-six feet between the parapets:

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- (2) As far as reasonably practicable the Council shall avoid the (A) shunting of trains over the bridle path numbered on the deposited plans 3 in the parish and urban district of Epsom and (B) stopping of trains across or within fifty yards of the said bridle path and (C) blowing of engine whistles within such distance :
- (3) The Council shall carry the public footpath numbered 16 on the deposited plans in the parish and urban district of Epsom over the said Railway Siding (No. 2) by means of a footbridge approached by steps and having a width of not less than 6 feet :
- (4) The Council shall at all times maintain the said bridge in substantial repair and good order to the reasonable satisfaction in all respects of the Epsom Council :
- (5) The Council shall submit to the Epsom Council plans and sections showing the position and method of construction of the said bridge and footbridge and the work of constructing the same shall be carried out to the reasonable satisfaction of the surveyor of the Epsom Council and in accordance with plans and sections previously submitted to and reasonably approved by the Epsom Council :

Provided that if the Epsom Council fail either to approve or disapprove the plans and sections to be submitted under the provisions of this subsection within one month after the same shall have been submitted they shall be deemed to have approved thereof and the works shall be carried out in all respects in accordance with such plans and sections :

- (6) If the railway sidings by this Act authorised or the works in connexion therewith shall cross or underlie the sewers water mains or electric cables of the Epsom Council now existing or which may at the time of the construction of the said railway sidings have been constructed across the line of the said railway the Council shall bear any costs properly incurred in strengthening and securing the said sewers water mains and cables and in repairing all damage which may from time to time be occasioned thereto by

reason of the construction or user of the said works and shall after the construction of the said railway sidings uphold and maintain such strengthening works in good and sufficient repair and the Council shall allow the Epsom Council their officers agents workmen and contractors with or without materials to have free access at all times to any part of the sewers water mains or cables so crossed covered altered diverted or otherwise interfered with and such alterations and works of strengthening and securing shall be carried out to the reasonable satisfaction of the surveyor of the Epsom Council: A.D. 1909.

- (7) In any case where the Epsom Council require to construct any new sewers water mains or electric cables across the railway sidings the Council shall afford to the Epsom Council all reasonable facilities for the construction of such new sewers mains and cables:
- (8) The Council shall in the construction or maintenance of any of the railway sidings by this Act authorised avoid so far as reasonably practicable interference with or obstruction of any of the roads in the parish and urban district of Epsom whilst the principal race meetings which take place in the neighbourhood are in progress:
- (9) The railway sidings authorised by this Act shall only be used by the Council for purposes in connexion with their asylums or for the conveyance of materials stores goods or things of the Epsom Council in pursuance of the provision in that behalf next hereinafter contained:
- (10) The Epsom Council and the Council may enter into and carry into effect agreements enabling the Epsom Council to make and maintain a junction between any siding or sidings they may construct and the said Railway Siding (No. 2) by this Act authorised and from and after the making of such junction as aforesaid the Epsom Council shall be entitled for and during such period or periods and on such terms and conditions as may be prescribed in any such agreement to run over and use for the purpose of the

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conveyance thereover of materials stores goods and things of the Epsom Council the Railway Siding (No. 1) by this Act authorised and so much as may be necessary of the said Railway Siding (No. 2) and for this purpose to employ and use thereon locomotive engines or other motive power and carriages and waggons to be drawn or propelled thereby :

- (11) If any difference shall arise between the Council and the Epsom Council under or in respect of any of the provisions in this section contained or anything to be done or not to be done hereunder such difference shall unless otherwise agreed be referred to and determined by an arbitrator to be appointed by the Board of Trade on the application of the Council or the Epsom Council and the Arbitration Act 1889 shall apply to such reference.

Period for completion of works.

13. If the railway sidings be not completed within the period of five years from the passing of this Act then on the expiration of that period the powers of the Council under this Act for the construction of the same respectively shall cease except so far as the same shall then have been completed.

Limitation of time for purchase of lands.

14. The powers of the Council for the compulsory purchase or taking of lands for the purposes of this Part of this Act shall cease after the expiration of three years from the passing of this Act.

Incorporation of certain sections of London County Council (General Powers) Act 1904.

15. The sections of the London County Council (General Powers) Act 1904 of which the numbers and marginal notes are herein-after set forth are hereby incorporated with and form part of this Part of this Act and shall extend and apply to the lands by this Part of this Act authorised to be acquired by the Council and to the Council in respect of such lands as if such sections had been in terms re-enacted in this Part of this Act.

The said sections are the following (that is to say) :—

- Section 7 (Power to certain persons to grant easements &c. by agreement);
Section 13 (Power to lease surplus lands);
Section 14 (As to sale of ground rents);
Section 15 (Council may sell land in first instance without having previously granted a lease thereof);

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- Section 16 (Council may let or exchange lands); A.D. 1909.
Section 17 (Council to dispose of lands within a certain period);
Section 18 (Receipts of Council to be effectual discharges).

PART III.

ACCOMMODATION FOR STORAGE OF FOOD.

16. If at any time it appears to any sanitary authority that in any tenement house within their district sufficient and suitable accommodation for the storage of food is not provided for the use of each family occupying such house on the storey or one of the storeys in which are situate the rooms or lodgings in the separate occupation of such family the sanitary authority may if the provision of such accommodation is practicable cause notice to be served on the owner of such house requiring him within such reasonable time as may be specified in the notice to provide sufficient and suitable accommodation for the purpose aforesaid and any owner failing to comply with such requirement within the period prescribed in the notice shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings :

As to accommodation for storage of food in tenement houses.

Provided that this section shall not apply to any tenement house used or occupied as such before the passing of this Act.

17. The following sections of the Public Health (London) Act 1891 shall apply and have effect in respect of this Part of this Act as if such sections were expressly re-enacted in and in terms made applicable thereto:—

Application of certain provisions of Public Health (London) Act 1891 and enforcement of this Part of Act.

- Section 101 (Proceedings on complaint to Local Government Board of default of sanitary authority);
Section 112 (Powers of port sanitary authority of Port of London);
Section 115 (General provisions as to powers of entry);
Section 116 (Penalty on obstructing execution of Act);
Section 117 (Summary proceedings for offences expenses &c.);
Section 118 (Evidence by defendant);

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- Section 121 (Recovery of expenses by sanitary authority from owner or occupier);
- Section 122 (Justice may act though member of sanitary authority or liable to contribute);
- Section 124 (Protection of sanitary authority and their officers from personal liability);
- Section 125 (Appeal to quarter sessions);
- Section 127 (Authentication of notices &c.);
- Section 128 (Service of notices);
- Section 133 (Application of Act to City);
- Section 135 (Proceedings on complaint to Local Government Board of default of Commissioners of Sewers):

And for the purpose of enforcing the provisions of this Part of this Act the sanitary authorities shall have all the rights and powers and be subject to all the liabilities and obligations conferred or imposed upon them by the said sections or any of them.

Power to sanitary authorities &c. to enter.

18. Any sanitary authority or any officer or person duly authorised by them in that behalf shall have the right to enter at all reasonable times any tenement house in the district of such sanitary authority for the purpose of ascertaining the accommodation (if any) provided for the storage of food in such house or of ascertaining whether there is any contravention of the provisions of this Part of this Act or any non-compliance with the requirements of any notice given thereunder.

Power to owner to enter notwithstanding provisions of lease.

19. For the purpose of complying with any of the provisions of this Part of this Act or with the requirements of any notice given under any such provision it shall be lawful for the owner of any tenement house not being the occupier thereof notwithstanding anything to the contrary contained in any lease underlease or agreement of or relating to such house or any part thereof to enter such house or any part thereof and carry out all such works and do all such things as may be necessary to comply with any such provision or requirement and if the occupier of such house or part thereof suffers damage by reason of the negligent or improper execution of such works or of anything negligently or improperly done by the owner under the powers

of this section such occupier may apply to the petty sessional court having jurisdiction within the district in which such house is situate and the court may after hearing the owner or (if after being duly summoned he shall fail to appear) in his default make such order for compensation to be paid by the owner as the court may deem just and equitable. A.D. 1909.

PART IV.

AMENDMENT OF LONDON BUILDING ACTS.

20. In this Part of this Act the expression "the principal Acts" means the London Building Acts 1894 to 1908. Definition of "principal Acts."

21. Words and expressions used in this Part of this Act shall unless the context otherwise requires bear the meanings assigned to them in the principal Acts and those Acts and this Part of this Act may be cited together as the London Building Acts 1894 to 1909. Interpretation and effect of this Part of Act.

For the purposes of this Part of this Act the expression "pillar" shall unless otherwise stated mean a metal pillar and shall include all columns and stanchions or an assemblage of columns or stanchions properly riveted or bolted together and the expression "girder" shall mean a metal girder or joist and the expression "tribunal of appeal" means the tribunal of appeal as constituted by this Part of this Act.

22. Notwithstanding anything contained in the principal Acts requiring buildings to be enclosed with walls of the thicknesses and of the materials therein respectively described it shall be lawful to erect subject to the provisions of this section buildings wherein the loads and stresses are transmitted through each storey to the foundations by a skeleton framework of metal or partly by a skeleton framework of metal and partly by a party wall or party walls but buildings so erected shall (subject to any exemptions contained in the principal Acts or any of them) be subject to and comply with all such provisions of the principal Acts or any of them and any byelaws in force thereunder as may not be inconsistent with or contrary to the provisions of this section. The following are the provisions which shall apply in respect of the construction of the skeleton Provisions with respect to buildings of iron and steel skeleton construction.

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- (1) All rolled steel used in such construction shall comply with the British standard specification for structural steel for bridges and general building construction from time to time in operation and every pillar or girder shall be of iron or steel or any other structural metal which may hereafter be standardised by the Engineering Standards Committee:
- (2) The skeleton framework of a building together with the party wall or party walls (if any) upon which such framework bears shall be capable of safely and independently sustaining the whole dead load and the superimposed load bearing upon such framework and party wall or party walls:
- (3) All pillars in the external walls of a building shall be completely enclosed and protected from the action of fire by a casing of brickwork terra-cotta concrete stone tiles or other incombustible materials at least four inches thick the whole being properly bonded or secured together:
- (4) All girders in the external walls of a building shall be similarly enclosed and encased with brickwork terra-cotta concrete stone tiles or other incombustible materials at least four inches thick properly tied and bonded or secured to the adjoining work but the casing on the underside of such girders and to the edges of the flanges thereof and plates and angles connected therewith may be of any thickness not less than two inches:
- (5) All pillars and girders (other than pillars and girders in the external walls of a building) shall be protected from the action of fire by being encased to the satisfaction of the district surveyor and to a thickness of not less than two inches in brickwork terra-cotta concrete metal lathing and plaster or cement but the casing on the upper surface of the upper flange of all girders and on the lower surface of all subsidiary joists may be of any thickness not less than one inch Wood firrings shall not be used in connexion with any such casing Provided that this subsection shall

[9 EDW. 7.] *London County Council (General Powers)*. [Ch. cxxx.]
Act, 1909.

not apply in the case of buildings of only one storey and not more than twenty-five feet in height: A.D. 1909.

- (6) Every girder shall be secured against buckling whenever the length of the girder exceeds thirty times the width of the compression flange and the web of every girder shall be secured against buckling in every case in which the depth of the web exceeds sixty times the thickness thereof:
- (7) The span of a girder shall not exceed twenty-four times the depth of the girder unless the calculated deflection of such girder is less than one four-hundredth part of the span:
- (8) Wherever two or more girders are arranged alongside and closely adjacent to one another and are intended to act together they shall be fixed together by means of iron separators and bolts or by riveted plates or in any other equally efficient manner approved by the district surveyor. Separators or plates or other members acting as separators shall not be placed at a distance apart exceeding five times the depth of the girders to which they are attached and shall also be placed immediately over all supports and immediately under or at all concentrated loads:
- (9) All girders for supporting external walls shall be placed at the floor level of a storey or at a distance of not more than five feet above or below such floor level:
- (10) Rivets shall be used in all cases where reasonably practicable but where bolts are used they shall extend through the full thickness of the nuts attached thereto and the nuts shall in all cases be so secured as to avoid risk of their becoming loose. The distance from the edge of a rivet hole or bolt hole to the edge of the plate, bar or member shall not be less than the diameter of the rivet or bolt. Rivets shall be so placed that their centres shall not be closer together than three times the diameter of the rivets. The pitch of rivets shall be measured in a continuous straight line and such straight line pitch in girders, pillars and roofwork shall not exceed sixteen times the thickness of the thinnest plate, bar or member through which they pass:

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(11)—(A) An external wall may be of any thickness not less than eight and a half inches for the topmost twenty feet of its height and thirteen inches for the remainder of its height below such topmost twenty feet. Provided that a less thickness shall be allowed in any case in which under the London Building Act 1894 such less thickness is prescribed but that nothing in this subsection shall override any of the requirements of this section in regard to the thickness of casing in connexion with pillars and girders and that in any case in which an external wall or portion of an external wall is not supported or carried or secured by metal framework within the limits of height and length prescribed by the First Schedule to the London Building Act 1894 for the purpose of determining the thickness of walls such external wall or portion of external wall shall be of a thickness not less than that prescribed by such schedule:

(B) All party walls shall be of the thicknesses prescribed by the principal Acts:

(C) All brickwork and work in which terra-cotta concrete stone tiles or other similar materials are used shall be executed in Portland cement mortar and shall be bedded close up to the metal framework without any intervening cavity and all joints shall be made full and solid. The cement so used shall be in accordance with the British standard specification from time to time in operation. Provided that in party walls (exclusive of any parts thereof immediately surrounding metal framework) or other internal brickwork not constructed to carry loads or stresses provided for under this section lime mortar may be used in accordance with the provisions of the principal Acts and any byelaws in force thereunder:

(12)—(A) No plate or bar in any steel or wrought iron pillar shall in any part be less than a quarter of an inch thick and the bases of all such pillars shall be at right angles to the axis:

(B) All joints in such pillars shall be close butted with cover-plates properly riveted and all joints between

[9. EDW. 7.] *London County Council (General Powers) [Ch. cxxx.]*
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such pillars shall be properly fixed and made and unless unavoidable no joint shall be made between such pillars except at or as near as may be reasonably practicable to the level of a girder properly secured to such pillars : A.D. 1909.

(c) The foot of every such pillar shall have a proper base-plate riveted thereto with sufficient gusset pieces to distribute properly the load on the foundations and the gusset pieces shall have sufficient rivets to transmit the whole of the load on to the base-plates :

(d) Where any such pillars are built up hollow the cavities shall either be filled up with concrete or be covered in at both ends by metal plates riveted thereto :

(13).—(A) The width of every cast-iron pillar shall be not less than five inches and the metal of which such pillar is composed shall not be in any part of less thickness than three-quarters of an inch or one-twelfth of the least width of such pillar (whichever shall be the greater) :

(B) The cap and base of every such pillar shall be in one piece with the pillar or be connected thereto with a properly turned and bored joint sufficiently fixed :

(c) The ends of all such pillars shall be at right angles to the axis :

(d) All joints between such pillars shall be at or as near as may be reasonably practicable to the level of a girder properly secured to such pillars and shall be fixed and made with not fewer than four bolts of not less diameter than the least thickness of metal in the pillar. If more than four bolts are used the diameter of the bolts may be reduced proportionately but no bolt shall be less than three-quarters of an inch in diameter :

(E) The base of every such pillar shall have such area as may be necessary to distribute properly the load on the foundations :

(14) The base of every pillar shall be properly bedded so as to transmit uniformly the load upon such pillar to the foundations :

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- (15) The stress in any metal interposed between the ends of a superimposed pillar and a pillar beneath shall not exceed the stress on the superimposed pillar and the least width across such interposed metal shall not be less than the least width of the superimposed pillar :
- (16) All floors and staircases (together with their enclosing walls) shall be constructed throughout of fire-resisting materials and be carried upon supports of fire-resisting materials :
- (17) All structural metalwork comprised in the skeleton framework of a building shall be cleaned of all scale dust and loose rust and be thoroughly coated with one coat of boiled oil tar or paint before erection and after erection shall receive at least one additional coat. Where such metalwork is to be embedded or encased in brickwork terra-cotta concrete stone tiles or other incombustible materials one coat of Portland cement wash of adequate consistency applied after erection may be used in lieu of coats of oil tar or paint :
- (18)—(A) The dead load of a building shall consist of the actual weight of walls floors roofs partitions and all other permanent construction comprised in such building :
- (B) The superimposed load in respect of a building shall consist of all loads other than the dead load :
- (C) For the purpose of calculating the loads on foundations pillars (including brick pillars) piers walls framework girders and other constructions carrying loads in buildings the superimposed load on each floor and on the roof shall be estimated as equivalent to the following dead load:—

For a floor intended to be used wholly or principally for the purposes of human habitation or for domestic purposes seventy pounds per square foot of floor area ;

For a floor intended to be used wholly or principally for the purpose of an office or a counting-house or for any similar purpose one hundred pounds per square foot of floor area ;

[9 EDW. 7.] *London County Council (General Powers)* [Ch. cxxx.]
Act, 1909.

For a floor intended to be used wholly or principally for the purpose of a workshop or retail shop one hundred and twelve pounds per square foot of floor area; A.D. 1909.

For every floor in a building of the warehouse class not intended to be used wholly or principally for any of the purposes aforesaid not less than two hundred and twenty-four pounds per square foot of floor area. In every building of the warehouse class a notice shall be exhibited in a conspicuous place on each storey of such building stating the maximum superimposed load per square foot which may be carried on the floor of such storey;

For a roof the plane of which inclines upwards at a greater angle than twenty degrees with the horizontal the superimposed load (which shall for this purpose be deemed to include wind pressure) shall be estimated at twenty-eight pounds per square foot of sloping surface;

For all other roofs the superimposed load shall be estimated at fifty-six pounds per square foot measured on a horizontal plane:

Provided that if the superimposed load on any floor or roof is to exceed that herein-before specified for such floor or roof such greater load shall be provided for pursuant to subsection (2) of this section:

Provided also that in the case of any floor intended to be used for a purpose for which a superimposed load is not specified in this subsection the superimposed load to be carried on such floor shall be provided for pursuant to the said subsection (2):

- (19) For the purpose of calculating the total load to be carried on foundations pillars (including brick pillars) piers and walls in buildings of more than two storeys in height the superimposed loads for the roof and topmost storey shall be calculated in full in accordance with the last preceding subsection of this section

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but for the lower storeys a reduction of the superimposed loads shall be allowed as follows:—

For the storey next below the topmost storey a reduction of five per centum of the full superimposed load for such next storey calculated as aforesaid;

For the next succeeding lower storey a reduction of ten per centum of the full superimposed load for such storey calculated as aforesaid and for each succeeding lower storey a further reduction of five per centum of the full superimposed load for each such storey calculated as aforesaid. Provided always that the total reduction in respect of any storey shall not exceed fifty per centum of the full superimposed load for such storey;

No such reduction as aforesaid shall be allowed in the case of a building of the warehouse class:

(20) All buildings shall be so designed as to resist safely a wind pressure in any horizontal direction of not less than thirty pounds per square foot of the upper two-thirds of the surface of such buildings exposed to wind pressure:

(21)—(A) The working stresses on pillars of cast iron or mild steel due to the loads thereon (other than stresses induced by wind pressure) shall not exceed those specified in the two next following tables according to the several ratios therein specified or a proportionate load for intermediate or other ratios:—

CAST-IRON PILLARS.

Ratio of Length to least Radius of Gyration.	Working Stresses in Tons per Square Inch of Net Section.		
	Hinged Ends.	One End hinged and one End fixed.	Both Ends fixed.
20	3.5	4.0	4.5
30	3.0	3.5	4.0
40	2.5	3.0	3.5
50	2.0	2.5	3.0
60	1.5	2.0	2.5
70	1.0	1.5	2.0
80	.5	1.0	1.5

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MILD STEEL PILLARS.

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Ratio of Length to least Radius of Gyration.	Working Stresses in Tons per Square Inch of Section.		
	Hinged Ends.	One End hinged and one End fixed.	Both Ends fixed.
20	4.0	5.0	6.0
40	3.5	4.5	5.5
60	3.0	4.0	5.0
80	2.5	3.5	4.5
100	2.0	3.0	4.0
120	1.0	2.5	3.5
140	0.0	2.0	3.0
160		1.0	2.5
180		0.0	1.5
200			0.5
210			0.0

(B) The working stresses on wrought-iron pillars due to the loads thereon (other than stresses induced by wind pressure) shall not exceed two-thirds of the stresses herein-before specified with respect to mild steel pillars :

(c) Any such pillar eccentrically loaded shall have the stresses caused by such eccentricity computed and the combined stresses resulting from such eccentricity at any part of such pillar when added to all other stresses at that part shall in no case exceed the working stresses specified in this subsection :

Provided that working stresses exceeding those specified in paragraphs (A) (B) and (c) of this subsection by not more than twenty-five per centum may be allowed in cases in which such excess is due to stresses induced by wind pressure :

(D) The eccentric load of a pillar shall be considered to be distributed uniformly over the area of the cross section of such pillar at the next lower level at which such pillar is fixed and secured in the direction of eccentricity :

[Ch. cxxx.] *London County Council (General Powers) [9 EDW. 7.] Act, 1909.*

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(22) The working stresses of iron and steel (except in the case of pillars as herein-before provided) shall not exceed the following:—

	Working Stresses in Tons per Square Inch.			
	Tension.	Compression.	Shearing.	Bearing.
Cast iron - -	1.5	8	1.5	10
Wrought iron - -	5	5	4	7
Mild steel - -	7.5	7.5	5.5	11

(23) In the case of any rivet used in double shear the working shear on such rivet shall not exceed one and three-quarter times the working shear allowed under this section on a like rivet when used in single shear :

(24) The pressures of foundations on the natural ground shall not exceed the following:—

	Tons per Square Foot.
Natural bed of soft clay or wet or loose sand - -	1
Natural bed of ordinary clay or confined sand - -	2
Natural bed of compact gravel London blue clay or chalk	4

(25) The pressure on concrete foundations shall not exceed twelve tons per square foot :

(26) No disengaged brick pillar shall have a height without proper lateral supports of more than six times its least width but any such pillar with proper lateral supports may have a height between such supports not more than twelve times the least width of such pillar Such width shall in no case be less than thirteen-and-a-half inches :

(27) The pressure on any brickwork shall not exceed the following:—

	Tons per Square Foot.
Blue brick in cement mortar - - - -	12
Hard brick (including London stock) in cement mortar -	8
Ordinary brick in cement mortar - - - -	5

[9 EDW. 7.] *London County Council (General Powers) [Ch. cxxx.]*
Act, 1909.

(28) The Council may prescribe the materials and the proportions of the materials to be used in any concrete provided under the provisions of this section to which the provisions of the principal Acts or any of them or any byelaws in force thereunder do not apply: A.D. 1909.

(29) It shall be lawful to make any addition to or alteration of or to do other work to in or upon a building in accordance with the provisions of this section provided that the loads and stresses in the part of a building so added or altered or to in or upon which such other work is done are transmitted from the roof to the foundations by a skeleton framework of metal or partly by a skeleton framework of metal and partly by a party wall or party walls and the provisions of this section shall in all respects apply to such part of a building as if the same were a separate building:

(30) Any structural metal hereafter standardised by the Engineering Standards Committee as before mentioned shall be used in the erection of buildings or additions alterations or other work made or done under the provisions of this section only subject to such terms and conditions as the Council may think fit to attach either generally or in any particular case to the use of such metal but any person dissatisfied with any term or condition attached by the Council may appeal to the tribunal of appeal Any person failing to comply with any such term or condition attached by the Council or (in the event of appeal) by the tribunal of appeal shall be liable to a penalty to be recoverable in a summary manner not exceeding twenty pounds and to a daily penalty not exceeding the like amount:

(31) In the case of the erection of a new building of metal skeleton framework or the making of any addition or alteration or the carrying out of other work under the provisions of this section the notice required to be served on the district surveyor under section 145 of the London Building Act 1894 shall be accompanied (A) in the case of a new building by plans and sections of sufficient detail to show the construction thereof together with a copy of the calculations

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of the loads and stresses to be provided for and particulars of the materials to be used and should such plans sections calculations or particulars be in the opinion of the district surveyor not in sufficient detail the person depositing the same shall furnish the district surveyor with such further plans sections calculations or particulars as he may reasonably require and (b) in the case of an alteration or addition or other work as aforesaid by such plans sections calculations and particulars as the district surveyor may reasonably require :

(32) The district surveyor may for the purpose of due supervision of the construction of a building require to be furnished with reasonable proof as to the quality of metal to be used in such construction and may if not furnished with such proof or for any other reason require the builder or other person causing or directing the work to be executed to make any tests which the district surveyor may consider necessary and to drill any pillar (in all cases if reasonably practicable before the same is encased) at any point to ascertain its thickness :

(33) Any person dissatisfied with any requirement of the district surveyor under this section may within fourteen days of the date of the service of a notice from the district surveyor of such requirement appeal to a petty sessional court who may make an order affirming such requirement or otherwise and every builder or other person failing to comply with any such order shall be liable to a penalty (to be recoverable in a summary manner) not exceeding twenty pounds a day during every day of the continuance of the non-compliance with such order :

(34) In order to facilitate the erection of buildings of metal skeleton framework it shall be lawful for the Council to modify or waive any of the requirements of subsections (3) (4) (5) (8) (9) (11) (12) (b) (17) (20) (24) and (26) of this section upon and subject to such terms and conditions as they may think fit and any person dissatisfied with the refusal of the Council to modify or waive any of such requirements or with

[9 EDW. 7.] *London County Council (General Powers) [Ch. cxxx.]*
Act, 1909.

any term or condition which the Council may attach to any modification or waiver may appeal to the tribunal of appeal. Any person failing to comply with any term or condition attached by the Council or (in the event of appeal) by the tribunal of appeal to such modification or waiver shall be liable to a penalty to be recoverable in a summary manner not exceeding twenty pounds and to a daily penalty not exceeding the like amount: A.D. 1909.

- (35) If the Council within the period of one month or in the event of such period of one month commencing or expiring on any day between the eighth day of August and the fourteenth day of September (both inclusive) then within a period of two months after the receipt of a written application for the modification or waiver of any of the requirements of this section which the Council are empowered to waive or modify fail to give notice to the applicant of their refusal or grant thereof the Council shall be deemed to have granted such application.

23.—(1) The Council may make regulations with respect to the construction of buildings wholly or partly of reinforced concrete and with respect to the use and composition of reinforced concrete in such construction and for the purpose of framing such regulations may carry out such investigations and make such tests as they may deem necessary and the provisions of this section and of any such regulations shall (subject to any exemptions contained in the principal Acts or any of them) have effect notwithstanding any provisions of the said Acts or any of them or any byelaw in force thereunder which may be inconsistent therewith or contrary thereto. Power to make regulations as to use of reinforced concrete.

(2) Subject to such regulations as aforesaid buildings may be constructed wholly or partly of reinforced concrete but except as provided by this section or by such regulations buildings so constructed shall (subject to any exemptions contained in the principal Acts or any of them) be subject to and comply with all such provisions of the said Acts or any of them and of any byelaws in force thereunder as may not be inconsistent with or contrary to the provisions of this section or any regulations in force thereunder.

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(3) No such regulations shall have any force or effect unless or until they shall have been submitted to and confirmed at a meeting of the Council subsequent to that at which the regulations shall have been made nor shall any such regulations have any force or effect until the same shall have been allowed by the Local Government Board.

(4) The Council shall give to the Surveyors' Institution the Institution of Civil Engineers the Royal Institute of British Architects and the Concrete Institute notice of their intention to apply to the Local Government Board for allowance of any regulations made under this section.

(5) All regulations made and confirmed and allowed as aforesaid shall be published in the London Gazette and printed and hung up at the County Hall and be open to public inspection without payment and copies thereof shall be delivered to any person applying for the same on payment of such sum not exceeding twopence as the Council shall direct and such regulations when so published shall come into operation upon a date to be fixed by the Local Government Board in allowing the regulations and the production of a printed copy of such regulations authenticated by the seal of the Council shall be evidence of the existence and of the due making allowance and publication of such regulations in all prosecutions or other proceedings under the same without adducing proof of such seal or of the fact of such making confirmation allowance or publication of such regulations.

This Part of
Act and
regulations
to form part
of Part VI.
of London
Building Act
1894.

24.—The foregoing provisions of this Part of this Act and any regulations in force thereunder shall be deemed to form part of Part VI. of the London Building Act 1894 and this Part of this Act and any references in the principal Acts to the said Act of 1894 or any Part thereof shall be construed accordingly.

Tribunal of
appeal &c.

25.—(1) For the purposes of this Part of this Act the tribunal of appeal shall consist of the three members of the tribunal of appeal from time to time appointed under section 175 of the London Building Act 1894 and of one member appointed by the Council of the Institution of Civil Engineers.

(2) In the event of there being an equality of votes on the tribunal of appeal on any matter arising under this Part of this Act the member acting as the chairman of such tribunal for the time being shall have a second or casting vote.

(3) Regulations made or to be made under section 184 of the London Building Act 1894 shall apply to appeals under this Part of this Act to the tribunal of appeal. A.D. 1909.

(4) Subject to the provisions of this section the provisions of section 156 and sections 175 to 186 (inclusive) of the London Building Act 1894 shall apply to the tribunal of appeal and appeals thereto under this Part of this Act as if the tribunal of appeal referred to in those sections were the tribunal of appeal constituted by this Part of this Act.

26.—(1) Where under the provisions of this Part of this Act or any regulations in force thereunder any building is erected or any addition or alteration or other work is made or done to or on any building the district surveyor shall be entitled with regard to such building addition alteration or other work to a fee equal to two and a half times the amount of the fee specified with regard to new buildings in Part I. of the Third Schedule to the London Building Act 1894 calculated as follows:—

Increased
fee to dis-
trict sur-
veyor in cer-
tain cases.

New Buildings.

Upon the area and height of the building as specified in the said Part I. of the said Third Schedule.

Additions.

Upon the area and height of the addition (including therein such portion of the building as may be structurally affected by any alteration or other work necessitated by or involved in the making of the addition) as if such addition had been a new building of the same area and height.

Alterations and other Works.

Upon the area and height of the portion of the building structurally affected by the alteration or other work (not necessitated by or involved in the making of an addition) as if such portion had been a new building of the same area and height.

Provided that in calculating the fees payable under this section no regard shall be had to the proviso contained in the said Part I. of the said Third Schedule.

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Provided also that the fees payable to the district surveyor in respect of arches or fire-resisting floors over or under public ways the formation or closing of openings in party walls and on chimneys and flues shall be those specified in the said Part I. of the said Third Schedule.

(2) One-fifth of the amount of any fee payable under this section shall be paid to the district surveyor at the time when notice is served on him under section 145 of the London Building Act 1894.

(3) Subject to the provisions of this section all the provisions of the London Building Act 1894 relating to the payment to and recovery by the district surveyor of fees shall extend and apply to the fees provided for by this section.

Saving existing powers and rights.

27. The provisions of this Part of this Act and any regulations in force thereunder shall not apply in the case of the erection or alteration of or the making of an addition to or the doing of other work to in or upon any building in accordance with the provisions of the principal Acts and nothing in this Part of this Act or in any regulations in force thereunder shall take away or prejudice any powers rights privileges or exemptions vested in or enjoyed by any person under the principal Acts or any of them.

PART V.

EXTENSION OF TIME.

Extension of time for completion of works.

28. The time limited by the London County Council (Improvements) Act 1900 as extended by the London County Council (General Powers) Act 1907 for—

(A) the construction of the Thames Embankment extension and improvements at Westminster; and

(B) the widenings at Blackheath Road Blackheath Hill and New Road;

respectively described in and authorised by the said London County Council (Improvements) Act 1900 is hereby further extended till the sixth day of August one thousand nine hundred and eleven.

Extension of time for compulsory

29.—(1) The time limited by the London County Council (Tramways and Improvements) Act 1903 as extended by the

[9 EDW. 7.] *London County Council (General Powers) [Ch. cxxx.] Act, 1909.*

London County Council (General Powers) Act 1906 for the compulsory purchase of lands for the widenings at Southampton Row described in and authorised by the said London County Council (Tramways and Improvements) Act 1903 is hereby further extended till the ninth day of August one thousand nine hundred and twelve. A.D. 1909.
purchase of
lands.

(2) The time limited by the London County Council (General Powers) Act 1906 for the compulsory purchase of lands for the reconstruction of Catford Bridge described in and authorised by that Act is hereby extended till the fourth day of August one thousand nine hundred and twelve.

(3) The time limited by the County Office Site (London) Act 1906 for the compulsory purchase of lands for the purposes or under the powers of that Act is hereby extended till the twentieth day of July one thousand nine hundred and twelve.

30. Part II. of the Railways Clauses Act 1863 relating to extension of time shall be deemed to be incorporated with this Part of this Act and for the purposes of this Part of this Act the expressions "railway" and "railway and works" shall mean the works mentioned in the two last preceding sections of this Act and the expression "the company" shall mean the Council. Applying
provisions
of Railways
Clauses Act
1863 as to
extension of
time.

PART VI.

POWERS TO SOUTHWARK COUNCIL.

31. The Southwark Council may in the lines and according to the levels shown on the deposited plans and sections make and maintain and may light the subways for foot passengers and works in the metropolitan borough of Southwark herein-after described (that is to say):— Power to
council of
metropolitan
borough of
Southwark
to make
subways.

A subway No. 1 commencing in the parish of St. George the Martyr at a point in the footway on the southern side of St. George's Road and terminating in the parish of St. Mary Newington in the footway on the eastern side of Newington Causeway;

A subway No. 2 commencing in the said parish of St. Mary Newington in the footway on the eastern side of Newington Butts and terminating in the said parish of St. George the Martyr in the footway on the western side of Newington Causeway;

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A subway No. 3 commencing in the said parish of St. George the Martyr in the footway on the northern side of St. George's Road and terminating in the said parish of St. Mary Newington by a junction with Subway No. 2 herein-before described ;

together with all such stairs entrances and approaches to the said subways as may be necessary or convenient.

Power to Southwark Council to break up and make openings in streets.

32. The Southwark Council may for the purposes and subject to the provisions of this Part of this Act break up and interfere with the surface of the carriageway or footway of any street within the limits of deviation shown on the deposited plans and may make and maintain in such surface all such openings as may be necessary or convenient for the said purposes.

Power to Southwark Council to deviate.

33. In constructing the subways the Southwark Council may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation marked on such plans and also from the levels thereof shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Underpinning of houses near subways.

34. And whereas in order to avoid in the construction and maintenance of the subways injury to the houses and buildings within one hundred feet thereof it may be necessary to underpin or otherwise strengthen the same Therefore the Southwark Council at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(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 Southwark Council 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 town clerk of the metropolitan borough of Southwark Town Hall Walworth Road in the metropolitan borough of Southwark :

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Act, 1909.

(3) If any owner lessee or occupier of any such house or building or the Southwark Council 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 the necessity for 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:

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(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 Southwark Council may and shall proceed forthwith so to underpin or strengthen the said house or building:

Subject to the provisions of this and the last preceding subsections of this section the provisions of the Arbitration Act 1889 shall apply to any arbitration under such subsections:

(5) The Southwark Council 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 section:

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Southwark Council 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 Southwark Council 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 referee the Southwark Council shall make compensation to the owners lessees and

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occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Southwark Council from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to Southwark Council to make subsidiary works.

35. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Southwark Council in connexion with and for the purposes and as part of the works to be executed under the powers of this Part of this Act may execute or do any of the following works or things viz. :—

They may—

Make connexions and communications between any existing street and the subways or any of them and for that purpose alter the level of any such street;

Execute any works for the protection of any adjoining land or buildings;

Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and

Raise lower alter and interfere with any sewer drain or culvert providing a proper substitute before interrupting the flow of sewage or water in any such sewer drain or culvert.

Power to stop up ways temporarily.

36.—(1) Subject to the provisions of this Act the Southwark Council for the purposes and during the making of the subways may in or upon the lands shown in connexion therewith upon the

[9 EDW. 7.] *London County Council (General Powers) [Ch. cxxx.]*
Act, 1909.

deposited plans stop up or cause to be stopped up temporarily all or any part of any carriageway or footway which they shall think necessary to be stopped up and may put up or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such carriageway and footway open for traffic and may make from time to time such orders for regulating the traffic as to them shall seem proper and may remove and alter any drinking troughs lamp-posts and other erections upon the said lands. A.D. 1909.

(2) The Southwark Council shall provide reasonable access for all persons bonâ fide going to or returning from any house in any street of which the carriageway or footway is stopped up under the powers of this section.

37.—(1) The Southwark Council may sell or dispose of all lamp-posts paving metalling and materials removed or excavated by them for the purposes of this Part of this Act and any materials obtained in the alteration of or interference with any drain or sewer under the powers of this Part of this Act. Power to sell materials.

(2) All moneys received by the Southwark Council upon any such sale or disposal as aforesaid shall be applied in or towards the repayment of any moneys borrowed by the Southwark Council under the powers of this Part of this Act which may for the time being be owing or if none of such money shall be owing such proceeds of sale or disposal shall be applied in or towards the repayment of any other moneys for the time being owing by the Southwark Council on capital account.

(3) Such proceeds of sale or disposal shall not be applied to the payment of instalments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

38. The Southwark Council within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the subways raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings watercourses pipes or spouts belonging to any house or building so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Southwark Council shall make reasonable compensation to any person who suffers damage by any such alteration. Power to alter steps areas pipes &c.

A.D: 1909.

Alteration
of electric
lines.

39. Where the Southwark Council under the powers of this Part of this Act alter or interfere with any street or part of a street in which an electric line is laid under the powers of any Act or Order the owners of such line may make such alteration in the position of such line as may be reasonably necessary subject to such provisions (so far as applicable) as apply in the case of altering such line under their existing powers and any costs reasonably incurred by the owners of such line in such alteration shall be defrayed by the Southwark Council.

Alteration
of position of
water gas
and other
pipes.

40. The Southwark Council may for the purposes of this Part of this Act in any street within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company or person for carrying a supply of water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person for any damage caused by any such alteration. Provided always that before the Southwark Council alter the position of any main pipe or apparatus laid down or used by any such company or person they shall (except in cases of emergency) give to the company or person to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Southwark Council) of the company or person to whom such main pipe or apparatus belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Southwark Council shall execute such work to the reasonable satisfaction of the engineer of such company or person. Provided also that the Southwark Council shall not cause any street to be lowered or raised nor the position of any water or gas main or

[9 EDW. 7.] *London County Council (General Powers)* [Ch. cxxx.]
Act, 1909.

other pipe to be altered so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Southwark Council shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Southwark Council in such case provide special means of access to the same to the satisfaction of the engineer of such company or person :

A.D. 1909.

If any difference arise between the Southwark Council or their engineer and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Part of this Act to be paid by the Southwark Council to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Southwark Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineer of the Southwark Council and of any such company or person respectively or failing agreement by such engineer as shall on the application of the engineer either of the Southwark Council or of any such company or person be named by the President of the Institution of Civil Engineers :

Provided also that the Southwark Council shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided further that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electrical energy contained in any special Act or any Provisional Order confirmed by Act of Parliament.

41. If within seven days after a notice under the preceding section of this Act shall have been served upon any gas company that company so elect such company shall themselves execute all such alterations to their mains and pipes as may from time to time be necessary and the reasonable costs of

For protection of gas companies.

[Ch. cxxx.] *London County Council (General Powers) Act, 1909.* [9 EDW. 7.]

A.D. 1909. — executing such alterations shall be repaid by the Southwark Council to such company Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the engineer of the Southwark Council.

Alteration of position of mains &c. of Metropolitan Water Board.

42. Subject to the provisions of the section of this Act of which the marginal note is "For protection of Metropolitan Water Board" the Southwark Council may for the purposes of this Part of this Act in any street within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any main pipe or apparatus laid down or used by the Metropolitan Water Board for carrying a supply of water.

For protection of Metropolitan Water Board.

43. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall have effect (unless otherwise agreed upon in writing between the board and the Southwark Council) in lieu of and in substitution for any other provisions for the protection of the board in this Part of this Act contained (that is to say):—

(1) Before commencing the subways or any works in connexion therewith by this Act authorised (in this section referred to as "the subways") the Southwark Council shall deliver to the board a plan and section and a description of so much of the subways as shall be situate under or in proximity to any mains pipes valves hydrants syphons plugs and other works or apparatus (in this section referred to as "the apparatus") of the board describing the proposed manner of executing the same and showing as far as reasonably practicable the position of and extent to which it is proposed to interfere with the apparatus and describing the proposed manner of executing any intended works for protecting the apparatus (in this section referred to as "works of protection"):

(2) The board so far as may be reasonable may require any alteration of or addition to the proposed works of protection or the substitution of other proper works of protection and apparatus in place of existing apparatus at points at which such works of protection are to be provided and the board shall within twenty-one days of the receipt of such plan section and

description give notice in writing to the Southwark Council stating whether they approve of the manner of executing the works of protection or what their requirements are in regard thereto or in regard to any substituted works of protection or apparatus : A.D. 1909.

- (3) The Southwark Council shall execute all works of protection in accordance with the said plan section and descriptions as approved or settled as herein provided :
- (4) The Southwark Council shall not remove raise sink or otherwise alter the position of the apparatus or do anything which may impede the passage of water into or through the same without the consent in writing of the engineer of the board or in any manner other than the said engineer shall approve and until such good and sufficient apparatus (in this section referred to as "substituted apparatus") as the said engineer may consider necessary for continuing the supply of water has been first provided and laid down and ready for use :
- (5) All the said works to be executed or provided under this section in connexion with the apparatus shall be so executed and provided by and at the expense of the Southwark Council but to the reasonable satisfaction and under the superintendence of the engineer of the board and the reasonable costs charges and expenses of such superintendence shall be paid by the Southwark Council :
- (6) Not less than fourteen days before commencing the construction of any works involving any alteration or interference with the apparatus the Southwark Council shall give notice of their intention to commence such construction or work and if within seven days after such notice the board so elect they shall give notice to the Southwark Council and shall themselves lay down any substituted apparatus and execute any other works to or in connexion with the apparatus as provided by this section and the reasonable cost of all such works shall be repaid by the Southwark Council to the board. Provided that if the board fail to lay down such substituted apparatus and to execute any

A.D. 1909.

such works with all reasonable dispatch after such notice the same may be executed by the Southwark Council :

- (7) The Southwark Council in executing the substituted works or in removing raising sinking or otherwise altering the position of the apparatus shall make good all damage done by them to the apparatus or other property of the board and shall make reasonable compensation to the board for any loss or damage which they may sustain by reason of any interference with the apparatus or property :
- (8) The Southwark Council shall not raise sink or otherwise alter the position of the apparatus so as to leave over such apparatus a covering of less than two feet six inches where the covering now existing is not less than two feet unless the Southwark Council shall in such case protect the apparatus from frost or injury by artificial covering to the satisfaction of the board or more than five feet where the covering now existing does not exceed five feet or more than such existing covering where the same exceeds five feet unless the Southwark Council in such case provide special means of access to the same to the reasonable satisfaction of the engineer of the board :
- (9) If any interruption in the supply of water by the board shall without the written authority of the board or their engineer be in any way occasioned or if any substantial loss of water shall be sustained by the board by reason of any act or omission of the Southwark Council 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 Southwark Council shall forfeit and pay to the board for the use and benefit of the board by way of liquidated damages the sum of ten pounds for every hour during which such interruption shall continue :
- (10) The board may if they deem fit employ watchmen or inspectors to watch the works whereby the apparatus will be interfered with or affected during the construction of the subways and the reasonable expenses

thereof shall be borne by the Southwark Council and be paid by them to the board: A.D. 1909.

- (11) The expense of all repairs or renewals of the apparatus or any works in connexion therewith which may during the construction of the subways or within twelve months after the completion thereof be rendered necessary by the acts or defaults of the Southwark Council 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 the subsidence resulting from the works authorised by this Act to be carried out by the Southwark Council shall be paid and borne by the Southwark Council:
- (12) It shall be lawful for the board their engineers workmen and others in their employ at all times when it may be reasonably necessary to enter upon the works of the Southwark Council or on any carriageway or footway temporarily stopped up by the Southwark Council at any point or place where the apparatus is affected or altered by the works authorised by this Act and to do all such works in and upon such carriageway and footway as may be reasonably necessary for repairing maintaining removing replacing or extending the apparatus:
- (13) The Southwark Council shall not except by arrangement execute or do any work which may involve any interference with the continuous supply of water by the board during the months of August or September:
- (14) If any difference shall arise between the board and the Southwark Council with respect to any matters under this section or concerning any of the aforesaid plans sections and descriptions the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

44. Subject to the provisions of this Act the Southwark Council may enter upon take use and appropriate so much of Power to Southwark Council to

[Ch. cxxx.] *London County Council (General Powers) [9 Edw. 7.] Act, 1909.*

A.D. 1909.
use subsoil
of roads.

the subsoil and under surface of any public street road or footway shown on the deposited plans and described in the deposited book of reference as shall be necessary for the purposes of the subways without being required to purchase the same or any easement therein or thereunder and may within the limits of deviation defined on the said plans construct and provide such drains and other works and conveniences as they may think proper for the purposes of or in connexion with the subways or any of them.

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

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

Correction
of errors in
deposited
plans &c.

46. If any omission misstatement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on so much of the deposited plans as relates to the subways or in so much of the deposited book of reference as relates thereto the Southwark Council may after ten days' notice under the hand of their town clerk to the owners lessees and occupiers of the lands affected by the proposed correction apply to a metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that such omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been misstated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Southwark Council may take the lands in accordance with such certificate.

[9 EDW. 7.] *London County Council (General Powers)* [Ch. cxxx.]
Act, 1909.

47. If the subways be not completed within the period of five years from the passing of this Act then on the expiration of that period the powers of the Southwark Council under this Part of this Act for the execution of the same shall cease except so far as the same shall then have been completed.

A.D. 1909.
Period for
completion
of works.

48. Unless the Council otherwise agree the following provisions for the protection of the sewers and tramways of the Council shall have effect (namely):—

For pro-
tection of
sewers and
tramways of
Council.

- (1) The Southwark Council shall not commence any of the subways until they shall have given to the Council one month's previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the Council with plans and sections thereof as herein-after defined and until the Council shall have signified their approval of the same unless the Council do not signify their approval disapproval or other directions within twenty-eight days after service of the said plans and sections as aforesaid and the Southwark Council shall comply with and conform to all reasonable orders directions and regulations of the Council in the execution of the works and shall provide by new altered or substituted works in such manner as the Council shall reasonably require for the proper protection of and for preventing injury or impediment to the said sewers or tramways or interference with or impediment to the safe and efficient working of such tramways by reason of the works or any part thereof and shall save harmless the Council against all expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer of the Council at the costs charges and expenses in all respects of the Southwark Council And all reasonable costs charges and expenses to which the Council may be put by reason of the works of the Southwark Council whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the Council by the Southwark Council on demand And when in connexion with any of the

A.D. 1909.

said sewers or tramways any new altered or substituted works as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Southwark Council under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the Council as any sewers or tramways now or hereafter may be :

- (2) As regards any work in respect of which the Southwark Council are under the provisions of the last preceding subsection required to submit plans and sections to the Council the Council may require the Southwark Council in constructing such work to make any reasonable deviation within the limits prescribed by this Act from the line or levels shown upon such plan or section for the purpose of avoiding injury or risk of injury to the sewers or tramways of the Council or interference with or impediment to the safe and efficient working of such tramways and the Southwark Council shall in constructing such work deviate accordingly :
- (3) The plans to be submitted to the Council under this section shall include detailed plans drawings sections and specifications describing the exact position and manner in which and the level at which the works are proposed to be constructed and shall accurately describe the position of all sewers and tramways of the Council within the limits of deviation shown on the deposited plans (for which purpose the Council shall allow the Southwark Council access to plans in their possession and to any sewers in order to enable the Southwark Council to obtain trustworthy information) and shall comprise detailed drawings of every alteration which the Southwark Council may propose to make in any such sewer :
- (4) The Council may require such modifications to be made in the said plans drawings sections and specifications as may be reasonably necessary to secure the sewers and tramways of the Council and the drainage system of London under the jurisdiction and control of the Council against interference or risk of damage and to

[9 EDW. 7.] *London County Council (General Powers) [Ch. cxxx.]*
Act, 1909.

provide and secure a proper and convenient means of access to the said sewers and to prevent any interference with or impediment to the safe and efficient working of the said tramways : A.D. 1909.

(5) The Southwark Council shall be liable to make good all injury or damage to any sewer or tramway of the Council and any loss sustained by the Council by reason of any interference with their tramways caused by or resulting from any of the works or operations of the Southwark Council under this Part of this Act and shall indemnify and save harmless the Council from and against all claims demands and proceedings against the Council in connexion with their tramways and attributable to the said works or operations and the Council shall from time to time have power to recover the amount thereof from the Southwark Council in any court of competent jurisdiction :

(6) The approval by the Council of any plans or the superintendence by the Council of any work under the provisions of this section shall not exonerate the Southwark Council from any liability or affect any claim in respect of injury damage or loss under this section or otherwise.

49. It shall be lawful for the engineer or other officer of the Council duly appointed for the purpose by the said engineer from time to time to enter upon and inspect the subways whether during or after the construction thereof. Inspection
of works by
Council.

50. It shall be lawful for the Southwark Council to make and enforce byelaws for the following purposes or any of them :— Power to
Southwark
Council to
make bye-
laws.

For regulating the use and management of the subways and for preventing the commission of any nuisance therein ;

For regulating the conveyance of explosives in the subways and prohibiting the bringing into the subways of explosives or parcels which may be injurious to or prejudicially affect the use thereof or cause or be likely to cause any damage to any person in or about the subways ;

For regulating the duties and conduct of all persons whether officers or servants of the Southwark Council or not who shall be employed or be in or about the subways ;

A.D. 1909.

For the prevention of injuries and damage to and the preservation of the subways;

For preventing obstruction of the stairways and approaches to and the entrances and exits of the subways.

Such byelaws shall be subject to the provisions of the Metropolis Management Act 1855 respecting the making confirmation approval publication and evidence of byelaws.

Penalty for contravention of byelaws as to explosives and dangerous packages.

51. Any person who shall offend against any byelaw made by the Southwark Council under this Part of this Act with respect to explosives or to parcels or packages which may cause or be likely to cause danger shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Capital expenditure and borrowing by Southwark Council.

52.—(1) The Southwark Council may expend on capital account for the purposes of this Part of this Act such money as they may from time to time think fit not exceeding fifteen thousand pounds and in order to provide or raise the money for such expenditure the Southwark Council may appropriate and use any money now in their hands for the purpose of the construction of subways together with any accumulated interest thereon and may subject to the provisions of this Act borrow such further sums of money as may be required by them not exceeding in the whole nine thousand pounds. The Southwark Council may also borrow for the purposes of paying the proportion payable by them of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act (in the event of the Council sanctioning a loan for such purpose) such sums of money as may be required therefor.

(2) All moneys borrowed by the Southwark Council under this section shall be repaid within the following respective periods namely :—

As regards the said sum of nine thousand pounds or so much thereof as shall be borrowed not exceeding sixty years from the date or respective dates of borrowing;

As regards any moneys borrowed for costs charges and expenses as herein-before mentioned not exceeding five years from the passing of this Act.

(3) The Southwark Council for the purpose of securing the repayment with interest of any moneys borrowed under the

[9 EDW. 7.] *London County Council (General Powers) [Ch. cxxx.]*
Act, 1909.

powers of this section may mortgage and assign all or any of the moneys or rates authorised to be raised by them under the Metropolis Management Act 1855 and any borrowing by the Southwark Council under the powers of this section shall be subject in all respects to the provisions of sections 183 to 189 of the said Metropolis Management Act 1855 as amended by any subsequent Act. A.D. 1909.

PART VII.

POWERS TO KENSINGTON COUNCIL.

53.—(1) It shall be lawful for the Kensington Council to enter upon make up sewer level pave metal flag channel maintain light and cleanse the place or lane in the royal borough of Kensington extending from the northern end of Cottage Place Brompton Road to the southern boundary wall of the premises known as No. 28 Brompton Square. Power to Kensington Council to make up lane in Kensington.

(2) When the Kensington Council shall have completed the sewerage levelling paving metalling flagging and channelling of the said place or lane a certificate of such completion shall be issued under the seal of the Kensington Council and any copy of such certificate certified under the hand of the town clerk of the royal borough of Kensington shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the said place or lane as shall have been laid out for carriageway or footway shall form a public street and may be used by the public accordingly and the maintenance repair paving cleansing and lighting thereof shall be under the care management control and jurisdiction of the Kensington Council in the same manner as other streets in the said borough.

54. The Kensington Council may for the purposes of this Part of this Act exercise all such powers of borrowing as are conferred upon them by the Metropolis Management Act 1855 and any Act amending the same. As to borrowing powers to Kensington Council.

PART VIII.

MISCELLANEOUS AND FINANCIAL PROVISIONS.

55.—(1) It shall be lawful for the Council by resolution to appropriate and use for the purpose of widening King's Road Power to Council to appropriate

A.D. 1909.
certain
lands for
widening of
King's Road
Chelsea.

in the metropolitan borough of Chelsea a portion comprising two thousand two hundred and fifty square feet or thereabouts of the lands in the said metropolitan borough abutting upon that road and upon Hortensia Road and acquired by the late School Board for London for educational purposes and now vested in the Council as the local education authority for the county.

(2) There shall be charged to the capital account of the Council relating to street improvements and deemed to be part of the capital expenditure of the Council in respect of street improvements such a sum in respect of the appropriation and use by this section authorised as the Council may determine and the sum so determined shall be applied by the Council in or towards capital expenditure upon or to provide for the repayment of money borrowed for educational purposes under the Education Acts 1870 to 1907.

Power to
Council to
charge for
use of golf
course at
Hainault
Forest.

56.—(1) When any part of the lands known as Hainault Forest and vested in the Council pursuant to the Hainault (Lambourne Fox Burrows and Grange Hill) Act 1903 is set apart for the purpose of a golf course the Council may demand and take or permit to be demanded and taken such charges as they may from time to time determine for the use of such course for the purpose of playing golf thereon and for the use of lockers or other conveniences which the Council may and they are hereby empowered to provide in connexion with such golf course.

(2) The powers of the Council under the said Act of making and enforcing byelaws shall be deemed to extend to enable the Council to make and enforce byelaws for the purposes of this section and for regulating and controlling such golf course as aforesaid and the use thereof and the employment of persons in connexion therewith.

Powers to
Council with
respect to
certain lands
in Chelsea.

57.—(1) The Council may by agreement but not otherwise acquire or accept a grant of the lands in the metropolitan borough of Chelsea herein-after described or any estate or interest therein.

The said lands are the following (that is to say):—

A plot of land with the buildings and erections thereon bounded on the north-west by lands and premises known as No. 17 Danvers Street on the south-west and south-east by lands abutting upon Cheyne Walk and Danvers Street and vested in the Council under the provisions

and for the purposes of the Metropolitan Bridges Act 1881 and the Metropolitan Board of Works (Bridges) Act 1884 or one of them and on the north-east by Danvers Street. A.D. 1909.

(2) The Council may let on lease for building or other purposes for such term at such rent and upon such conditions as they may think fit all or any of the said lands (including the lands so vested in them as aforesaid) and may notwithstanding anything contained in the said Acts or either of them or in the Metropolitan Board of Works (Money) Act 1884 or in any other enactment hold and retain the freehold interest in any lands so leased.

58. It shall be lawful for the Council to discharge storm water from any sewer or pumping station now or hereafter belonging to them into Channelsea river and Abbey creek or either of them at any point or points in the parish and county borough of West Ham southward of the bridges respectively carrying Abbey Road over the said river and creek and to permit any storm water so discharged into the said river and creek to flow thence into Bow creek and thence into the River Thames Provided that the Council shall only discharge storm water as aforesaid at such times and in such manner as may be necessary to prevent the flooding of places and premises within the county and shall take all steps to avoid so far as practicable any nuisance being created in Channelsea river or Abbey creek in the exercise of the powers given by this section :

Powers to Council as to discharge of storm water.

Provided also that the Council shall at the request of the Lee Conservancy Board remove at the expense of the Council by dredging or otherwise to the reasonable satisfaction of the engineer of the Lee Conservancy Board any deposit on the bed of the Channelsea river and Abbey creek caused by or arising from the discharge of storm water into that river and creek by the Council under this section Any difference between the Council and the said board arising under this proviso shall be referred to and determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either the Council or the said board by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration.

A.D. 1909.
For protec-
tion of cor-
poration of
West Ham.

59. For the protection of the mayor aldermen and burgesses of the county borough of West Ham (in this section referred to as "the corporation") the following provisions shall have effect unless otherwise agreed in writing between the corporation and the Council (that is to say):—

The Council shall not in connexion with the exercise of the powers of the section of this Act whereof the marginal note is "Powers to Council as to discharge of storm water" commence any part of the works required for the purpose of a storm outlet which may involve interference with any river sewer drain pipe watercourse river wall defence or work under the jurisdiction or control of the corporation by virtue of powers transferred to the corporation by the West Ham Corporation (Improvements) Act 1888 unless they have given to the corporation at least one month's previous notice in writing of their intention to commence such part of the said works together with a plan and section of the same and in regard to such part of the said works and the execution and maintenance thereof the Council shall comply with all such reasonable requirements of the corporation as may be communicated to them in writing within fourteen days after the service of the said notice and such part of the said works shall be done to the reasonable satisfaction of the corporation and the reasonable costs charges and expenses incurred by the corporation in connexion therewith shall be paid by the Council.

Any dispute which may arise under this section shall be determined by an arbitrator to be agreed upon or in the case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply.

Power to
Council to
use for
other pur-
poses gene-
rating
station on
Victoria
Embank-
ment.

60. The Council may notwithstanding anything contained in the London County Council (General Powers) Act 1893 or in any other enactment use for the purpose of testing electrical meters and for any other purpose in connexion with the supply of electrical energy or otherwise and for the accommodation of the staff employed by the Council or for any of those purposes the premises abutting upon the Victoria Embankment in the city

[9 EDW. 7.] *London County Council (General Powers) [Ch. cxxx.]*
Act, 1909.

of Westminster belonging to and used by the Council for the purpose of a station for generating electrical energy. A.D. 1909.

61.—(1) Any person giving a false alarm of fire to the London Fire Brigade or any officer thereof shall be deemed guilty of an offence punishable on summary conviction and shall on conviction by a court of summary jurisdiction be liable for every such offence to a penalty of not exceeding twenty-five pounds. False alarms of fire.

(2) Section 16 (False alarms of fire) of the London County Council (General Powers) Act 1893 is hereby repealed.

62.—(1) The powers conferred upon the Council by section 54 (Byelaws) of the Thames Tunnel (Rotherhithe and Ratcliff) Act 1900 of making and enforcing byelaws and regulations shall be deemed to extend to authorise the Council to make and enforce byelaws and regulations for the control and protection of the approaches to the tunnel by the said Act authorised and of persons resorting to or using the same and for the management and direction of traffic in or on such approaches and the provisions of the said section with respect to the byelaws therein referred to shall extend and apply to the byelaws and regulations authorised by this section. Extending powers of making byelaws under Thames Tunnel (Rotherhithe and Ratcliff) Act 1900.

(2) For the purposes of this section the expression "approaches" means so much of the approaches to the said tunnel as is within the entrance archways situate respectively at the junction of the northern approach with Horse Ferry Branch Road in the metropolitan borough of Stepney and at the junction of the southern approach with Lower Road in the metropolitan borough of Bermondsey.

63. It shall be lawful for the Council if they think fit to make such payment or annual or other allowance as they may determine to any of the officers employed by them in connexion with and for the purposes of the Feltham Industrial School who may upon the discontinuance of the said school cease to be so employed. Power to Council to compensate officers of Feltham Industrial School.

64. The agreement dated the eleventh day of March one thousand nine hundred and nine and made between the Ecclesiastical Commissioners of the one part and the Council of the other part as set forth in the First Schedule to this Act is hereby confirmed and effect may and shall be given thereto accordingly. Confirming scheduled agreement with Ecclesiastical Commissioners.

[Ch. cxxx.] *London County Council (General Powers)* [9 Edw. 7.]
Act, 1909.

A.D. 1909.

Three copies of the plan (which is marked "A") referred to in the said agreement have been signed by Sir Francis Layland-Barratt the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and such copies have been deposited as to one thereof in the Private Bill Office of the House of Commons as to another thereof in the Parliament Office of the House of Lords and as to another thereof with the clerk of the Council.

Confirming
scheduled
agreement
with Duke of
Bedford and
others.

65. The agreement between Cosmo Romilly and Sir Walter Roper Lawrence Baronet of the first part the Most Noble Herbrand Duke of Bedford of the second part and the Council of the third part of which a copy is set out in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto and their successors in title and the parties to the said agreement are hereby authorised to carry the sales in the said agreement mentioned into effect and such sales shall have the same effect as if they had been sales of settled land under the Settled Land Acts 1882 to 1890 notwithstanding that the completion of the said sales may not take effect until the twenty-fifth day of March one thousand nine hundred and twenty and the twenty-fourth day of June one thousand nine hundred and twenty-three respectively or that such sales may contain any other provisions not in accordance with the provisions of the said Acts.

Three copies of the plan (which is marked "B") referred to in the said agreement have been signed by Sir Francis Layland-Barratt the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and such copies have been deposited as to one thereof in the Private Bill Office of the House of Commons as to another thereof in the Parliament Office of the House of Lords and as to another thereof with the clerk of the Council.

Power to
councils of
metropolitan
boroughs
and others
to provide
public lava-
tories &c. on
or near
boundaries
of their
districts.

66.—(1) It shall be lawful for the council of any metropolitan borough on the one hand and the council of any other metropolitan borough or the corporation or any local authority or authorities having jurisdiction in any area or areas adjoining the county or any of them on the other hand to enter into and carry into effect agreements for and with respect to the provision construction or maintenance of public lavatories or sanitary conveniences on or in the vicinity of the boundary of any district.

or districts in which the parties to any such agreement or any of them respectively exercise jurisdiction. A.D. 1909.

(2) For the purpose of carrying into effect any such agreement any such council corporation or local authority as aforesaid being a party to such agreement may subject to the terms thereof and notwithstanding that the lavatory or convenience therein referred to may be wholly or partly outside their district do all or any of the following things (that is to say):—

(A) They may bear or contribute towards the expense of the provision construction or maintenance of any such lavatory or convenience and apply the like funds and rates for that purpose and exercise the like powers of borrowing money upon the security of rates or otherwise for the purpose of such provision and construction as aforesaid as are applicable and exercisable by them in respect of public lavatories or sanitary conveniences within their district:

(B) They may exercise the like powers of regulation charging and otherwise with respect to any such lavatory or convenience as if the same were situate within their district.

(3) The enactments byelaws and regulations relating to public lavatories and sanitary conveniences within the respective districts of any of the parties to any such agreement shall to the extent specified in such agreement apply to any lavatory or convenience provided constructed or maintained under the foregoing provisions of this section.

67. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act to the contrary whenever in consequence of proceedings taken in respect of an offence under this Act or any byelaw made thereunder (other than an offence under Part IV. of this Act) a pecuniary penalty is inflicted the amount of such penalty shall be payable to the Council unless such proceedings are taken by the Council of a metropolitan borough or other sanitary authority in which case such penalty shall be payable to the authority taking the proceedings. Application of penalties under Act.

68.—(1) The Council may expend on capital account for the purposes of Part II. of this Act such money as they may from Money to be raised by Council on

[Ch. cxxx.] *London County Council (General Powers) Act, 1909.* [9 EDW. 7.]

A.D. 1909.
capital
account.

time to time think fit not exceeding twenty-one thousand three hundred and fifty pounds and in order to raise or provide the money required for those purposes the Council may create and issue consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time being in force regulating the raising of money for capital purposes by the Council:

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand nine hundred and ten.

(2) The Council in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account shall make provision for the redemption of stock or the repayment of money borrowed or expended on capital account for the purposes of this Act within such term not exceeding in any case sixty years as the Council with the consent of the Treasury may determine.

Crown
rights.

69. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council 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 Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give).

As to pay-
ments under
this Act.

70.—(1) All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and subject as herein-after provided the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner:

Provided that so much of the said last-mentioned costs charges and expenses as may be incurred in respect of or in connexion with the provisions contained in Parts VI. and VII. of this Act shall be paid as regards Part VI. by the Southwark

Council and as regards Part VII. by the Kensington Council out of the general rate authorised to be levied by those councils respectively or in the case of the Southwark Council (if the Council sanction a loan for the purpose) out of moneys borrowed by them under the powers of this Act. A.D. 1909.

(2) Any moneys expended by the council of any metropolitan borough in the execution of this Act (except so far as they may be otherwise provided for) shall be paid out of the general rate authorised to be levied by such council.

(3) Any moneys expended by the corporation in the execution of this Act shall be paid out of the general rate authorised to be levied by them.

(4) Any moneys expended by the overseers of the Inner and Middle Temples respectively in the execution of this Act shall be defrayed in the same manner as the expenses of the execution of the Acts relating to the relief of the poor are defrayed in such places.

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A.D. 1909.

The SCHEDULES referred to in the foregoing Act.

Stamp.

Sixpence.

FIRST SCHEDULE.

ARTICLES OF AGREEMENT made the eleventh day of March one thousand nine hundred and nine between the ECCLESIASTICAL COMMISSIONERS FOR ENGLAND (herein-after called "the Commissioners") by Walter Henry Foster of 5 Little College Street in the City of Westminster gentleman their agent of the one part and the LONDON COUNTY COUNCIL (herein-after called "the Council") by Andrew Young their valuer and agent of the other part.

WHEREAS by virtue of certain Acts of Parliament relating to the Commissioners and of the death of the Right Honourable and Most Reverend John Bird Archbishop of Canterbury on the sixth day of September one thousand eight hundred and sixty-two they the Commissioners are absolutely entitled to the fee simple of the hereditaments comprised in the schedule hereto subject to the indenture of lease short particulars whereof are contained in the schedule hereunder written :

And whereas by an Order of Her late Majesty Queen Victoria in Council bearing date the ninth day of January one thousand eight hundred and sixty-three and duly published in the London Gazette of the thirteenth day of January one thousand eight hundred and sixty-three ratifying a scheme of the Commissioners the Commissioners are authorised to make such sale and conveyance as are herein-after agreed to be made :

And whereas the Council are desirous of effecting an improvement in the metropolis by widening Belvedere Road under the powers conferred on them by the Metropolis Management Act 1855 and the Acts amending or extending the same and for that purpose of acquiring the hereditaments mentioned in the schedule hereto :

Now these presents witness and it is hereby mutually agreed by and between the Commissioners for themselves their successors and assigns by their agent aforesaid and the Council for themselves their successors and assigns by their agent as aforesaid as follows (that is to say) :—

1. On payment into the Bank of England to the credit of the Commissioners of the sum of four thousand seven hundred pounds

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together with such interest as herein-after mentioned and on the performance of such other acts and things as are herein-after agreed to be performed by the Council and in consideration thereof the Commissioners will at the request of the Council their successors or assigns and by a proper assurance under the common seal of the Commissioners convey and assure the fee simple subject to the said indenture of lease (so far as it affects the premises) of and in the hereditaments referred to in the schedule hereto edged with blue on the plan hereto (nevertheless except and reserved unto the Commissioners all tithe commutation rentcharge (if any) arising in or issuing out of the said hereditaments and belonging to the Commissioners either in possession or reversion) unto and to the use of the Council their successors and assigns as from the twenty-fifth day of December one thousand nine hundred and eight subject to the land tax (if any unredeemed) but with the benefit of any land tax redeemed and subject to the tithe commutation rentcharge both rectorial and vicarial and to all other (if any) duties payments and obligations ecclesiastical or civil charged upon or payable out of or in respect of the said scheduled hereditaments or any part thereof and to all rights of way and other easements affecting the same and subject also to such rights of way and such right or user of air light and water and the passage thereof as the Commissioners their lessees or tenants now have or enjoy in through over and upon the said scheduled hereditaments or any part thereof to for or in respect of any adjoining property.

A.D. 1909.

2. Within six calendar months from the passing into law of the Bill referred to in clause 12 hereof and previously to the execution of such assurance as aforesaid the Council shall pay into the Bank of England to the credit of the Commissioners the sum of four thousand seven hundred pounds sterling and will pay interest thereon at the rate of 4l. per cent. per annum from the twenty-fifth day of December one thousand nine hundred and eight to the day of actual payment such interest to be payable quarterly on the usual quarter days. The Commissioners will whenever requested by the Council furnish the Council with the necessary receivable order or orders to enable the Council to pay the said sums into the Bank of England.

3. The Council shall at their own expense (if required) produce to the Commissioners at the office of Messieurs Milles Jennings White & Foster of 5 Little College Street aforesaid or other their solicitor or solicitors for the time being the assignment which may have been made to the Council of the said leasehold interest mentioned in the schedule hereto in so much of the hereditaments as are comprised in the said indenture of lease and are edged blue on the plan hereto and that on such assignment an apportionment of one penny under the said indenture of lease shall be apportioned on the land hereby agreed.

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A.D. 1909. to be sold by statutory memorandum of apportionment on such lease pursuant to 14 and 15 Vict. cap. 104 sec. 2 17 and 18 Vict. cap. 116 sec. 2 and 23 and 24 Vict. cap. 124 sec. 28 Provided always that until the said leasehold interest in the premises hereby agreed to be sold shall have been acquired by the Council and until the actual completion of the purchase of the premises hereby agreed to be sold shall have been effected (which last happens) the whole of the rent payable under the said indenture of lease shall (while the term thereby granted may be subsisting) be paid to and received by the Commissioners.

4. The Council shall not be entitled to require any proof of the title of the Commissioners to their interest in the premises (subject to the said lease) except an abstract of the Acts of Parliament relating to the Commissioners herein-before referred to of the said indenture of lease and of the said Order in Council nor the production of or delivery on completion of any document to be comprised in or referred to by the said abstract nor to any evidence of the identity or possession of the said hereditaments mentioned in the schedule hereto other than a declaration by some competent person that the said hereditaments have been held in accordance with the title shown for 40 years last past without interruption or adverse claim and the Council shall assume as the fact is that the said hereditaments mentioned in the schedule hereto are now vested in the Commissioners for an estate of inheritance in fee simple subject to the said indenture of lease; but free from all incumbrances other than the same lease.

5. The Commissioners shall be in no wise answerable for any error or mistake in the description of the said hereditaments mentioned in the schedule hereto nor be required to enter into any covenant respecting the title thereto except the ordinary trustees implied covenant against incumbrances.

6. The Council shall not be entitled to require the consent or concurrence of the Archbishop of Canterbury to or in the sale or conveyance hereby agreed to be made.

7. The Council will within six calendar months from the twenty-fifth day of December one thousand nine hundred and twenty-three or within six calendar months from the time at which the Council shall have acquired the leasehold interest mentioned in the schedule hereto and all subsidiary interests thereunder in the land edged blue on the plan hereto whichever period shall be the earlier at their own expense remove the existing buildings on the land hereby agreed to be conveyed and appropriate the site thereof as a widening of Belvedere Road and at their own expense execute all paving and road-making works so as to give the adjoining land of the Commissioners a frontage to Belvedere Road as intended to be widened and will indemnify the Commissioners their lessees tenants and assigns against any assessments

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Act, 1909.

in respect of the widening of the said road or of the footpaths thereto or in respect of any other works connected therewith The Council shall on the demolition of the buildings on the site to be conveyed to the Council do as little damage as may be to the remaining parts of the buildings retained by the Commissioners and where necessary shall shore up and make good such portion of the existing buildings as may be left standing on the land retained by the Commissioners to the satisfaction of the surveyors for the time being of the Commissioners but this provision shall not extend to the outbuildings of the New Guildford Barge P.H. which are to be removed by the Council. A.D. 1909.

8. Upon the execution of such assurance as aforesaid all documents of title (if any) relating exclusively to the said hereditaments mentioned in the schedule hereto shall be delivered to or as the case may be retained by the Council and all documents of title (if any) in the possession of the Commissioners relating to the said scheduled hereditaments jointly with other hereditaments shall be retained by the Commissioners upon their giving the usual statutory acknowledgment of the right of the Council to production and delivery of copies thereof such acknowledgment to be contained in the said assurance A note of the sale to the Council shall be endorsed on the counterpart lease.

9. On the expiration of twenty-one days from the delivery of the said abstract mentioned in Article 4 the title of the Commissioners to their interest of and in the said hereditaments mentioned in the schedule hereto (subject to the said lease) shall be deemed to be accepted by the Council subject only to such requisitions or objections (if any) made consistently with these presents as shall have been previously delivered in writing at the office of the said Messieurs Milles Jennings White & Foster or other the solicitor or solicitors for the time being of the Commissioners and for this purpose time shall be deemed as of the essence of the contract If any objection or requisition as to title conveyance or otherwise shall be made which the Commissioners shall be unable or unwilling to comply with or remove the Commissioners may (notwithstanding any intermediate negotiation or litigation on the subject of or endeavour to comply with or remove such requisition or objection) by notice in writing under the hand of their solicitors or one of them delivered to or left at the offices of the Council rescind this contract without being liable for any costs or expenses or for compensation and the Council shall return all documents furnished by the Commissioners.

10. The Council shall on completion of the assurance hereby agreed to be made pay the costs of the Commissioners' solicitors of title and conveyance as allowed by the Lands Clauses Consolidation Act 1845 under the provisions of which Act this agreement is entered

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A.D. 1909. into and is to be carried out and the costs of and incidental to the preparation and execution of this agreement.

11. The said assurance shall if required by the Commissioners be executed in duplicate and shall contain all such exceptions grants reservations provisions stipulations and conditions as by the Commissioners shall reasonably be required for securing—

- (1) That the Commissioners shall be at liberty to construct such vaults as they may deem necessary under the footpath of Belvedere Road when so widened provided that such vaults comply with the byelaws and regulations of the local authority relating thereto and do not extend beyond a point nine feet from the new frontage line and provided that the same vaults be constructed to the satisfaction of the engineer to the Council and that a space two feet six inches is left between the crown of such vaults and pavement level the projections to be to the outside of the vault walls The Commissioners shall be at liberty subject to the said byelaws and regulations to form and construct within the said limits coal shoots and pavement lights in the said pavement.

12. The Council shall in the pending session of Parliament or so soon thereafter as practicable at the sole cost of the Council apply for and use their best endeavours to obtain parliamentary powers for the confirmation of this agreement and to enable the Commissioners to carry out the same and the Council will insert in the Bill to be introduced for this purpose clauses to be approved by the solicitors to the Commissioners conferring on the Commissioners such powers as aforesaid and will use their best endeavours to secure the passing into law of such Bill with clauses so approved and without modification or with such modification only as Parliament may think fit to make therein and as shall be mutually acceptable to the Commissioners and the Council.

13. This agreement is subject to the Bill mentioned in clause 12 hereof containing clauses mutually approved by the Commissioners and the Council and conferring upon the Commissioners and the Council such powers as aforesaid being passed into law and is also subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make such alterations in this agreement or the said clauses as either the Commissioners or the Council consider will materially affect their position the Commissioners or the Council may withdraw therefrom and this agreement shall be void and of no effect except that the Council shall pay the costs otherwise payable under clause 10 hereof and the Commissioners shall

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Act, 1909.

repay to the Council any interest paid by the Council under clause 2 hereof but without interest thereon. A.D. 1909.

In witness whereof the said Walter Henry Foster and Andrew Young as such agents as aforesaid have hereunto set their hands the day and year first before written.

The SCHEDULE herein-before referred to.

IN THE PARISH OF LAMBETH IN THE COUNTY OF LONDON.

Description.	Date of Lease and to whom made.	Term.	Reserved Payments.
Land on the east side of Belvedere Road edged blue on the plan hereto annexed.	24th December 1829 to Lancelot Holland.	99 years from the 25th Dec. 1824.	Reserved rent 58 <i>l.</i> per annum and 13 <i>s.</i> 3 <i>d.</i> for redeemed land tax in respect of the whole of the premises comprised in the said lease one penny of which rent is to be deemed to be payable in respect of the premises comprised in this contract.

(Signed) WALTER H. FOSTER.

(Signed) ANDREW YOUNG.

SECOND SCHEDULE.

MEMORANDUM OF AGREEMENT made this 24th day of June 1909 between COSMO ROMILLY of No. 25 Old Broad Street in the city of London Esquire and Sir WALTER ROPER LAWRENCE of No. 22 Sloane Gardens in the county of London Baronet G.C.I.E. the Trustees of the will (dated the 7th day of May 1861 and with two codicils thereto proved on the 31st day of July 1861) of the Most Noble Francis 7th Duke of Bedford deceased and herein-after called "the Trustees" of the first part the Most Noble HERBRAND 11TH DUKE OF BEDFORD K.G. the present equitable tenant for life in possession under the said will and herein-after called "the Duke" of the second part and the LONDON COUNTY COUNCIL herein-after called "the Council" of the third part.

WHEREAS the land coloured blue green and purple on the plan hereto formed part of the estate comprised in the said will and is now vested in the Trustees in fee simple free from incumbrances but as to the land coloured green subject to the rights of certain persons thereover and as to the land coloured blue which forms part of the

Stamp.



[Ch. cxxx.] *London County Council (General Powers) Act, 1909.* [9 EDW. 7.]

A.D. 1909. premises numbered 56 Tavistock Square and 30 to 41 Woburn Place to certain leases all of which expire on the 25th day of March 1920 and as to the land coloured purple which forms part of the premises numbered 18 to 24 Upper Woburn Place and 20 Tavistock Square to certain leases all of which expire on the 24th day of June 1923 :

And whereas the Council are desirous of effecting an improvement in the metropolis by the widening of Woburn Place Tavistock Square and Upper Woburn Place from Woburn Mews to 18 Upper Woburn Place and the Trustees and the Duke have agreed to join in effecting the said improvement on the terms herein-after expressed :

Now it is hereby agreed by and between the Council on the one hand and the Trustees and the Duke on the other as follows:—

1. The Duke as tenant for life under the Settled Land Acts shall sell and the Council shall purchase for the sum of 7,951*l.* 5*s.* 0*d.* the inheritance in fee simple in possession free from incumbrances and tenancies of all that strip of land coloured blue on the said plan now forming part of No. 56 Tavistock Square and Nos. 30 to 41 Woburn Place the Duke electing that the purchase money shall be paid to the Trustees as trustees for the purposes of the Settled Land Acts.

2. The Duke as such tenant for life shall sell and the Council shall purchase for the sum of two thousand and fifty-seven pounds the inheritance in fee simple in possession free from incumbrances and tenancies of all that strip of land coloured purple on the said plan now forming part of Nos. 18 to 24 Upper Woburn Place and No. 20 Tavistock Square the Duke electing that the purchase money shall be paid to the Trustees as trustees for the purpose of the Settled Land Acts.

3. So soon as the Council shall have acquired by agreement or otherwise all rights and interests in the land coloured green on the said plan other than those of the Duke and the Trustees the Duke and the Trustees in pursuance of the scheme for the widening of Woburn Place to Euston Road and without any further compensation will convey to the Council all his and their estate and interest in the land coloured green on the said plan.

4. The purchase of the land coloured blue on the plan shall be completed on the 25th March 1920 or on such earlier date as vacant possession of the whole thereof can be given to the Council and the purchase of the land coloured purple on the plan shall be completed on the 24th day of June 1923 or on such earlier date as vacant possession of the whole thereof can be given to the Council and except so far as may be necessary for the execution of the works of demolition mentioned in clause 6 hereof full possession of the said respective premises shall be given to the Council on the said respective dates of completion.

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Act, 1909.

5. Rents profits and outgoings shall be received and paid by the Duke or the Trustees to the respective dates of the completion of the said purchases respectively and by the Council from such dates respectively. A.D. 1909.

6. The Trustees or the Duke will within two months of the completion of the said respective purchases pull down and demolish all buildings standing on the land coloured blue and purple on the said plan respectively to pavement level and for this purpose only shall retain possession of the said respective premises but not so as to constitute them or him tenants or tenant of the Council and the Council will thereupon forthwith throw the same into the public way and form and make up the same land as a widening of Woburn Place and Upper Woburn Place at their own expense and so as to give the Duke and the Trustees a frontage for their adjoining land on the widened street Notwithstanding the conveyance to the Council of the land coloured blue and purple on the said plan the Duke and the Trustees are so far as the Council are concerned and subject as in this clause mentioned to be at liberty to construct and maintain such vaults and cellars thereunder and pavement lights therein as the Duke or the Trustees may think fit provided that such vaults or cellars do not project more than twelve feet from the respective lines marked A.B. on the said plan and provided that such vaults be constructed in all respects to the satisfaction of the engineer of the Council that the width of any vault shall not exceed ten feet and shall be roofed in by one brick arch or 6 inches by 3 inches steel joists and Portland cement concrete 8 inches thick that the head wall of the vault shall not be of a less thickness than $13\frac{1}{2}$ inches and shall be built circular on plan that the dividing walls shall not be of a less thickness than 9 inches of good stock bricks laid in Portland cement mortar 3 to 1 that the top of the roof covering to the aforesaid vaults shall where the same is under the pavement in no case be less than 18 inches under the proposed level of the footways of the new street and that where the vaults are projected under the carriageway the Trustee shall make such extra provision for drainage gullies and street traffic as the engineer to the Council shall reasonably require The Trustee shall be empowered to form one opening from the footway to every vault of a diameter not exceeding 18 inches such opening to be fitted with an iron plate let into an iron ring and also to construct and form such pavement lights as they may consider necessary but so that they do not project more than 4 feet from the said respective lines marked A.B. on the said plan.

7. So soon as the Council have acquired all interests in the land coloured green on the said plan the Council will pull down the existing railings separating the land coloured green from the highway and will

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A.D. 1909. — re-erect the same to the new boundary line to the satisfaction of the Trustees and throw such land into the public way and execute at their own expense all necessary road making and paving works in connexion therewith and will also at their own expense make good all damage caused to the Tavistock Square Garden and will to the satisfaction of the Trustees lay out and replace the trees shrubs flower beds and footpaths and do all such other acts and things as may be necessary to replace the garden and the amenities thereof in all respects in the same condition on the east side thereof as the same is now so far as is possible and compatible with the alteration of the boundary.

8. The Council shall pay the sum of 48*l.* 6*s.* 0*d.* as the agreed costs of the surveyors for the Trustees and the Duke and also the costs of the Duke and the Trustees of title and conveyance to the Council of the land coloured blue green and purple as allowed by the Lands Clauses Consolidation Act 1845 under the provisions of which Act this agreement is entered into and is to be carried out and 7*l.* 7*s.* 0*d.* for solicitors' preliminary costs up to and including the exchange of this agreement.

9. No betterment rate impost or charge of any description shall at any time hereafter be sought by the Council to be imposed charged assessed or levied upon or out of any property for the time being constituting part of the estate now vested in the trustees of the will of Francis 7th Duke of Bedford K.G. deceased upon the trusts thereof and known as "the Bedford estate" in respect or on account of any benefit alleged to be accruing or to have accrued to such trustees or to the said Bedford estate or any part or parts thereof in consequence either wholly or partially of the reconstruction or widening of Woburn Place Tavistock Square and Upper Woburn Place or any improvements thereto effected by the Council under this agreement.

10. The Council shall in the present next or next following session of Parliament at the sole cost and expense of the Council apply for and use their best endeavours to obtain parliamentary powers for the confirmation of this agreement and to enable the Duke so as to bind his successors in title and the Trustees so as to bind their cestuis qui trustent to carry out the same and to enable the Council to apply the interests of all parties interested in the land coloured green on the plan hereto and the Council will insert in the Bill to be introduced for this purpose clauses approved of by the solicitors of the Duke and the Trustees and conferring on the Duke and the Trustees such powers as aforesaid and will use their best endeavours to secure the passing into law of such Bill with clauses so approved and without modification or with such modification only as Parliament may think fit to make therein and as shall be mutually acceptable to the Duke and his trustees and the Council.

[9 EDW. 7.] *London County Council (General Powers)* [Ch. cxxx.]
Act, 1909.

11. This agreement is subject to the Bill mentioned in clause 10 hereof containing clauses mutually approved by the Duke the Trustees and the Council and conferring on the Duke the Trustees and the Council such powers as aforesaid being passed into law within the period mentioned in the said clause and is also subject to such alterations as Parliament may think fit to make therein but if the committee on the Bill make such alterations in this agreement or the said clauses as either the Duke the Trustees or the Council consider will materially affect their position the Duke the Trustees or the Council may withdraw therefrom and this agreement shall be void and of no effect except that the Council shall pay the costs otherwise payable under clause 8 hereof. A.D. 1909.

In witness whereof the Trustees and the Duke have hereunto set their hands and the Council have caused their common seal to be hereunto affixed the day and year first before written.

Witness to the signature of the }
above-named Herbrand 11th } BEDFORD
Duke of Bedford }

THOMAS H. BOWEN
House Clerk
Woburn Abbey
Beds

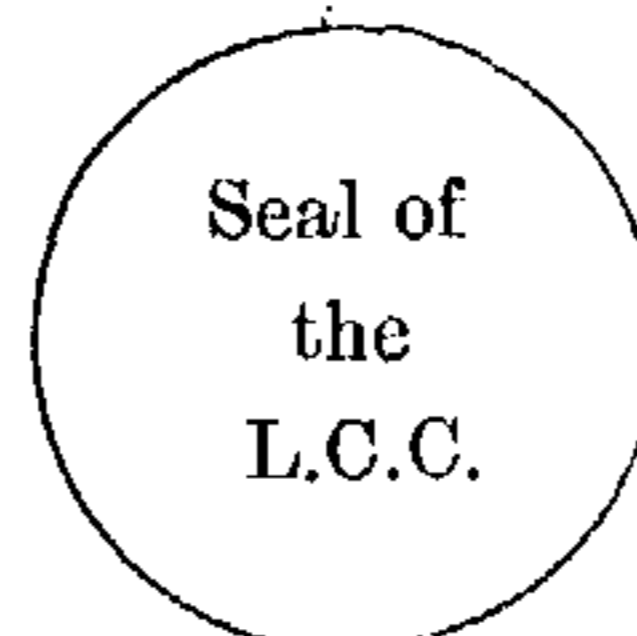
Witness to the signature of the }
above-named Cosmo Romilly } COSMO ROMILLY

F. B. TRUBY
25 Old Broad Street
Merchant's Clerk

Witness to the signature of the }
above-named Sir Walter Roper } W. R. LAWRENCE
Lawrence }

FRANCES OTTY
22 Sloane Gardens
Parlour Maid

Sealed by Order }
G. L. GOMME }
Clerk of the Council. }



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