

[13 & 14 GEO. 5.] *London Electric
Railway Act, 1923.*

[Ch. ciii.]



CHAPTER ciii.

An Act to empower the London Electric Railway Company to construct new railways subways and works to raise additional capital to confer further powers on that Company and on the Metropolitan District Central London and City and South London Railway Companies and for other purposes. A.D. 1923.
[2nd August 1923.]

WHEREAS the London Electric Railway Company has constructed and is working underground railways for carrying and dealing with the traffic of the metropolis and such railways are together with the railways of the Metropolitan District the Central London and the City and South London Railway Companies worked and managed as one general system with facilities for through and interchange traffic :

And whereas the works and powers hereinafter mentioned will benefit the said general system of railways and the traffic thereon and the convenience of the public :

And whereas it is expedient that the London Electric Railway Company should be authorised to extend its Charing Cross Euston and Hampstead Railway and to form junctions with its Baker Street and Waterloo Railway and with the existing City and South London Railway to construct subways and other works in connection with its existing Piccadilly Circus Station and to alter enlarge and improve its existing Leicester Square Station as in this Act provided :

And whereas the City and South London Railway Company is promoting a Bill in the present session of Parliament the short title of which is "City and South

A.D. 1923. London Railway Bill” whereby that company is seeking power to construct railways in extension of its existing railway :

And whereas it is expedient that the London Electric Railway Company should be authorised to run over and use the said railways of the City and South London Railway Company :

And whereas it is expedient that further powers in relation to the raising of capital should be conferred on the London Electric Railway Company as in this Act provided :

And whereas it is expedient that the London Electric Railway Company should be authorised to exercise the other powers in this Act described or referred to :

And whereas it is expedient that the powers in this Act mentioned should be conferred on the Metropolitan District the City and South London and the Central London Railway Companies :

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

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the London Electric Railway Act 1923 and the London Electric Railway Acts 1893 to 1919 the London Electric Metropolitan District

Short and
collective
titles.

City and South London and Central London Railway Companies (Fares &c.) Act 1920 the London Electric and City and South London Railway Companies Act 1922 and this Act may be cited together as the London Electric Railway Acts 1893 to 1923. A.D. 1923.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—General provisions as to lands and works.

Part IV.—Passengers' fares &c.

Part V.—Additional capital and general financial provisions.

Part VI.—Miscellaneous.

3. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

Incorporation of general Acts.

The Lands Clauses Acts:

Provided that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon by the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party:

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the following matters or contained in the following sections thereof (that is to say):—

The construction of the railway and the works connected therewith;

The carrying of passengers and goods upon the railway and the tolls to be taken thereon;

The regulation and use of the railway;

The settlement of disputes by arbitration;

Sections 138 and 139 (as to service of notices and tender of amends); and

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

Part I. (relating to the construction of a railway)
Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 :

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

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The application of capital ;

The giving of notices ;

The recovery of damages and penalties ; and

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

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

Interpreta-
tion.

4. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—

The expression “ the Company ” means the London Electric Railway Company ;

The expression “ the District Company ” means the Metropolitan District Railway Company ;

The expression “ the Central Company ” means the Central London Railway Company ;

The expression “ the City Company ” means the City and South London Railway Company ;

The expression “ the four Companies ” means the Company the District Company the Central Company and the City Company ;

The expression “ the Southern Company ” means the Southern Railway Company ;

The expression “ the London Council ” means the London County Council ;

The expression "the railway" means any of the railways by this Act authorised and the expression "the railways" means the railways by this Act authorised; A.D. 1923.

The expression "the subways" means the subways by this Act authorised;

The expression "the Charing Cross Railway" means the Charing Cross Euston and Hampstead Railway of the Company;

The expression "the Baker Street Railway" means the Baker Street and Waterloo Railway of the Company;

The expression "the Piccadilly Railway" means the Great Northern Piccadilly and Brompton Railway of the Company;

The expression "the Edgware Railway" means Railway No. 1 authorised by the Edgware and Hampstead Railway Act 1902 as amended by the Edgware and Hampstead Railway Act 1912;

The expression "the Acts of 1893 to 1919" means the London Electric Railway Acts 1893 to 1919;

The expressions "the Act of 1893" "the Act of 1899" and "the Act of 1902" respectively mean the Charing Cross Euston and Hampstead Railway Acts of 1893 1899 and 1902;

The expression "the Act of 1910" means the London Electric Railway Amalgamation Act 1910;

The expressions "the Act of 1911" "the Act of 1914" and "the Act of 1919" mean respectively the London Electric Railway Act 1911 the London Electric Railway Act 1914 and the London Electric Railway Act 1919;

The expression "the Acts of 1910 to 1919" means the London Electric Railway Acts of 1910 1911 1912 1913 1914 and 1919;

The expression "the Act of 1922" means the London Electric and City and South London Railway Companies Act 1922;

The expression "the City Acts 1884 to 1913" means the City and South London Railway Acts 1884 to 1913;

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The expression "the City Act of 1923" means the Act the Bill for which the City Company is promoting in the present session of Parliament;

The expression "the City Railway of 1923" means the railway authorised by the City Act of 1923;

The expression "the City Railway" means the existing City and South London Railway and the City Railway of 1923;

The expression "the Extension of Time Act" means the Special Acts (Extension of Time) Act 1915;

The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the county of London mean the town clerks of the metropolitan boroughs and the town clerk of the city of London.

PART II.

WORKS AND LANDS.

Power to
Company
to make
railways
subways
and works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways the subways and the alteration of levels of the Edgware Railway in this Act described and may make and maintain within the limits of deviation shown on the deposited plans Work No. 1 in this Act described with all necessary and convenient lifts escalators inclines stairs approaches passages tunnels sidings lay-byes stagings buildings sewers drains pipes wires apparatus plant depôts machinery appliances works and conveniences connected therewith or incidental thereto and may subject as aforesaid enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes and in connection with the said railways subways and works the Company may construct and maintain entrances steps lifts shafts passages inclines and other approaches and conveniences connecting the said railways subways and works with the surface of the pavements or carriage-ways adjoining the same or with the platforms of stations :

Provided always that (except as expressly provided by this Act) nothing in this Act shall authorise the Company to enter upon take or use the surface of any

public street or road but (subject as aforesaid) the Company may enter upon take and use the subsoil and under-surface of any public street road footway or place shown on the deposited plans and described in the deposited book of reference or so much thereof as shall be necessary for the purposes of the works by this Part of this Act authorised without being required to purchase the same or any easement therein or thereunder or to make any payment therefor. A.D. 1923.

6. The railways subways alteration of levels and works hereinbefore referred to and authorised by this Act will be situate in the counties of London and Middlesex and are— Description of railways subways and works.

In the county of London—

A railway (Railway No. 1) 2 miles 0 furlongs 5·4 chains or thereabouts in length situate partly in the parish of the city of Westminster in the city and metropolitan borough of Westminster partly in the parish of St. Mary Lambeth in the metropolitan borough of Lambeth and partly in the parishes of St. George-the-Martyr and St. Mary Newington in the metropolitan borough of Southwark commencing by a junction with the south-bound tunnel of the Charing Cross Railway under the Charing Cross Hotel of the South Eastern and Chatham Railway Companies' Managing Committee at a point 5 yards or thereabouts measured in a westerly direction from the south-eastern corner of that hotel and terminating beneath the Kennington Park Road at a point 114 yards or thereabouts measured in a south-westerly direction along the centre of the Kennington Park Road from its junction with Kennington Park Place.

A railway (Railway No. 2) 1 mile 6 furlongs 9 chains or thereabouts in length situate partly in the said parishes of St. Mary Newington and St. George-the-Martyr partly in the said parish of St. Mary Lambeth and partly in the said parish of the city of Westminster commencing by an end-on junction with Railway No. 1 at the termination thereof and terminating by a junction with the north-bound tunnel of the Charing Cross Railway under the Victoria

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Embankment at a point 33 yards or thereabouts measured in an easterly direction from the Embankment entrance to the District Company's Charing Cross Station and 36 yards or thereabouts measured in a south-easterly direction from the eastern corner of the London Council's Electrical Department Offices.

A railway (Railway No. 3) 0 miles 2 furlongs 5·45 chains or thereabouts in length situate partly in the said parish of St. Mary Lambeth and partly in the said parish of St. George-the-Martyr commencing by a junction with Railway No. 1 under the premises known as No. 110 Lower Marsh at a point 12 yards or thereabouts measured in a north-westerly direction from the eastern corner of those premises and 16 yards or thereabouts measured in a westerly direction from the southern corner of the premises known as No. 109 Lower Marsh and terminating by a junction with the south-bound tunnel of the Baker Street Railway under the roadway of Westminster Bridge Road at a point 16 yards or thereabouts measured in a south-easterly direction from the point of intersection of the building frontage line on the south-western side of Gerridge Street with the northern building frontage line of Westminster Bridge Road and 24 yards or thereabouts measured in a southerly direction from the southern corner of the building in Gerridge Street known as Jurston Hall.

A railway (Railway No. 4) 0 miles 1 furlong 9·65 chains or thereabouts in length situate partly in the said parish of St. Mary Lambeth and partly in the said parish of St. George-the-Martyr commencing by a junction with the north-bound tunnel of the Baker Street Railway under the Westminster Bridge Road at a point 17 yards or thereabouts measured in a north-easterly direction from the north-western corner of St. Paul's Church Westminster Bridge Road and 15 yards or thereabouts measured in a north-westerly direction from the north-eastern corner of that church and terminating by a junction with Railway No. 2 under the southern courtyard

of the premises known as Campbell Buildings at a point 18 yards or thereabouts measured in a south-easterly direction from the south-western corner of the southern block of Campbell Buildings and 50 yards or thereabouts measured in a north-westerly direction from the south-eastern corner of the said southern block of Campbell Buildings.

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A railway (Railway No. 6) 0 miles 2 furlongs 0·13 chain or thereabouts in length situate partly in the said parish of St. George-the-Martyr and partly in the said parish of St. Mary Lambeth commencing by a junction with Railway No. 2 beneath the back premises of the Bethlem Royal Hospital at a point 20 yards or thereabouts measured in a north-easterly direction from the south-eastern corner of the western wing of the said hospital and 31 yards or thereabouts measured in a south-westerly direction from the south-western corner of the eastern wing of the said hospital and terminating by a junction with the north-bound tunnel of the Baker Street Railway under the centre of the roadway of Westminster Bridge Road at or near the intersection therewith of Mead Row.

A railway (Railway No. 7) 0 miles 0 furlongs 6·62 chains or thereabouts in length situate partly in the parish of St. Mary Newington and partly in the said parish of St. Mary Lambeth commencing by a junction with Railway No. 1 beneath the centre of the forecourt of the premises known as No. 105 Kennington Park Road and terminating by a junction with the south-bound tunnel of the City Railway beneath the roadway of Kennington Park Road at a point 33 yards or thereabouts measured in a north-easterly direction from the southern corner of the public house known as the "White Bear" and 36 yards or thereabouts measured in a southerly direction from the eastern corner of the house known as No. 126 Kennington Park Road.

A railway (Railway No. 8) 0 miles 0 furlongs 6·3 chains or thereabouts in length situate partly in the said parish of St. Mary Lambeth

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and partly in the said parish of St. Mary Newington commencing by a junction with the north-bound tunnel of the City Railway beneath the roadway of Kennington Park Road at a point 29 yards or thereabouts measured in a north-easterly direction from the southern corner of the public house known as the "White Bear" and 32 yards or thereabouts measured in a southerly direction from the eastern corner of the house known as No. 126 Kennington Park Road and terminating by a junction with Railway No. 2 under the roadway of White Hart Street at a point under the southern pavement-kerb of that street and 11 yards or thereabouts measured in a north-westerly direction from the eastern corner of the house known as No. 98 Kennington Park Road.

Work No. 1 A booking-hall in the parish of the city of Westminster in the city and metropolitan borough of Westminster in and under Piccadilly Circus and the streets roads and places adjoining the same for and in connection with the Piccadilly stations on the Baker Street and the Piccadilly Railways with entrances from and exits to such booking-hall to and from the surface of Piccadilly Circus and the streets and roads adjoining the same.

And for the purpose of providing communication between the said booking-hall and the said stations and the platforms and other works and conveniences used in connection therewith the subways next hereinafter described together with all necessary and proper stairs passages inclines tunnels shafts escalators stagings machinery appliances works and conveniences (that is to say) :—

A subway (Subway No. 1) situate wholly in the said parish of the city of Westminster commencing under the roadway on the northern side of the Shaftesbury Memorial at a point 51 yards or thereabouts measured in a north-easterly direction from the north-east corner of Messrs. Swan and Edgar's premises and 32 yards or thereabouts measured in a westerly direction from the western corner of the London Pavilion and terminating

under the foot pavement on the northern side of the Shaftesbury Memorial at a point 39 yards or thereabouts measured in a north-easterly direction from the north-east corner of Messrs. Swan and Edgar's premises and 48 yards or thereabouts measured in a north-westerly direction from the north-western corner of the Criterion Restaurant.

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A subway (Subway No. 2) situate wholly in the said parish of the city of Westminster commencing under the roadway of Piccadilly Circus at a point 37 yards or thereabouts measured in a south-easterly direction from the north-east corner of Messrs. Swan and Edgar's premises and 58 yards or thereabouts measured in a south-westerly direction from the western corner of the London Pavilion and terminating under the roadway between Piccadilly Circus and Shaftesbury Avenue at a point 45 yards or thereabouts measured in a south-westerly direction from the western corner of the London Pavilion and 44 yards or thereabouts measured in a south-easterly direction from the north-east corner of Messrs. Swan and Edgar's premises.

In the county of Middlesex—

Work No. 2 An alteration of the levels of a portion of the Edgware Railway in the parish and urban district of Hendon commencing at a point on the centre line of that railway marked and measured on the plans deposited for and in connection with the Edgware and Hampstead Railway Act 1902 1 mile 0 furlongs 5·5 chains from the commencement of such railway and terminating at a point in the said parish and urban district of Hendon marked on the said centre line 1 mile 4 furlongs 9·5 chains from the commencement of the said railway.

7. The provisions contained in the sections and parts of sections of the Acts of 1893 1899 1902 and 1911 which are mentioned in the First Schedule to this Act (subject to any amendment or variation by this Act) are incorporated with and form part of this Act and shall so far as applicable and not inconsistent with the provisions of this Act extend and apply to the railways subways and works by this Part of this Act authorised

Incorporating certain provisions of existing Acts.

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the roads under and along which the same are to be made the station extensions the lands easements and rights by this Part of this Act authorised to be acquired and the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those provisions had been expressly re-enacted in this Part of this Act with reference thereto respectively.

General provisions as to mode of construction.

8. The following provisions shall apply to the construction of the railways by this Part of this Act authorised where the said railways are shown on the deposited plans and sections as to be constructed in tunnel:—

- (1) The railways shall be constructed in single tunnels:
- (2) The railways shall be approached either by means of stairs inclines subways electric or other lifts or escalators:
- (3) (a) The tunnels of which the railways will consist (including those for the stations) shall be constructed by means of steel or other sufficient metal shields driven forward by hydraulic pressure as the work proceeds such shields being of sufficient length to protect the whole of the soil for a reasonable distance both in front of and behind the working faces but this provision shall not apply to the tunnels at junctions All such tunnels shall be lined throughout with iron or other sufficient metal plates properly jointed throughout or with other suitable material;

(b) Every permanent shaft shall be constructed either by underpinning or by sinking and either of brick concrete iron or other equally substantial and durable material;

(c) The station tunnels of the railways shall not have an internal diameter exceeding thirty feet the cross-over and junction tunnels shall not have an internal diameter exceeding forty feet and the tunnels between the stations shall not (except at cross-overs and junctions or where necessary for adjustment at curves) have an internal diameter exceeding thirteen feet

and the internal diameter of the shafts shall not exceed forty feet; A.D. 1923.

(d) The Company may make trial borings at such places within the limits of deviation as it shall think fit for the purpose of ascertaining the nature of the soil. Provided always that any such borings made by the Company in any street shall be subject to such reasonable restrictions as to surface borings as the authority having the maintenance of that street may impose;

(e) Any space between the lining of the tunnels (including station cross-over and junction tunnels) and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure:

- (4) If water is found to be present in the works on the railways in such quantity as to necessitate the employment of compressed air the Company shall immediately stop all excavating work at the point where the same is so found and the further driving of the tunnels at the working-faces at that point until the Company shall have provided air-compressing machinery which will produce such a pressure of air as will prevent the inflow of any sand water gravel or soil and such machinery shall be maintained in full working order and the work at such working-face carried on under compressed air as long as may be necessary:
- (5) Except in the case of unforeseen accident or for the purpose of removing rain water or other trifling amounts of water no use shall be made of pumping or of other like modes of removing water from the tunnels of which the railways will consist or from the shafts.

9. In the execution of the railways and subways by this Act authorised but subject to the provisions of this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon. Power to deviate laterally.

10. In the execution of the railways and subways by this Part of this Act authorised the Company may deviate vertically. Power to deviate vertically.

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subject to the provisions of this Act deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient Provided always that the Company shall not deviate vertically upwards from such levels to a greater extent than five feet.

For pro-
tection of
the Royal
Observatory
Greenwich.

11. If the Admiralty are of opinion that the generation or use of electrical energy under or for the purposes of this Act by the Company injuriously affects or is likely injuriously to affect any instrument or apparatus in or adjacent to the Royal Observatory at Greenwich including the magnetic pavilion or the efficient working of such instrument or apparatus the Admiralty may after such inspection and inquiry as they think proper require that the Company shall use such precautions including insulated returns as the Admiralty may deem necessary for the prevention of such injurious affection and the Company shall forthwith comply with such requisition For the purpose of this section any person authorised in writing by the Admiralty shall have access at all reasonable times to the works and apparatus of the Company who shall give all due facilities for the inspection Provided always that in the event of any instrument or apparatus hereafter used in the said observatory which may be of a different character and of materially greater delicacy than those used therein at the passing of this Act the Admiralty shall consider and may in their discretion determine to what extent the powers of this section should be exercised regard being had to the interests of the public as well as to the purposes of the instruments or apparatus as the case may be The Admiralty Suits Act 1868 shall apply for the purposes of proceedings in regard to any breach of the provisions of this section or for injurious affection of the said observatory or instruments or apparatus.

Power to
acquire
additional
lands.

12. Subject to the provisions of this Act and in addition to the other lands which the Company is authorised to acquire the Company may enter upon take use and appropriate the lands houses buildings and other property hereinafter described and shown on the deposited plans and described in the deposited book of reference (that is to say):—

All those lands houses buildings and premises situate in the parish of the city of Westminster

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in the city and metropolitan borough of Westminster bounded by Charing Cross Road on the west by Cranbourne Street on the south and by Great Newport Street on the north-east and known as Nos. 21 22 23 24 and 25 Cranbourne Street Nos. 15 16 17 and 18 Great Newport Street and No. 48 Charing Cross Road;

and may appropriate and use without payment therefor the subsoil and undersurface of the roadways or footways of so much of Charing Cross Road Cranbourne Street and Great Newport Street as are within the limits of deviation of additional lands and easements to be acquired delineated on the deposited plans and described in the deposited book of reference and may hold and use the said lands buildings and premises for the purpose of extending improving altering and adding to their existing Leicester Square Station and the premises and works in connection therewith by the construction and maintenance on in or under such property of shafts lifts escalators stairways subways inclines approaches passages and other works and conveniences and for other purposes connected with or as part of their undertaking Provided always that (except as may be agreed by the Company with the London Council and the Westminster City Council) the Company shall not under the provisions of this section construct on in or under the lands houses buildings and other property which the Company is by this section authorised to enter upon take use and appropriate any works for railway purposes nor under the surface of any roadway or footway any works other than in either of such cases works in the general position and of the general character and description shown on the plan marked "Leicester Square Station" and signed in duplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred and one copy of which plan has been deposited in the Private Bill Office of the House of Commons and the other copy of which has been deposited in the Parliament Office of the House of Lords and (except by such agreement as aforesaid) no works where under Great Newport Street Charing Cross Road or Cranbourne Street shall be executed under the powers of this Act by the Company at a less depth beneath the surface of such respective streets than eighty-five feet.

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Owners may
be required
to grant
easements
only under
certain
properties.

13. With respect to the properties shown on the deposited plans of the railways (other than public streets roads footways or places) the Company shall not be required to purchase or take the same or any part of the surface thereof but the Company may purchase and take and the owners of and other persons interested in any such property shall sell an easement or right of using the subsoil and undersurface thereof for the purposes of the undertaking of the Company and the provisions of the Lands Clauses Acts with respect to lands shall (subject to the provisions of this Act) extend and apply to such easement or right of user except that no such easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 and that any question of disputed purchase-money or compensation under this section shall be settled by arbitration in manner prescribed by the said Acts as modified by this Act:

Provided always that notwithstanding anything to the contrary in this Act contained the Company shall not otherwise than by agreement or under the powers and for the purposes of the section of this Act of which the marginal note is "Power to Company to enter upon property for survey and valuation" enter upon the surface of or otherwise than by agreement purchase or take the surface of any of the properties shown on the deposited plans or described in the deposited book of reference in so far as the same respectively relate to the railways other than the properties described in the Second Schedule to this Act.

Owners may
be required
to sell
parts only
of certain
lands and
buildings.

14. And whereas in the construction of the railways and works authorised by this Act or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans may be sufficient for the purposes of this Part of this Act and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of

the jury arbitrator or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions so required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise Provided always that the owners of and other persons interested in the said properties shall not be required to sell and convey to the Company a part only of any house building or manufactory erected on any such properties.

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15. Without prejudice to the powers of the Minister of Transport under section 16 of the Railways Act 1921 the Company may lengthen to such extent and in such manner as it may from time to time think fit the station tunnels at all or any of the stations on its railways and may for this purpose acquire by agreement such lands easements or rights as it may consider necessary.

Power to
Company
to lengthen
station
tunnels.

16. The Company may subject to the provisions of this Act use for the discharge of any water pumped or found by it during the construction of the railways subways and works by this Act authorised any available stream or watercourse or any sewer or drain of the London Council or the council of any metropolitan borough in or through which the said railways subways and works may be constructed or pass and for that purpose may lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain within the limits of deviation shown on the deposited plans :

Use of
sewer for
removing
water.

Provided always that the Company shall not make any opening into any such sewer or drain save in accordance with plans reasonably approved by and under the superintendence (if the same shall be given) of the London Council or the council of any metropolitan borough (as the case may be) in whom the sewer or drain shall be vested :

Provided further that the Company shall not under the powers contained in this section discharge water other

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than rain or surface water directly into any sewer of the Westminster City Council or of the Lambeth and Southwark Borough Councils respectively or into any sewer communicating therewith except upon such reasonable conditions as to the quantity of water to be discharged into the same the time of such discharge and otherwise as shall be prescribed by the Westminster City Council or the Lambeth or Southwark Borough Council as the case may be. Provided further that the Company shall not make any opening in or discharge water directly into any sewer of the London Council or into any sewer communicating therewith except with the consent of the London Council (which consent shall not be unreasonably withheld) and subject to such reasonable conditions as to the making number and position of such openings the quantity of water to be discharged the time of such discharge and otherwise as may be prescribed by the London Council.

Breaking
up surface
of streets
and perma-
nent open-
ings
therein.

17.—(1) Subject to the provisions of this Act the Company may for the purpose of constructing Work No. 1 authorised by this Act and the subways and the works and conveniences connected therewith respectively enter upon open break up and interfere with so much of the surface of Piccadilly Circus Piccadilly Shaftesbury Avenue and Regent Street as is within the limits of deviation of the said Work No 1 and the subways and may make and maintain permanent openings in the roadways and footways of so much of Piccadilly Circus Piccadilly Shaftesbury Avenue and Regent Street as are within the said limits of deviation without being required to purchase any part of the surface or undersurface of such roadways and footways or any easement in or through the same or to make any payment therefor.

(2) Seven days before breaking up or interfering with any portion of the surface of the said roadways and footways under the powers of this section the Company shall serve notice in writing on the Commissioner of Police of the Metropolis and make such arrangements with him as may be necessary so as to cause as little interference with traffic as may be reasonably possible.

(3) Save as aforesaid (and except for the purpose of making trial borings or altering or diverting sewers pipes cables wires and other works) nothing in this Act contained shall empower the Company to break up or interfere with the surface of any street for the purpose of

constructing maintaining or using the railways subways and works by this Part of this Act authorised Provided always that the Company shall not alter divert or otherwise interfere with the pipes cables wires or other works of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. A.D. 1923.

18.—(1) The Company may during the construction of the railways or of any works incidental or ancillary thereto wholly or partially stop or suspend the working or user of its railways or any portion thereof and may after the completion and opening to traffic of Railways Nos. 1 and 2 by this Act authorised discontinue the traffic on and the use of such portion of the Charing Cross Railway as is rendered unnecessary for the carriage of passengers by the construction working and user of the said Railways Nos. 1 and 2. As to cesser of working and abandonment.

(2) The Company shall abandon the construction of Subway No. 4 authorised by the Act of 1914.

(3) The Company shall not be subject to any liability penalty or forfeiture by reason or in consequence of any such stoppage suspension discontinuance non-user or abandonment as aforesaid.

19. If the Company fails within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until such railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of such railway. Imposing penalty unless railway opened.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854.

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided.

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But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Minister of Transport that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond its control Provided that the want of sufficient funds shall not be held to be a circumstance beyond its control.

Application
of penalty.

20. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof in respect of which such property has been interfered with or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit.

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

Agreements
with
Southern
Company.

21.—(1) The Company may enter into and carry into effect agreements with the Southern Company with reference to the construction ownership working maintenance renewal and user of Railways Nos. 1 and 2 and the construction ownership maintenance renewal and user of any station to be constructed in connection therewith at or near the Waterloo Station of the Southern

Company and of such shafts lifts escalators stairways subways passages and other works and conveniences in connection with the said railways and such communications and openings between the said railways and the railways of the Southern Company and the Baker Street Railway or any of them whether upon in or under lands now or hereafter belonging to the Company or the Southern Company as may be necessary or convenient for enabling passengers and their luggage and other traffic to pass from or to such station of the Company to or from the said station of the Southern Company and the existing Waterloo Station of the Company or either of them. A.D. 1923.

(2) The Company may for the purposes of and subject to any agreement entered into under this section enter upon the lands stations platforms passages and works of the Southern Company and may alter any such platform passage or work and make openings in the same and in any walls and any necessary protective works and may make such provisions as will secure to the public and to officers and servants of the Company and the Southern Company free and uninterrupted access and communication to and between the station to be so constructed the existing Waterloo Station of the Company and the Waterloo Station of the Southern Company or any of them.

(3) Any agreement under this section may provide for the appointment of a joint committee of the Company and the Southern Company for carrying into effect the provisions thereof and of this section.

22. The period limited by the Act of 1919 for the construction of the subway and works by that Act authorised is hereby extended to the twenty-ninth day of August one thousand nine hundred and twenty-eight and if the said subway and works be not completed within such extended period then on the expiration of such period the powers granted by the Act of 1919 for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Extension of time for construction of works.

23. The powers granted to the Company for the compulsory purchase or taking of lands— Extending time for purchase of lands.

(a) By the Act of 1914 for the purposes of Subway No. 5 by that Act authorised which were

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extended by the orders made by the Board of Trade and Minister of Transport under the Extension of Time Act and dated the sixteenth day of May one thousand nine hundred and seventeen the twelfth day of July one thousand nine hundred and eighteen the twenty-third day of October one thousand nine hundred and nineteen the twentieth day of August one thousand nine hundred and twenty and the twentieth day of December one thousand nine hundred and twenty-one; and

- (b) By the Act of 1919 for the purpose of the subway and works by that Act authorised which were extended by the order made by the Minister of Transport under the Extension of Time Act and dated the twenty-ninth day of August one thousand nine hundred and twenty-two;

are hereby further extended and shall continue in force and may be exercised for and during the period ending on the twenty-ninth day of August one thousand nine hundred and twenty-eight.

PART III.

GENERAL PROVISIONS AS TO LANDS AND WORKS.

Compensation for damage by working.

24.—(1) In addition to the provisions of the Acts incorporated herewith with respect to compensation for lands taken or injuriously affected the Company shall make compensation to the owner lessee and occupier of any land house or building which shall be injuriously affected by reason of the working of the railways (including the working of lifts escalators and any other works in connection with the railways) notwithstanding that no part of the property of such owner lessee or occupier is taken by the Company Provided that all claims for compensation under this section shall be made within two years from the date of the opening for public traffic of that portion of the railways which is alleged to cause such injurious affection and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Minister of Transport shall have the power of the court or a judge under section 5 of the said Act.

(2) An arbitrator under this section may with the consent of all parties concerned hear together any class or group of claims under this section. A.D. 1923.

25. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

26. If any of the railways subways and works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway subway or work which is not so completed or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

27. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company 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 as modified by this Act with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

28. The Company and its surveyors solicitors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them or any lands houses and buildings which may be affected by the construction of the railways subways and works for the purpose of surveying inspecting and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings. Power to Company to enter upon property for survey and valuation.

29. The tribunal to which any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Company award and Costs of arbitration in certain cases.

A.D. 1923. — declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving such sufficient particulars and in such sufficient time as aforesaid has been delivered and that the Company has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if it objects to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Compensation in case of recently altered buildings acquired by Company.

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

Power to acquire leasehold interests

31. The Company may acquire by agreement and hold for the purposes of its undertaking any interest less than the fee simple in any lands or any interest

in any easement under any lands which it is authorised to acquire under the powers of this Act.

and use
lands held
on lease.

32. Section 13 (As to buildings upon lands of Company) of the Great Northern Piccadilly and Brompton Railway (Various Powers) Act 1903 and section 25 (As to means of access to station buildings) of the Great Northern Piccadilly and Brompton Railway Act 1908 shall apply to any lands which may be acquired under the provisions of this Act for the purposes of the railways subways and works in connection therewith by this Act authorised and to any buildings now or hereafter erected on or over or adjoining to any of such lands and to any means of access to any such buildings.

As to
buildings
upon lands
of Com-
pany.

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

For
protection
of London
County
Council.

(1) Before commencing to construct any part of the railways and works connected therewith which shall or may pass under or within one hundred feet of any building open space embankment wall subway for pipes pier tramway or any other property of the council (hereinafter referred to collectively as "the property of the council") the Company shall deliver to the council plans sections and specifications of the works as proposed to be executed by the Company within such distance of one hundred feet of the property of the council and such works shall be executed to the reasonable satisfaction of the council and at the costs charges and expenses in all respects of the Company and when commenced shall so far as practicable be proceeded with without cessation:

(2) The Company shall at all times maintain the subways Work No. 1 and works connected therewith and so much of the railways as will be under or within one hundred feet of any part of the property of the council in substantial structural repair and good order and condition to the reasonable satisfaction in all respects of the council and if and whenever the Company

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fail so to do the council may make and do in and upon as well the works and lands of the Company as their own lands and works all such works and things as the council may reasonably think requisite and the sum from time to time certified by the council to be the reasonable amount of the council's expenditure in that behalf shall be repaid to the council by the Company. The council shall at all reasonable times have free access to the works of the Company where the said railways pass under or within one hundred feet of the property of the council and Work No. 1 and the subways and works connected therewith and every reasonable facility shall be afforded them for the inspection thereof and every reasonable notice which they may give touching any defect or want of repair shall immediately or as soon as possible be complied with by the Company :

- (3) If during and by the execution of the railways the subways Work No. 1 and works connected therewith any part of the property of the council or any of the works or conveniences connected therewith or the Shaftesbury Memorial are injured or damaged such injury or damage shall be forthwith made good by the Company or in the event of their failing so to do the council may make good the same and recover the costs thereof against the Company :
- (4) The Company shall not in making and maintaining and working or using the railways and works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the tramways of the council or any traffic on such tramways and if at any time hereafter the free uninterrupted and safe user of the said tramways or any traffic thereon is obstructed hindered or interfered with the Company shall pay to the council such damages as the council sustain by reason thereof :
- (5) All reasonable fees costs charges and expenses in respect of any of the matters in the previous paragraphs of this section contained shall be borne and on demand paid by the Company

and during the construction renewal or repair of the subways Work No. 1 and works connected therewith and of that portion of the railways which will be under and within one hundred feet of the property of the council the Company shall bear and on demand pay to the council the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the property of the council or any part thereof and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from acts or defaults of the contractors of the Company or of any person in their employ or otherwise :

- (6) The Company shall be responsible for and make good to the council all costs losses damages and expenses which may be occasioned to the council or to the property of the council or to any person using the same or otherwise by reason of the construction maintenance or failure of the railways the subways Work No. 1 and works connected therewith or of any act or omission of the Company or of any person in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the council from all claims and demands upon or against them by reason of such construction maintenance or failure and of any such act or omission :
- (7) The Company shall not without the consent of the council construct under any street or roadway any part of the railways or of the works referred to in the section of this Act whereof the marginal note is "Power to acquire additional lands" which will be within twenty-five feet of the surface of such street or roadway except in accordance with plans and sections submitted to and approved by the council :
- (8) If any entrances and exits for passengers to and from station buildings from and to the adjoining streets are constructed or reconstructed by the Company under the powers

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of this Act or any waiting accommodation for passengers in such station buildings is provided under the powers of this Act the same shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in such adjoining streets and before the works relating thereto are commenced plans thereof shall be submitted to the council and in default of agreement the same shall be determined by an arbitrator as hereinafter in this section provided Provided that this subsection shall not apply to any station building of the Company situate within the Waterloo Station of the Southern Company :

- (9) Three months before commencing Work No. 1 and the subways the Company shall submit to the council a comprehensive scheme and design for such works and for public subways in connection therewith to be based upon the plan marked " Piccadilly Circus Station " signed in quintuplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which plan has been deposited in the Private Bill Office of the House of Commons another copy of which has been deposited in the Parliament Office of the House of Lords another copy of which has been deposited with the council another copy of which has been deposited with the council of the city of Westminster and the remaining copy has been deposited with the Company Such scheme and design shall be accompanied by full and detailed plans sections and specifications of the works so to be executed and the proposed mode of executing the same Work No. 1 and the subways shall be constructed only in accordance with such scheme or design and such plans sections and specifications as approved by the council :
- (10) In connection with Work No. 1 and the subways the Company shall at its own expense and in accordance with plans sections and specifications submitted to and approved by the council

construct subways together with all necessary laterals for the reception diversion or other accommodation of mains pipes and wires (hereinafter referred to as "pipe subways") to the extent and in general accordance as to line with the pipe subways indicated on the signed plan referred to in subsection (9) of this section. The pipe subways and laterals shall be constructed to such levels and of such dimensions as the council may reasonably determine with all necessary entrances (whether from the public streets or the subways) and ventilators and with the necessary drainage and other incidental works and shall form a junction with the existing pipe subway of the council in Shaftesbury Avenue and Piccadilly Circus. The pipe subways and laterals when constructed shall vest in the council and the provisions of the London County Council (Subways) Act 1893 and all byelaws in force thereunder shall extend and apply thereto :

- (11) If the Company in constructing Work No. 1 or the subways or the pipe subways hereinbefore referred to shall alter damage or in any way interfere with the existing pipe subway of the council in Shaftesbury Avenue and Piccadilly Circus they shall at their own expense make good such subway to the satisfaction of the council whether by constructing adequate substituted works or otherwise as the council may require and the Company shall effectually indemnify the council from all claims and demands upon or against the council by reason of such alteration damage or interference and shall likewise make good to the council any loss of revenue sustained in consequence of the operations of the Company in respect of such existing pipe subway :
- (12) If the council do not give their consent to an act matter or thing with regard to which their consent is under this section necessary or if at the expiration of twenty-eight days after the submission to the council of any scheme design plan section or specification in this

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section referred to the same shall not have been approved by the council there shall be deemed to be a difference with regard thereto which unless otherwise agreed shall as shall any other dispute or difference which may arise between the council and the Company with respect to the provisions of this section or in any way arising thereout be settled by arbitration by a civil engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers on the application of the Company and the council or either of them :

- (13) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not without the consent of the council enter upon take or use any part of the surface of the lands in the city of Westminster numbered 26 on such plans.

For protection of Westminster City Council.

34. The following provisions for the protection of the council of the city of Westminster (in this section referred to as "the city council") shall unless otherwise agreed in writing between the Company and the city council have effect (that is to say) :—

- (1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Company shall not under the powers of this Act make in connection with Work No. 1 or Subways Nos. 1 and 2 (in this section referred to as "the Piccadilly Station works") any permanent openings or entrances to or exits from such works in the roadways and footways of Piccadilly Circus or of any of the streets opening on to Piccadilly Circus except approximately in the positions and of the dimensions shown on the plan marked "Piccadilly Circus Station" and referred to in subsection (9) of the section of this Act the marginal note of which is "For protection of London County Council" (which plan is in this section referred to as "the Piccadilly Station plan") Provided always that the width of the street entrances and exits shown on the Piccadilly Station plan and which will be opposite the premises occupied by Swan and Edgar Limited and of the street

entrances and exits at each side of Lower Regent Street may with the consent of the city council after consultation with the London Council be increased to such greater width as can be conveniently accommodated : A.D. 1923.
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- (2) The Company shall when constructing the Piccadilly Station works construct the subways for foot passengers shown and marked "subway" on the Piccadilly Station plan. (which last-mentioned subways are in this section referred to as "the pedestrian subways") If the Company constructs or provides a cloak room in connection with Work No. 1 such cloak room shall be constructed in the booking hall with means of access from such booking hall only and shall not be used for any purpose other than a cloak room for the deposit of luggage :
- (3) For the purpose of securing the most convenient adjustment of the permanent entrances and exits shown on the Piccadilly Station plan the Company shall before commencing the construction of any of the permanent entrances and exits opening directly from the pedestrian subways on to the footways or roadways and footways (in this section referred to as "the street entrances and exits") place dummy entrances and exits on the footways or roadways and footways (as the case may be) to show the positions where the Company proposes to erect such permanent entrances or exits and shall give notice to the city council of the erection of such dummy entrances and exits and if within twenty-eight days the city council do not object to such positions the city council shall be deemed to have consented thereto :
- (4) The Company shall not without the consent of the city council construct the street entrances and exits which will be opposite the premises occupied by Swan and Edgar Limited or the street entrance and exit which will be opposite to the premises of Messrs. Drew and Sons Limited until the rebuilding of such premises has so far progressed that every hoarding or gantry erected in Piccadilly Circus for the

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purpose of such rebuilding has been removed and the new footway has been thrown open to the public :

- (5) Except with the previous consent in writing of the city council the Company shall not construct or permit to be constructed any underground shop front with windows opening on to the pedestrian subways or construct or permit to be constructed any underground entrance communication or passage connecting the pedestrian subways with any premises (other than the existing station premises of the Company) Provided that nothing in this subsection contained shall be deemed to derogate from the powers conferred upon the London Council by the London Building Acts 1894 to 1921 :
- (6) The Company shall not place or permit to be placed in any part of the pedestrian subways any obstruction nor without the consent in writing of the city council in any part of the booking hall any shops stalls or other similar erections (other than the said cloak room and a newspaper stall in the booking hall and other than telephone boxes which may open on to and be accessible from but shall not project into the pedestrian subways) to the intent that the whole of the floor space of the pedestrian subways when open to the public shall be available for pedestrian traffic :
- (7) The walls of the pedestrian subways and of the street entrances and exits shall be finished in such manner as shall be reasonably approved by the city council :
- (8) The Company shall provide and maintain in the pedestrian subways and on and above the street entrances and exits all such signs plates directions notices announcements and traffic advertisements as are necessary or desirable to explain and indicate the traffic facilities afforded by the underground railways and their connections and the pedestrian subways and other works connected therewith respectively at Piccadilly Circus including such facilities as public lavatories and telephones all such signs and

notices to be subject to the reasonable approval of the city council : A.D. 1923.

- (9) The Company shall not affix or exhibit or permit to be affixed or exhibited upon any street hoarding which may be erected during and for the purposes of the construction of the Piccadilly Station works and shall not during or after the construction of the pedestrian subways affix or exhibit or permit to be affixed or exhibited upon any part of the walls of the pedestrian subways or the street entrances or exits any placards or advertisements except such as shall have been approved in writing by the town clerk or other duly authorised officer of the city council but this subsection shall not prevent the Company from exhibiting placards or advertisements giving information to the public as to the traffic of the Company and of the companies associated with it or general information in connection therewith and with the undertakings of such companies :
- (10) The pedestrian subways and the street entrances and exits shall be paved lighted cleansed and maintained by the Company to the satisfaction of the city council but at the sole expense of the Company and such subways and the street entrances and exits shall for police and all other purposes but subject to the provisions of the two next succeeding subsections of this section form part of the public ways within the city of Westminster :
- (11) Subject to the next succeeding subsection the Company shall open the pedestrian subways not later than 7 a.m. on every day except Sundays Good Friday and Christmas Day on which days it shall open them not later than 9 a.m. The Company shall be entitled to close the pedestrian subways during such hours as the railway station at Piccadilly Circus is closed for traffic but shall not close the pedestrian subways until after 12.30 a.m. on any night except on the night of a Sunday Good Friday or Christmas Day on which nights it may close them after 11.30 p.m. Provided always that the Company shall provide

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and give access at all times to the city council's public lavatories and conveniences for the duly authorised officers servants and contractors of the city council :

- (12) The Commissioner of Police may close all public entrances and exits from and to the streets to and from the pedestrian subways (other than the entrance and exit which will be situate on the present Piccadilly Station premises of the Company) at such times and for such periods as he may deem necessary on the grounds of public emergency and the Company may if it thinks it desirable to do so on the grounds of public emergency close such last-mentioned entrance and exit at such times and for such periods as the other entrances and exits shall be closed by the Commissioner of Police :
- (13) The Company shall not except as otherwise provided in this section alter or in any way interfere with any roadway footway refuge sewer drain pipe lamp column or other property vested in the city council without the previous consent in writing of the city council which shall not be unreasonably withheld :
- (14) The Company shall repay to the city council all reasonable expenses incurred by the city council in executing any necessary alterations or reconstructions of any roadways footways refuges sewers drains pipes lamp columns or other property of the city council consequent on the execution by the Company of the works referred to in this section Any such works of alteration or reconstruction shall be executed by the city council with all reasonable dispatch :
- (15) The Company shall at its own expense and to the reasonable satisfaction of the city council reconstruct in a position to be determined by the city council immediately adjacent to the pedestrian subways and under the public streets the existing public lavatories and conveniences which are situate in and under the roadway of Piccadilly Circus (in this section referred to as "the existing lavatory") with the same accommo-

dition as that now provided at the existing lavatory and with means of access to the reconstructed lavatories and conveniences from the pedestrian subways (such reconstructed lavatories and conveniences and means of access are in this section referred to as "the reinstated lavatory") Provided that the existing lavatory shall not be disturbed or access thereto interfered with without the consent in writing of the city council until the reinstated lavatory has been completed and made available for the use of the public If before the commencement of the Piccadilly Station works the city council give to the Company notice in writing requesting the Company when reconstructing the existing lavatory to provide at and in connection with the reinstated lavatory additional public lavatory accommodation to that provided at the existing lavatory the Company shall when carrying out such work of reconstruction provide such additional public lavatory accommodation as may be practicable and the city council shall repay to the Company the expenses incurred by the Company in so doing The Company may when constructing the reinstated lavatory and in connection therewith construct at its own expense such additional lavatory accommodation as it may require for the needs of the staff employed by it at its Piccadilly Circus Station and the booking hall referred to in this section The Company shall at its own expense provide means for the ventilation of the reinstated lavatory and such additional public lavatory accommodation and additional lavatory accommodation as aforesaid to the reasonable satisfaction of the city council and the city council shall without charge give proper facilities on one or more island sites or otherwise on the surface in or about Piccadilly Circus and conveniently situated for the purpose of providing for such ventilation and for the ventilation of the Company's booking hall station subways and other works at Piccadilly Circus So soon as the reinstated lavatory and such additional public lavatory accommodation as

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aforesaid (if any) shall have been completed the same shall be taken over by and for all purposes be the property of the city council who shall thereafter at their own expense cleanse maintain ventilate and light the same Provided always that the Company shall not provide and is hereby relieved of all obligations to provide separate public lavatory accommodation in connection with its booking hall station subways and other works at Piccadilly Circus :

- (16) Having regard to the exceptional circumstances attaching to the construction of Work No. 1 and the pedestrian subways the Company shall submit detailed plans and sections thereof to the city council for their approval (which shall not be unreasonably withheld) before such works are commenced and the construction generally of such work and subways so far as the support of the highway is concerned shall be to the reasonable satisfaction of the city council or their engineer and such engineer or other duly authorised officer of the city council may from time to time during the construction of such works enter upon and inspect the same :
- (17) When once commenced the construction of the Piccadilly Station works and of the pedestrian subways shall so far as the construction may affect the surface of any public street or thoroughfare and except for causes beyond the reasonable control of the Company (of which compliance with the provisions of this section shall be one) be proceeded with continuously night and day The Company shall not under the powers of this Act enter upon or open up any part of the surface of any street in the city of Westminster or cart away soil in the said city except upon such conditions as the city council may reasonably impose and under the control and supervision of the engineer of the city council and the Company shall give to the city council not less than fourteen days' previous notice in writing of its intention to enter upon and open up the surface of any such street :

- (18) At least seven clear days before commencing any vertical borings from the surface of any part of any street in the city of Westminster the Company shall serve notice in writing on the city council of its intention to commence the same and such notice shall describe the place or places at which such borings are intended to be made and if within seven days after the service of such notice any objection is made by the city council the matter shall unless otherwise agreed between them be determined by arbitration before the boring is commenced. The Company shall not carry out any works of boring through any part of the surface of a street in the city of Westminster except between the hours of ten in the evening and eight in the morning: A.D. 1923. —
- (19) The Company shall not deposit any subsoil or materials or stand any vehicle or plant anywhere within the city of Westminster so as to cause any nuisance or obstruction to any person using the road or footways within the said city and no soil or subsoil shall be deposited on the road or footways at Piccadilly Circus outside the hoarding or hoardings to be provided. No plant or materials of any kind shall be deposited on such road or footways outside such hoarding or hoardings between the hours of 8 a.m. and 11.30 p.m. and except with the consent of the city council all loading and unloading of soil subsoil plant or materials shall be done within such hoarding or hoardings. If the Company their contractors servants or agents commit any breach of this subsection they shall be liable to a penalty not exceeding forty shillings for each offence:
- (20) The Company may and shall if required by the city council temporarily remove the Shaftesbury Memorial at Piccadilly Circus for the purpose of facilitating the execution of their works and minimising the obstruction of the highway and shall re-erect the same at Piccadilly Circus to the satisfaction of the London Council in such a position as may be agreed between

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the London Council and the city council or failing agreement as may be determined by an arbitrator to be appointed on the application of either party by the President for the time being of the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :

- (21) Where any part of any road or footway in the city of Westminster shall have been broken up disturbed or injuriously affected by the Company the Company shall make good the subsoil foundations and surface of such road or footway to the reasonable satisfaction of the city council Provided always that the reinstatement of any road or footway broken up disturbed or injuriously affected by the Company shall in the first instance be of a temporary nature only and the permanent reinstatement of any such road or footway shall be carried out by the city council at the cost of the Company :
- (22) Work No. 1 and the pedestrian subways shall be constructed and maintained by the Company in such manner as at all times to support not only the ordinary traffic and any other exceptional traffic lawfully using the streets within the city of Westminster but also any steam roller or other apparatus which the city council or their contractors for the time being may use for repairing the streets or roadways under the control of the city council and the Company shall indemnify the city council against and make good to the city council all costs and expenses that the city council may incur or be put to by reason of any defect or insufficiency in strength of the said work or subways or any neglect properly and effectually to maintain the same as aforesaid :
- (23) The Company shall make full compensation to the city council for any subsidence of or damage to any road or footway sewer drain or other work vested in or under the jurisdiction or control of the city council which may be caused by or in consequence of the act or default of the Company its contractors servants or agents and whether such damage or subsidence shall

happen during the construction of the said works by the Company or at any time thereafter : A.D. 1923.

- (24) In connection with the works by this Act authorised it shall not be lawful for the Company to place any hoarding in any part of any public road or footway in the city of Westminster except in such position and of such extent as shall be agreed with the city council or failing agreement determined by arbitration and for such periods as shall be reasonably necessary for carrying out the said works and no such hoarding shall be erected except under the provisions of the Metropolis Management Act 1855 and the London Building Act 1894 and any Act or Acts amending the same :
- (25) Except where expressly authorised by this Act the Company shall not without the consent of the city council open or make any ventilators air shafts or other similar openings in any roadway or footway or construct any structure or erection above the surface of any roadway or street :
- (26) Any matter to be determined by arbitration under this section except any matter under subsection (20) hereof and any difference which shall arise between the city council or their engineer and the Company under any of the provisions of this section shall be referred to an engineer to be agreed on between the Company and the city council and failing agreement to be appointed on the application of either party by the President for the time being of the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (27) The provisions of any Act incorporated with this Act which are inconsistent with the provisions of this section shall not apply in the city of Westminster.

35. The following provisions for the protection of the Southern Company shall unless otherwise agreed between the Company and the Southern Company apply and have effect (that is to say) :—

- (1) Notwithstanding anything in this Act contained or shown upon the deposited plans and sections

For protection of Southern Railway Company.

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the Company shall not without the previous consent in writing of the Southern Company under their common seal which shall not be unreasonably withheld enter upon take use or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the Southern Company but the Company may purchase and take and the Southern Company shall and they are hereby authorised to sell and grant accordingly an easement under or right of using so much of the subsoil of any lands and property of the Southern Company as may be necessary for the purposes of this Act The amount to be paid for the acquisition of such easement shall be settled in case of difference in the manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement and the easement or right so to be taken shall be deemed to be land so far as respects the proceedings for the acquisition thereof and also for the purposes of any arbitration :

- (2) Notwithstanding anything shown upon the deposited plans and sections or contained in this Act no part of Railway No. 1 by this Act authorised shall be constructed under the Charing Cross Hotel of the Southern Company or the foundations thereof neither shall the Company remove alter or reconstruct in any way the existing tube of the Company so far as the same is situate under the said hotel or the foundations thereof :
- (3) Notwithstanding anything in this Act contained the Company shall not in the construction of Railways Nos. 1 and 2 by this Act authorised (hereinafter referred to as "the said railways") under or within a distance of seventy-five feet (measured laterally) of either side of the viaduct carrying the railway of the Southern Company over Sutton Street deviate vertically upwards from the levels shown on the deposited sections and all work relating to or in connection with the construction of the said railways under or within a distance of seventy-five feet (measured

laterally) of either side of the said viaduct shall be carried out and completed to the reasonable satisfaction of the engineer of the Southern Company : A.D. 1923.
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- (4) Notwithstanding anything shown on the deposited plans and sections or in this Act contained the construction of the said railways under the buildings and property of the Southern Company at Waterloo Station shall be carried out and completed at such levels as are shown on and in all respects in accordance with the plan and section signed in quadruplicate by Sir Park Goff the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (hereinafter referred to as "the signed plan" and one copy of which has been deposited in the Private Bill Office of the House of Commons another copy of which has been deposited in the Parliament Office of the House of Lords another copy of which has been retained by the Company and the remaining copy of which has been retained by the Southern Company) and the Company shall repay to the Southern Company any extra cost which the Southern Company may be put to or incur in or about the construction of the railways stations and other works in connection therewith on the sites as at present proposed indicated and coloured green on the signed plan or any alternative railways stations and other works in connection therewith on other sites having the same object or purpose due to or in consequence of the construction by the Company of the said railways or either of them under the buildings and property of the Southern Company at Waterloo Station as aforesaid :
- (5) In constructing the proposed station under Waterloo Station in connection with the said railways no portion of the station tunnels shall be constructed south-east of the line marked A B shown on the signed plan :
- (6) The Southern Company shall have the right to impose a weight of four tons per square foot on the foundations of any works buildings or

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appliances to be hereafter constructed on any part of their property and the Company shall repay to the Southern Company any extra or special cost of foundations including reinforced concrete rafts considered necessary at any particular places which the Southern Company may hereafter be put to or incur in connection with the extension or alteration of their premises or the widening extension or alteration of their railways or stations or the provision of any works buildings or appliances or in connection with the development of their land or property and which may be caused or become necessary in consequence of the construction of the said railways or works by this Act authorised :

- (7) The Company shall before they commence the construction of so much of the said railways and all works in connection therewith as shall or may pass under or in any way affect the property of the Southern Company or within twenty yards thereof submit to the engineer of the Southern Company proper and sufficient plans sections detailed drawings and specifications of the works proposed to be carried out by the Company including strength and quality of materials for the reasonable approval of the said engineer and also proper and sufficient plans showing the stages by which it is intended to carry out the proposed works for the like approval. Provided that if the said engineer shall for the space of twenty-eight days neglect or refuse to approve the said plans sections drawings and specifications or shall disapprove the same then such plans sections drawings and specifications shall be submitted to and approved by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either the Company or the Southern Company and such portion of the said railways and all works necessary or incident to the construction thereof or affecting the property or works of the Southern Company shall be constructed only according to such plans sections drawings and specifications as shall be approved as aforesaid and under the

supervision and to the reasonable satisfaction of the said engineer and at the costs charges and expenses in all respects of the Company : A.D. 1923.
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- (8) Before the Company commence the construction of the said railways any temporary works which may in the opinion of the engineer of the Southern Company be reasonably necessary to ensure the stability of the railway and property of the Southern Company shall be carried out by and at the cost of the Company or the Southern Company may if they so elect carry out such works for the Company and the costs thereof and any expenses incurred in connection therewith (including compensation payable to any workmen who may be injured or killed whilst employed by the Southern Company in and about such works or their legal representatives or dependents) shall be repaid by the Company to the Southern Company on demand :
- (9) If it shall at any time appear to the engineer of the Southern Company either during the construction or after the completion of the said railways that any further or other works or appliances or other measures of precaution are required either by way of underpinning the said hotel or the railways stations viaducts or other works or property belonging to the Southern Company or by way of addition to the existing works of the Southern Company or in connection with the works of the said railways or in relation to the method of construction of the said railways so as to prevent subsidence damage or injury happening to the said hotel railways stations viaducts or other works or property of the Southern Company owing to or in consequence of the execution of the said railways the Company shall on being thereunto required in writing under the hand of the engineer of the Southern Company make and execute at their own expense and according to plans sections and specifications to be approved by him such works or take such measures of precaution including the temporary cessation of the construction of the said railways as the said

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engineer shall reasonably require and the construction of the said railways when commenced shall proceed without cessation except as aforesaid and with all reasonable despatch Any difference as to the necessity of any such further works as aforesaid or as to the mode of execution thereof shall unless otherwise agreed be determined by an engineer to be appointed on the application of either party as hereinafter provided :

- (10) The Company shall before commencing the construction or the structural alteration renewal or repair of the said railways give (except in case of emergency) twenty-eight days' previous notice in writing to the said engineer of the Southern Company of their intention to commence such works and in case of emergency the Company shall give the Southern Company the longest notice which they can reasonably give having regard to the urgency of the repairs to be executed and such notice shall be accompanied by a sufficient description of the works proposed to be carried out :
- (11) The Company shall at their own expense construct and at all times maintain the said railways and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the Southern Company and also any further works which may be constructed under the provisions of subsection (9) of this section in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Southern Company and so as to leave undisturbed at all times the said hotel railways stations viaducts or other property and works of the Southern Company and if and whenever the Company fail so to do after fourteen days' notice in writing to be given by the Southern Company to the Company or in case of emergency the Southern Company may make and do in and upon as well the lands and railway of the Company as their own lands all such works and things as the engineer of the

Southern Company may think requisite and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company and in default of full payment the amount due may be recovered with full costs by the Southern Company from the Company in any court of competent jurisdiction Provided always that in the event of any dispute between the Company and the Southern Company as to the amount so certified such dispute shall be settled by arbitration by an engineer to be appointed on the application of either party as hereinafter provided :

(12) Notwithstanding the approval of plans sections and detailed drawings and specifications or supervision by or completion to the satisfaction of the engineer of the Southern Company as aforesaid and notwithstanding the compliance by the Company with the provisions of this section if during the execution of any of the works hereinbefore referred to the said railways of the Southern Company or any of the works connected therewith respectively or any lands or property of that company shall be injured or damaged such injury or damage shall be forthwith made good by the Southern Company who may recover the full amount expended in so doing from the Company in any court of competent jurisdiction :

(13) Notwithstanding anything in this Act provided or contained the Company shall be responsible for and make good to the Southern Company all costs charges losses damages and expenses which may be occasioned to the said hotel railways stations viaducts or other works or property of the Southern Company and to any future works buildings or appliances which may be executed by the Southern Company and to any person or persons using the said hotel railways stations viaducts or other works or property and the said future works buildings or appliances which may be executed by the Southern Company by reason of the construction

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alteration maintenance or failure of the said railways or other works or of any works undertaken and carried out by the Company under the provisions of the section of this Act the marginal note of which is "Power to Company to lengthen station tunnels" or of any act or omission of the Company or of any person or persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the Southern Company from all claims and demands upon or against them by reason of such construction alteration maintenance failure or omission or in respect of any damage caused to the premises of any lessees or tenants of the Southern Company :

- (14) The Company shall not in making and maintaining the said railways and works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways stations and property of the Southern Company or any traffic thereon or with the access to their said hotel stations or property or to the premises of any lessees or tenants of the Southern Company and if at any time or times hereafter the free and uninterrupted and safe user of the railways or stations of the Southern Company or any traffic thereon or the access to the said hotel stations property or premises shall be obstructed hindered or interfered with contrary to this enactment the Company shall notwithstanding any approval as aforesaid pay to the Southern Company their lessees or tenants all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference :
- (15) The Company shall from time to time repay to the Southern Company any additional expense to which that company may be put in maintaining their said hotel railways stations viaducts or other works or property by reason or in consequence of the construction or user of the said railways :

- (16) The Company shall execute all protective works within the powers of the Company and take such other precautions (including the use of compressed air at an approved pressure and grouting with approved Portland cement) as shall be reasonably necessary for ensuring the safety of the railways of the Southern Company their said hotel stations viaducts works and other property and such protective works when commenced shall be proceeded with without cessation : A.D. 1923.
- (17) During the construction of the said railways so far as the same affect the said hotel railways stations viaducts or other works or property of the Southern Company the Company shall bear and on demand pay to the Southern Company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them (including compensation payable to any workmen who may be injured or killed whilst so employed or their legal representatives or dependents) for inspecting watching and lighting their said hotel railways stations viaducts and other works or property connected therewith and their said lands or property with reference to and during the execution of the said railways and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from the acts or the defaults of their contractors or of any person or persons in their employ or otherwise and the Company shall at all times give ample facilities to the engineer of the Southern Company and his assistants or inspectors for full and free access to the said railways during or after their construction and shall also furnish him or them with every information he or they may reasonably require with regard to such railways or the method of construction thereof :
- (18) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their railways in all respects as

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to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or to be used on the railways of the Southern Company or with the currents in such circuits :

- (19) The Company and the Southern Company may enter into and carry into effect agreements as to any of the works and matters referred to in this section or shown on the signed plan or as to any of the other provisions of this Act :
- (20) Except as in subsection (1) of this section otherwise provided with regard to the settlement of the amount to be paid for the acquisition of the easement therein referred to if any difference shall arise between the Company and the Southern Company or its engineer touching this section or anything to be done or not to be done thereunder or any requirement of or matter or thing by this section left to the approval or decision of such engineer the same shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply thereto.

For protection of
City
Company.

36. For the protection of the City Company the following provisions shall unless otherwise agreed between the City Company and the Company be observed and have effect (that is to say) :—

- (1) In this section the expression “the railway” means and includes the railway subways lifts shafts stairways and works connected therewith and property of the City Company :
- (2) Notwithstanding anything shown upon the deposited plans and sections or contained in this Act the Company shall not enter upon take use or interfere with either permanently or temporarily the railway or other property of the City Company without the consent in writing of the City Company under their common seal :
- (3) The Company shall twenty-eight days before they commence the construction of any part of the works by this Act authorised which shall

or may pass over under or adjacent to or within a distance of two hundred lineal feet of any part of the railway of the City Company furnish to the City Company proper and sufficient plans sections and specifications of the works proposed to be made by the Company under or adjacent to or within a distance of two hundred lineal feet of any part of the railway. Such plans sections and specifications shall be settled and agreed upon between the respective engineers of the Company and the City Company or in case of their failing to agree or of any difference arising between them the same shall be referred to arbitration as hereinafter provided and such works shall be carried into effect only in accordance with such agreement or determination and under the superintendence and to the reasonable satisfaction of the engineer of the City Company and at the costs charges and expenses in all respects of the Company and when commenced shall be proceeded with without cessation :

- (4) The Company shall at all times maintain the works by this Act authorised under or adjacent to the railway in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the City Company and if and whenever the Company fail so to do the City Company may make and do in and upon as well the lands or property of the Company as their own lands and property all such works and things as the City Company may reasonably think requisite and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company. The engineer of the City Company and his duly authorised assistants shall at all reasonable times have free access to the works by this Act authorised and every reasonable facility shall be afforded them for the inspection thereof and every reasonable notice which they may give touching any defect or want of repair shall immediately or as soon as possible be complied with by the Company :

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- (5) If during and by the execution of the works by this Act authorised the railway shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do the City Company may make good the same and recover the costs thereof against the Company :
- (6) The Company shall not in making and maintaining working or using the works by this Act authorised in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railway or any part thereof or any traffic thereon or company or person using the same and if at any time or times hereafter the free and uninterrupted and safe user of the railway or any traffic thereon or company or person using the same shall be obstructed hindered or interfered with contrary to this enactment the Company shall forfeit and pay to the City Company for each such obstruction one hundred pounds by way of ascertained damages for every hour during which each such obstruction hindrance or interference shall continue and so in proportion for any period of less than one hour :
- (7) All reasonable fees costs charges and expenses in respect of any of the matters in this section contained shall be borne and on demand paid by the Company who during the construction renewal or repair of the works by this Act authorised over under or adjacent to the railway shall bear and on demand shall pay to the City Company the reasonable costs charges and expenses of their engineer and assistants and the expense of the employment by the City Company of a sufficient number of inspectors or watchmen to be appointed by them for watching the railway with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger or accident from any of the operations of the Company or from the acts or defaults of their contractors or of

any person or persons in their employ or otherwise : A.D. 1923.

- (8) If at any time the engineer of the City Company shall be of opinion that the construction or maintenance of the works or other operations of the Company are or may be attended with danger to any portion of the railway the Company shall forthwith adopt such additional measures and precautions including the use of compressed air as the engineer of the City Company may consider necessary for the purpose of preventing damage or injury thereto :
- (9) In the event of the City Company desiring to alter or extend their existing Kennington Station the Company shall give to the City Company every reasonable facility for the execution of such alteration or extension :
- (10) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the City Company all costs losses damages charges and expenses which may be occasioned to the City Company or to any of their works or property or to the traffic on their railway or otherwise by reason of the construction or failure of the works by this Act authorised and the works in connection therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the City Company from all claims and demands upon or against them by reason of such construction or failure or of any such act or omission :
- (11) The fact that any work or thing has been done or executed in accordance with any plan not objected to or approved by the City Company or with any requirement of the City Company or under the superintendence of their engineer or in accordance with any direction or award of an arbitrator shall not excuse the Company from any liability for damage caused to the railway or affect any claim by the City Company in respect of any obstruction or hindrance of or

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interference with any traffic on or company or person using the railway or demands of any company or person using the same :

- (12) Any question by this section referred to arbitration and any difference which may arise between the Company and the City Company as to the reasonableness of any requirement of that Company or of their engineer or otherwise under the provisions of this section shall unless otherwise agreed be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such determination.

For protection of District Company.

37. The provisions contained in section 36 (For protection of Metropolitan District Railway Company) of the London Electric Railway Act 1911 are incorporated with this Act and shall extend and apply for the protection of the District Company in respect of the Company's railways and works by this Act authorised to be constructed at or near Charing Cross.

For protection of Lambeth Borough Council.

38. For the protection of the mayor aldermen and councillors of the metropolitan borough of Lambeth in the county of London (in this section called "the council") the following provisions shall have effect (that is to say) :—

- (1) Before the Company shall under the powers of this Act commence to make any trial borings in any street within the said borough (in this section called "the borough") or to execute any work involving the breaking up or interference with the surface of any such street the Company shall give to the engineer of the council (in this section referred to as "the engineer") at least forty-eight hours' notice in writing in the case of trial borings and at least fourteen days' notice in writing in the case of any other such works as aforesaid giving particulars of the borings or works proposed to be carried out :
- (2) Any temporary shaft or opening (other than a trial boring) from the surface of any street

in the borough which is made under the powers of this Act shall be in such position and of such dimensions and character as may be reasonably prescribed by the council and any such trial boring as aforesaid shall be made in such position and under such conditions as the engineer may reasonably prescribe and if the Company shall fail to observe any of the conditions under which any such temporary shaft or opening or trial boring shall have been permitted or shall fail to remove or close the same within the period prescribed for that purpose by the council or the engineer as the case may be the Company shall be liable to a penalty of not exceeding twenty pounds for such default and to a further penalty of not exceeding twenty pounds for every day on which such default shall continue which may be recovered by the council and without prejudice to any other remedy the council may forthwith remove and close any such temporary shaft or opening or trial boring and the amount of all expenses incurred by them in so doing shall be recoverable by them from the Company in a summary way :

- (3) It shall be lawful for the engineer from time to time to inspect any works in this section referred to and the Company shall give the engineer all necessary facilities for such inspection and if he shall be of opinion that such works are attended with danger to any property buildings sewers drains or works belonging to or under the jurisdiction or control of the council the Company shall adopt such measures and precautions as may be reasonably considered necessary by the engineer for the purpose of preventing any damage or injury thereto :
- (4) In giving their consent to any such temporary shaft or opening or trial boring as aforesaid the council or the engineer (as the case may be) may prescribe reasonable conditions as to the restoration of the street or the removal or closing of such shaft or opening and the materials to be used therein either by the Company or

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the council as the council may think fit and on any such removal or closing the council may restore and make up the street in such manner and with such materials as they may think fit and in any event all costs and expenses incurred by the council in restoring and making up the surface of the street and the materials thereof in so far as such restoration and making up shall be necessitated by the construction removal or closing of such shaft or opening or trial boring (as the case may be) shall be recoverable by the council from the Company in a summary way :

- (5) All such shafts or openings or trial borings as aforesaid shall at night and when otherwise requisite be lighted outside the hoardings to the satisfaction of the council :
- (6) The Company after the restoration of any opening in any road or street in the borough shall at their own expense keep and maintain such portion of the road or street as shall have been broken up by them in good and substantial repair in every respect to the reasonable satisfaction of the council for twelve months next after the same shall have been so restored as aforesaid :
- (7) In case any part of any street place or pavement in the borough or any sewer drain or work belonging to the council or under their control should sink or be in any way injuriously affected at any time by or in consequence of the works of the Company the council may repair such street place pavement sewer drain or work and the Company shall pay to the council the expense thereof on demand provided that the council shall give immediate notice to the Company of the discovery of the injury and of their intention to do such repairs :
- (8) It shall not be lawful for the Company in the exercise of the powers of this Act to place any hoardings on any part of any public way in the borough except for such period as may be necessary and then only in such manner as shall be reasonably necessary and no such hoarding

shall be erected except under the provisions of the Metropolis Management Act 1855 or any amendment thereof: A.D. 1923.
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- (9) The Company shall on demand pay to the council the amount of all costs charges and expenses (other than remuneration for work done in the ordinary course of their employment by salaried officers of the council) reasonably incurred by them in or about the necessary inspection and approval of any of the works referred to in this section or otherwise in respect of any matter or thing which the Council are by the section of this Act of which the marginal note is "Use of sewer for removing water" or this section required or permitted to do:
- (10) Any opening into any sewer or drain of the council made under the provisions of the section of this Act of which the marginal note is "Use of sewer for removing water" shall be made either by the council or by the Company as the council shall think fit and in such manner as the council may consider necessary and any costs and expenses incurred by the council in making such openings and in restoring and making good such openings as certified in writing by the engineer shall be recoverable by the council from the Company in a summary way:
- (11) The Company shall not deposit any subsoil or materials anywhere within the borough so as to cause any nuisance or obstruction to the council or any person using the streets roads or footways within the borough and if the Company their contractors servants or agents commit any breach of this subsection they shall be liable on summary conviction to a penalty not exceeding forty shillings for each offence:
- (12) Except as by this Act otherwise provided nothing in this Act contained shall extend or be construed to take away prejudice or lessen any of the powers rights privileges or authorities of the council:
- (13) Any difference which may arise under the provisions of this section between the council or the engineer and the Company shall be from

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time to time referred to and determined by an engineer to be agreed upon or failing such agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

For pro-
tection of
Southwark
Borough
Council.

39. For the protection of the mayor aldermen and councillors of the metropolitan borough of Southwark in the county of London (in this section called "the council") the following provisions shall have effect (that is to say):—

- (1) Before the Company shall under the powers of this Act commence to make any trial borings in any street within the said borough (in this section called "the borough") or to execute any work involving the breaking up or interference with the surface of any such street the Company shall give to the engineer of the council (in this section referred to as "the engineer") at least forty-eight hours' notice in writing in the case of trial borings and at least fourteen days' notice in writing in the case of any other such works as aforesaid giving particulars of the borings or works proposed to be carried out:
- (2) Any temporary shaft or opening (other than a trial boring) from the surface of any street in the borough which is made under the powers of this Act shall be in such position and of such dimensions and character as may be reasonably prescribed by the council and any such trial boring as aforesaid shall be made in such position and under such conditions as the engineer may reasonably prescribe and if the Company shall fail to observe any of the conditions under which any such temporary shaft or opening or trial boring shall have been permitted or shall fail to remove or close the same within the period prescribed for that purpose by the council or the engineer as the case may be the Company shall be liable to a penalty of not exceeding twenty pounds for such default and to a further penalty of not exceeding twenty

pounds for every day on which such default shall continue which may be recovered by the council and without prejudice to any other remedy the council may forthwith remove and close any such temporary shaft or opening or trial boring and the amount of all expenses incurred by them in so doing shall be recoverable by them from the Company in a summary way : A.D. 1923.

- (3) It shall be lawful for the engineer from time to time to inspect any works in this section referred to and the Company shall give the engineer all necessary facilities for such inspection and if he shall be of opinion that such works are attended with danger to any property buildings sewers drains or works belonging to or under the jurisdiction or control of the council the Company shall adopt such measures and precautions as may be reasonably considered necessary by the engineer for the purpose of preventing any damage or injury thereto :
- (4) In giving their consent to any such temporary shaft or opening or trial boring as aforesaid the council or the engineer (as the case may be) may prescribe reasonable conditions as to the restoration of the street or the removal or closing of such shaft or opening and the materials to be used therein either by the Company or the council as the council may think fit and on any such removal or closing the council may restore and make up the street in such manner and with such materials as they may think fit and in any event all costs and expenses reasonably incurred by the council in restoring and making up the surface of the street and the materials thereof in so far as such restoration and making up shall be necessitated by the construction removal or closing of such shaft or opening or trial boring (as the case may be) shall be recoverable by the council from the Company in a summary way :
- (5) All such shafts or openings or trial borings as aforesaid shall at night and when otherwise requisite be lighted outside the hoardings to the satisfaction of the council :

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- (6) The Company after the restoration of any opening in any road or street in the borough shall at their own expense keep and maintain such portion of the road or street as shall have been broken up by them in good and substantial repair in every respect to the reasonable satisfaction of the council for twelve months next after the same shall have been so restored as aforesaid :
- (7) In case any part of any street place or pavement in the borough or any sewer drain or work belonging to the council or under their control should sink or be in any way injuriously affected at any time by or in consequence of the works of the Company the council may repair such street place pavement sewer drain or work and the Company shall pay to the council the expense thereof on demand provided that the council shall give immediate notice to the Company of the discovery of the injury and of their intention to do such repairs :
- (8) It shall not be lawful for the Company in the exercise of the powers of this Act to place any hoardings on any part of any public way in the borough except for such period as may be necessary and then only in such manner as shall be reasonably necessary and no such hoarding shall be erected except under the provisions of the Metropolis Management Act 1855 or any amendment thereof and the Company shall not affix exhibit or permit to be affixed or exhibited upon any such hoarding as aforesaid any advertisement or placard which is visible from the street other than such as relate to the railways of the Company and the traffic thereon unless the same shall have been approved in writing by the council and if any such advertisement or placard be affixed or exhibited without such approval the council and their authorised officers may remove the same :
- (9) The Company shall on demand pay to the council the amount of all costs charges and expenses (other than remuneration for work done in the ordinary course of their employment by salaried

officers of the council) reasonably incurred by them in or about the necessary inspection and approval of any of the works referred to in this section or otherwise in respect of any matter or thing which the council are by the section of this Act of which the marginal note is "Use of sewer for removing water" or this section required or permitted to do :

- (10) Any opening into any sewer or drain of the council made under the provisions of the section of this Act of which the marginal note is "Use of sewer for removing water" shall be made either by the council or by the Company as the council shall think fit and in such manner as the council may consider necessary and any costs and expenses incurred by the council in making such openings and in restoring and making good such openings as certified in writing by the engineer shall be recoverable by the council from the Company in a summary way :
- (11) The Company shall not deposit any subsoil or materials anywhere within the borough so as to cause any nuisance or obstruction to the council or any person using the streets roads or footways within the borough and if the Company their contractors servants or agents commit any breach of this subsection they shall be liable on summary conviction to a penalty not exceeding forty shillings for each offence :
- (12) The Company shall not permit any cart or vehicle to be loaded in any public street in the borough except so far as shall be necessary in erecting or pulling down any buildings fronting on the public thoroughfare :
- (13) Except as by this Act otherwise provided nothing in this Act contained shall extend or be construed to take away prejudice or lessen any of the powers rights privileges or authorities of the council :
- (14) Any difference which may arise under the provisions of this section between the council or the engineer and the Company shall be from time to time referred to and determined by an

A.D. 1923.

engineer to be agreed upon or failing such agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

For pro-
tection of
Hendon
Urban
District
Council.

40. For the protection of the Hendon Urban District Council (in this section called "the council") the following provisions shall apply and have effect (that is to say):—

In connection with and for the purposes of Work No. 2 by this Act authorised the Company shall construct a footpath (hereinafter called "the new footpath") between the points marked A B C D and E and in the position delineated and coloured brown on the plan signed in quadruplicate by Sir Park Goff the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (one copy of which has been deposited in the Private Bill Office of the House of Commons another copy of which has been deposited in the Parliament Office of the House of Lords another copy of which has been retained by the Company and the remaining copy of which has been retained by the council) The new footpath shall have a width of six feet and the Company shall make up the same with gravel or other suitable material and shall properly fence the same So soon as the new footpath shall have been completed to the reasonable satisfaction of the council and is open for public use the Company may stop up so much of the existing public footpath shown on the deposited plans of the said Work No. 2 as lies between the said points marked A and E on the signed plan above referred to and as from the completion of the new footpath to the satisfaction of the council all rights of way over or along the said portion of the existing footpath shall be extinguished and the Company may appropriate and use for the purposes of its undertaking the site of the existing footpath so stopped up.

For pro-
tection of
Metro-

41. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the

following provisions shall unless otherwise agreed in writing between the Company and the board have effect (that is to say) :—

A.D. 1923.
—
politan
Water
Board.

- (1) The Company shall not remove raise sink or otherwise alter the position of any mains pipes valves hydrants plugs or other works or apparatus (in this section referred to as "apparatus") of the board or do anything which may impede access by the board to such apparatus or the passage of water into or through the same without the consent in writing of the engineer of the board (in this section referred to as "the said engineer") or in any manner other than the said engineer shall approve nor (with such consent and approval) until such good and sufficient apparatus as the said engineer may consider necessary for continuing the supply of water has been first provided and laid down and made ready for use to the satisfaction of the said engineer :
- (2) The Company in executing any works under this Act or in removing raising sinking or otherwise altering the position of any apparatus of the board 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 their apparatus or property :
- (3) The Company shall construct the booking hall (Work No. 1) and the Subways No. 1 and No. 2 by this Act authorised and all works in connection therewith or subsidiary thereto respectively at such a depth below the surface of the street road or place under which they are respectively constructed as to leave a clear space throughout sufficient for the accommodation of the mains to be laid by the board pursuant to subsection (4) of this section with a covering of not less than three feet six inches between such surface and any part of any of the said mains :
- (4) The board shall provide and lay two ring mains consisting of steel tubes each having an internal diameter of twenty-four inches in the position

A.D. 1923.

approximately indicated by red lines on the plan signed in quadruplicate by Sir Park Goff the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan one copy has been deposited in the Private Bill Office of the House of Commons another copy of which has been deposited in the Parliament Office of the House of Lords another copy of which has been retained by the Company and the remaining copy of which has been retained by the board) and other like mains in the positions also approximately indicated by red lines on the said plan and shall make all such connections as they may think fit between the said mains and any existing mains of the board and shall divert or alter any of their existing apparatus which may be affected by the construction by the Company of the works referred to in subsection (3) of this section or which the board may deem it necessary or desirable to divert or alter in connection with or in consequence of such construction. The cost of such provision and laying and of the making of such connections diversions and alterations as aforesaid after deducting therefrom the amount by which the cost of the steel tubes forming the mains to be laid by the board as aforesaid exceeds the cost of steel tubes of the same aggregate length having an internal diameter of twelve inches shall be borne by the Company and repaid by them to the board on demand :

- (5) In executing the works authorised by this Act (other than the booking hall (Work No. 1) and the Subways No. 1 and No. 2) or in exercising any of the other powers of this Act the Company shall not raise sink or otherwise alter the position of any apparatus of the board or alter the level of any street or road in which any such apparatus is situate so as to leave over such apparatus a covering of either less than three feet or more than five feet :
- (6) The Company shall not except by arrangement with the board execute or do any work which

may involve any interference with the continuous supply of water by the board during the months of May June July August and September in any year : A.D. 1923.
—

- (7) Notwithstanding anything contained in the section of this Act of which the marginal note is " Power to deviate vertically " the Company shall not execute any works (other than the booking hall (Work No. 1) and the Subways No. 1 and No. 2 by this Act authorised) within twenty feet from the surface of any street or road in or under which any apparatus of the board is situate or otherwise interfere with the subsoil of such street or road within that depth except with the consent in writing of the board and upon and subject to such terms and conditions as the board may attach to any consent given by them :
- (8) Where any inclined tunnel or shaft is constructed by the Company for the purposes of any stair or escalator within ten feet measured in any direction from any apparatus of the board the Company shall execute such works as the said engineer may reasonably require for supporting such apparatus and if the board in their discretion deem it necessary so to do they may substitute steel tubes encased in concrete for any mains or pipes within the said distance from such tunnel or shaft and the Company shall on demand repay to the board the cost incurred by them in so doing :
- (9) The provisions contained in section 67 (General provisions for protection of water gas hydraulic power and telephonic companies or undertakers under any Electric Lighting Order) of the Act of 1902 as extended and applied by the section of this Act of which the marginal note is " Incorporating certain provisions of existing Acts " to the railways subways and works by this Act authorised shall be read and have effect as if the board were a protected company within the meaning of that section Provided that the following modifications of the said

A.D. 1923.

section in its application to the board and their apparatus shall have effect (that is to say):—

(a) The period of twenty-eight days shall be substituted for the period of fourteen days mentioned in subsections (1) and (2) of the said section and the period of fourteen days shall be substituted for the period of seven days mentioned in the said subsection (1);

(b) The President of the Institution of Civil Engineers shall be substituted for the Board of Trade in subsection (8) of the said section :

- (10) All works to be executed or provided in connection with any apparatus of the board shall be so executed and provided by and at the expense of the Company but to the reasonable satisfaction and under the superintendence of the said engineer (if after reasonable notice he shall choose to attend) :
- (11) The provisions of the section of this Act of which the marginal note is "Compensation for damage by working" shall extend and apply to the apparatus of the board as if the same were expressly included in such lands houses and buildings as are referred to in that section :
- (12) If any difference shall arise between the Company and the board or the said engineer under the provisions of this section (other than a difference as to the construction or meaning of the said provisions or as to the amount of any compensation payable to the board pursuant to subsection (11) of this section) such difference shall be settled in accordance with the provisions of subsections (8) and (10) of the said section 67 of the Act of 1902 as applied and modified by this section :
- (13) The provisions of this section shall except as otherwise expressly provided be in addition to and not in substitution for or derogation of any other provision of this Act to the benefit of which the board would otherwise be entitled.

42. For the protection of the Port of London Authority (in this section called "the port authority")

For pro-
tection of
Port of

the following provisions shall unless otherwise agreed with the Company apply and have effect (that is to say):—

A.D. 1923.
—
London
Authority.

(1) The Company shall not make any trial borings or execute or commence to execute any work whether permanent or temporary in the River Thames or on over or under the bed shores or banks thereof except in accordance with plans elevations and sections previously approved by the port authority in writing under the hand of their secretary and deposited at their office and all such works shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the port authority :

(2) The Company shall not in constructing any works by this Act authorised so far as the same are under the bed shores or banks of the River Thames deviate upwards from the levels of the said works as shown on the deposited sections :

(3) Notwithstanding anything in this Act contained or shown on the deposited sections no part of the works by this Act authorised shall be so constructed as to prevent the port authority from deepening and dredging the River Thames to a depth of thirty-five feet below the level of Trinity high-water mark to the eastward of a line drawn sixty-five yards distance from and parallel with the eastern face of the Victoria Embankment and notwithstanding anything contained in the Port of London (Consolidation) Act 1920 the port authority shall not be liable to pay compensation in respect of any damage to any works by this Act authorised which may be caused by dredging to the depth aforesaid :

(4) Notwithstanding anything contained in this Act or in the Acts incorporated herewith the compensation or consideration payable to the port authority in respect of any easement acquired under the powers of this Act for or in connection with any permanent or temporary works by this Act authorised in the River Thames or on over or under the bed shores or banks thereof shall be assessed in accordance with the provisions of section 254 of the Port of

A.D. 1923.
—

London (Consolidation) Act 1920 or any statutory provision in lieu thereof for the time being in force :

- (5) The Company shall not (except so far as shall be necessary in the construction of any works under the River Thames by this Act authorised) take any gravel soil or other material from the bed shores or banks of the said river without the previous consent of the port authority in writing under the hand of their secretary :
- (6) Notwithstanding anything in this Act or shown on the deposited plans the Company shall not under the powers of this Act lengthen any station tunnels of any of the railways of the Company to such an extent that they will be in any part under the River Thames or under the bed shores or banks thereof :
- (7) The Company shall for ever maintain such portion of the tunnels of the Charing Cross Euston and Hampstead Railway of the Company as is under the bed shores or banks of the River Thames except such portion thereof as lies between Railways Nos. 1 and 2 by this Act authorised :
- (8) Nothing in this Act shall be deemed to authorise the Company to discharge any water into the River Thames except with the consent of the port authority :
- (9) Any difference which shall at any time arise between the port authority or their engineer and the Company or their engineer under this section including any difference as regards approval of plans elevations and sections or works or the portions of the said Charing Cross Euston and Hampstead Railway to be maintained or abandoned shall be referred to and determined by an engineer to be agreed upon by the Company and the port authority or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to such reference :
- (10) Nothing in this Act shall extend to or be construed to extend to prejudice or derogate

from the estates rights interests privileges liberties or franchises of the port authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the port authority did or might lawfully claim use or exercise under and by virtue of the Port of London (Consolidation) Act 1920 or otherwise.

A.D. 1923
—

43. The Company shall so construct Railways Nos. 1 and 2 that no portion of the tunnels thereof shall be at a less distance than ten feet from either of the two wells which are situate within the premises belonging to the Lion Brewery Company Limited and numbered 433 in the parish of Saint Mary Lambeth in the metropolitan borough of Lambeth on the deposited plans for the said Railways Nos. 1 and 2.

For protec-
tion of Lion
Brewery
Company
Limited.

44. Section 67 (General provisions for protection of water gas hydraulic power and telephonic companies or undertakers under any Electric Lighting Order) of the Act of 1902 as incorporated in this Act shall extend and apply to the St. James and Pall Mall Electric Light Company Limited as fully as if it were one of the protected companies in such section named.

For protec-
tion of
St. James
and Pall
Mall Elec-
tric Light
Company
Limited.

45. For the protection of the most Honourable James Edward Hubert Marquess of Salisbury or other the persons for the time being having any estate or interest in the lands coloured pink and blue on the plan signed in quadruplicate by Sir Park Goff the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred (one copy of which has been deposited in the Private Bill Office of the House of Commons another copy of which has been deposited in the Parliament Office of the House of Lords another copy of which has been retained by the Company and the remaining copy of which has been retained by the said Marquess) (other than persons having any estate or interest in the terms of years created by the respective leases which expire on the respective dates mentioned on such plan and persons claiming through or under them respectively) all of which persons (other than as aforesaid) are included in the expression "the owner" where used in this section and for the benefit of the Company the following provisions shall unless otherwise agreed in

For pro-
tection of
Marquess of
Salisbury.

A.D. 1923. writing between the Company and the owner apply and
— have effect (that is to say) :—

- (1) If the Company enters upon takes or uses under the powers of this Act any part of the lands coloured blue on the said plan the Company shall forthwith purchase and take the whole of the said lands so coloured blue :
- (2) If the Company purchases and takes under the powers of this Act the whole of the lands coloured blue on the said plan or the lands coloured yellow on such plan then (a) neither the Company nor its successors and assigns or any person claiming through or under them respectively shall as owners of or interested in the lands so purchased and taken (but not further or otherwise) at any time object to the owner raising the existing buildings or erecting new buildings on the lands coloured pink on the said plan or any of them to any height for the time being permitted by the London Building Acts or any statutory modification thereof for the time being in force and (b) the owner shall not at any time object to the Company its successors or assigns erecting buildings on the said lands coloured blue and yellow on the said plan or any of them to any height for the time being permitted by the London Building Acts or any such statutory modification thereof as aforesaid :
- (3) Notwithstanding anything to the contrary in this Act or shown on the deposited plans the Company shall not under the powers of this Act enter upon take or use or execute any works in or under that part of the subsoil or undersurface of that part of Great Newport Street which lies to the northward of an imaginary line drawn down the centre of such street :
- (4) The Company shall not generate electricity on any part of or within one hundred yards of any of the lands of the owner which are coloured blue on the said plan.

For protec-
tion of
owners &c.

46. For the protection of Sir Wilmot Parker
Herringham Maud Mary Gooch Arthur Gabriel Morrish

and Reginald Percy Pfeiffer Rowe or other the owners or lessees for the time being of the property numbered on the deposited plans of Railways Nos. 1 2 3 4 and 6 by this Act authorised 282 in the parish of St. Mary Lambeth in the metropolitan borough of Lambeth or of any part of that property (in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company have effect (that is to say):—

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—
of certain
property in
Lambeth.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Company shall not except with the consent in writing of the owners and upon and subject to such terms and conditions as they may in their discretion impose acquire any greater or other estate or interest in the said property or any part thereof than an easement or right of using the subsoil and undersurface thereof for the construction maintenance and working of the railways by this Act authorised :
- (2) The provisions of the section of this Act of which the marginal note is " Owners may be required to grant easements only under certain properties " shall apply with respect to the acquisition by the Company of such easement or right as aforesaid.

PART IV.

PASSENGERS' FARES &C.

47.—(1) The Company may demand and take for the conveyance of passengers upon the railway any fares not exceeding the following (that is to say)—

Fares &c.
for pas-
sengers.

For every passenger conveyed in a first-class carriage the sum of threepence per mile but if conveyed for a distance not exceeding one mile the sum of fourpence ;

For every passenger conveyed in any carriage other than first class the sum of three halfpence per mile but if conveyed for a distance not exceeding one mile the sum of twopence :

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Provided that for any fraction of a mile beyond one mile or beyond any integral number of miles the Company may demand and take—

	In the case of a passenger conveyed in a first-class carriage.	In the case of a passenger conveyed in any carriage other than a first-class carriage.
If such fraction does not exceed one-third of a mile.	One penny - -	One halfpenny.
If such fraction exceeds one-third but does not exceed two-thirds of a mile.	Twopence - -	One penny.
If such fraction exceeds two-thirds of a mile.	Threepence - -	Three halfpence.

Provided also that where passengers are conveyed partly on the existing or authorised railways of the Company and partly on the railway the whole of such railways shall for the purpose of short distance fares be considered one railway.

As to approval by Minister of Transport of fares in excess of certain maxima.

48.—(1) The powers of charge conferred by this Act on the Company in so far as they permit the Company to charge (a) in the case of passengers conveyed on the railway in any first-class carriage or (b) in the case of passengers conveyed on the railway in any carriage other than a first-class carriage fares in excess of the respective maximum fares which it would have been entitled to demand and take for such conveyance under section 54 (of which the marginal note is "Rates and charges") of the Act of 1910 if the railway had formed part of the authorised railways of the Company at the date of the passing of the Act of 1910 (which respective maximum fares are hereinafter in this section respectively referred to as "the pre-war maximum first-class fares" and "the pre-war maximum ordinary fares") shall cease and determine either when fresh provision shall be made by Parliament relating to the fares to be charged by the Company for the conveyance of passengers on the railway in first-class carriages and carriages other than first class or on the fifteenth day of February one thousand nine hundred and twenty-five whichever shall be the earlier.

(2) Before the Company under the powers conferred by this Act (a) fixes fares for the conveyance of passengers on the railway in first-class carriages which are in excess of the corresponding pre-war maximum first-class fares or (b) fixes fares for the conveyance of passengers on the railway in carriages other than first-class carriages which are in excess of the corresponding pre-war maximum ordinary fares the Company shall submit to the Minister of Transport a schedule of the fares aforesaid which it intends to charge and no such fares which are in excess of the corresponding pre-war maximum first-class fares or the corresponding pre-war maximum ordinary fares (as the case may be) shall be charged until the same have been approved by him. Before approving any such fares which are so in excess the Minister of Transport shall refer the matter to the Rates Advisory Committee constituted under the Ministry of Transport Act 1919 for their advice and they shall report thereon to him.

A.D. 1923.

(3) If the Minister of Transport shall at any time after the passing of this Act consider that the fares charged by the Company (a) in the case of passengers conveyed on the railway in any first-class carriage or (b) in the case of passengers conveyed on the railway in any carriage other than a first-class carriage are higher than are justified by the circumstances of the case the Minister of Transport may in either of such cases after reference as aforesaid to the Rates Advisory Committee by order require the Company to modify the fares aforesaid then in operation and which he considers are higher than are justified to such extent as may be prescribed by the order but so that the Company shall not be required (a) in the case of fares for the conveyance of passengers on the railway in a first-class carriage to reduce such fares below the corresponding pre-war maximum first-class fares or (b) in the case of fares for the carriage of passengers on the railway in any carriage other than a first-class carriage to reduce such fares below the corresponding pre-war maximum ordinary fares.

49. The Company may demand and take for small parcels conveyed upon the railway any rates or charges not exceeding the following (that is to say):—

Rates &c.
for small
parcels.

For every parcel not exceeding seven pounds in weight sixpence :

A.D. 1923.
—

For every parcel exceeding seven pounds but not exceeding fourteen pounds in weight one shilling :

For every parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight one shilling and sixpence :

For every parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight two shillings :

Provided also that articles sent in large aggregate quantities for carriage by the Company although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

The weight of all parcels shall be determined according to the imperial avoirdupois weight.

Passengers'
luggage.

50. Notwithstanding anything contained in any former Act every passenger travelling by any train running on any of the Company's railways or by any train of the Company may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof All such luggage shall be carried by and at the responsibility of the passenger and shall not be so carried or be of such form or description as to annoy or inconvenience any other passenger A passenger shall not occupy with any personal luggage any seat or part of a seat on which any other passenger desires to sit Any provision of any Act requiring the carriage of any greater weight of luggage than in this section provided shall cease to apply as regards any passenger travelling by any such train.

Foregoing
charges not
to apply to
special
trains.

51. The restrictions as to charges to be made for passengers shall not extend to any special train run by the Company on the railway and in respect of any such special train the Company may make such charges as it thinks fit but such restrictions shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway.

Company
not to
carry
animals
and goods.

52. The Company shall not carry on the railway or on any other railways forming part of its undertaking any cattle or other animals except dogs or any goods articles or merchandise other than parcels not exceeding fifty-six pounds in weight.

53.—(1) Notwithstanding anything contained in any former Act relating to or affecting the Company the Company may convey dogs on the railway and on any other railways which are now or hereafter owned worked or run over by or leased to it and may from time to time make vary or rescind regulations with regard thereto and to the admission or removal of dogs to or from the premises of the Company and the carriages on the said railways.

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Power to
Company
to carry
dogs and to
demand
and take
rates and
charges
therefor.

(2) No person shall be entitled to a seat for the accommodation of a dog in any such carriage as aforesaid.

(3) The Company may demand and take for the conveyance of dogs in carriages of any class on the railways aforesaid or any of them such rates or charges as the Company may think fit not exceeding the fares which the Company is for the time being authorised to demand and take for the conveyance of passengers in carriages of the same class on the same railways.

54. The provisions of this section shall apply with regard to the issue by the Company over its railways of workmen's return tickets—

Workmen's
fares.

(1) The Company shall every morning except Sundays Christmas Day Good Friday and bank or public holidays issue at all stations on its railways workmen's return tickets to all other stations on such railways for a forward and return journey on the same day at fares not exceeding the fares for the time being in force for a single journey between the same two stations Provided that the Company may charge a minimum fare of threepence for any such workman's return ticket :

(2) A workman's return ticket issued in pursuance of this section shall entitle the holder to whom the ticket is issued to travel in a suitable carriage (other than a first-class carriage) by the route specified thereon by any train timed to leave the station at which the ticket is issued at or before seven thirty in the morning of the day of issue thereof (but so that such holder shall change from one railway train or carriage to another at such stations on such route as may be necessary) and to return by the same route in a like carriage by any train on the

A.D. 1923.
—

same day (but so that he shall change railways trains or carriages as aforesaid) and to leave the train on such return journey at any station at which such train shall stop within the limits of the journey for which such ticket is issued :

- (3) The Company shall publish in some conspicuous and convenient part of every station on its railways notice boards or placards setting forth the conditions on which workmen's return tickets are issued and the fares charged in respect thereof and the trains by which such tickets are available :
- (4) The liability of the Company under any claim to compensation for injury or otherwise in respect of any passenger travelling with a workman's return ticket shall be limited to a sum not exceeding one hundred pounds :
- (5) On complaint being made to the Minister of Transport with respect to the sufficiency convenience number or times of trains between the stations on its railways by which such workmen's return tickets are available or the sufficiency of the accommodation provided thereby the Minister of Transport may after inquiry make such order upon the Company as having regard to the circumstances may appear to the said Minister to be necessary to give effect to the purposes of this section :
- (6) For the purposes of this section the railways of the Company and the City Railway shall all be deemed one railway and the expression "workmen's return tickets" shall include workmen's through return tickets over the railways of both of those companies.

PART V.

ADDITIONAL CAPITAL AND GENERAL FINANCIAL PROVISIONS.

Power to
Company
to borrow.

55. Subject to the provisions of this Act the Company may from time to time raise further money in all or any one or more of the following ways that is to say (a) by borrowing on mortgage of its undertaking

(b) by the creation and issue either at a discount or at par or at a premium of second debenture stock carrying interest at such rate as the Company shall think fit and (c) by borrowing either without security or on the security of the deposit (with or without a charge thereon) of such second debenture stock as aforesaid (whether redeemable or irredeemable) or of preference stock (whether redeemable or irredeemable) Provided always that the aggregate amount of the moneys so from time to time raised and which are at any one time outstanding shall not exceed two million two hundred and fifty thousand pounds.

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56. Any debenture stock created and issued under the provisions of this Act shall all rank pari passu irrespective of the dates of the creation and issue thereof and shall rank pari passu with the second debenture stock authorised to be created and issued under the Acts of 1919 and 1922 and shall with the interest thereon be a charge on the whole undertaking from time to time of the Company but such charge and any mortgage created under this Act shall rank subject to the charge securing the existing authorised London Electric Railway four per centum debenture stock.

Debenture stock to rank pari passu with other second debenture stock.

57. The provisions of subsection (2) of section 4 (Power to London Company to borrow) of the Act of 1922 shall extend and apply to all debenture stock which is created and issued under the provisions of this Act Notice of the effect of this section shall be endorsed on all certificates for such debenture stock.

Provisions of s. 4 ss. (2) of Act of 1922 to apply.

58.—(1) The directors of the Company may from time to time by virtue of this Act and without further or other sanction or authority create and issue—

Power to Company to create issue and redeem redeemable debenture and preference stocks.

(a) the debenture stock which the Company is by this Act authorised to create and issue or any part thereof; and

(b) any unissued preference stock which the Company is authorised to issue as London Electric Railway four per centum preference stock or as preference stock carrying a dividend at a higher rate than four per centum per annum;

so as to be redeemable either at par or at such premium (not exceeding five per centum) and at such dates or in

A.D. 1923. — such events and on such terms and conditions and in such manner as such directors may determine at or before the issue thereof.

(2) The Company may if the terms of issue so provide (i) call in and pay off at any time before the fixed date of redemption thereof the whole or any part of any redeemable debenture stock or redeemable preference stock and (ii) redeem in all or any of the following ways the whole or any part of any redeemable debenture stock or redeemable preference stock so issued viz. either (a) by paying off the same or (b) by purchasing the same in the market or by tender at any price not exceeding the redemption price thereof or (c) by issuing to any holder thereof subject to his consent other second debenture stock or preference stock as the case may be either redeemable or not redeemable in substitution therefor Any debenture stock or preference stock so paid off or redeemed shall be cancelled.

(3) The Company may for the purpose (a) of providing money for paying off money borrowed by it under the powers of this Act (either with or without the deposit of second debenture stock or preference stock by way of security) or (b) of paying off debenture stock or preference stock issued by it under the powers of this Act as redeemable debenture stock or as redeemable preference stock as the case may be or (c) of replacing capital moneys applied under the section of this Act of which the marginal note is "Power to apply capital moneys in purchase of redeemable stocks" in the purchase of redeemable debenture stock or redeemable preference stock or (d) of providing substituted second debenture stock or substituted preference stock (as the case may be) create and issue new debenture stock or new preference stock which may respectively be either redeemable or irredeemable :

Provided always that the new debenture stock so created and issued by the Company shall not with the total nominal amount of the second debenture stock (both redeemable and irredeemable) from time to time issued by the Company and outstanding exceed the amount of the second debenture stock which the Company is for the time being authorised to create and that unless any subsequent Act of Parliament otherwise authorises

the new debenture stock so created and issued by the Company shall be created and issued as second debenture stock ranking *pari passu* as regards principal interest and security with the second debenture stock (whether issued and outstanding or not) which the Company is authorised to create and issue by the Acts of 1910 to 1919 the Act of 1922 this Act and any subsequent Act or any of them : A.D. 1923.

Provided also that the powers of the Company of borrowing or borrowing on mortgage or by the creation and issue of debenture stock shall not by reason of section 34 of the Companies Clauses Act 1863 be cancelled by the creation and issue of redeemable debenture stock under any of the provisions of this section :

Provided further that the new preference stock so created and issued shall not make the total nominal amount of preference stock (both redeemable and irredeemable) from time to time issued by the Company and outstanding exceed the total nominal amount of preference stock which the Company is for the time being authorised to issue and that unless any subsequent Act otherwise provides the new preference stock so created and issued by the Company shall rank *pari passu* in all respects with the preference stock (whether then issued and outstanding or not) which the Company is authorised to create and issue by the Acts of 1910 to 1919 this Act and any subsequent Act or any of them.

(4) Section 14 (Four per centum preference stock how transferable) and section 16 (General meetings and right of voting) of the Act of 1910 shall extend and apply to all preference stock issued by the Company under this section whatsoever may be the rate or rates of dividend attached to the same or the different parts thereof respectively and whether the same be issued as redeemable preference stock or as new preference stock in the same manner in all respects as if all such stock were London Electric Railway four per centum preference stock and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the distribution of the capital of the Company into shares the transfer and transmission of shares the payment of subscriptions and the means of enforcing the payment of the calls

A.D. 1923. the forfeiture of shares for non-payment of calls the making of dividends and the general meetings of the Company and the exercise of the right of voting by the shareholders as well as Part I. (relating to additional capital) except the provisions thereof which limit the rate of dividend on preference capital of the Companies Clauses Act 1863 as amended by subsequent Acts are respectively herein incorporated and shall extend and apply to all such preference stock as aforesaid.

(5) If the Company deposits any debenture stock or preference stock (whether respectively redeemable or not) to secure advances from time to time on current account or otherwise such debenture stock or preference stock shall not be taken to have been redeemed by reason only of the account of the Company having ceased to be in debit whilst such debenture stock or preference stock remains so deposited.

Power to apply capital moneys in purchase of redeemable stocks.

59. Any capital moneys which the Company now or at any time hereafter has in its hands and which may not be required for any purpose to which the same are made specially applicable by the Act or Acts by which they are authorised to be raised may if the directors of the Company think fit be at any time applied in the purchase of any redeemable debenture stock or redeemable preference stock in the market or by tender at any price not exceeding the redemption price thereof Any debenture stock or preference stock so purchased shall be cancelled.

Power to form fund for redemption of redeemable debenture or preference stock.

60.—(1) The Company may from time to time set aside out of revenue after providing for the payment of interest on any loan or on any first or second debenture stock or any dividend or interest on any guaranteed stock or on any preference stock of the Company and for other fixed charges and obligations such sums as it may respectively consider proper for the purpose of forming a fund for the redemption at maturity of any debenture stock or preference stock which is issued by the Company and which under the conditions of the creation and issue thereof is to be redeemed wholly or partly in cash and may invest any sums so set apart and the income therefrom in any securities in which trustees are for the time being by law authorised to invest trust funds or in any other securities (not being securities of the Company except as hereinafter provided)

in which the Company may be authorised to invest those sums by a resolution passed at a general meeting of the Company.

A.D. 1923.

(2) Any sums so set apart shall be applied for the redemption at maturity of any debenture stock or preference stock for the redemption of which they have been set apart but may if the directors of the Company think fit be also at any time applied in the purchase in the market or by tender or in any other way of any such stock at any price not exceeding the redemption price and any debenture stock or preference stock so purchased shall be cancelled.

(3) All sums so set apart shall be shown in Account No. 9 (Proposed appropriation of net income) of the accounts and returns prepared by the Company pursuant to the provisions of the Railway Companies (Accounts and Returns) Act 1911.

61. The Company may apply to the purposes of this Act or to the general purposes of its undertaking being in all cases purposes to which capital is properly applicable any of the moneys which it now has in its hands or which it has power to raise by shares stocks or debenture stocks or borrowing by virtue of the Acts of 1910 to 1919 the Act of 1922 or this Act and which may not be required for the purposes to which they are by the Acts of 1910 to 1919 or the Act of 1922 or this Act made specially applicable.

Power to
Company
to apply
corporate
funds.

62. The period limited by section 45 (Power to pay interest out of capital during construction) of the Act of 1914 for the payment of interest out of capital which period has been extended to the eighth day of July one thousand nine hundred and twenty-three by orders made by the Board of Trade and the Minister of Transport under the Extension of Time Act shall be extended to the date to which the time limited by the Act of 1914 for the construction of the works by that Act authorised as extended by orders made by the Board of Trade and Minister of Transport under the Extension of Time Act has been further extended by the Act of 1922.

Extension
of time
limited by
section 45
of Act
of 1914.

63. The Company may charge to capital account the interest accruing during the period limited by this Act for the construction of the railways and subways

Power to
charge in-
terest on
borrowed
money or

A.D. 1923.

debenture
stock to
capital ac-
count during
construction.For ap-
pointment
of a
receiver.

by this Act authorised or such less period as the directors may determine on all money to be raised by borrowing or by mortgage or by the issue of debenture stock under this Act.

64. Section 10 (For appointment of a receiver) of the Act of 1922 is hereby repealed so far only as it relates to the Company but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provisions in relation to the Company. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing
mortgages
to have
priority.

65. The principal moneys secured by all mortgages granted by the Company before the passing of this Act in pursuance of the powers of any former Act of Parliament and subsisting at the passing hereof shall during the continuance of any such mortgages have priority over the principal moneys secured by any mortgages granted by the Company by virtue of this Act.

Receipt in
case of
persons not
sui juris.

66. If any money is payable to a mortgagee or debenture stockholder of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power of
borrowing
not to be
reduced by
creation
of rent-
charges &c.

67. The powers of borrowing conferred on the Company by this Act shall not be subject to reduction owing to the Company having purchased or purchasing lands in consideration of rentcharges or having paid or paying under the provisions of this or any previous or future Act interest out of capital.

Directors
may
exercise
capital
powers.

68. The directors of the Company may from time to time and without further or other sanction or authority exercise all or any of the powers of raising money by mortgaging the undertaking creating and issuing debenture stock and borrowing and of creating and issuing redeemable debenture stock and redeemable preference

stock which are conferred on the Company by this Act but nothing in this section contained shall be deemed to limit the powers of such directors to exercise on behalf of the Company the powers conferred by any other section of this Act.

A.D. 1923.

69. All moneys raised under this Act by the Company whether by mortgaging debenture stock or borrowing or by redeemable preference stock shall be applied only to the purposes of its undertaking to which capital is properly applicable.

Application
of capital.

PART VI.

MISCELLANEOUS.

70.—(1) The Company and any company or person lawfully working or using the railways of the Company may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any purpose whatsoever and for the purposes of traffic of every description the City Railway together with all stations and all roads platforms points signals engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences on or connected with the said railways and stations respectively and as regards traffic of every description conveyed by them the Company or such company or person may demand and take in respect of the City Railway respectively the rates and charges which the City Company are or shall be entitled to demand and take.

Running
powers.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent and the other considerations to be paid by the Company or such company or person for and in respect of the use of the said railways stations works and conveniences shall be such as may be agreed upon between the Company or such company or person and the City Company or failing agreement as may be determined on the application of either of the companies or any persons interested by the Railway and Canal Commissioners or any two of them.

(3) In running over and using the said railways and using the stations sidings and conveniences in accordance

A.D. 1923. — with the provisions hereinbefore contained the regulations and byelaws for the time being in force on the railways so used shall be at all times observed so far as such byelaws shall be applicable.

Saving for
Postmaster-
General.

71. Nothing in any agreement made 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 any railways and works the subject of any such agreement and from time to time to alter such telegraphic lines and enter upon such railways and works or any of them for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railways and works the subject of such agreement or any of them are owned leased or worked by the Southern Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Power to
four Com-
panies to
establish
or sub-
scribe to
funds for
assistance of
employees
&c.

72. The four Companies or any of them either alone or in conjunction with any other railway companies or any statutory or limited companies or any bodies societies or persons may in addition to subscribing to any pension fund established under section 22 (Provisions as to pensions) of the Act of 1919 subscribe to any medical charitable or educational institutions to which any former employees or employees for the time being of any of the four Companies or of any such other railway companies or statutory or limited companies or bodies societies or persons or any dependants or widows of any such employees as aforesaid may apply for assistance or relief and may establish or subscribe to a fund or funds for assisting in any manner thought fit any such employees or any such dependants or widows as aforesaid Any subscriptions made prior to the passing of this Act by any of the four Companies to any such fund or funds as aforesaid are hereby sanctioned and confirmed.

Special
constables.

73. Subject to the conditions hereinafter set forth any metropolitan police magistrate or any two justices having jurisdiction in any one of the counties cities or boroughs in which the constables hereinafter mentioned are to act may on the application of the four Companies or any of them appoint all or so many as they think fit

of the persons recommended to them for that purpose by any one or more of the four Companies making such application to act as special constables upon and within the whole of the railways stations and works belonging to or worked by the four Companies or any of them either solely or jointly with any other company companies or committee and the following provisions shall apply to every appointment so made :—

A.D. 1923.

- (1) Every person so appointed shall make oath or declaration in due form of law before any such magistrate or justice having jurisdiction in any one of the counties cities or boroughs in which such person is to act duly to execute the office of a constable :
- (2) Every person so appointed and having been sworn or having made declaration as aforesaid shall during the continuance of his appointment have all the powers protection and privileges of a constable in respect of the exercise of his duties and may follow and arrest any person who has departed from any of the said railways stations or works after committing therein or thereon any offence for which he might have been arrested while within or upon the said railways stations or works :
- (3) Any metropolitan police magistrate or any two justices assembled and acting together or any of the four Companies may dismiss from his office or accept the resignation of any constable so appointed and thereupon all powers protection and privileges belonging to such person by virtue of such appointment shall wholly cease No person so dismissed or resigning shall be capable of being reappointed except with the consent of the authority by whom he was dismissed :
- (4) The local authorities of any county city or borough shall not be liable for any expense of or be responsible for any acts or defaults of such constables or for anything connected with or consequent upon their appointment and nothing in this Act contained shall restrict or affect the jurisdiction or powers of the

A.D. 1923.
—

respective local authorities of the county city or borough as the case may be or of any police force :

- (5) A constable appointed as aforesaid shall not act as such unless he be in uniform or provided with an authority to act as a constable which authority the magistrate or justices before whom such constable makes oath or declaration as aforesaid is hereby empowered to grant and if the constable be not in uniform he shall show such authority whenever called upon to do so :
- (6) Section 26 of the Great Northern Piccadilly and Brompton Railway Act 1908 section 55 of the Metropolitan District Railway Act 1900 section 36 of the Central London Railway Act 1909 and section 31 of the City and South London Railway Act 1919 are hereby repealed.

Inspection
and copies
of share-
holders'
address
book.

74.—(1) Notwithstanding anything contained in section 34 of the Regulation of Railways Act 1868 the Company shall not be required to print or to supply printed copies of the shareholder's address book of the Company but the said book shall at all convenient times be open to the inspection of any person who holds any share or stock or mortgage of the Company gratis and to the inspection of any other person on payment of a sum not exceeding one shilling for each inspection.

(2) Any person may require a copy of the said book or of any part thereof and for every hundred words so required to be copied the Company may demand a sum not exceeding sixpence.

(3) If the Company act in contravention of this section they shall be liable for each offence to the same penalty (which shall be recovered and applied in the same manner) as for an offence under the said section 34.

Directors
may
authorise
chief
officers to
sign certain
contracts.

75. The directors may by resolution authorise any chief officer of the Company to sign contracts on behalf of the Company and contracts signed in accordance with any such resolution shall have the same validity as contracts made under section 97 of the Companies Clauses Consolidation Act 1845 when signed on behalf of the Company by any two of the directors.

76. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

A.D. 1923.

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Deposits
for future
Bills not to
be paid out
of capital.

77. Nothing in this Act contained shall exempt the Company or its railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Provision
as to
general
Railway
Acts.

78. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any land or hereditaments (including the subsoil or under-surface of any street road or footway) 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).

Crown
rights.

79. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by His Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by His Majesty in right of the said Duchy) the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the

Saving
rights of
Duchy of
Cornwall.

A.D. 1923. — rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the time being) the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose.

Costs of
Act.

80. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1923.

FIRST SCHEDULE.

SECTIONS AND PROVISIONS OF THE ACTS OF 1893 1899
1902 AND 1911 WHICH ARE INCORPORATED WITH
THIS ACT.

Marginal Note of Section.	Number of Section.
ACT OF 1893.	
Motive power - - - - -	8
Persons authorised to convey lands may grant ease- ments - - - - -	33
Power to sell &c. lands - - - - -	34
No ventilators &c. to be made in roadways or footways	39
Provision as to cellars under streets not referenced -	40
Conditions to be observed in opening road for boring purposes - - - - -	41
As to carting materials and soil - - - - -	42
For the protection of sewers of the council - - - - -	44
Inspection of works by council - - - - -	46
Walls of buildings to be made good - - - - -	47
Exhibition of placards in the county of London - - -	50
For the protection of the sewers of district boards and vestries - - - - -	51
For protection of the Gas Light and Coke Company -	59
Company empowered to underpin or otherwise strengthen houses near railway - - - - -	73
Agreements with council and local authorities - - -	89
ACT OF 1899.	
Special provisions as to use of electrical power - - -	7
ACT OF 1902.	
As to powers of Board of Trade in respect of use of mechanical power - - - - -	9
Plans &c. to be approved by Board of Trade before works commenced - - - - -	10
As to unsightly hoardings - - - - -	19
Buildings not to be brought beyond general line &c. -	20
Objects of interest to be at disposal of London County Council - - - - -	21
Amending sections 50 and 51 of Act of 1893 - - - - -	33

[Ch. ciii.] *London Electric* [13 & 14 GEO. 5.]
Railway Act, 1923.

A.D. 1923.	Marginal Note of Section.	Number of Section.
	General provisions for protection of water gas hydraulic power and telephonic companies or undertakers under any electric lighting order - -	67
	For protection of Postmaster-General - - -	76
	ACT OF 1911.	
	For protection of London County Council - - -	28 (sub-section (1) and sub-sections (4) and (5)).

SECOND SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN BY THE COMPANY.

Where Situate.	No. on deposited Plans.
RAILWAY NO. 1.	
Parish of the City of Westminster in the city and metropolitan borough of Westminster - - -	26
Parish of St. Mary Newington in the metropolitan borough of Southwark in the county of London -	62 63 64
RAILWAYS NOS. 1 2 4 and 6.	
Parish of St. Mary Lambeth in the metropolitan borough of Lambeth in the county of London -	282
RAILWAYS NOS. 1 AND 2.	
Parish of St. Mary Lambeth in the metropolitan borough of Lambeth in the county of London -	400 401

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