



## CHAPTER lviii.

An Act to empower the county council of the administrative county of the Soke of Peterborough to construct a street with bridges over the river Nene and the London and North Eastern Railway and other street works connected therewith in the city and borough of Peterborough to empower the mayor aldermen citizens and burgesses of the said city and borough to purchase lands for the extension of their generating station for making and improving streets for a parking ground and for housing and for other purposes.

A.D. 1929.

[10th May 1929.]

**W**HEREAS the main roads in the city and borough of Peterborough (in this Act called "the city") are maintained and repaired wholly by the county council of the administrative county of the Soke of Peterborough (in this Act called "the Council") and the bridge in the city carrying London Road over the river Nene is a county bridge :

And whereas it is expedient to empower the Council to demolish the said bridge and to construct the bridges over the river Nene and the London and North Eastern Railway and the street works authorised by this Act :

And whereas the city is under the municipal and local government of the mayor aldermen citizens and

A.D. 1929. — burgesses of the city (in this Act called “the Corporation”) who supply electricity in the city and neighbourhood under the Peterborough Electricity Orders 1894 and 1922 and who have constructed a generating station in the city :

And whereas it is expedient to empower the Corporation to purchase for the purpose of extending the said generating station certain of the lands described in this Act :

And whereas it is expedient to empower the Corporation to purchase the further lands described in this Act for the purposes of section 154 of the Public Health Act 1875 section 68 of the Public Health Act 1925 the Housing Act 1925 and for housing sites and other purposes :

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

And whereas estimates have been prepared by the Council and the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the purchase of land by the Council and the construction by them of bridges and street works - - -	154,177
For the purchase of land by the Corpora- tion - - - - -	68,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed by the Corporation and so far as the same are applicable by the Council :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference 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 clerk of the peace for the county of the Soke of Peterborough and are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King’s most Excellent

Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :— A.D. 1929.  
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PART I.

PRELIMINARY.

1. This Act may be cited as the *Soke and City of Peterborough Act 1929.* Short title.

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

Division  
of Act  
into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Financial and miscellaneous.

3. The following Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act (namely) :— Incorporation of Acts.

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council or the Corporation as the case may be and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the bridges roads and embankments authorised by this Act.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings Interpretation.

A.D. 1929. unless there be something in the subject or context repugnant to such construction.

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

“The county” means the administrative county of the Soke of Peterborough;

“The Council” means the county council of the county;

“The clerk” means the clerk of the Council;

“The county fund” means the county fund of the county;

“The city” means the city and borough of Peterborough;

“The Corporation” means the mayor aldermen citizens and burgesses of the city;

“The town clerk” means the town clerk of the city;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the city;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878.

## PART II.

### LANDS.

Power to acquire lands.

5.—(1) Subject to the provisions and for the purposes of this Act the Council may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

and numbered 1 to 11 inclusive 11A and 12 to 42 inclusive in the city for the purpose of constructing the works authorised by this Act including the improvement and development of frontages or of the lands abutting on or adjacent to any of the said works. A.D. 1929.

(2) Subject to the provisions of this Act the Corporation may enter on and take—

(a) For and in connection with the construction of Street Work No. 1 authorised by this Act and works connected therewith for the purposes of section 68 of the Public Health Act 1925 and for providing a roadway and approach to lands of the Corporation to be used as a parking ground for vehicles and for other purposes so much of the lands numbered 42 to 45 inclusive in the city on the deposited plans and described in the deposited book of reference as the Corporation may require :

(b) For the purposes of section 154 of the Public Health Act 1875 so much of the lands numbered 42 to 52 inclusive in the city on the deposited plans and described in the deposited book of reference as the Corporation may require :

(c) For and in connection with the extension of the generating station of the Corporation and for the purposes of section 154 of the Public Health Act 1875 so much of the lands numbered 53 to 171 inclusive in the city on the deposited plans and described in the deposited book of reference as the Corporation may require :

(d) For the purpose of section 154 of the Public Health Act 1875 for the purpose of extending Mayor's Walk and for the purposes of the Housing Act 1925 and providing certain housing sites so much of the lands numbered 1 to 9 inclusive in the parish of Longthorpe in the rural district of Peterborough in the county on the deposited plans and described in the deposited book of reference as the Corporation may require.

6. The powers of the Council and the Corporation for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the thirty-first day of October nineteen hundred and twenty-nine. Period for compulsory purchase of lands.

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Correction  
of errors  
in plans  
and book of  
reference.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council or the Corporation as the case may require after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace of the county and a duplicate thereof shall also be deposited with the town clerk of the city or the clerk to the parish council of the parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk or clerk to the parish council respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council or the Corporation to take the lands and execute the works in accordance with such certificate.

Provisions  
as to new  
buildings  
and  
interests.

8. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the sixteenth day of November nineteen hundred and twenty-eight if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Benefits to  
be set off  
against  
compensa-  
tion.

9. In estimating the amount of compensation or purchase money to be paid by the Council or the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which



are continuous with such adjoining lands arising out of the construction of any new street or the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money. A.D. 1929.  
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**10.** The Council and the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Council and the Corporation severally in pursuance of this section shall not at any time exceed five acres Provided that the Council and the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands. Purchase of additional lands by agreement.

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

**12.** The Council and the Corporation and their respective surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk or the town clerk as the case may require may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands 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 and buildings. Power to enter upon property for survey and valuation.

A.D. 1929.  
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Application  
of road  
materials  
excavated in  
construction  
of works.

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

**13.** Any paving metalling or material excavated by the Council in the construction of any works authorised by Part III. of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by them in such manner as they may think fit.

**14.—(1)** Whereas in the construction of the works authorised by this Act or the execution of the purposes for which lands may be acquired compulsorily under the powers of this Act or otherwise in the exercise by the Council or the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council or the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Council or the Corporation or each or any of such owners or persons are hereafter in this section included in the term "the owner" the said properties are hereafter in this section referred to as "the scheduled properties" and the Council and the Corporation as the case may require are hereafter in this section referred to as "the Authority";

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Authority that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Authority such portion only without the Authority being obliged or compellable to purchase the whole the Authority paying for the portion so taken and making compensation for any damage



sustained by the owner by severance or otherwise; A.D. 1929.

- (c) If within such twenty-one days the owner shall by notice in writing to the Authority allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Authority have compulsory powers of purchase) can be so severed;
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Authority the portion which the tribunal shall have determined to be so severable without the Authority being obliged or compellable to purchase the whole the Authority paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and

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whether or not it shall determine that any other portion can be so severed) the Authority may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

- (g) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Authority in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

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

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

Power to  
reinstate  
owners of  
property.

**15.** The Council and the Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the street works authorised by this Act or which may be constructed under section 154 (Power to purchase premises for improvement of streets) of the Public Health Act 1875 with respect to the re-instatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Council and the Corporation may pay or receive money for equality of exchange.

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

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Retention  
sale and  
disposal of  
land.

(2) The Council and the Corporation shall not (unless the Minister of Health otherwise direct) sell lease exchange or otherwise dispose of any such lands or interests therein except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section contained shall release the Council or the Corporation or any person purchasing or acquiring any lands from them respectively under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or the Corporation or any persons from or through whom the Council or the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

**17.** So long as any lands remain to be acquired by the Council or the Corporation respectively under the authority of this Act the Council or the Corporation as the

Application  
of capital  
moneys on  
disposal of  
lands.

A.D. 1929.

case may be may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council or the Corporation as the case may be shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health :

Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase ;
- (b) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Land laid  
into streets  
to form part  
thereof.

**18.** All lands acquired by the Council or the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Stopping up  
of certain  
streets in  
city.

**19.** So soon as the Corporation shall have purchased the land on each side of the following streets in the city they may stop up the said streets and thereupon all rights of way over such streets shall be by virtue of this Act extinguished The streets referred to in this section are Globe Street Baker Street School Place Princess Court and Bodger's Yard.

As to  
private  
rights of  
way over  
lands taken  
compul-  
sarily.

**20.** All private rights of way over lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Council or the Corporation as the case may be shall make full compensation to all parties interested in respect of any such

rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement. A.D. 1929.

### PART III.

#### WORKS.

**21.** Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary or proper works and conveniences connected therewith or incidental or ancillary thereto. Power to construct works.

The works hereinbefore referred to and authorised by this Act will be situate in the city and are—

Work No. 1 A road and road improvement with bridges carrying the work over the river Nene and the London and North Eastern Railway commencing in Broad Bridge Street and terminating at the intersection of the centre lines of London Road and Glebe Road;

Work No. 2 A new street commencing by a junction with Work No. 1 by this Act authorised and terminating near the goods sheds of the London Midland and Scottish Railway Company at Peterborough East Station;

Work No. 3 A widening raising and improvement of Oundle Road commencing by a junction with Work No. 1 by this Act authorised and terminating under the eastern girder of the bridge carrying the London and North Eastern Railway over Oundle Road;

Work No. 4 A new street commencing by a junction with Work No. 1 by this Act authorised and terminating near the south-easterly corner of No. 1 Great Eastern Cottages.

**22.** In constructing the works authorised by this Act the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent Limits of deviation.

A.D. 1929. not exceeding five feet upwards and to any extent downwards.

Power to  
make  
subsidiary  
works.

**23.**—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things (namely):—

- (a) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Act or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works or otherwise;
- (b) Raise lower or alter any step window spout vault arch cellar or area under or adjoining any roadway or footway but so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;
- (c) Construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;
- (d) Stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Act;
- (e) Execute any works for the protection of any adjoining land or buildings;
- (f) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and
- (g) Raise lower alter divert stop up or otherwise interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.



(2) Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section. A.D. 1929.  
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(3) Provided that the Council shall not raise lower alter divert or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

24.—(1) Notwithstanding the stopping up of any streets or parts thereof under the provisions of this Act the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said streets or any of them any telegraphic line of the Postmaster-General in under upon along over or across the same and the Council shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other position as shall be satisfactory to the Postmaster-General. For protec-  
tion of  
Postmaster-  
General.

(2) The Council shall in constructing the bridges forming part of Work No. 1 authorised by this Act provide in the footway on the west side thereof respectively a space 1 foot 3 inches deep by 3 feet 6 inches wide for the accommodation of telegraphic lines of the Postmaster-General. The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General. Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Council his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

25. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the Council or the Corporation as the case may be and the London and North Eastern Railway Company. For protec-  
tion of  
London and  
North  
Eastern  
Railway  
Company.

A.D. 1929. Company (in this section referred to as "the company")  
— apply and have effect (that is to say):—

- (1) The Council or the Corporation shall not (except with the previous consent in writing of the company) enter upon take use or interfere with either permanently or temporarily or purchase or acquire any lands or property belonging to the company which the Council or the Corporation are by this Act authorised to take use enter upon or interfere with for the purposes of the works by this Act authorised but the company shall grant to the Council an easement or right of using the lands the position and area of which are approximately indicated by yellow colour on the plan signed by Ernest Morgan Stirling on behalf of the Council and Alfred James Brickwell on behalf of the company and the Council or the Corporation as the case may be may purchase and take and the company shall sell and grant an easement or right of using such other of the lands of the company as may be necessary for the construction and maintenance of the said works and all works and temporary conveniences connected therewith (in this section referred to as "the said works") subject to and in accordance with the provisions of this section :
- (2) The Council or the Corporation as the case may be shall pay to the company for any easement or right which they may acquire under the provisions of this section (other than the easements of using the said lands coloured yellow) such consideration as may be agreed upon or in the event of difference may be determined in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and for the purpose of any such determination the acquisition of such easement or right shall be deemed a taking of lands within the meaning of the Railways Clauses Consolidation Act 1845 :
- (3) The said works so far as the same will be carried over the railways lands works and property of the company or may be in proximity thereto

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shall when commenced be carried out continuously and with all possible dispatch and shall be constructed in such line or situation within the limits of deviation shown upon the deposited plans as shall be reasonably approved by the engineer of the company (hereinafter called "the engineer") and by such means and in such manner as to leave the railway undisturbed at all times and so as in no way to obstruct impede or interfere with the free uninterrupted and safe user thereof or with the traffic thereon or ancillary thereto and if any such obstruction or interference shall be caused or take place contrary to this enactment the Council shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which they may be put as well as full compensation for any loss sustained by them by reason of any such interruption or interference :

- (4) The Council shall not less than twenty-eight days before commencing the construction of any part of the said works which shall or may pass over or be adjacent to the railways lands works and property of the company (which said railways lands works and property are in this section referred to as "the railway") furnish to the company proper and sufficient plans sections drawings and specifications of the works proposed to be made by the Council over or adjacent to the railway for the reasonable approval of the engineer and shall not commence the said works until such plans sections drawings and specifications shall have been approved in writing by the engineer or in case of difference arising between him and the Council until the same shall have been settled by arbitration :
- (5) If any additions or alterations to the railway or to the signal-cabins signal-posts signalling apparatus or the telephone or telegraph wires and works on the railway are in the opinion of the engineer necessary in consequence of the construction of the said works the same shall be made by the company at the expense of the

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- Council and the reasonable costs thereof as certified by the engineer shall be repaid to the company by the Council on demand :
- (6) The said works so far as the same affect the railway shall be executed under the superintendence and to the reasonable satisfaction of the engineer and the Council shall bear and pay to the company all reasonable costs charges and expenses incurred by the engineer in respect of such superintendence and the reasonable expenses of and in connection with the employment by the company of a sufficient number of inspectors watchmen and signalmen to be appointed by them for inspecting watching lighting and signalling the railway with reference to and during the execution or repair of the said works and for preventing as far as may be all interference obstruction danger or accident arising from any of the operations of the Council or from the acts or defaults of their contractors or of any person or persons in their employ or otherwise :
- (7) The Council shall at all times maintain the bridge by which the said works shall be carried over the railway and all necessary works ancillary thereto in substantial repair and good order and condition to the reasonable satisfaction of the engineer and if and whenever the Council fail so to do after reasonable notice in that behalf the company may make and do in and upon as well the lands and property of the company as of the Council or the Corporation as the case may be such works and things as the engineer shall think requisite in that behalf and the reasonable cost of so doing as certified by the engineer shall be repaid to the company by the Council on demand :
- (8) The Council shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to them or to the railway or to the traffic thereon or otherwise by reason of the construction maintenance or failure of the said works over or adjacent to the railway or of any act or omission

of the Council or of any person or persons in their employ or of their contractors or others and the Council shall effectually indemnify the company from all claims and demands upon or against them by reason of such construction maintenance or failure or of any such act or omission. Provided that the fact that any work or thing has been done in accordance with any plan section drawing or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Council from any liability for damage as aforesaid or affect any claim of the company for injury to the railway or the traffic thereon :

- (9) If at any time hereafter the company shall be desirous of extending widening or altering any part of the railway affected by the said works or of adapting their railway for working by electrical power the Council shall give to the company all proper and reasonable facilities for that purpose including the right in connection with electrification to make attachments subject to the reasonable approval of the Council to the said works :
- (10) The Council shall at all times during the execution of the said works and thereafter when the said works are completed provide access for pedestrian and vehicular traffic going to or coming from the station or depot or property of the company to the reasonable satisfaction of the engineer :
- (11) As from the date of the completion of the said works the level crossing of the company's Peterborough to Ely railway by London Road shall be stopped up and discontinued and all public or other rights in over or affecting the same shall be extinguished and the site and soil thereof shall be vested in the company :
- (12) On the completion of the said works the Council shall convey to the company the land coloured red in exchange for the land coloured blue shown on the plan referred to in subsection (1) of this section :



A.D. 1929.

- (13) Any<sup>o</sup> difference arising between the Council or the Corporation and the company under this section (except under subsections (2) (11) and (12) hereof) shall be referred to and determined by an engineer to be appointed as arbitrator 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 and determination.

For protec-  
tion of  
Peter-  
borough Gas  
Company.

26. The following provisions shall unless otherwise agreed between the Council and the Peterborough Gas Company (in this section referred to as "the company") apply and have effect (that is to say):—

- (1) In and for the purposes of this section "apparatus" means gas mains pipes or apparatus of the company:
- (2) The Council for any purpose in connection with the exercise of the powers of this Act may and (if and when reasonably required by the company) shall remove divert alter the position of or carry out alterations to any apparatus in any street or part of a street within the limits of deviation shown on the deposited plans of Works Nos. 1 and 3 by this Act, authorised and shall make such appropriate substituted works either permanent or temporary as may be reasonably necessary in consequence of such removal diversion or alteration and shall cause as little detriment and inconvenience to the company as circumstances admit, and shall make reasonable compensation to the company for any damage caused by the execution of the said works Nos. 1 and 3. Provided that before the Council execute either of the said Works Nos. 1 and 3 relating to any apparatus they shall (except in cases of emergency) give to the company notice of the intention of the Council to do so such notice to be given seven days at least before the commencement of the execution of such work and such removal diversion or alteration and such substituted works shall be done under the superintendence (at the expense of the Council) of the company unless the company refuse or neglect to give such superin-



tendance at the time specified in the notice of the commencement of such work or discontinue such superintendance during the execution of the work in respect of which such notice has been given and the Council shall execute such work to the reasonable satisfaction of the company : A.D. 1929.

- (3) If any difference arises between the Council and the company under the foregoing provisions of this section such difference shall be settled by arbitration.

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

Under-  
pinning of  
houses near  
works.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Council shall be served in manner prescribed by this Act and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Council :
- (3) If any owner lessee or occupier of any such house or building or the Council (as the case may require) shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :

A.D. 1929.

- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by the Council or such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Council may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Council shall be liable to compensate the owner lessee and occupier of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Council such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Council then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Council shall make compensation to the owner lessee and occupier of such house or building for such injury provided the claim for compensation in respect thereof be made by such owner within twelve months and by such lessee or occupier within six months from the discovery thereof :
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Council from the liability to compensate any owner lessee or occupier under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

**28.**—(1) The Council during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street or road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or returning from any house in the street or road from passing along and using the same.

A.D. 1929.

—  
Temporary  
stoppage  
of streets.

(2) The Council shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

PART IV.

FINANCIAL AND MISCELLANEOUS.

**29.**—(1) The Council may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Council may mortgage or charge the county fund and the Council shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely):—

Power to the  
Council  
to borrow.

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For and in connection with the purchase of land for the works authorised by this Act.	£ 40,000	Sixty years from the date or dates of borrowing.
(b) For the construction of the works authorised by this Act.	114,177	Forty-five years from the date or dates of borrowing.
(c) For paying the part of the costs charges and expenses of this Act payable by the Council.	The sum requisite.	Five years from the passing of this Act.

A.D. 1929.

(2) (a) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for the purchase of land for or for and in connection with the works authorised by this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge such fund or rate as may be prescribed by the Minister of Health.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

Regulations  
in section 69  
of Local  
Government  
Act 1888 not  
to apply.

**30.**—(1) The powers of borrowing money given by this Act to the Council shall not be restricted by any of the regulations contained in section 69 (Borrowing by county council) of the Local Government Act 1888 and in calculating the amount which the Council may borrow under that Act or any other enactment any sums which they may borrow under this Act shall not be reckoned. Subject as aforesaid any loan so borrowed shall be borrowed under and subject to the provisions (so far as applicable) of the said Act of 1888 as amended by this Act save that the consent of the Minister of Health shall not be required to the borrowing or the period of repayment of any of the sums mentioned in subsection (1) of the section of this Act of which the marginal note is "Power to the Council to borrow."

(2) All sums of money which the Council may from time to time require for the repayment of and the annual interest payable on the moneys so borrowed shall subject to the provisions of this Act be defrayed by them as payments for general county purposes or special county purposes within the meaning of and as authorised by the said Act of 1888 as the Council may think fit.

Return by  
clerk to  
Minister of  
Health with  
respect to  
repayment  
of debt.

**31.**—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under this Act.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or the chief accounting officer of the Council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1929.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

**32.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment applied thereto shall

Power to Corporation to borrow.

A.D. 1929. respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For and in connection with the purchase of land for the purposes referred to in paragraphs (a) (b) (c) and (d) of sub-section (2) of the section of this Act of which the marginal note is "Power to acquire lands."	£ 68,000	Sixty years from the date or dates of borrowing.
(b) For the payment of the part of the costs charges and expenses of this Act payable by the Corporation.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(c) Any money borrowed under this subsection shall be repaid within such period (which for the purposes of this Act and of any enactment applied thereto shall be "the prescribed period") as may be prescribed by the Minister of Health.

Application  
of provisions  
of Peter-  
borough  
Corporation  
Act 1927.

**33.** The following provisions of the Peterborough Corporation Act 1927 shall extend and apply to and for the borrowing and repayment of money by the Corporation under the powers of this Act as if such provisions were with all necessary modifications re-enacted in this Act (namely):—

Section 5 (Certain provisions of Public Health Acts not to apply);

Section 6 (Mode of raising money);

Section 7 (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 8 (Mode of payment off of money borrowed);

Section 9 (Sinking fund);



Section 20 (Receipt in case of persons not sui A.D. 1929.  
juris);

Section 23 (Corporation not to regard trusts);

Section 24 (Appointment of receiver).

**34.** All moneys borrowed by the Council and the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

**35.**—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the said Minister under the Public Health Act 1875. Inquiries by Minister of Health.

(2) The Council or the Corporation as the case may require shall pay to the said Minister any expenses incurred by the said Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the said Minister not exceeding five guineas a day for the services of such inspector.

**36.** Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed out of the county fund and any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and general rate. Expenses of execution of Act.

**37.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid as to one-half by the Council out of the county fund as a general county purpose or out of moneys to be borrowed under this Act and as to one-half by the Corporation out of the general rate fund and general rate or out of moneys to be borrowed under this Act. Costs of Act.

[Ch. lviii.]

*Soke and City* [19 & 20 GEO. 5.]  
*of Peterborough Act, 1929.*

A.D. 1929.

The SCHEDULE referred to in the  
foregoing Act.

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LIST OF PROPERTIES OF WHICH PART ONLY MAY BE  
TAKEN.

Area.	Number on deposited plans.
City of Peterborough	4 36 39 55 72 73 74 78 79 80 and 81.

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