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District and City and South London Railway
Companies Act, 1929.



CHAPTER xxv.

An Act to empower the London Electric Railway Company to execute works to confer further powers on that company and on the Metropolitan District Railway Company and the City and South London Railway Company and for other purposes. A.D. 1929.
[26th July 1929.]

WHEREAS the London Electric Railway Company (hereinafter referred to as "the London Company") and the Metropolitan District Railway Company (hereinafter referred to as "the District Company") and the City and South London Railway Company (hereinafter referred to as "the City Company") have constructed and are working underground and other railways for carrying and dealing with the traffic of the metropolis and such railways are together with the railways of the Central London Railway Company 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 be for the convenience of the public :

And whereas it is expedient that the London Company should be authorised to make and maintain the subways and works in this Act described :

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— And whereas it is expedient that the periods now limited for the compulsory purchase of certain lands and easements and for the completion of certain railways subways and works authorised to be acquired or constructed by the London Company under various Acts relating to that company should be extended as provided by this Act :

And whereas it is expedient that the District Company should be authorised to acquire the lands in this Act described :

And whereas it is expedient that the periods now limited for the compulsory purchase of certain lands and easements by the District Company the London Company and by the Southern Railway Company under the London Electric and Metropolitan District Railway Companies Act 1926 should be extended as provided by this Act :

And whereas it is expedient that the City Company should be authorised to acquire the lands in this Act described :

And whereas it is expedient that the other powers in this Act mentioned should be conferred on the London Company the District Company and the City Company respectively :

And whereas plans and sections showing the lines and levels of the subways and works authorised by this Act and plans of the lands authorised to be acquired and in under or over 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 or used 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

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Spiritual and Temporal and Commons in this present A.D. 1929,
Parliament assembled and by the authority of the same
as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the London Electric Metropolitan District and City and South London Railway Companies Act 1929. Short title.

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

Part I.—Preliminary.

Part II.—Construction of works by and powers to the London Electric Railway Company.

Part III.—Acquisition of lands by and powers to the Metropolitan District Railway Company.

Part IV.—Acquisition of lands by the City and South London Railway Company.

Part V.—General provisions applicable to taking of lands.

Part VI.—Miscellaneous.

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

3. The following Acts and parts of Acts 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 London Company the District Company or the City Company as the case may be and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party.

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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 temporary use of lands;

The settlement of disputes by arbitration;

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

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) and Part II (relating to extension of time) of the Railways Clauses Act 1863;

The provisions aforesaid with regard to the construction of the railway and works connected therewith shall for the purposes of this Act be construed and read as though "subway" were therein substituted for "railway";

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

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 London Company" means the London Electric Railway Company;

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The expression "the District Company" means the Metropolitan District Railway Company; A.D. 1929.

The expression "the City Company" means the City and South London Railway Company;

The expression "the subways" means the subways and conveniences connected therewith by this Act authorised to be made and maintained by the London Company;

The expressions "the London Act of 1893" "the London Act of 1902" and "the London Act of 1903" respectively mean the Charing Cross Euston and Hampstead Railway Acts of 1893 1902 and 1903;

The expressions "the London Act of 1913" and "the London Act of 1923" mean the London Electric Railway Act 1913 and the London Electric Railway Act 1923 respectively;

The expression "the London Act of 1926" means the London Electric and Metropolitan District Railway Companies Act 1926;

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.

CONSTRUCTION OF WORKS BY AND POWERS TO THE LONDON ELECTRIC RAILWAY COMPANY.

5. Subject to the provisions of this Act the London Company may make and maintain within the limits of deviation shown on the deposited plans the subways and Work No. 1 in this Part of this Act described with all necessary and convenient escalators inclines stairs approaches passages tunnels stagings buildings sewers drains pipes wires apparatus plant machinery appliances works and conveniences connected therewith and may subject as aforesaid enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required

Power to London Company to make subways and works.

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A.D. 1929. — for those purposes and for any other purposes connected with its undertaking and in connection with the said subways and works may construct and maintain entrances steps escalators lifts shafts passages inclines and other approaches and conveniences connecting the said subways and works with the surface of the pavements and carriageways 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 London Company to enter upon take or use the surface of any public street or road but (subject as aforesaid) the London 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 purpose of the subways and 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.

Description
of subways
and works.

6. The subways and works hereinbefore referred to and authorised by this Part of this Act will be situate in the county of London and are—

A subway (Subway No. 1) situate wholly in the parish of St. Mary Islington in the metropolitan borough of Islington commencing between the station tunnels of the London Company beneath the middle of the roadway of Junction Road at a point fifty-nine yards or thereabouts measured in a northerly direction from the intersection of Vorley Road with Junction Road and terminating within the London Company's Highgate station building at a point forty-six yards or thereabouts measured in a southerly direction from that company's station entrance in Highgate Hill and eighteen yards or thereabouts measured in a westerly direction from the London Company's exit in Junction Road;

A subway (Subway No. 2) situate wholly in the parish of St. Mary Islington in the metropolitan borough of Islington commencing between the station tunnels of the London Company beneath the middle of the roadway of Junction Road at

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a point seventy-seven yards or thereabouts measured in a northerly direction from the intersection of Vorley Road with Junction Road and terminating by a junction with Subway No. 1 beneath the premises known as No. 20 Junction Road at a point seven yards or thereabouts measured in a westerly direction from the frontage line of the said premises abutting on Junction Road;

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A subway (Subway No. 3) situate partly in the parish of St. Giles in the Fields in the metropolitan borough of Holborn and partly in the parish of the city of Westminster in the city and metropolitan borough of Westminster commencing in the said parish of St. Giles in the Fields between the station tunnels of the London Company's Tottenham Court Road station beneath the middle of the roadway of Charing Cross Road at a point seventeen yards or thereabouts measured in a southerly direction from the intersection of Sutton Street with Charing Cross Road and terminating in the said parish of the city of Westminster by a junction with the existing interchange subway leading from the London Company's said station tunnels to the bottom of the Central London Railway Company's emergency stair shaft beneath the Central London Railway Company's Tottenham Court Road station premises at a point three yards or thereabouts measured in an easterly direction from the centre of the said stair shaft;

A subway (Subway No. 4) situate wholly in the parish of the city of Westminster in the city and metropolitan borough of Westminster commencing between the station tunnels of the London Company's Charing Cross Euston and Hampstead Railway at Leicester Square station beneath the middle of the roadway of Charing Cross Road at a point forty-seven yards or thereabouts measured in a northerly direction from the intersection of Great Newport Street with Charing Cross Road and terminating beneath the roadway of Charing Cross Road at its crossing with Cranbourn Street at a point

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fourteen yards or thereabouts measured in a north-westerly direction from the north-west corner of Wyndham's theatre and twenty-four yards or thereabouts measured in a south-westerly direction from the southern corner of the London Company's Leicester Square station premises;

A subway (Subway No. 5) situate wholly in the parish of the city of Westminster in the city and metropolitan borough of Westminster commencing between the station tunnels of the London Company's Great Northern Piccadilly and Brompton Railway at Leicester Square beneath the middle of the roadway of Cranbourn Street at a point seventy-seven yards or thereabouts measured in a north-easterly direction from the southern corner of the London Company's Leicester Square station premises and terminating by a junction with Subway No. 4 beneath the roadways of Charing Cross Road and Great Newport Street at a point eighteen yards or thereabouts measured in a north-easterly direction from the south-eastern corner of No. 45 Charing Cross Road;

Work No. 1 A booking-hall situate wholly in the parish of the city of Westminster in the city and metropolitan borough of Westminster in and under the roadways of Charing Cross Road and Cranbourn Street and the streets roads and places adjoining such roads for and in connection with the Leicester Square station on the London Company's Railway.

Incorporating certain provisions of existing Acts of London Company.

7. The provisions contained in the sections of the London Act of 1893 the London Act of 1902 the London Act of 1903 and the London Act of 1923 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 subways and works by this Part of this Act authorised and the lands subsoil easements and rights by this Part of this Act authorised to be acquired as fully and effectually to all intents and

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purposes as if those provisions had been expressly re-enacted in this Part of this Act with reference thereto respectively. Provided that for the purposes of such incorporation the expression "the company" where used in those sections shall where the context so requires mean and include the London Company and that wherever in those sections district boards of works or vestries are mentioned or referred to the same shall be read and construed as if the council of a metropolitan borough had been mentioned or referred to therein instead of board of works or vestry.

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8. In the execution of the subways the London 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.

9. In the execution of the subways the London Company may deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient.

Power to deviate vertically.

10. The London 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 subways and Work No. 1 and station improvements and other works authorised by or referred to in this Part of this Act any available stream or watercourse or any sewer or drain of the London County Council or of the council of any metropolitan borough or local or other authority in or through which the subways and Work No. 1 and other 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 &c. for removing water.

Provided always that the London 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 County Council or of the council of any metropolitan borough or local or other authority (as the case may be) in whom the sewer or drain shall be vested :

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Provided further that the London Company shall not under the powers contained in this section discharge water other than rain or surface water directly into any sewer of the Westminster City Council 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 :

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

Breaking
up surface
of streets.

11.—(1) Subject to the provisions of this Act the London Company may for the purpose of constructing Subways Nos. 4 and 5 and Work No. 1 enter upon open break up and interfere with so much of the surface of Great Newport Street Charing Cross Road and Cranbourn Street as is within the limits of deviation of such subways and work without being required to purchase any part of the surface or undersurface of any roadways and footways or any easement in or through the same or to make any payment for interfering with such roadways or footways.

(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 London 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 London Company to break up or interfere with the surface of any street for the purpose of constructing maintaining or using the subways

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Provided always that the London Company shall not alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act. A.D. 1929.

12. With respect to the properties shown on the deposited plans which are described or referred to in the Second Schedule to this Act notwithstanding anything contained in this Act or the said plans the London Company shall not be required to purchase or take the same or any part of the surface thereof but the London 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 under surface thereof for the purposes of the undertaking of the London 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 varied by this Act. Owners may be required to grant easements only under certain properties.

13. And whereas for the purposes of the subways and other works authorised by or referred to in this Part of this Act it may happen that portions only of certain properties shown on the deposited plans may be sufficient and that such portions (whether on under or over the surface of the ground and whether separated by horizontal vertical or other boundary lines) 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 Third Schedule to this Act and whereof parts only are required for the purposes aforesaid may if such portions can in the opinion of the 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 London Company the portions Owners may be required to sell parts only of certain lands and buildings.

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only of the properties so required without the London Company being obliged or compellable to purchase the whole or any greater portion thereof the London 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.

As to buildings upon lands of London Company.

14. 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 by the London Company under the provisions of this Act 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.

Period for completion of subways.

15. If the subways are not completed within the period expiring on the thirty-first day of October one thousand nine hundred and thirty-four then on the expiration of that period the powers by this Act granted to the London Company for making and completing the subways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Extension of time for completion of works by London Company.

16. The periods now respectively limited by the London Act of 1926 for the completion of—

- (a) Railways Nos. 6 and 7 authorised by the London Act of 1913;
- (b) The subway and works authorised by the London Act of 1926;

are hereby respectively extended until the thirty-first day of August nineteen hundred and thirty-four and the said Acts shall be read and construed as if the period limited by this section for the completion of the railways and the subway and works aforesaid had been the periods limited by the said Acts for the completion thereof respectively.

Extension of time for compulsory purchase of

17. The periods now respectively limited by the London Act of 1926 for the compulsory purchase or taking of—

- (a) lands and easements for the purposes of or in connection with Railways Nos. 6 and 7 autho-

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rised by the London Act of 1913 and the lands in the metropolitan borough of Hammersmith which the London Company is authorised to acquire by section 14 (Power to Company to acquire additional lands) of the London Act of 1913;

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—
lands by
London
Company.

- (b) lands and easements for the purpose of or in connection with the subway and works authorised by the London Act of 1926 and the lands and easements described in section 7 (Easements for Piccadilly Circus booking hall &c.) of the London Act of 1926;

are (subject to the provisions in relation to the exercise of such powers by the London Company and for the protection or benefit of the London County Council and any local authority company body or person contained in those Acts or either of them) hereby extended and shall continue in force and may be exercised until but shall cease after the fourth day of August nineteen hundred and thirty-two except so far as such powers shall then have been exercised.

18. The London Company may hold use and appropriate the following lands houses shops buildings easements rights and other property which have already been acquired by it and the expenditure of money by the London Company in or about the purchase or acquisition thereof or the work executed thereon or thereunder is hereby sanctioned and confirmed (that is to say):—

Confirma-
tion of
acquisition
of certain
lands by
London
Company.

- (i) For the purpose of extending improving altering and adding to its existing Camden Town station and the premises and works in connection therewith—

Lands houses shops buildings and premises situate wholly in the metropolitan borough of St. Pancras in the county of London known respectively as No. 188 High Street Camden Town and easements or rights of constructing maintaining and using subways and other works beneath the surface of No. 15 Kentish Town Road;

- (ii) For the general purposes of their undertaking including the provision of sports and recreation

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grounds for the use of their employees either alone or in conjunction with the employees of any other railway company or any other statutory or any limited company or any body or society of persons established in connection therewith—

Certain lands situate wholly in the parish and urban district of Hendon in the county of Middlesex (namely):—

(a) A piece of land containing $4\frac{3}{4}$ acres or thereabouts on the north-east side of and adjoining the railway of the London Company being part of the enclosure numbered 611 on the $\frac{1}{2500}$ Ordnance map Middlesex sheet XI. I edition of 1914; and

(b) A strip of land containing half-an-acre or thereabouts extending from the north side of the above-mentioned land to Deansbrook Lane being part of the enclosure numbered 589 on the same Ordnance map.

Extension
of time for
payment of
interest out
of capital
by London
Company.

19. The time limited for the payment by the London Company of interest out of capital—

- (a) by section 45 (Interest on debenture stock) of the London Act of 1926;
- (b) by section 46 (Power to pay interest out of capital during construction) of the London Act of 1926;

is hereby extended to the thirty-first day of August nineteen hundred and thirty-four or such less period as the directors of that company may determine and those sections as so extended shall respectively extend and apply to shares or stock created and issued or moneys raised by borrowing or by mortgage or debenture stock created and issued for the purposes of this Act or other purposes to or on which capital may under the provisions of this or any other existing Act relating to the London Company be applied or expended.

For
protection
of London

20. The following provisions for the protection of the London County Council (hereinafter in this section

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called "the council") shall unless otherwise agreed in writing between the London Company and the council have effect (that is to say):—

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County
Council.

(1) (a) Before commencing to construct any part of the subways or Work No. 1 or the works connected therewith respectively by this Part of this Act authorised which shall or may pass under or within a distance of one hundred feet of any building subway for pipes tramway or any other property of the council (hereinafter referred to collectively as "the property of the council") the London Company shall deliver to the council plans sections and specifications of the works as proposed to be executed by the London Company within such distance of the property of the council and if at the expiration of twenty-eight days from such delivery the plans sections and specifications are not approved by the council there shall be deemed to be a difference and such difference shall unless otherwise agreed be settled in the manner hereinafter provided 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 London Company and when commenced shall so far as practicable be proceeded with without cessation;

(b) The London Company shall at all times maintain such part of the subways Work No. 1 and any works connected therewith 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 London Company fail so to do the council may make and do in and upon as well the works and lands of the London 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

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be repaid to the council by the London Company
The council shall at all reasonable times have free access to the works of the London Company where the said subways Work No. 1 and works connected therewith pass under or within one hundred feet of the property of the council 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 London Company;

(c) If during and by the execution of the subways Work No. 1 or any works connected therewith any part of the property of the council or any of the works or conveniences connected therewith are injured or damaged such injury or damage shall be forthwith made good by the London 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 London Company;

(d) If the London Company in constructing Subways Nos. 3 4 and 5 Work No. 1 or any other works by this Part of this Act authorised shall alter damage or in any way interfere with the existing pipe subway of the council in Charing Cross Road they shall at their own expense make good such pipe subway to the satisfaction of the council by constructing adequate substituted works or otherwise as the council may reasonably require and the London 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 London Company in respect of such existing pipe subway;

(e) The London Company shall not in making and maintaining and working or using Subways Nos. 1 and 2 or any other works by this Part

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of this Act authorised 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 such free uninterrupted and safe user of the said tramways or any traffic thereon is obstructed hindered or interfered with the London Company shall pay to the council such damages as the council sustain by reason thereof;

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(f) All reasonable fees costs charges and expenses in respect of any of the matters in the previous paragraphs of this subsection contained shall be borne and on demand paid by the London Company and during the construction renewal or repair of the subways Work No. 1 and works connected therewith under or within one hundred feet of the property of the council the London 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 London Company or from acts or defaults of the contractors of the London Company or of any person in their employ or otherwise;

(g) The London 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 by reason of the construction maintenance or failure of the subways Work No. 1 or any other works connected therewith or of any act or omission of the London Company or of any person in their employ or of their contractors or others and the London Company shall effectually indemnify and hold harmless the council from all claims and demands upon or against them by reason of such construction

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maintenance or failure and of any such act or omission ;

(h) The London Company in constructing Subways Nos. 4 and 5 under any property of the council shall not deviate vertically upwards so that the crown of such subways is more than five feet above the level of the crown of such subways as shown on the deposited sections :

- (2) The London Company shall not without the consent of the council construct under any street or roadway any part of the subways Work No. 1 or any other works connected therewith which will be within 25 feet of the surface of such street or roadway except in accordance with plans and sections submitted to and approved by the council such approval not to be unreasonably withheld :
- (3) Upon the submission of any plans and sections under the foregoing provisions of subsection (2) and before approving the same the council shall with all reasonable dispatch consult with the council of the metropolitan borough in which the works are or will be situate and for this purpose the council shall afford such council reasonable facilities for inspecting the plans and sections relating to such works :
- (4) If the London Company in constructing Subways Nos. 4 and 5 Work No. 1 or any other works by this Part of this Act authorised shall alter damage or in any way interfere with the existing sewer of the council in Charing Cross Road they shall pay to the council from time to time any additional cost expenses or charges which the council may be put to or incur in the maintenance or management of any new altered or substituted sewer which may be necessary in consequence of the London Company's works The provisions of this subsection shall be in addition to and not in derogation of any other provisions of this Act :
- (5) The entrances or exits to or from the subways or any station constructed or reconstructed by

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the London Company under the powers of this Act from or to any public street shall be so designed and of such extent as to secure the least practicable inconvenience to the public traffic in such street and before the works are commenced plans thereof shall be submitted to the council for their approval and any difference arising between the London Company and the council respecting such plans shall be determined as hereinafter provided in this section : A.D. 1929.

- (6) Notwithstanding anything contained in this Act or shown on the deposited plans the London Company shall not without the consent of the council construct in connection with Work No. 1 or the subways any building structure or erection in or on any street or footway above the surface of the ground :
- (7) As soon as reasonably practicable after the completion of any works under any street or under any property of the council which have been executed by them under the powers of this Part of this Act the London Company shall at their own expense furnish the council with a map or plan of such works as constructed :
- (8) Any dispute or difference which may arise between the council and the London Company with respect to the provisions of subsections (1) (2) and (5) of this section shall be settled by arbitration by a civil engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

21. Notwithstanding anything contained in this Act 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 London Company and the city council have effect (that is to say) :— For protection of Westminster City Council.

- (1) In the execution of the Subways Nos. 3 4 and 5 and of Work No. 1 and of any other works authorised by this Act and situate in the city of Westminster (in this section collectively referred to as "the said works") the London Company shall not deviate vertically upwards

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- in the case of Work No. 1 to any extent and in the case of the other said works so that the crown of any of the said works is more than five feet above the level of the crown of any of the said works as shown on the deposited sections except with the consent of the city council :
- (2) The London Company in executing the said works shall not alter or in any way interfere with any street refuge sewer drain pipe column sign or other property vested in the city council (in this section collectively referred to as "city property") except with the consent of the city council :
 - (3) The London Company shall repay to the city council all reasonable expenses incurred by the city council in executing any necessary alterations or reconstructions of any city property consequent on the execution by the London Company of the said works Any such works of alteration or reconstruction shall be executed by the city council with all reasonable dispatch :
 - (4) The London Company shall make full compensation to the city council for any subsidence of or damage to any city property which may be caused by or in consequence of the act or default of the London Company its contractors servants or agents and whether such subsidence or damage shall happen during the execution of the said works or at any time thereafter :
 - (5) The London Company shall give the city council not less than fourteen days' previous notice in writing of its intention to enter upon or open up the surface of any street in the city of Westminster (in this section referred to as "the city") and shall not under the powers of this Act enter upon or open up any part of the surface of any such street or cart away any soil in the 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 :
 - (6) The London Company shall not construct any structure or erection above the surface of any

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street in the city and shall not except with the consent of the city council open or make any ventilators air shafts or other similar openings in such street :

- (7) When once commenced the construction of the said works shall so far as the construction may affect the surface of any street in the city and except for causes beyond the reasonable control of the London Company be proceeded with continuously night and day :
- (8) Where any part of any street in the city shall have been broken up disturbed or injuriously affected by the London Company the London Company shall make good the subsoil foundations and surface of such street to the reasonable satisfaction of the city council Provided that the reinstatement of such street shall in the first instance be of a temporary nature only and the permanent reinstatement of any such street shall be carried out by the city council at the cost of the London Company :
- (9) The said works shall be constructed and maintained by the London 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 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 under the control of the city council and the London 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 works or any neglect properly and effectually to maintain the same as aforesaid :
- (10) The London Company in the execution of any works authorised by this Part of this Act shall not place any hoarding in any part of any street in the city except with the consent of the city council and for such periods as shall be reasonably necessary for carrying out the

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said works and no such hoarding shall be erected except under and in accordance with the provisions of the Metropolis Management Act 1855 and the London Building Act 1894 and any Act or Acts amending the same. The London Company shall not affix or exhibit or permit to be affixed or exhibited to, or on any such hoarding any placards or advertisements except placards or advertisements giving information to the public as to the traffic of the London Company and of the companies associated with it or general information in connection therewith and with the undertakings of such companies :

- (11) The London Company shall not deposit any subsoil or materials or stand any vehicle or plant anywhere within the city so as to cause any nuisance or obstruction to any person using any street within the city and no soil or subsoil shall be deposited on any such street except within a hoarding. No plant or materials of any kind shall be deposited on any such street outside a hoarding between the hours of 8 a.m. and 11.30 p.m. and all loading and unloading of soil subsoil plant or materials shall be done within a hoarding. If the London Company their contractors servants or agents commit any breach of this subsection they shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding forty shillings for each offence :
- (12) The engineer of the city council may from time to time during the construction of the said works enter upon and inspect the same :
- (13) No stairway authorised by this Part of this Act shall be constructed so as to open directly upon any street in the city without an intervening approach at street level and no entrance to any such stairway shall encroach upon any part of such street ;
- (14) Except with the previous consent of the council the London Company in connection with the said works shall not under any part of any

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street in the city except under land owned or acquired by them construct or permit to be constructed any shop stall shop front or other erection (other than a newspaper stall or telephone boxes) or any entrance or passage connecting with any premises other than the existing Leicester Square station of the London Company Provided that nothing in this subsection contained shall be deemed to derogate from the powers conferred upon the London County Council by the London Building Acts 1894 to 1928 or any amendment thereof :

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- (15) In this section the expression "consent" means consent in writing and the expression "approval" means approval in writing and wherever in this section provision is made with respect to the consent or approval of the city council such consent or approval may be given subject to such reasonable terms and conditions as the city council may require but shall not be unreasonably withheld :
- (16) Any difference which shall arise between the city council and the London Company under any of the provisions of this section shall be referred to an engineer to be agreed on between the city council and the London Company and failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (17) The provisions of any Act incorporated with this Act which are inconsistent with the provisions of this section shall not apply in the city.

22. With reference to so much of the subways and works by this Part of this Act authorised as will be situate in the metropolitan borough of Holborn (in this section referred to as "the borough") the following provisions for the protection of the mayor aldermen and councillors of the metropolitan borough of Holborn (in this section referred to as "the council") shall unless otherwise agreed in writing apply and have effect :—

For protection
of Holborn
Borough
Council.

- (1) The London Company shall not deposit any subsoil or materials anywhere within the

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- borough so as to cause any nuisance or obstruction to any person using the roads or footways within the borough :
- (2) It shall not be lawful for the London Company to remove any soil or material under any roads within the borough except such as must be excavated from the space to be occupied by the subways and works connected therewith :
 - (3) Where any part of any road or footway in the borough shall have been broken up or disturbed by the London Company the London Company shall make good the surface of such road or footway and the foundations thereof to the reasonable satisfaction of the borough surveyor of the council (hereinafter in this section referred to as "the borough surveyor") :
 - (4) The subways and other works in the borough shall be constructed and maintained by the London 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 borough but also any steam roller or other apparatus that the council or its contractors for the time being may use for repairing the streets or roadways under its control and the London Company shall indemnify the council against and make good to it all costs and expenses that the council may incur or be put to by reason of any defect or insufficiency in strength of the subways or works or any neglect to properly and effectually maintain the same as aforesaid or in the construction or user of the subways or works :
 - (5) The London Company shall make full compensation to the 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 council which may be caused by or in consequence of the act or default of the London Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction of the subways and works by the London Company or at any time thereafter :

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(6) It shall not be lawful for the London Company to place any hoarding in any part of any public road or footway in the borough except in such position and of such extent as shall be agreed with the borough surveyor or failing agreement determined by arbitration and for such periods as shall be reasonably necessary for carrying out the works by this Part of this Act authorised 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 :

(7) It shall be lawful for the borough surveyor from time to time during the construction of the subways and works to enter upon and inspect the same and if he shall be of opinion that the construction of the works or other operations of the London Company within the borough are attended with danger to any sewer drain or work belonging to or under the jurisdiction or control of the council the London Company shall adopt such measures and precautions as the borough surveyor may reasonably require for the purpose of preventing any damage or injury thereto :

(8) The London Company shall not take any part of or interfere with the existing sanitary conveniences belonging to the council or alter the levels of any pavements :

(9) If any difference shall arise between the council or the borough surveyor and the London Company under any of the provisions of this section such difference shall be referred to 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 to any such arbitration.

23. 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 London Company and the board

For protection of Metropolitan Water Board.

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(1) 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 London Act of 1902 (in this section referred to as “ the protective section ”) as extended and applied by the section of this Act of which the marginal note is “ Incorporating certain provisions of existing Acts of London Company ” to the subways and works (hereinafter referred to as “ works ”) by this Part of 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 section in its application to the board and their mains pipes valves hydrants plugs or other works or apparatus (hereinafter in this section referred to as “ 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 protective 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 protective section :

(2) The London Company shall not remove raise sink or otherwise alter the position of any 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 ”) which shall not be unreasonably withheld or in any manner other than the said engineer shall reasonably approve

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nor (with such consent and approval) until such good and sufficient apparatus as the said engineer may reasonably 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 :

- (3) The London Company in executing any works under this Part of 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 :
- (4) In executing the works authorised by this Part of this Act or in exercising any of the other powers of this Act the London 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 of more than five feet except in places where the minimum depth is already reduced or the maximum depth already exceeded in which cases the existing minimum depth shall not be reduced or the existing maximum depth exceeded :
- (5) The London 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 :
- (6) Notwithstanding anything contained in the section of this Act of which the marginal note is "Power to deviate vertically" the London Company shall not execute any works within twenty-five feet from the surface of any street road or footway (other than the booking-hall (Work No. 1) and so much of Subway No. 4 as is shown on the deposited plans as being within

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that depth) in or under which any apparatus of the board is situate or otherwise interfere with the subsoil of such street road or footway within that depth except with the consent in writing of the board which consent shall not be unreasonably withheld and upon and subject to such terms and conditions as the board may attach to any consent given by them :

- (7) If any loss of water be sustained by the board by reason of any act or omission of the London Company or of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the London Company shall pay to the board the value of any water so lost as aforesaid :
- (8) If by reason or in consequence of the execution by the London Company of any works under this Part of this Act the cost to the board of providing communications between any apparatus of the board and any premises supplied from such apparatus shall be increased the London Company shall bear and on demand repay to the board the amount of such increased cost :
- (9) Where the London Company construct (a) any part of Work No. 1 or (b) any part of Subway No. 4 or (c) any tunnel or shaft for the purpose of any stair passage or escalator within seven feet six inches measured in any direction from any apparatus of the board the London Company shall execute such works as the said engineer may reasonably require for diverting altering or 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 and the London Company shall on demand repay to the board the cost incurred by them in so doing :
- (10) In the construction of the works by this Part of this Act authorised no use shall be made by the London Company of pumping or other like modes of removing water except in the case of

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unforeseen accident or for the purpose of removing rain water or other trifling amounts of water Provided that the provisions of this subsection shall not apply to shafts but if water shall be abstracted from them it shall be returned :

- (11) 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 London Company but to the reasonable satisfaction and under the superintendence (if after reasonable notice he shall choose to attend) of the said engineer and the reasonable costs charges and expenses of such superintendence shall be paid by the London Company :
- (12) If any difference shall arise between the London 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) such difference shall be settled in accordance with the provisions of subsections (8) and (10) of the protective section 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 provisions of this Act to the benefit of which the board would otherwise be entitled.

24. For the protection of the Improved Industrial Dwellings Limited and their successors and assigns or other the owners for the time being of the protected premises as hereinafter defined (all of whom are in this section included in the expression "the owners") the following provisions shall notwithstanding anything in this Act or on the deposited plans or sections have effect unless otherwise agreed in writing between the London Company and the owners :—

For protection of Improved Industrial Dwellings Limited.

(1) In this section—

The expression "the protected premises" means the buildings and premises known as Sandringham Buildings and situate on the

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north side of Great Newport Street and both sides of Charing Cross Road and includes all yards vaults cellars works properties and conveniences belonging to the owners in connection with such buildings and premises;

The expression "the prescribed distance" means the distance of one hundred lineal feet measured in a horizontal plane from any part of the protected premises or from the subsoil thereof and includes any distance under the protected premises or subsoil:

- (2) Before commencing to construct any work by this Part of this Act authorised within the prescribed distance the London Company shall give to the owners not less than one month's notice in writing of their intention to commence the work accompanied by plans sections and specifications of the works proposed to be executed within the prescribed distance:
- (3) All works constructed under the powers of this Part of this Act within the prescribed distance shall be executed to the reasonable satisfaction of the owners in accordance with the said plans sections and specifications and when commenced shall so far as practicable be proceeded with without cessation:
- (4) The London Company in constructing Subways Nos. 4 and 5 by this Part of this Act authorised under the protected premises shall not deviate vertically upwards so that the crown of such subways is more than five feet above the level of the crown of such subways as shown on the deposited sections:
- (5) The owners shall at all reasonable times have free access to any works constructed under the powers of this Part of this Act within the prescribed distance for the purpose of inspecting those works and every reasonable facility shall be afforded to them by the London Company for that purpose:
- (6) If by or in consequence of the execution of any works by this Part of this Act authorised any

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part of the protected premises are injured or damaged the London Company shall forthwith make good such injury or damage to the reasonable satisfaction of the owners and if they fail so to do the owners may make good such injury or damage and recover from the London Company all costs properly incurred by them in so doing :

(7) The London Company shall on demand pay to the owners the reasonable costs and expenses incurred by them—

(a) in connection with the inspection of any works constructed or operations performed by the London Company on the protected premises or within the prescribed distance ;

(b) in watching and surveying the protected premises as may be reasonably necessary during the construction of any works by this Part of this Act authorised within the prescribed distance :

(8) Any dispute or difference which may arise between the owners and the London Company under the provisions of this section shall be referred to and settled by a single arbitrator to be agreed between the owners and the London Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference.

25. For the protection of the James Hartnoll Estates Limited and their successors and assigns in relation to their interest in the property numbered 26 in the city and metropolitan borough of Westminster on the deposited plans (in this section referred to as "the owners") the following provisions shall notwithstanding anything in this Act or shown upon the deposited plans and unless otherwise agreed in writing between the London Company and the owners apply and have effect (that is to say) :—

For protection of James Hartnoll Estates Limited.

(1) In this section the expression "the said property" means and includes the property

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numbered 26 in the city and metropolitan borough of Westminster on the deposited plans and the offices cellars vaults passages and other premises connected therewith and the site thereof belonging to and occupied by the owners or their lessees or tenants including any cellars vaults passages or other premises situate beneath the roadway or footway of Charing Cross Road but save as aforesaid not any estate or interest in the subsoil of the said road or footway :

- (2) The London Company in the event of their desiring to acquire under the powers of this Act the said property or any part or parts thereof or any easement or right of using the subsoil or undersurface thereof respectively shall serve notice to treat upon the owners in respect thereof not later than the expiration of a period of twelve calendar months after the passing of this Act and in the event of no such notice being served shall not acquire the said property or any part or parts thereof or any such easement or right in respect thereof as aforesaid otherwise than by agreement with the owners :
- (3) Upon the service of any such notice to treat as is referred to in subsection (2) of this section the London Company shall purchase from the owners and the owner shall sell to the London Company all the interest of the owners in the properties known as Crediton Mansions and being Nos. 45 45B 47 47A and 49 Charing Cross Road in the said city and metropolitan borough for such price as may be agreed between the London Company and the owners or as failing agreement may be determined by arbitration under the Lands Clauses Acts in like manner in all respects (*mutatis mutandis*) as if the London Company had been authorised by this Act to acquire such property from the owners compulsorily and had served a notice to treat upon the owners in respect of the acquisition thereof.

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26. For the protection of the Right Honourable Robert Arthur James Gascoyne Cecil Viscount Cranborne his successors and assigns or other the owner or owners for the time being of the theatre premises as hereinafter in this section defined (all of whom are in this section included in the expression "the owners") and for the protection of Moss Empires' Limited and their successors and assigns lessees for the time being of the said theatre premises (all of whom are in this section included in the expression "the lessees") the following provisions shall notwithstanding anything contained in this Act or in the London Act of 1893 the London Act of 1902 the London Act of 1903 and the London Act of 1923 and unless otherwise agreed in writing between the owners and the lessees and the London Company apply and have effect (that is to say) :—

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For pro-
tection
of London
Hippo-
drome.

- (1) In this section the expression "the theatre premises" means and includes the island block of buildings comprising the London Hippodrome (in this section referred to as "the theatre") and other properties in the city and metropolitan borough of Westminster bounded on the north by Little Newport Street on the south by Cranbourn Street on the east by Charing Cross Road and on the west by Ryder's Court and the offices cellars vaults passages and other premises connected therewith and the site thereof belonging to or reputed to belong to the owners and occupied by the lessees as lessees;

The expression "the agreed plan" means the plan and section five copies whereof have been signed by Robert Young Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was during its progress through Parliament referred one copy whereof has been deposited with the Clerk of the Parliaments another copy whereof has been deposited in the Committee and Private Bill Office of the House of Commons another copy whereof has been retained by the London Company another copy whereof has been retained by the owners and the remaining copy has been retained by the lessees :

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- (2) The London Company shall not enter upon take use or (subject to the provisions of this section) interfere with either permanently or temporarily any part of the theatre premises within the limits of deviation shown on the deposited plans whether above or under the ground or any subsoil under any part thereof except that in relation to so much of the lands shown and numbered 28 on the deposited plans in the city and metropolitan borough of Westminster as is coloured green upon the agreed plan the London Company may purchase and take and the owners and the lessees shall (if required by the London Company and in so far as and to the extent that the interests of the owners and the lessees therein permit) sell to the London Company an easement or right of using so much of the surface and/or the subsoil or undersurface thereof as may be necessary for the purposes of the construction maintenance and user of the works described in subsection (3) of this section. The provisions of the Lands Clauses Acts shall (subject to the provisions of this Act) apply to the acquisition of any such easement or right as if the same were lands to which those Acts apply:
- (3) Notwithstanding anything shown upon the deposited plans and sections the London Company shall not construct the staircases shown on the agreed plan and thereon coloured green proposed to be constructed by the London Company for the purpose of affording access from the said Work No. 1 to the street level within the theatre premises (which works are in this section referred to as the "communication works") otherwise than in accordance with the agreed plan and with the provisions of this section and no marquees or other erections beyond the face of the theatre premises other than the canopy shown upon the agreed plan (of an elevation to be agreed) shall be constructed over the highway without the consent of the owners and the lessees but such consent shall not be unreasonably withheld:

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- (4) The London Company shall give not less than twenty-eight days' previous notice in writing to the owners and the lessees of their intention to commence the construction of the communication works and thereupon the London Company shall construct the works of alteration and adaptation of the theatre (being works consequential upon and necessitated by the construction of the communication works) shown upon the agreed plan and thereon coloured pink (in this section referred to as "the works of alteration") at their own expense and in accordance with the agreed plan and the provisions of this section. Upon such construction the site occupied by the works of alteration and such works shall vest in the owners in fee simple and in the lessees as part of the theatre premises leased to them under the lease thereof dated the twenty-fourth day of December nineteen hundred and one. The works of alteration shall be constructed of such materials and shall in respect of workmanship and decoration be such as shall be reasonably suitable for the purposes of the theatre and in conformity with the materials workmanship and decoration thereof as at the date of the commencement of the said works and be completed with all necessary and suitable fittings both sanitary and otherwise. The owners and lessees shall give to the London Company all necessary facilities for the purposes of the construction of the works of alteration:
- (5) The communication works and the works of alteration and any works (whether temporary or permanent) connected therewith respectively and any works by this Act authorised situate within fifteen feet from any part of the theatre premises (all of which works are in this section referred to as "the specified works") shall be constructed and executed by the London Company in such manner and with such precautions as not to interfere with public or trade performances at the theatre or so far as may be reasonably practicable with the due carrying on

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of the theatre in all other respects in accordance with the customary practice of the lessees :

- (6) Before constructing any part of the specified works the London Company shall submit to the owners and to the lessees particulars thereof (and also plans and sections thereof in the case of any such works as are not shown upon the agreed plan) and details of the materials mode and method proposed to be adopted in constructing the specified works (including the order in which and the days of the week on which and the hours during which it is proposed that the same should be executed) and thereupon the owners and with the consent of the owners the lessees shall be at liberty to make such requirements with reference to any of the specified works and with reference to the materials to be used in and the mode or method of constructing the same and (in the case of the works of alteration) the workmanship and decoration of the same as they may consider necessary and the lessees shall also be at liberty (without any such consent as aforesaid) to make in particular in the case of any of the specified works such requirements with reference to the order in which and the days and hours on or during which the same shall be executed as they may consider necessary for the purpose of avoiding any interference with the performances at and the due carrying on of the theatre and the London Company shall comply with such requirements accordingly :

Provided that in the event of the London Company disagreeing with any such requirements or disputing the necessity for the same the requirements (other than any which may be directed to the hours during which the specified works shall be executed (being hours during which public or trade performances are to take place) as to which the decision of the lessees shall be final and not subject to any appeal) shall be referred to arbitration under this section and the specified works shall be constructed in accordance with the agreed plan

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or such plans and sections as aforesaid (as the case may be) and with such requirements as may be made by the lessees or (as the case may be and subject as aforesaid) settled by the arbitrator :

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Provided also that if the owners and the lessees shall not within twenty-eight days after the submission to them of the particulars of the specified works and of the said plans and sections (if any) and details of the materials mode and method proposed to be adopted in constructing any of the same (including as aforesaid) intimate in writing to the London Company their requirements with reference thereto the owners or the lessees (as the case may be) shall be deemed to have approved thereof :

- (7) The construction of the specified works shall so far as practicable and subject to the provisions of subsection (6) of this section be carried on continuously by day and by night from the time when the same shall be commenced until the time when the same shall be completed :
- (8) No temporary shaft or temporary opening in the surface of the ground for the purpose of constructing the subways and Work No. 1 and the communication works or any of them shall be sunk or made in Cranbourn Street Charing Cross Road Little Newport Street or Ryder's Court so as to obstruct or to be the cause of obstructing access to or egress from the theatre :
- (9) Without prejudice to the foregoing provisions of this section the London Company shall in constructing Subways Nos. 4 and 5 and Work No. 1 employ all means (including in particular the use of electrically driven plant of the most modern character) which shall be reasonably practicable for minimising noise and disturbance to the owners and to the lessees and to those using or resorting to the theatre premises :
- (10) In exercising in relation to the theatre premises the powers of the section of this Act of which the marginal note is "Power to Company to

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enter upon property for survey and valuation” the London Company shall conform to the reasonable requirements of the owners and the lessees as to the hours and conditions at and subject to which such entry as is authorised by the said section shall take place :

- (11) The respective engineers surveyors and architects of the owners and the lessees may from time to time inspect any of the specified works during the construction thereof and the London Company shall give such engineers surveyors and architects all necessary facilities for such inspection and if either the engineer surveyor or architect of the owners or the engineer or architect of the lessees shall be of opinion that the construction of the works or other operations of the London Company are attended with danger to the theatre premises or any part or parts thereof the London Company shall forthwith adopt such additional measures and precautions as may be reasonably considered necessary for the purpose of preventing damage or injury to such premises or such part or parts thereof as aforesaid :
- (12) The London Company shall if they consider it necessary to underpin or otherwise strengthen the theatre premises or any part or parts thereof furnish to the engineer or surveyor or architect of the owners and the engineer or architect of the lessees at the same time as they give to the owners and the lessees the notice prescribed by section 73 (Company empowered to underpin or otherwise strengthen houses near railway) of the London Act of 1893 plans drawings and particulars showing the mode in which they propose that such underpinning or strengthening shall be executed Any such underpinning or strengthening which shall be either agreed between the London Company and the owners and the lessees or (failing agreement) determined under the said section to be necessary shall be executed in accordance with the mode so agreed or determined at the cost and risk of the London

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Company under the supervision of the engineer surveyor or architect of the owners and the engineer or architect of the lessees whose reasonable fees for such supervision shall be paid by the London Company The provisions of the said section 73 of the London Act of 1893 shall so far as the same are not varied by or inconsistent with the provisions of this subsection apply and have effect with respect to any such underpinning or strengthening:

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- (13) The London Company shall pay the reasonable costs charges and expenses of the owners and the lessees in connection with the inspection and supervision of the specified works and such costs charges and expenses may be recovered from the London Company by the owners and the lessees respectively:
- (14) If any difference shall arise between the London Company on the one hand and the owners or the lessees on the other hand under the foregoing provisions of this section (other than any disputed question of compensation which it is provided by this Act shall be determined by arbitration under the Lands Clauses Acts or any difference as to any requirement of the lessees with respect to which it is by this section provided that the same shall be final and not subject to any appeal) the same shall be referred to and be determined by some independent qualified person (being either an architect or an engineer or a surveyor as the nature of the difference shall require) to be appointed (in the case of an architect) by the President for the time being of the Royal Institute of British Architects and (in the case of an engineer) by the President for the time being of the Institution of Civil Engineers and (in the case of a surveyor) by the President for the time being of the Surveyors' Institution on the application of the London Company or of the owners or the lessees after notice in writing to the other party to the difference and subject as aforesaid the

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provisions of the Arbitration Act 1889 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such arbitration :

- (15) Nothing in this section shall relieve the London Company from their liability to make compensation to the owners or the lessees under the Lands Clauses Acts or under section 24 (Compensation for damage by working) of the London Act of 1923 and in the assessment of any such compensation the arbitrator shall not take into account by way of set-off any alleged increase in value of the theatre premises alleged to be due to the construction of any of the works by this Act authorised or of the communication works or works of alteration Provided that neither the owners nor the lessees shall be entitled in the assessment of compensation for the acquisition of the easement or right of user referred to in subsection (2) of this section to make any claim against the London Company for compensation in respect of severance as distinct from any other compensation to which they may respectively be entitled in respect of such acquisition or for loss of accommodation where equivalent alternative accommodation is provided by the London Company :
- (16) The London Company shall not commence the construction of the communication works and of the works of alteration until any consents of the London County Council the council of the city and metropolitan borough of Westminster and of any licensing or police authority having jurisdiction with respect thereto which are necessary therefor have been obtained All costs fees and expenses of and incidental to the applying for and obtaining of such consents shall be borne and paid by the London Company and the owners and lessees shall at the request and cost of the London Company make or support the applications for and render all necessary assistance in obtaining such consents.

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27. Section 67 (General provisions for protection of water gas hydraulic power and telephonic companies or undertakers under any Electric Lighting Order) of the London Act of 1902 as incorporated in this Act shall extend and apply to any company or local authority for the time being authorised to supply electricity under the provisions of the Electricity (Supply) Acts 1882 to 1928 which may have lawfully laid electric mains within the limits of deviation shown on the deposited plan before the commencement of the construction of the subways and works by this Part of this Act authorised as fully as if that company or local authority were one of the protected companies in such section named.

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—
For protection of companies and local authorities supplying electricity.

28. If any work authorised by this Part of this Act involves the removal or alteration of any Post Office letter box the London Company shall not remove or alter such box but shall give notice to the Postmaster-General of the removal or alteration required and the Postmaster-General shall remove or alter the box as he may think fit and the London Company shall pay to the Postmaster-General all expenses incurred by him in relation to such removal or alteration.

For protection of Postmaster-General.

29. Nothing in this Part of this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing contained in this Part of this Act authorises the London Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose.

Crown rights.

PART III.

ACQUISITION OF LANDS BY AND POWERS TO THE
METROPOLITAN DISTRICT RAILWAY COMPANY.

30. Subject to the provisions of this Act the District Company may enter upon take use and appropriate and may hold and use for the purpose of its undertaking the

Acquisition of additional lands

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A.D. 1929.
—
by District
Company.

lands houses buildings and other property delineated on that portion of the deposited plan and described in that part of the deposited book of reference relating to the urban district of Brentford and Chiswick and the borough of Ealing respectively (that is to say):—

In the county of Middlesex—

In the urban district of Brentford and Chiswick—

A strip of land on the south-east side of and adjoining the District Company's (Hounslow Branch) Railway extending from the east side of the tow-path of the river Brent to Boston Road.

In the borough of Ealing—

A strip of land on the south-east side of and adjoining the said railway extending from Northfield Avenue to the western boundary of No. 60 Bramley Road;

A strip of land on the north side of and adjoining the said railway extending from Roberts Alley to the road known as Ascott Avenue;

A strip of land on the north side of and adjoining the said railway extending from Ascott Avenue to a point 80 yards or thereabouts measured in a westerly direction from the centre of the roadway of Gunnersbury Avenue;

A strip of land on the south side of and adjoining the said railway extending from a point 115 yards or thereabouts measured in an easterly direction from the centre of the roadway of Ascott Avenue to Gunnersbury Avenue;

A strip of land on the south side of and adjoining the said railway extending from Gunnersbury Avenue to the fence 230 yards or thereabouts measured in an easterly direction from the centre of the roadway of Gunnersbury Avenue.

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31. The period now limited by the London Act of 1926 for the compulsory purchase of— A.D. 1929.

- (a) lands in the urban district of Brentford and Chiswick authorised by section 49 (Lands &c. at Stamford Brook station and agreements in regard thereto) of the London Act of 1926 to be acquired by the Southern Railway Company the District Company the London Company or any of those companies; and
- (b) lands in the boroughs of Ealing and Acton and in the urban district of Brentford and Chiswick authorised by the London Act of 1926 to be acquired by the District Company for the purposes of or in connection with Widenings Nos. 1 and 2 authorised by that Act and lands in the urban district of Heston and Isleworth authorised by section 55 (Lands for extension of Hounslow Barracks station) of the London Act of 1926 to be acquired by the District Company;

Extension
of time for
compulsory
purchase of
lands by
District
Company
and others.

is (subject to the provisions in relation to the exercise of such powers by the District Company the London Company and the Southern Railway Company or any of them and for the protection of any local authority company body or person contained in that Act) hereby extended and shall continue in force and may be exercised until but shall cease after the fourth day of August nineteen hundred and thirty-two except so far as such powers shall then have been exercised.

32. And whereas for the purposes referred to in this Part of this Act it may happen that portions only of certain properties shown on the deposited plans may be sufficient 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 Fourth Schedule to this Act and whereof parts only are required for the purposes aforesaid may if such portions can in the opinion of the arbitrator or other authority to whom the question of disputed compensation shall be submitted be severed

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

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A.D. 1929. — from the remainder of such properties without material detriment thereto be required to sell and convey to the District Company the portions only of the properties so required without the District Company being obliged or compellable to purchase the whole or any greater portion thereof the District 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.

Confirma-
tion of
acquisition
of certain
lands by
District
Company.

33. The District Company may hold use and appropriate for the general purposes of its undertaking the following lands and properties which have already been acquired by it and the expenditure of money by the District Company in or about the purchase or acquisition thereof or the work executed thereon is hereby sanctioned and confirmed (that is to say) :—

In the county of Middlesex partly in the borough of Ealing and partly in the urban district of Brentford and Chiswick a piece or parcel of land on the south side of and adjoining the District Company's (Hounslow Branch) Railway extending from Northfield Avenue to Boston Road and having frontages of one hundred and fifty-five feet or thereabouts to Boston Road and of one hundred and fifty-six feet or thereabouts to Northfield Avenue;

In the county of London in the metropolitan borough of Fulham a piece or parcel of land situate at West Kensington containing $4\frac{1}{2}$ acres or thereabouts bounded on the north and east by the railway works and land of the District Company and bounded on the west by the railway sidings of the London Midland and Scottish Railway Company and on the south by land of the District Company;

The lands above described in this section shall not at any time be or become surplus lands and premises of the District Company within the meaning of the Metropolitan District Railway Act 1908 nor be subject to the provisions of the Lands Clauses Acts relating to the sale of superfluous lands but the District Company

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may retain hold and use or may sell demise
lease or otherwise dispose of such lands or any
parts or part thereof or any rights or easements
thereon therein or thereover. A.D. 1929.

34. The time limited for the payment by the
District Company of interest out of capital—

(a) by section 82 (Power to pay interest out of
capital during construction) of the London
Act of 1926;

(b) by section 83 (Interest on debenture stock)
of the London Act of 1926;

Extension
of time for
payment of
interest out
of capital
by District
Company.

is hereby extended to the thirty-first day of August
nineteen hundred and thirty-four or such less period
as the directors of that Company may determine
and those sections as so extended shall respectively
extend and apply to shares or stock created and issued
or money raised by borrowing or by mortgage or
debenture stock created and issued for the purposes of
this Act or other purposes to or on which capital
may under the provisions of this or any other existing
Act relating to the District Company be applied or
expended.

PART IV.

ACQUISITION OF LANDS BY THE CITY AND SOUTH LONDON RAILWAY COMPANY.

35. Subject to the provisions of this Act the
City Company may enter upon take use and appropriate
and may hold and use for the purpose of extending
improving altering adding to and giving access to its
power sub-station at Stockwell and the premises and
works in connection therewith and otherwise for the
purposes of its undertaking the lands houses buildings
cellars and other property hereinafter described and
delineated on that portion of the deposited plans and
described in that part of the deposited book of reference
relating to lands in the metropolitan borough of Lambeth
(that is to say) :—

Acquisi-
tion of
additional
lands by
City Com-
pany.

All those lands buildings cellars and premises
situate wholly in the metropolitan borough
of Lambeth in the county of London known

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as No. 13 St. Michael's Road Stockwell bounded by St. Michael's Road on the south-east by the City Company's said sub-station at Stockwell on the north-west by premises known as No. 12 St. Michael's Road on the south-west and by premises known as No. 14 St. Michael's Road on the north-east.

Notwithstanding anything contained in this section or shown on the deposited plans it shall not be lawful for the City Company without the consent of the London County Council to erect or maintain any building or structure beyond the general line of buildings in St. Michael's Road Stockwell.

PART V.

GENERAL PROVISIONS APPLICABLE TO TAKING OF LANDS.

Application of this Part of Act and further interpretation.

36. This Part of this Act shall so far as applicable apply to the taking and user of lands and easements and to the execution of works under the powers of this Act by the several Companies upon whom powers for those purposes are conferred by this Act and in this Part of this Act the expression "the Company" wherever used means—

In relation to Part II (Construction of works by and powers to the London Electric Railway Company) the London Company;

In relation to Part III (Acquisition of lands by and powers to the Metropolitan District Railway Company) the District Company;

In relation to Part IV (Acquisition of lands by the City and South London Railway Company) the City Company.

Period for compulsory purchase of lands.

37. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease on the thirty-first day of October one thousand nine hundred and thirty-two.

As to private rights of

38. 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

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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 varied by this Act with reference to the taking of lands otherwise than by agreement.

A.D. 1929.

—
 way over
 lands
 taken com-
 pulsorily.

39. 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 subways and works as the case may be 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 valua-
 tion.

40. 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 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

Costs of
 arbitration
 in certain
 cases.

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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.

41. 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 nineteen hundred and twenty-eight 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.

PART VI.

MISCELLANEOUS.

Agreements with West London Extension Railway Company and London Midland and Scottish Railway Company.

42. The District Company and the London Company or either of them may from time to time enter into and carry into effect vary and rescind agreements with the West London Extension Railway Company and the London Midland and Scottish Railway Company or either of them with regard to the user exchange sale purchase or leasing of any of their lands adjoining or near to the railways depôts lands and premises of the District Company and the London Company or either of them at West Brompton and in regard to the construction maintenance and user of bridges across their respective railways and lands to afford access to the said railways depôts lands and premises of the District Company and the London Company or either of them and the District Company and the London Company may apply their respective funds to the purposes of any such agreement or agreements.

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43. The London Company the District Company and the City Company respectively 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 or any easement in through under or over any lands which it is authorised to acquire under the powers of this Act or any former Act relating to it.

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 —
 Power to acquire leasehold interests and use lands held on lease.

44. The provisions of section 99 (Power to lease &c. lands) of the London Act of 1926 shall extend and apply to any lands or premises acquired by the London Company or the City Company under the powers of this Act or which the London Company is by this Act authorised to hold use and appropriate and the provisions of section 40 (Persons under disability may grant easements &c.) and of section 95 (Power to Company to build sell let deal use or dispose of shops buildings &c.) of the Metropolitan District Railway Act 1903 and of section 18 (Application of London Building Acts) of the Metropolitan District Railway Act 1906 shall extend and apply to any lands or premises acquired by the District Company under the powers of this Act or which the District Company is by this Act authorised to hold use and appropriate.

Application of certain sections of London Act of 1926 and Metropolitan District Railway Acts 1903 and 1906.

45. The London Company the District Company and the City Company respectively may appropriate and apply to all or any of the purposes or objects of this Act which relate to them respectively or to the lands already purchased or to the general purposes of their respective undertakings being in all cases purposes to which capital is properly applicable any moneys which they have raised or are authorised to raise and which may not be required for any of the purposes to which they are by any existing Act made specially applicable.

Power to London District and City Companies to apply funds.

46. Nothing in this Act contained shall exempt any company upon whom powers are conferred by this Act or their respective 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

Provision as to general Railway Acts.

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A.D. 1929. — or of the rates for small parcels authorised to be taken by such companies or any of them.

Costs of Act.

47. 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 London Company the District Company and the City Company in such proportions as shall be agreed between them or failing agreement settled by an arbitrator appointed upon the application of any of such companies by the Minister of Transport and the Arbitration Act 1889 shall apply to any such arbitration.

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The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

MARGINAL NOTES AND NUMBERS OF SECTIONS OF THE LONDON ACTS OF 1893 1902 1903 AND 1923 WHICH ARE INCORPORATED WITH THIS ACT.

Marginal Note of Section.	No. of Section.
THE LONDON ACT OF 1893.	
Persons authorised to convey lands may grant easements - - - - -	33
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
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For the protection of the sewers of district boards and vestries - - - - -	51
For protection of the Gas Light and Coke Company Company empowered to underpin or otherwise strengthen houses near railway - - - - -	59
Agreements with Council and local authorities - - -	73
	89

THE LONDON ACT OF 1902.

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
Application of London Building Acts - - - - -	29
Amending sections 50 and 51 of Act of 1893 - - - - -	33
General provisions for protection of water gas hydraulic power and telephonic companies or undertakers under any Electric Lighting Order - - -	67

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A.D. 1929.	Marginal Note of Section.	No. of Section.
	For protection of Postmaster-General (as amended by section 94 subsection (3) of the London Act of 1926) - - - - -	76
	THE LONDON ACT OF 1903.	
	Power to hold sell &c. lands - - - - -	23
	THE LONDON ACT OF 1923.	
	Compensation for damage by working - - - - -	24

SECOND SCHEDULE.

DESCRIBING PROPERTIES UNDER WHICH EASEMENTS MAY
 BE TAKEN BY THE LONDON ELECTRIC RAILWAY
 COMPANY.

Area.	Nos. on deposited Plans.
SUBWAYS NOS. 1 AND 2.	
Parish of St. Mary Islington in the metropolitan borough of Islington	1 to 11 (inclusive).
SUBWAY No. 3.	
Parish of St. Giles in the Fields in the metropolitan borough of Holborn -	1.
Parish of the city of Westminster in the city and metropolitan borough of Westminster - - - - -	1 to 9 (inclusive).
SUBWAYS NOS. 4 AND 5.	
Parish of the city of Westminster in the city and metropolitan borough of Westminster - - - - -	10 to 29 (inclusive).
WORK No. 1.	
Parish of the city of Westminster in the city and metropolitan borough of Westminster - - - - -	10.25.

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THIRD SCHEDULE.

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

Where Situate.

No. on deposited Plans.

SUBWAYS NOS. 4 AND 5.

Parish of the city of Westminster in
the city and metropolitan borough
of Westminster - - - - 26 28 29.

FOURTH SCHEDULE.

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

Where Situate.

No. on deposited Plans.

ADDITIONAL LANDS ADJOINING METROPOLITAN DISTRICT RAILWAY
COMPANY'S (HOUNSLOW BRANCH) RAILWAY.

Borough of Ealing - - - - 6 15 16.

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