



CHAPTER xxxiii.

An Act to empower the London Electric Railway Company to construct subways deviations of railways and works to empower the Metropolitan District Railway Company to construct works to empower the City and South London Railway Company to construct a subway to empower the London Electric Railway Company and the City and South London Railway Company to construct subways and works and to confer further powers on the said and other companies and for other purposes.

A.D. 1931.

[11th June 1931.]

WHEREAS the London Electric Railway Company (hereinafter referred to as "the London Company") 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 together with the railways of the Central London Railway Company are 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

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A.D 1931. and the traffic thereon and be for the convenience of the public :
—

And whereas it is expedient that the powers for construction of works in this Act mentioned should be conferred on the London Company the City Company and the District Company :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands authorised to be acquired and in 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 for the purposes or under the powers of this Act were duly deposited with the respective clerks of the county councils of the administrative counties of London Middlesex and Hertford and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

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

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the London Electric Metropolitan District and City and South London Railway Companies Act 1931.

Division of Act into Parts. 2. This Act is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—London Company—Works and lands.
Part III.—London Company and City Company—Works.
Part IV.—City Company—Works.

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Part V.—District Company—Works and lands. A.D. 1931.

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

Part VII.—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 varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say):—

Incorporation of general Acts.

The Lands Clauses Acts :

Provided that—

(1) 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 or the City Company or the District Company or the London Company and 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;

(2) Any bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the London Company or the City Company or the District Company as the case may be and shall be sufficient without the addition of the sureties mentioned in that section.

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;

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

The regulation and use of the railway;

The settlement of disputes by arbitration;

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

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) of the Railways Clauses Act 1863:

Provided that the expression "the railway" where used in the said Acts of 1845 and 1863 shall be deemed to include the subways deviations of railways and other works by this Act authorised.

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 save as is otherwise expressly provided therein 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 following expressions have the meanings hereby respectively assigned to them (that is to say):—

"the London Company" means the London Electric Railway Company;

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

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- “ the District Company ” means the Metropolitan District Railway Company; A.D. 1931.
- “ the three Companies ” means the London Company the City Company and the District Company;
- “ the subways ” means the subways and the conveniences connected therewith by this Act authorised and “ the subway ” means any of such subways;
- “ the deviations ” means the deviation railways by this Act authorised to be made by the London Company and “ the deviation ” means either of such deviations;
- “ the London Act of 1893 ” “ the London Act of 1899 ” “ the London Act of 1902 ” and “ the London Act of 1903 ” respectively mean the Charing Cross Euston and Hampstead Railway Acts of 1893 1899 1902 and 1903;
- “ the London Act of 1923 ” means the London Electric Railway Act 1923 ;
- “ the London Act of 1926 ” means the London Electric and Metropolitan District Railway Companies Act 1926;
- “ the London Act of 1929 ” means the London Electric Metropolitan District and City and South London Railway Companies Act 1929;
- “ the London Act of 1930 ” means the London Electric Metropolitan District Central London and City and South London Railway Companies Act 1930;
- “ the City Act of 1903 ” means the City and South London Railway Act 1903;
- “ the District Act of 1897 ” “ the District Act of 1901 ” “ the District Act of 1902 ” and “ the District Act of 1903 ” mean the Metropolitan District Railway Acts of 1897 1901 1902 and 1903 respectively;
- “ 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;

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“ the deposited plans of 1930 ” means the plans and sections deposited in respect of and referred to in the London Act of 1930.

PART II.

LONDON COMPANY—WORKS AND LANDS.

Power to
London
Company
to make
subways
deviations
and works.

5. Subject to the provisions of this Act the London Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the subways deviations and other works in this Part of this Act described with all necessary and convenient tunnels stations platforms lifts escalators inclines stairs approaches passages subways sidings lay-byes stagings buildings sewers drains pipes wires apparatus plant depots machinery appliances works and conveniences connected therewith or incidental thereto and may subject as aforesaid enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes and for any other purpose connected with its undertaking and in connection with the said subways deviations and other works the London Company may construct and maintain entrances steps lifts escalators shafts passages inclines and other approaches and conveniences connecting the said subways and works with the surface of the pavements or 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 use and appropriate the subsoil and undersurface of any public street road footway or place shown on the deposited plans and described in the deposited book of reference or so much thereof as shall be necessary for the purposes of the subways deviations and other 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.

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6. The subways and deviations hereinbefore referred to and authorised by this Part of this Act will be situate in the counties of London Middlesex and Hertford and are—

A.D. 1931.
—
Description
of subways
and devia-
tions.

In the county of London—

Subway No. 1 A subway situate wholly in the city and metropolitan borough of Westminster commencing beneath the roadway of Charing Cross Road at a point twenty-five yards or thereabouts measured in a north-westerly direction from the north-west corner of the premises known as No. 38 Cranbourn Street and eight yards or thereabouts measured in a westerly direction from the southern corner of the London Company's Leicester Square station and terminating beneath the roadway of Charing Cross Road between the station tunnels of the London Company's Charing Cross Euston and Hampstead Railway at Leicester Square station at a point fifty-four yards or thereabouts measured in a north-westerly direction from the intersection of Great Newport Street by Charing Cross Road;

Subway No. 2 A subway situate wholly in the city and metropolitan borough of Westminster commencing beneath the roadway of Cranbourn Street at a point sixteen yards or thereabouts measured in a north-easterly direction from the north-west corner of the premises known as No. 38 Cranbourn Street and nine yards or thereabouts measured in a south-easterly direction from the southern corner of the London Company's Leicester Square station and terminating beneath the roadway of Long Acre between the station tunnels of the London Company's Great Northern Piccadilly and Brompton Railway at Leicester Square station at a point twenty-two yards or thereabouts measured in an easterly direction from the south-east corner of the public house known as "The Cranbourne" No. 1 Upper St. Martin's Lane and nine yards or thereabouts measured in a north-westerly

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direction from the north-west corner of the premises of the National Provincial Bank Limited No. 1 Long Acre;

Subway No. 3 A subway situate partly in the metropolitan borough of Holborn and partly in the city and metropolitan borough of Westminster commencing in the said metropolitan borough of Holborn 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 fifty yards or thereabouts measured in a southerly direction from the intersection of Sutton Street with Charing Cross Road and terminating in the said city and metropolitan borough 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 five yards or thereabouts measured in an easterly direction from the centre of the said stair-shaft:

In the counties of Middlesex and Hertford—

Deviation Railway No. 1 A deviation railway 3 furlongs 6·55 chains or thereabouts in length partly in the urban district of Southgate in the county of Middlesex and partly in the urban district of East Barnet Valley in the county of Hertford commencing in the urban district of Southgate by a junction with Railway No. 2 authorised by the London Act of 1930 at a point nine chains or thereabouts on the centre line of that railway measured on the deposited plans of 1930 from the termination thereof and terminating in the urban district of East Barnet Valley by a junction with Railway No. 3 authorised by the London Act of 1930 at a point 2 furlongs 7·1 chains or thereabouts on the centre line of that railway measured on the deposited plans of 1930 from the commencement thereof:

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In the county of Middlesex—

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Deviation Railway No. 2 A deviation railway 7 furlongs 9·5 chains or thereabouts in length partly in the urban district of Southgate and partly in the urban district of Enfield commencing in the urban district of Southgate by a junction with Railway No. 3 authorised by the London Act of 1930 at a point 2 miles 1 furlong 1·7 chains or thereabouts on the centre line of that railway measured on the deposited plans of 1930 from the commencement thereof and terminating in the urban district of Enfield in the field No. 37 on the $\frac{1}{2500}$ Ordnance map Middlesex sheet VII. 1 edition 1914 at a point 50 yards or thereabouts measured in an easterly direction from the eastern boundary fence of Cock Fosters Road along the southern boundary fence of the footpath leading from Cock Fosters Road to Trent Park.

7. The provisions contained in the sections of the Acts which are mentioned in the First Schedule to this Act in so far as they relate to the London Company's undertaking are (subject to any amendment or variation by this Act) incorporated with and form part of this 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 deviations substation for the transformation and distribution of electrical power and works by this Part of this Act authorised to the roads under and along which the same are to be made to the lands subsoil easements and rights by this Part of this Act authorised to be acquired by the London Company and to the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those provisions had been expressly re-enacted in this Part of this Act with reference thereto respectively :

Incorporating certain provisions of existing Acts.

Provided that for the purpose 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

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A.D. 1931. — if the council of a metropolitan borough or urban district had been mentioned or referred to therein instead of board of works or vestry and as if the subways deviations and works by this Part of this Act authorised had been mentioned or referred to therein instead of “ the railway ” or “ the railways ” and that in construing for the purposes of this Part of this Act 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 the expression “ the protected companies ” shall include the London Power Company Limited the North Metropolitan Electric Power Supply Company the Tottenham and District Gas Company and the Southgate and District Gas Company as fully as if those companies were protected companies in such section named Provided that in its application to the North Metropolitan Electric Power Supply Company subsection (1) of the said section 67 of the London Act of 1902 shall be read and have effect as if the words “ in under or over any street or lands in under or over which ” were substituted for the words “ in or under any street in or under which.”

Power to deviate laterally.

8. In the execution of the subways and deviations by this Part of this Act authorised the London Company may subject to the provisions of this Part of this Act deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon.

Power to deviate vertically.

9. In the execution of the subways and deviations by this Part of this Act authorised the London Company may subject to the provisions of this Part of this Act deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient.

Power to open surface of streets.

10.—(1) Subject to the provisions of this Part of this Act the London Company may for the purpose of constructing the subways and works by this Part of this Act authorised and the works and conveniences connected therewith enter upon open break up and interfere with so much of the surface of Charing Cross Road Cranbourn Street Great Newport Street Little Newport Street and Upper St. Martin's Lane in the city and metropolitan

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borough of Westminster and of the roadways and footways of such streets as is within the limits of deviation shown on the deposited plans in respect of the said subways and works without being required to purchase any part of the surface or undersurface of such streets roadways and footways or any easement in or through the same or to make any payment therefor or for interfering with such streets roadways or footways.

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(2) Before breaking up or interfering with any portion of the surface of the said streets roadways and footways under the powers of this section the London Company shall give to the Minister of Transport not less than one month's previous notice in writing of its intention so to do and shall also give not less than seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with such commissioner 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 Part of 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 by this Part of this Act authorised Provided always that the London Company shall not alter divert or otherwise interfere with the pipes cables wires or other works of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

11.—(1) Subject to the provisions of this Act and in addition to the other lands which the London Company is authorised to acquire the London Company may enter upon take use and appropriate and may hold and use for the purposes of the construction of a substation as hereinafter mentioned and for other purposes connected with its undertaking all or any part of the lands houses buildings and other property hereinafter in this section described and delineated on that portion of the deposited plans and described in that part of the deposited book of reference relating to additional lands in the county of London (that is to say) :—

Additional
lands at
Long Acre.

Certain lands houses buildings and other property
situate wholly in the city and metropolitan

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borough of Westminster in the county of London bounded on the north by the premises known as No. 13 Upper St. Martin's Lane on the south and south-east by Long Acre on the west by Upper St. Martin's Lane and on the north-east by the premises known as No. 137 Long Acre.

(2) The London Company may on the lands and other property in this section described construct maintain work and use a substation for the transformation and distribution of electrical power and any works ancillary to or necessary for the working of such substation. The said lands shall for all purposes form part of the undertaking of the London Company.

Height and span of bridges.

12. The London Company may make the arches of the bridges for carrying the deviation over the roads next hereinafter mentioned of any heights and spans not less than the heights and spans hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited plan.	Urban district.	Description of road.	Height.	Span.
38	Deviation Railway No. 1 Southgate - - -	Public road Waterfall Road.	16 ft. 6 in.	60 ft.
38	East Barnet Valley			

Width of roadways over bridges.

13. The London Company may make the roadways over the bridges by which the following roads will be carried over the deviation by this Part of this Act authorised of such width between the fences thereof as the London Company thinks fit not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited plan.	Urban district.	Description of road.	Width of roadway.
111	Deviation Railway No. 2 Southgate - - -	Public road East Barnet Road.	60 ft.

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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.

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 —
 As to buildings upon lands of London Company.

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

Period for completion of works.

16. Section 19 (Imposing penalty unless railway opened) and section 20 (Application of penalty) of the London Act of 1930 shall extend and apply to the deviations as if such deviations had been included in the expressions "the railways" and "the railway" in those sections.

Application of sections 19 and 20 of London Act of 1930.

17. The London Company may demand and take for the conveyance of passengers small parcels passengers' luggage and dogs on the deviations by this Part of this Act authorised fares rates and charges not exceeding those it is authorised to demand and take on its existing railways Provided always that where passengers small parcels passengers' luggage or dogs are conveyed partly on the existing or authorised railways of the London Company and partly on the deviations by this Part of this Act authorised the whole of such railways shall for the purpose of short distance fares rates and charges be considered one railway.

Fares rates and charges.

18. The subways deviations and works by this Part of this Act authorised shall for all purposes whatsoever form part of the undertaking of the London Company.

Subways &c. to form part of undertaking.

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Abandon-
ment of
portions of
railways
and certain
subways.

19.—(1) The London Company shall abandon the construction of (a) so much of Railways Nos 2 and 3 authorised by the London Act of 1930 as lies between the points of commencement and termination of the Deviation Railway No. 1 by this Part of this Act authorised (b) so much of Railway No. 3 authorised by the London Act of 1930 as lies between the point of commencement of the Deviation Railway No. 2 by this Part of this Act authorised and the termination of the said Railway No. 3 (c) Subways Nos. 3 4 and 5 authorised by the London Act of 1929 and (d) the subway authorised by the London Act of 1926.

(2) The abandonment by the London Company under the authority of this Part of this Act of the before-mentioned portions of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the London Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the London Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the London Act of 1930.

(3) Where before the passing of this Act any contract has been entered into or notice given by the London Company for the purchasing of any land for the purposes of or in relation to any such portions of railway authorised to be abandoned by this Part of this Act the London Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the London Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses

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Acts as amended by this Act for determining the amount and application of compensation paid for lands taken under the provisions thereof. A.D. 1931.
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(4) Sections 19 and 20 of the London Act of 1930 shall cease to apply to the portions of railway by this Act authorised to be abandoned.

20. The provisions of section 24 (For protection of Stoke Newington Council Hornsey Corporation and urban district councils of Enfield Southgate Tottenham and Wood Green) and section 25 (For further protection of Southgate Urban District Council) of the London Act of 1930 shall so far as applicable extend and apply to Deviation Railways Nos. 1 and 2 authorised by this Part of this Act and to all works and conveniences connected therewith or incidental thereto and to all land acquired for the purpose thereof as if the said deviation railways were included in the expression "Railway No. 2" and "Railway No. 3" in section 6 of the said Act. Extending provisions of sections 24 and 25 of London Act of 1930.

21. The following provisions for the protection and benefit of the county council of the administrative County of Middlesex (in this section called "the county council") shall unless otherwise agreed in writing between the London Company and the county council have effect (that is to say) :— For protection of Middlesex County Council.

(1) The London Company shall construct a bridge to carry Deviation Railway No. 1 by this Act authorised over Pymmes Brook having a span of not less than twenty-five feet :

(2) The London Company shall give the county council twenty-one days' previous notice in writing of their intention to commence the construction of any of the bridges for carrying either of the deviation railways by this Part of this Act authorised over any street or roadway in the administrative county of Middlesex by leaving such notice at the office of the county council with plans and drawings of the works and if the county council fail to signify their disapproval of the said plans and drawings within twenty-one days after the delivery of the said plans and drawings they shall be deemed to have approved of the same

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If the county council shall signify their disapproval of the said plans or drawings and the London Company and the county council fail to agree with regard thereto the difference shall be referred to arbitration and the London Company shall not commence to execute the construction of any such bridge until the plans and drawings thereof have been approved by the county council or such difference has been determined in accordance with this section :

- (3) The said bridges shall be constructed in accordance with the plans and drawings thereof so approved by the county council or in case of difference by the arbitrator hereinafter referred to and under the supervision (if given) and to the reasonable satisfaction of the county council :
- (4) Any difference which may arise from time to time under the provisions of this section between the county council and the London Company shall be referred to and determined by an engineer to be agreed on between the county council and the London Company or failing agreement 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 reference.

For protection of Improved Industrial Dwellings Limited.

22. The provisions of section 24 (For protection of Improved Industrial Dwellings Limited) of the London Act of 1929 are incorporated with this Part of this Act and shall extend and apply to Subways Nos. 1 and 2 by this Act authorised as if such subways were mentioned or referred to in such section instead of Subways Nos. 4 and 5 authorised by the London Act of 1929 and abandoned by this Act.

For protection of London Hippodrome.

23. 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 defined in section 26 (For protection of London Hippodrome) of the London Act of 1929 (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 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 the London Act of 1923 and the London Act of 1929 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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Nothing in this Act shall derogate from the provisions of section 26 (For protection of London Hippodrome), of the London Act of 1929 and the provisions of the said section which relate to the construction of Subways Nos. 4 and 5 and works in connection therewith by that Act authorised and matters incidental thereto shall extend and apply as if such provisions had been re-enacted in this Act with reference to the construction of Subways Nos. 1 and 2 by this Act authorised and works in connection therewith and matters incidental thereto.

PART III.

LONDON COMPANY AND CITY COMPANY—WORKS.

24. Subject to the provisions of this Act the London Company and the City Company or either of them may make and maintain in the lines and according to the levels shown on the deposited plans and sections the subways and works in this Part of this Act described with all necessary and convenient tunnels stations platforms lifts escalators inclines stairs approaches passages subways sidings laybys stagings buildings sewers drains pipes wires apparatus plant depots machinery appliances works and conveniences connected therewith or incidental thereto and may subject as aforesaid enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes and for any other purposes connected with their respective undertakings and in connection with the said subways

Power to
London
Company
and City
Company
to make
subways
and works.

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and works the London Company and the City Company or either of them may construct and maintain entrances steps lifts escalators shafts passages inclines and other approaches and conveniences connecting the said subways and works with the surface of the pavements or 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 or the City Company to enter upon take or use the surface of any public street or road but (subject as aforesaid) the London Company and the City Company or either of them may enter upon take use and appropriate the subsoil and undersurface of any public street road footway or place shown on the deposited plans and described in the deposited book of reference or which may be hereafter constructed by the London County Council or so much thereof as shall be necessary for the purposes 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.

25. 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—

Subway No. 4 A subway situate wholly in the metropolitan borough of Southwark commencing under the premises known as Nos. 2 to 14 Newington Butts (even numbers both numbers inclusive) at a point seventy yards or thereabouts measured in a northerly direction from the north-east corner of the Metropolitan Tabernacle in Newington Butts and thirty-five yards or thereabouts measured in a north-westerly direction from the north-west corner of the City Company's Elephant and Castle station and terminating under Newington Butts at a point fifteen yards or thereabouts measured in a westerly direction from the north-west corner of the Elephant and Castle public house and sixty yards or thereabouts measured in a northerly direction from the north-west corner of the City Company's said Elephant and Castle station :

Subway No. 5 A subway situate wholly in the metropolitan borough of Southwark commencing by a junction with Subway No. 4 at a point one hundred and ten yards or thereabouts measured in a northerly direction from the north-east corner of the Metropolitan Tabernacle in Newington Butts and thirty-three yards or thereabouts measured in a westerly direction from the north-west corner of the Elephant and Castle public house and terminating under London Road at a point ten yards or thereabouts measured in a south-westerly direction from the south corner of the premises known as No. 76 London Road and one hundred and ten yards or thereabouts measured in a north-westerly direction from the north-west corner of the Elephant and Castle public house:

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Subway No. 6 A subway situate wholly in the metropolitan borough of Southwark commencing in the London Company's Elephant and Castle station at a point thirty yards or thereabouts measured in an easterly direction from the south corner of the premises known as No. 76 London Road and ninety yards or thereabouts measured in a northerly direction from the north-west corner of the Elephant and Castle public house and terminating by a junction with Subway No. 5 under London Road at a point sixty-three yards or thereabouts measured in a north-easterly direction from the north-east corner of the premises known as No. 1 St. George's Road and fifty-five yards or thereabouts measured in a north-westerly direction from the north-west corner of the Elephant and Castle public house:

Work No. 2 A booking hall situate wholly in the metropolitan borough of Southwark in or under the roadways of Newington Butts St. George's Road London Road Newington Causeway and Walworth Road and the streets roads and places adjoining such roads and in or under the premises known as Nos. 2 to 22 Newington Butts (even numbers both numbers inclusive) for and in

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connection with the Elephant and Castle station of the City Company and the Elephant and Castle station of the London Company with entrances from and exits to such booking hall to and from the surface of Newington Butts St. George's Road London Road Newington Causeway and Walworth Road and the adjoining streets roads and premises :

Work No. 3 A booking hall situate wholly in the metropolitan borough of Southwark in or under the roadways of Newington Causeway London Road and Skipton Street and the streets roads and places adjoining such roads and in or under the London Company's Elephant and Castle station the premises known as Nos. 70 to 74 London Road (both numbers inclusive) Nos. 120 to 140 Newington Causeway (even numbers both numbers inclusive) and Nos. 2 to 10 Skipton Street (even numbers both numbers inclusive) for and in connection with the Elephant and Castle station of the City Company and the Elephant and Castle station of the London Company with entrances from and exits to such booking hall to and from the surface of Newington Causeway London Road and Skipton Street and the adjoining streets roads and premises.

Incorporating certain provisions of existing Acts.

26. The provisions contained in the sections of the Acts which are mentioned in the First Schedule to this Act are (subject to any amendment or variation by this Act) incorporated with and form part of this 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 to the roads under and along which the same are to be made to the lands subsoil easements and rights by this Part of this Act authorised to be acquired by the London Company and the City Company or either of them in respect thereof and to the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those provisions had been expressly re-enacted in this Part of this Act with reference thereto respectively :

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Provided that for the purpose 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 the City Company or either of them as the case may be 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 and as if the subways and works by this Part of this Act authorised had been mentioned or referred to therein instead of the railway or the railways and that in construing for the purposes of this Part of this Act section 67 of the London Act of 1902 the expression "the protected companies" shall include the London Power Company Limited the Central Electricity Board and the London and Home Counties Joint Electricity Authority as if such company board or authority were one of the protected companies in such section named. A.D. 1931.

27.—(1) Subject to the provisions of this Part of this Act the London Company and the City Company or either of those companies may for the purpose of constructing the subways and works by this Part of this Act authorised and the works and conveniences connected therewith respectively in the metropolitan borough of Southwark in the county of London— Power to open surface of streets and permanent openings therein.

(a) enter upon break up and interfere with so much of the surface of the following streets roads footways and places as is within the limits of deviation shown on the deposited plans in respect of the said subways and works (that is to say) Newington Butts Walworth Road St. George's Road New Kent Road Newington Causeway and London Road; and

(b) may make and maintain permanent openings in the roadways and footways of so much of the above-mentioned Newington Butts Walworth Road St. George's Road New Kent Road Newington Causeway and London Road as is within the said limits of deviation;

without being required to purchase any part of the surface or undersurface of such streets roadways and

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A.D. 1931. footways or any easement in or through the same or to make any payment therefor.

(2) Before breaking up or interfering with any portion of the surface of the said streets roadways and footways under the powers of this section the London Company and the City Company or either of them as the case may be shall give to the Minister of Transport not less than one month's previous notice in writing of its intention so to do and shall also give not less than seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with such commissioner 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 sewer pipes cables wires and other works) nothing in this Part of this Act contained shall empower the London Company and the City Company or either of them as the case may be to break up or interfere with the surface of any street for the purpose of constructing maintaining or using the subways and works by this Part of this Act authorised Provided always that the said companies shall not alter divert or otherwise interfere with the pipes cables wires or other works of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to deviate laterally.

28. In the execution of the subways and works by this Part of this Act authorised the London Company and the City Company or either of them as the case may be 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 vertically.

29. In the execution of the subways and works by this Part of this Act authorised the London Company and the City Company or either of them as the case may be may deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient.

Period for compulsory purchase of lands.

30. The powers of the London Company and the City Company or either of them for the compulsory purchase of lands and easements for the purposes of this

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Part of this Act shall cease on the thirty-first day of October one thousand nine hundred and thirty-six. A.D. 1931.

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

32. The subways and works by this Part of this Act authorised shall form part of the undertaking of the London Company or of the City Company as may be agreed between those companies and the cost thereof shall be borne in such manner as may be so agreed. Subways and works to form part of undertaking.

33. The London Company and the City Company or either of them on the one hand and the London County Council and the council of the metropolitan borough of Southwark or either of them on the other hand may enter into and carry into effect vary and rescind agreements with reference to any of the provisions of this Act or of the London County Council (Improvements) Act 1930 relating to or affecting only the parties to such agreements. Agreements with London County Council and Southwark Borough Council.

34.—(1) The London Company and the City Company may from time to time enter into and carry into effect vary and rescind agreements with reference to the construction ownership working maintenance renewal and user of the subways and works by this Part of this Act authorised and of such shafts lifts escalators stairways subways passages and other works and conveniences in connection therewith and such communications and openings between the respective railways and stations of the London Company and the City Company or either of them whether upon in or under lands now or hereafter belonging to the London Company or the City Company as may be necessary or convenient for enabling passengers and their luggage and other traffic to pass from or to the station of the London Company to or from the station of the City Company and the subways and works. Agreements between London Company and City Company.

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(2) Either of the above-mentioned companies may for the purposes of and in accordance with and subject to any agreement entered into under this section enter upon the stations platforms passages and works of the other company and may alter any such station platform passage or work and make openings in the same and in any walls and any necessary protective works and may make such provisions as will secure to the public and to officers and servants of the London Company and the City Company free and uninterrupted access and communication to and between the subways and the stations of the London Company and the City Company or any of them.

(3) Each of the above-mentioned companies may apply its respective funds to the purposes of any such agreement or agreements to which it is a party.

For pro-
tection of
Fish-
mongers
Company.

35. For the protection of the wardens and commonalty of the Mystery of Fishmongers of the city of London (in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the London Company the City Company (each of which is in this section included in the expression "the railway company") and the owners apply and have effect (that is to say):—

Notwithstanding anything contained in this Act or shown on the deposited plans the railway company shall not under the powers of this Act acquire any part of any of the lands numbered on the deposited plans 150 152 153 154 or 155 in the metropolitan borough of Southwark unless and until such lands or such part thereof are acquired by the London County Council by virtue of the London County Council (Improvements) Act 1930.

PART IV.

CITY COMPANY—WORKS.

Power to
City Com-
pany to
make a
cable sub-
way and
works.

36. Subject to the provisions of this Act the City Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections relating thereto a subway for cables and ventilation in this Part of this Act described with all necessary works cables wires apparatus plant and conveniences connected

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therewith or incidental thereto 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 relating thereto as may be required for those purposes and for the purposes of the construction of a substation for the transformation and distribution of electrical power and for other purposes connected with its undertaking and the City Company may construct maintain and use such substation and any works ancillary to or necessary for the working thereof:

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Provided always that (except as expressly provided by this Act) nothing in this Act shall authorise the City Company to enter upon take or use the surface of any common or commonable lands public street or road but (subject as aforesaid) the City Company may enter upon take use and appropriate the subsoil and undersurface of any common or commonable lands public street road footway or place shown on the deposited plans and described in the deposited book of reference relating thereto or so much thereof as shall be necessary for the purposes of the subway 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.

37. The subway hereinbefore referred to and authorised by this Part of this Act will be situate in the metropolitan borough of Wandsworth in the county of London and is—

Description
of cable
subway.

Subway No. 7 A cable subway commencing immediately above the north-bound running tunnel of the railway of the City Company beneath the western boundary of the pavement on the west side of the road known as South Side Clapham Common at a point twenty-eight yards or thereabouts measured in a north-easterly direction from the centre of Windmill Road at its junction with South Side and terminating within the premises known as No. 61 South Side at a point seventeen yards or thereabouts measured in a south-easterly direction from the rear doors of the garage at the side of the said premises and three yards or thereabouts measured in a south-westerly direction from the wall on the north-east side of the said premises.

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As to
Clapham
Common.

38. Nothing in this Act shall authorise the City Company to enter upon or take compulsorily any part of the surface of the common known as Clapham Common but the City Company may within three years from the passing of this Act acquire and the London County Council if so required by the City Company shall sell and grant to the City Company an easement or right of using so much of the subsoil of the said common as the City Company may require for the construction and maintenance therein of the subway by this Part of this Act authorised and in such case the provisions of the Lands Clauses Acts shall in default of agreement extend and apply to the acquisition of any such easement or right as if the same were land within the meaning of those Acts The London County Council shall have power to grant to the City Company any easement or right in or under the said common and to receive the purchase money or compensation to be paid by the City Company to the said council for any such easement or right and to give the City Company a good and valid discharge therefor.

Incorporating certain provisions of existing Acts.

39. The provisions contained in the sections of the Acts which are mentioned in the Second Schedule to this Act are (subject to any amendment or variation by this Act) incorporated with and form part of this Part of this Act and shall so far as applicable and not inconsistent with the provisions of this Act extend and apply to the cable subway and substation for the transformation and distribution of electrical power by this Part of this Act authorised to the roads under and along which the same are to be made to the lands subsoil easements and rights by this Act authorised to be acquired by the City Company and to the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those provisions had been expressly re-enacted in this Part of this Act with reference thereto respectively :

Provided that for the purpose of such incorporation the expression "the Company" where used in those sections shall where the context so requires mean and include the City Company and that the said sections shall be read and construed as if the cable subway by this Part of this Act authorised had been mentioned or referred to therein instead of the railway or the railways

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and that in construing for the purposes of this Part of this Act section 72 of the City Act of 1903 the expression "the protected companies" shall include the London Power Company Limited the Central Electricity Board the London and Home Counties Joint Electricity Authority and 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 plans before the commencement of the construction of the cable subway by this Part of this Act authorised as fully as if such company board authority or local authority were one of the protected companies in such section named. A.D. 1931.
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40. In the execution of the cable subway by this Part of this Act authorised the City Company may deviate laterally from the lines thereof shown on the deposited plans relating thereto to any extent within the limits of deviation shown thereon. Power to deviate laterally.

41. In the execution of the cable subway by this Part of this Act authorised the City Company may deviate vertically from the levels thereof marked on the deposited sections relating thereto to such an extent as may be found necessary or convenient. Power to deviate vertically.

42. If the cable subway by this Part of this Act authorised is not completed within the period expiring on the thirty-first day of October one thousand nine hundred and thirty-six then on the expiration of that period the powers by this Part of this Act granted to the City Company for making and completing the cable subway or otherwise in relating thereto shall cease except as to so much thereof as is then completed. Period for completion of subway.

43. The cable subway and works by this Part of this Act authorised shall for all purposes whatsoever form part of the undertaking of the City Company. Subway to form part of undertaking.

PART V.

DISTRICT COMPANY—WORKS AND LANDS.

44. Subject to the provisions of this Act the District Company may make and maintain in the lines Power to District

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 Company to
 construct
 works.

or situations and according to the levels shown on the deposited plans and sections relating thereto the work in this Part of this Act hereinafter described with all proper station buildings platforms tunnels lines of rail roads bridges approaches machinery apparatus electrical appliances subways lifts escalators inclines stairs works and conveniences connected therewith or incidental thereto and may subject as aforesaid enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference relating thereto as may be required for those purposes and for any other purposes connected with its undertaking:

Provided always that (except as expressly provided by this Act) nothing in this Act shall authorise the District Company to enter upon take or use the surface of any public street or road but (subject as aforesaid) the District Company may enter upon take use and appropriate the subsoil and undersurface of any such street road footway or place shown on the deposited plans and described in the deposited book of reference relating thereto or so much thereof as shall be necessary for the purposes of the work 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 work.

45. The work hereinbefore referred to and authorised by this Part of this Act will be situate in the county of London partly in the metropolitan borough of Chelsea and partly in the city and metropolitan borough of Westminster and is—

Work No. 4 (7·2 chains or thereabouts in length) being an enlargement of the tunnels of the District Company's railway at both ends of Sloane Square station on that railway and an alteration of that station such work commencing in the metropolitan borough of Chelsea at a point beneath the centre of the booking hall at that station six yards or thereabouts measured in a south-easterly direction from the entrance to the said booking hall and terminating in the city and metropolitan borough of Westminster under the back boundary fence of the premises

known as No. 83 Chester Terrace at a point thereunder three yards or thereabouts measured in a westerly direction along the said fence from the eastern corner of No. 83 Chester Terrace aforesaid. A.D. 1931.

46.—(1) Subject to the provisions of this Part of this Act the District Company may for the purpose of constructing the work by this Part of this Act authorised and the works and conveniences connected therewith enter upon open break up and interfere with so much of the surface of Westbourne Street and Whittaker Street partly in the metropolitan borough of Chelsea and partly in the city and metropolitan borough of Westminster and of Chester Terrace in the city and metropolitan borough of Westminster and of the roadways and footways of such streets as is within the limits of deviation shown upon the deposited plans in respect of the said work without being required to purchase any part of the surface or undersurface of such streets roadways and footways or any easements in or through the same or to make any payment therefor. Power to open surface of streets.

(2) Before breaking up or interfering with any portion of the surface of the said streets roadways and footways under the powers of this section the District Company shall give to the Minister of Transport not less than one month's previous notice in writing of its intention so to do and shall also give not less than seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with such commissioner 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 Part of this Act contained shall empower the District Company to break up or interfere with the surface of any street for the purpose of constructing maintaining or using the work by this Part of this Act authorised Provided always that the District Company shall not alter divert or otherwise interfere with the pipes cables wires or other works of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

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—
Incorporating certain provisions of existing Acts.

47. The provisions contained in the sections of the Acts which are mentioned in the Third Schedule to this Act in so far as they relate to the District Company's undertaking are (subject to any amendment or variation by this Act) incorporated with and form part of this Part of this Act and shall so far as applicable and not inconsistent with the provisions of this Act extend and apply to the work and substation for the transformation and distribution of electrical power by this Part of this Act authorised to the roads under which the same are to be made to the lands subsoil easements and rights by this Part of this Act authorised to be acquired by the District Company and to the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those provisions had been expressly re-enacted in this Part of this Act with reference thereto respectively :

Provided that for the purpose of such incorporation the expression "the Company" where used in those sections shall mean the District Company and the expression "the railway" shall mean the work by this Part of this Act authorised 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 and that in construing for the purposes of this Part of this Act section 40 of the District Act of 1897 the expression "the protected companies" shall include the London Power Company Limited the Central Electricity Board the London and Home Counties Joint Electricity Authority and 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 plans before the commencement of the construction of the work by this Part of this Act authorised as fully as if such company board authority or local authority were one of the protected companies in such section named.

Power to deviate laterally.

48. In the execution of the work by this Part of this Act authorised the District Company may deviate laterally from the lines thereof shown on the deposited

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plans to any extent within the limits of deviation shown thereon. A.D. 1931.

49. In the execution of the work by this Part of this Act authorised the District 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.

50. The work by this Part of this Act authorised shall for all purposes whatsoever form part of the undertaking of the District Company. Work to form part of undertaking.

51.—(1) Subject to the provisions of this Act and in addition to the other lands which the District Company is authorised to acquire the District Company may enter upon take use and appropriate and may hold and use for the purposes of the construction of a substation and for other purposes connected with its undertaking all or any part of the lands buildings and premises hereinafter in this section described and delineated on that portion of the deposited plans and described in that part of the deposited book of reference relating to additional lands in the county of London (that is to say) :— Additional lands at Wilson's Road Hammer-smith.

Certain lands buildings and premises situate wholly in the metropolitan borough of Hammersmith in the county of London known as Nos. 27 28 29 and 30 Wilson's Road.

(2) The District Company may on the lands and premises in this section described construct maintain work and use a substation for the transformation and distribution of electrical power and any works ancillary to or necessary for the working of such substation.

52. 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) :— Confirma-tion of acquisition of certain lands by District Company.

In the county of Middlesex—

Land partly in the parish of Harrow-on-the-Hill and partly in the parish of Wembley lying on the north side of and adjoining the District

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Company's railway and extending between points respectively sixty-two yards or thereabouts and twenty-three yards or thereabouts west of the bridge carrying Greenford Road over that railway;

Land in the parish of Heston lying on the west side of and adjoining the District Company's railway and extending from the south side of the approach to the bridge carrying the Great West Road over the District Company's railway to a point 164 yards or thereabouts measured in a northerly direction along the western boundary fence of the said railway from the north side of Spring Grove Road.

As to lands acquired by District Company.

53. The lands described in the section of this Act of which the marginal note is "Confirmation of acquisition of certain lands by District Company" and any other lands acquired by the District Company under the powers of this Act 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 shall such lands or any lands acquired by the District Company under any former Act be subject to the provisions of sections 127 to 131 (inclusive) of the Lands Clauses (Consolidation) Act 1845 but the District Company may retain hold and use all such lands or may sell demise lease or otherwise dispose of any parts or part thereof or any rights or easements thereon therein or thereover.

PART VI.

GENERAL PROVISIONS AS TO LANDS AND WORKS.

Application of this Part of Act and further interpretation.

54. 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 respective 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 of this Act and also to the properties described in Part I of the Fourth Schedule to this Act and in Part I of the Fifth Schedule to this Act the London Company;

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in relation to Part III of this Act and also to the properties described in Part II of the Fourth Schedule to this Act and in Part II of the Fifth Schedule to this Act the London Company and the City Company or either of those companies;
in relation to Part IV of this Act and also to the properties described in Part III of the Fourth Schedule to this Act the City Company;
in relation to Part V of this Act and also to the properties described in Part III of the Fifth Schedule to this Act the District Company.

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

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

56. And whereas in the construction of the subways deviations and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect (that is to say) :—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is

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described in the Fifth Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter in this section referred to as "the scheduled properties":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment to such remainder he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the whole of the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment to such remainder and if not whether any and what other portion (which may include part of the portion in respect of which such notice to treat was served) of such scheduled properties can be so severed:
- (4) If the tribunal determine that the whole of the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment to such remainder the owner may be required to sell and convey to the Company the portion so determined to be severable without the Company being obliged

or compellable to purchase the whole of such scheduled property the Company paying such sum for the portion taken by it including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

- (5) If the tribunal determine that the whole of the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment to such remainder the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the whole of the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment to such remainder (and whether or not it shall determine that any other portion can be so severed) the Company may withdraw its notice to treat and thereupon it shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment to such remainder but that any such other portion as aforesaid can be so severed such notice to treat shall be construed and read as if such other portion as aforesaid had been substituted therein for the portion originally specified therein and the Company may withdraw such notice to treat and thereupon shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice but if the Company shall not withdraw such notice it shall pay to the owner so much of all costs charges and expenses reasonably and

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properly incurred by him in consequence of such notice as the tribunal shall having regard to the circumstances of the case think fit and their determination thereon shall be final.

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

In this section the expression "the tribunal" means the single arbitrator to whom the question of compensation is referred under the Lands Clauses Acts as incorporated with and modified by this Act.

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

Period for compulsory purchase of lands.

57. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act (other than and except for the purposes of Part III of this Act) shall cease on the thirty-first day of October one thousand nine hundred and thirty-four.

As to entry on land after notice to treat.

58. At any time after notice to treat has been served by the Company under the Lands Clauses (Consolidation) Act 1845 the Company may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses (Consolidation) Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Use of sewers for removing water.

59. The Company may subject to the provisions of this Act use for the discharge of any water pumped or found by it during the construction of any of the subways deviations and works by this Act authorised any available

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stream or watercourse or any sewer or drain of the London County Council or the Middlesex County Council or the Hertfordshire County Council or the council of any metropolitan borough or the local authority of any district in the county of Middlesex or the county of Hertford (as the case may be) in or through which any of the said subways deviations and works may be constructed or pass and for that purpose may lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain within the limits of deviation shown on the deposited plans : A.D. 1931.

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

60. In settling any question of disputed purchase-money or compensation payable under this Act by the Company the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirty-first day of October one thousand nine hundred and thirty 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.

Compensation in case of recently altered buildings acquired by Company.

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Increase of
Rent and
Mortgage
Interest
(Restrictions) Acts
not to
apply.

61.—(1) Nothing contained in the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 or the enactments amending or extending that Act shall prevent the Company from obtaining possession of any lands houses or property delineated on the deposited plans which are vested in or which may under the powers of this Act be acquired by the Company and the possession of which is required by it for the purpose of exercising its powers under this Act.

(2) The Company shall pay to the tenant or occupier of every dwelling-house to which the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 or the enactments amending or extending that Act would have applied but for subsection (1) of this section who is dispossessed under the provisions of this Act such reasonable allowance on account of his expenses incident to removing from such dwelling-house as shall failing agreement between the tenant or occupier and the Company be determined on the application of either party by a court of summary jurisdiction whose decision shall be final.

Company
not liable
to repair
surface of
roads level
of which is
not per-
manently
altered.

62. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway under which the deviations subways or works authorised by this Act shall be constructed except so far as the level of such road or highway is permanently and prejudicially altered:

Provided that nothing in this section shall relieve the Company from any liability which they were under immediately before the passing of this Act for the maintenance of any such road or highway.

Saving for
general
line of
buildings.

63. The Company shall not as regards the works authorised by this Act without the consent of the London County Council erect or bring forward any building or structure beyond the general line of buildings in any street part of a street place or row of houses in the administrative county of London.

Application
of London
Building
Act.

64. The provisions of the London Building Act 1930 shall except so far as the same may be expressly varied by this Act apply to the execution by the Company of any works on any lands in the administrative

county of London acquired by the Company under the powers of this Act Provided that the Company shall be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Act contained but no such exemptions shall be deemed to apply to such part of any building as shall be used or intended to be used for other than railway purposes.

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

For protection of London County Council.

(1) (a) Before commencing to construct any part of the subways or works by 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 of any description (hereinafter referred to collectively as "the property of the council") the Company shall deliver to the council plans sections and specifications of the works as proposed to be executed by the Company within such distance of 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 Company and when commenced shall so far as practicable be proceeded with without cessation;

(b) The Company shall at all times maintain such part of the said subways and works under or within one hundred feet of any part of the property of the council in substantial structural repair and good order and condition to the reasonable satisfaction in all respects of the council and if and whenever the Company fail so to do the council may make and do in and upon as well the works and lands of the Company

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as their own lands and works all such works and things as the council may reasonably think requisite and the sum from time to time certified by the council to be the reasonable amount of the council's expenditure in that behalf shall be repaid to the council by the Company The council shall at all reasonable times have free access to the works of the Company where the said subways and works 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 Company;

(c) If during and by the execution of the said subways and works 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 Company or in the event of their failing so to do the council may make good the same and recover the costs thereof from the Company;

(d) If the Company in constructing Subways Nos. 1 2 and 3 and works connected therewith by 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 Company shall effectually indemnify the council from all claims and demands upon or against the council by reason of such alteration damage or interference and shall likewise make good to the council any loss of revenue sustained in consequence of the operations of the Company in respect of such pipe subway;

(e) The Company shall not in making and maintaining and working or using the subways

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

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(f) If the Company shall under the powers of this Act break up or in any way interfere with the surface of any street in proximity to the tramways of the council they shall cause any such works of breaking up or interference and any structure erected in accordance therewith to be adequately illuminated at night and at all other reasonable times;

(g) All reasonable fees costs charges and expenses in respect of any of the matters in the preceding paragraphs of this subsection contained shall be borne and on demand paid by the Company and during the construction renewal or repair of the subways and works by this Act authorised under or within one hundred feet of the property of the council the Company shall bear and on demand pay to the council the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the property of the council or any part thereof and for preventing as far as may be all interference obstruction danger and accident arising from any of the operations of the Company or from acts or defaults of the contractors of the Company or of any person in their employ or otherwise;

(h) The Company shall be responsible for and make good to the council all costs losses damages and expenses which may be occasioned to the council or to the property of the council by reason of the construction maintenance or failure of the subways and works by this Act authorised

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or of any act or omission of the Company or of any person in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the council from all claims and demands upon or against them by reason of such construction maintenance or failure or of any such act or omission ;

- (i) The Company in constructing the said Subways Nos. 1 2 and 3 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 Company shall not without the consent of the council construct under any street or roadway any part of the subways and works by this Act authorised which will be within twenty-five feet of the surface of such street or roadway except in accordance with plans and sections submitted to and approved by the council but such approval shall not be unreasonably withheld :
- (3) Upon the submission of any plans and sections under the provisions of the foregoing 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 subways and 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 subways and works :
- (4) If the Company in constructing the said Subways Nos. 1 2 and 3 and works connected therewith shall alter damage or in any way interfere with the existing sewers of the council in Charing Cross Road and Cranbourn Street 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 sewers which may be necessary in consequence of any of the 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 any subway booking hall or station constructed or reconstructed by the Company under the powers of this Act from or to any public street in the administrative county of London 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 Company and the council respecting such plans shall be determined as hereinafter provided in this section :
- (6) The Company shall not under the powers of this Act without the consent of the council make any permanent openings in any part of the surface of any street or footway in the administrative county of London except so far as may be necessary for the purpose of any such agreement as is referred to in subsection (10) of this section :
- (7) The Company shall not without the consent of the council construct or erect in the administrative county of London in connection with the subways and works by this Act authorised any building structure or erection in or on any public roadway or footway above the surface of the ground :
- (8) The Company shall not without the consent of the council make in the administrative county of London any communication between the subways or works by this Act authorised and the interior of any building other than a building wholly used by the Company for railway purposes :
- (9) As soon as reasonably practicable after the completion of any works under any street in the administrative county of London or under any

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property of, the council which have been executed by them under the powers of this Act the Company shall at their own expense furnish the council with a map or plan of such works as constructed :

- (10) Notwithstanding anything contained in this Act or shown on the deposited plans nothing in this Act shall affect or derogate from any rights or powers of the council or the Company under the London County Council (Improvements) Act 1930 and under any agreement which may be made thereunder between the council on the one hand and the Company on the other hand and if there is any conflict between the provisions of this Act and the provisions of the said Act of 1930 or of any such agreement as is referred to in this subsection the provisions of the said Act of 1930 and of any such agreement respectively shall prevail :
- (11) The approval by the council of any plans or the supervision by the council of any work under the provisions of this Act shall not exonerate the Company from any liability or affect any claim for damages under this Act or otherwise :
- (12) Any dispute or difference which may arise between the council and the Company with respect to the provisions of subsections (1) (2) and (5) of this section shall be referred to and settled by arbitration by a civil engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of certain metropolitan borough councils.

66. The following provisions for the protection and benefit of each of the following authorities (namely) :—

The mayor aldermen and councillors of the city of Westminster ;

The mayor aldermen and councillors of the metropolitan borough of Chelsea ;

The mayor aldermen and councillors of the metropolitan borough of Holborn ;

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The mayor aldermen and councillors of the metro- A.D. 1931.
politan borough of Southwark;

The mayor aldermen and councillors of the metro-
politan borough of Wandsworth;

respectively (each of whom is in this section referred to
as "the council") shall unless otherwise agreed in
writing between the Company and the respective council
apply and have effect (that is to say):—

(1) In this section—

the expression "the Company" means—

in relation to the subways and works
authorised by Part II of this Act the London
Company;

in relation to the subways and works
authorised by Part III of this Act the London
Company and the City Company or either
of those companies;

in relation to the cable subway and works
authorised by Part IV of this Act the City
Company;

in relation to the works authorised by
Part V of this Act the District Company;
and

the expression "the borough" means the
city or metropolitan borough within the
jurisdiction of the council;

the expression "the works" means the
subways or works which the Company is by
this Act authorised to make in the borough;

the expression "consent" means consent
in writing; and

the expression "approve" or "approval"
means approval in writing:

(2) Wherever in this section provision is made with
respect to consent or approval of the council
such consent or approval may be given under
the hand of their town clerk subject to such
reasonable terms and conditions as the council
may require but shall not be unreasonably
withheld:

(3) Before commencing to construct any part of
the works which will involve interference with
a highway in the borough or repairable by the

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council the Company shall consult the council as to the time when the works shall be commenced and as to the extent of the surface of the highway that it may be reasonably necessary for the Company to occupy in the construction of the works and as to the conditions under which they shall be constructed so as to reduce so far as possible inconvenience to the public and the works shall not be constructed and the surface of the highway shall not be occupied by the Company except at the time to the extent and in accordance with conditions agreed between the Company and the council or in default of agreement determined by arbitration as hereinafter in this section provided :

- (4) In the construction of any part of the works under a highway in the borough or repairable by the council no part of such works shall (except with the consent of the council) be so constructed as to interfere with the provision of proper means of drainage of the surface of any highway nor (except as aforesaid) be nearer than two feet six inches to the surface of any such highway except in the case of any stairway entrance or exit or other work approved by the council :
- (5) At least seven days before commencing any vertical borings from the surface of any part of any highway in the borough or repairable by the council the Company shall serve notice in writing on the council of its intention to commence the same and such notice shall describe the place or places at which such borings are intended to be made and if within seven days after the service of such notice any objection is made by the council the matter shall (unless otherwise agreed) be determined by arbitration as hereinafter in this section provided before the boring is commenced but if no such objection is made the said borings may be proceeded with :
- (6) Except as by this Act expressly authorised or with the consent of the council the Company

shall not open or make any permanent openings or any ventilators air shafts or other similar openings in or erect or construct any structure or erection above the surface of the carriageway or footway of any highway in the borough or repairable by the council :

- (7) The works so far as they involve any serious interference with the movement of traffic in any highway in the borough or repairable by the council shall after the commencement thereof be carried on so far as reasonably practicable continuously day and night and the Company shall take all such steps as may be reasonably necessary to reduce so far as possible the period of such interference :
- (8) The works shall be constructed and maintained by the Company so as at all times to support not only the ordinary traffic and any exceptional traffic lawfully using the highways within the borough or repairable by the council but also any apparatus which the council or their contractors may reasonably use for repairing the highways under the control of or repairable by the council and the Company shall indemnify the council against and make good to them all costs and expenses the council may reasonably incur or be put to in the maintenance or repair of any such last-mentioned highways by reason of any defect or insufficiency of the strength of the works or any neglect properly and effectually to construct and maintain the same as aforesaid :
- (9) It shall be lawful for the engineer or surveyor or other officer of the council duly appointed for the purpose at all reasonable times to enter upon and inspect any of the works in or under any highway in the borough or repairable by the council or that may affect any property of the council during the execution thereof and the Company shall give to such engineer or surveyor or officer all reasonable facilities for such inspection and if he shall be of opinion that the construction of the works is attended with

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danger to any highway sewer drain or work belonging to or under the jurisdiction or control of the council or repairable by them the Company shall adopt such measures and precautions as may be reasonably necessary for the purpose of preventing any damage or injury thereto and any difference arising under this subsection shall be referred to arbitration as hereinafter in this section provided :

- (10) The Company shall not alter disturb or in any way interfere with any property or works of the council or under their control or repairable by them or the access thereto without the consent of the council and any alteration diversion replacement or reconstruction of any such property or works that may be necessary shall be made by the council or the Company as the former shall think fit and any costs and expenses reasonably incurred by the council in so doing shall be repaid to the council by the Company :
- (11) The Company shall not remove any soil or material from any highway in the borough except such as must be excavated in the carrying out of the works :
- (12) The Company shall not except with the consent of the council deposit any soil subsoil or materials or stand any vehicle or plant on any highway within the borough or repairable by the council so as to obstruct the use of such highway by any person or except with the like consent deposit any soil or subsoil on any such highway except within a hoarding :
- (13) The Company shall not discharge any water from any of the works into any sewer or drain vested in or under the control of the council except with the consent of the council and subject to such terms and conditions (including the taking of steps to remove so far as may be reasonably practicable from water so discharged any gravel soil or other solid substance or matter in suspension) as the council may reasonably impose :

- (14) Where any part of any highway repairable by the council shall have been broken up or disturbed by the Company the Company shall make good the subsoil foundations and surface of such highway to the reasonable satisfaction of the council. Provided that the reinstatement of any such highway broken up or disturbed by the Company shall (unless otherwise agreed) in the first instance be of a temporary nature only and the permanent reinstatement to the reasonable satisfaction as aforesaid of any such highway shall be carried out by the council and the reasonable cost incurred by the council in so doing shall be repaid by the Company to the council: A.D. 1931.
- (15) It shall not be lawful for the Company in the exercise of the powers of this Act to place any hoardings on any part of any highway in the borough except for such period as may be necessary and then only in such manner as shall be reasonably necessary and no such hoarding shall be erected except under the provisions of the Metropolis Management Act 1855 or any amendment thereof and the Company shall not exhibit or permit to be exhibited upon any such hoarding as aforesaid any advertisement or placard which is visible from any highway or public place in the borough (except advertisements or placards giving information to the public as to the traffic of the Company and of the companies associated with it or general information in connection therewith and with the undertakings of such companies) unless the same shall have been approved by the council:
- (16) The Company shall make full compensation to the council for any subsidence of or damage to any highway sewer drain or other work vested in under the control of or repairable by the council or to any property of the council which may be caused by or in consequence of any act or default of the Company their contractors servants or agents and whether such damage or subsidence shall happen during the construction of the works or at any time thereafter:

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(17) Any difference which may arise from time to time under the provisions of this section between the council and the Company shall be referred to and determined by an engineer to be agreed on between the council and the company or failing agreement 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 reference:

(18) The provisions of this Act and of any Act incorporated therewith which are inconsistent with the provisions of this section shall not apply in the borough.

For further
protection
of West-
minster City
Council.

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

(1) In this section—

The expression "the Company" means in relation to the subways and works authorised by Part II of this Act the London Company and in relation to the works authorised by Part V of this Act the District Company;

The expression "the city" means the city of Westminster and any street beyond the city and under the jurisdiction or control of or repaired and maintained by the city council;

The expression "the works" means the subways or works which the Company is by this Act authorised to make in the city:

(2) Except with the previous consent of the city council the Company in connection with Subways Nos. 1 2 and 3 shall not under any part of any street within the city except under land owned or acquired by them construct or permit to be constructed any shop stall shopfront showcase or other erection (other than a newspaper stall or telephone boxes) or any entrance or passage connecting with any

premises other than stations of the Company A.D. 1931.
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 Act 1930 or
any amendment thereof:

- (3) 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 under the hand of their town clerk subject to such reasonable terms and conditions as the city council may require but shall not be unreasonably withheld:
- (4) Any difference which may arise from time to time under the provisions of this section between the city council and the Company shall be referred to and determined by an engineer to be agreed on between the city council and the Company or failing agreement 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 reference.

68. 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 board on the one hand and the London Company or the City Company or the District Company (as the case may be) on the other hand apply and have effect (that is to say):—

For protection of Metropolitan Water Board.

(1) In this section—

The expression "the Company" means such one or more of the London Company the City Company and the District Company as is or are authorised to execute the works or exercise the powers in relation to which the expression is used;

The expression "apparatus" includes mains pipes valves hydrants and other works and apparatus;

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The expression "the protective section" means—

(a) where used in relation to any works or powers to be executed or exercised by the London Company under the provisions of Part II of this Act or by the London Company and the City Company or either of them under the provisions of Part III of this Act 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;

(b) where used in relation to any works or powers to be executed or exercised by the District Company under the provisions of Part V of this Act section 40 (General provisions for protection of water gas hydraulic power and electric companies) of the District Act of 1897;

The expression "the engineer" means the chief engineer of the board or any person duly authorised to discharge temporarily the duties of the said chief engineer;

The expression "street" or "road" includes (unless the context otherwise requires) the footway or footways of any street or road:

- (2) The London Company shall construct the bridge or viaduct carrying the Deviation Railway No. 1 authorised by this Act over Waterfall Road in the urban district of Southgate so that the foundations of such bridge or viaduct shall be carried down to a depth of at least five feet below the surface of the said road or such further depth as may be reasonably necessary to protect the existing apparatus of the board in the said road:
- (3) In constructing any bridge or bridges for carrying East Barnet Road or Chase Road in the urban district of Southgate or either of those roads over the Deviation Railway No. 2 authorised by this Act the London Company shall at their

own expense provide in the footway or footways of such bridge or bridges accommodation and support for (in the case of East Barnet Road) two mains having respectively internal diameters of sixteen inches and six inches or such other mains (if any) as may be approved by the engineer having in the aggregate a carrying capacity not less than the aggregate carrying capacity of such two mains and (in the case of Chase Road) one main having an internal diameter of four inches :

- (4) The London Company shall on demand repay to the board the cost reasonably incurred by the board (a) in providing and laying in the accommodation to be provided by the London Company pursuant to subsection (3) of this section steel pipes encased in concrete having a carrying capacity equal to the carrying capacity or aggregate carrying capacity of the existing main or mains of the board laid in the road in or in connection with which such accommodation is provided and (b) in connecting such steel pipes with the existing mains of the board at either end :
- (5) In executing Work No. 4 by this Act authorised the District Company shall at their own expense provide in the carriageway or footway of so much of Westbourne Street partly in the metropolitan borough of Chelsea and partly in the city and metropolitan borough of Westminster as is within the limits of deviation marked on the deposited plans relating to the said work accommodation and support for a main having an internal diameter of twelve inches or such other mains as may be approved by the engineer having in the aggregate a carrying capacity equal to that of the main hereinbefore specified such accommodation to be provided at such a depth below the surface of the said street as to leave a covering of not less than three feet thereover :
- (6) The provisions contained in section 74 (Compensation for damage by working of railways

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and subways) of the London Act of 1930 as extended and applied by the several sections of this Act of which the respective marginal notes are "Incorporating certain provisions of existing Acts" shall extend and apply to the apparatus of the board as if the same were expressly included in such lands houses and buildings as are referred to in the said first-mentioned section:

- (7) The provisions contained in the protective section as extended and applied by the several sections of this Act of which the respective marginal notes are "Incorporating certain provisions of existing Acts" shall be read and have effect as if the board were a protected company within the meaning of the protective section. Provided that the following modifications of the protective section in its application to the board and their apparatus shall have effect (that is to say):—

(a) The period of twenty-eight days shall be substituted for the period of fourteen days mentioned in subsections (1) and (2) of the 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 section 67 of the London Act of 1902 and in subsection (7) of section 40 of the District Act of 1897:

- (8) The 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 which consent shall not be unreasonably withheld or in any manner other than the engineer shall reasonably approve nor (with such consent and approval) until such good and sufficient apparatus as the engineer may reasonably consider necessary for continuing the supply of water has been first provided and laid down and made ready for use:

- (9) The Company in executing any works under this Act or in removing raising sinking or otherwise altering the position of any apparatus of the board shall make good all damage done by them to the apparatus or other property of the board and shall make reasonable compensation to the board for any loss which they may sustain by reason of any interference with their apparatus or property : A.D. 1931.
- (10) In executing the works authorised by this Act or in exercising any of the other powers of this Act the Company shall not raise sink or otherwise alter the position of any apparatus of the board or alter the level of any street or road in which such apparatus is situate so as to leave over such apparatus a covering of either less than three feet or more than five feet except in the case of bridges and approaches thereto subways or booking halls where the cover may be less than three feet subject to special protection against frost and injury being provided to the reasonable satisfaction of the board :
- (11) The Company shall not except by agreement 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 :
- (12) Notwithstanding anything contained in this Act or shown on the deposited plans or sections the Company shall not construct any station booking hall subway tunnel escalator shaft or work of a like nature under any street or road in such manner as to leave in such street or road insufficient space for the reasonably convenient accommodation of any existing apparatus of the board in or under such street or road and in the case of Work No. 4 by this Act authorised an additional main in Westbourne Street having an internal diameter of twelve inches Provided that the Company may divert any apparatus of the board so as to pass below or around any station booking hall subway tunnel escalator

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shaft or work of a like nature in such manner as may be agreed or failing agreement may be determined by arbitration as hereinafter provided:

- (13) Notwithstanding anything contained in the several sections of this Act of which the respective marginal notes are "Power to deviate vertically" the Company shall not execute any works within twenty-five feet from the surface of any street or road (other than such subways and works as are shown on the deposited plans and sections as being within that depth) in or under which any of the apparatus of the board is situate or otherwise interfere with the subsoil of such street or road within that depth except with the consent in writing of the board which consent shall not be unreasonably withheld and upon and subject to such reasonable terms and conditions as the board may attach to any consent given by them:
- (14) If any loss of water from any apparatus be sustained by the board by reason of any act or omission of the 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 Company shall pay to the board the value of any water so lost as aforesaid:
- (15) Where any work or structure to be executed or constructed under the powers of this Act is within seven feet six inches measured either horizontally or vertically from any apparatus of the board the Company shall in connection with the execution or construction of that work or structure execute such works as the 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 so much of any main or pipe as is within the said distance and the Company shall on demand repay to the board the cost incurred by them in so doing:

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- (16) In the construction of the works by this Act authorised no use shall be made by the Company of pumping or other like modes of removing water except in the case of 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 the pumping of water from shafts but if water shall be abstracted from any shaft it shall be returned into the adjacent subsoil : A.D. 1931.
- (17) All works to be executed or provided under this Act in connection with any apparatus of the board shall subject to the provisions of subsection (7) of this section be so executed and provided by and at the expense of the Company in accordance with plans sections and particulars previously submitted to and approved by the board or in case of difference between the board and the Company determined by arbitration as hereinafter provided and to the reasonable satisfaction and under the supervision (if after reasonable notice he shall choose to attend) of the engineer and the reasonable costs charges and expenses of such supervision shall be paid by the Company :
- (18) If any difference shall arise between the London Company or the City Company or the London Company and the City Company or the District Company on the one hand and the board or the engineer on the other hand under the provisions of this section (other than a difference as to the meaning or construction of the said provisions) such difference shall be settled in accordance with the provisions of the protective section (as applied and modified by this section) with respect to the settlement of differences :
- (19) 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.

A.D. 1931.

PART VII.

MISCELLANEOUS.

Agreements
between the
three Com-
panies and
Central
London
Railway
Company.

69.—(1) The three Companies and the Central London Railway Company or any two or more of them may from time to time enter into and carry into effect vary and rescind agreements with respect to the following purposes or any of them (that is to say):—

The construction ownership working management maintenance renewal running over and user of the subways deviations substations and works by this Act authorised or any parts or part thereof or of any other parts or part of their respective undertakings;

The management regulation interchange collection transmission distribution and delivery of traffic upon or coming from or destined for their respective railways or any of them;

The supply and maintenance by any one or more of the contracting companies during the continuance of any such agreement of engines motors rolling stock and plant necessary for the purposes of such agreement;

The supply of electrical energy for working the respective undertakings of the contracting companies or of any of them or any part or parts thereof;

The employment of officers and servants;

The payments to be made and the conditions to be performed with regard to the matters aforesaid or any of them;

The fixing subject to the authorised maximum rates and the collection payment division and apportionment of the tolls rates and charges and other profits arising from the traffic on from or over the undertakings or portions of undertakings of any one or more of the companies who are parties to such agreement.

Each of the above-mentioned companies may apply its respective funds to the purposes of any agreement entered into under this section to which it is a party.

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(2) During the continuance of any agreement under this section for the working running over or user by one of the contracting companies of the railways of the other the railways of the parties so contracting so far as such railways are continuous railways shall for the purpose of calculating maximum fares and charges in respect of conveyance partly over the railways of the one party and partly over those of the other be considered as one railway and the maximum charges for each such part of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such part would be chargeable for the entire distance.

A.D. 1931.

70.—(1) The District Company and the Metropolitan Railway Company (in this section called “the two Companies”) may from time to time enter into and carry into effect vary and rescind agreements with each other with regard to the ownership and user for any of the purposes of their joint or separate undertakings and to the sale purchase or leasing by or to either of them of any of the lands held by them in connection with their city lines railways which lands are referred to in section 95 subsection (6) of the District Act of 1903 and as to any rights or easements therein or thereover whether on under or over the surface of the ground and whether separated by horizontal vertical or other boundary lines and with regard to the construction working maintenance and user on over or under any part of such lands and on over or under any other part of their city lines railways of substations for the transformation and distribution of electrical power Sections 127 to 131 (inclusive) of the Lands Clauses (Consolidation) Act 1845 shall not apply to such lands or any part thereof.

Agreements
between
District
Company
and Metro-
politan
Railway
Company.

(2) Subject to the terms of any such agreement the two Companies or either of them may on any part of such lands construct maintain and use a substation or substations for the transformation and distribution of electrical power and any works ancillary to or necessary for the working of any such substation or substations wholly or in part on any part or parts of such land.

71.—(1) Nothing in any agreement made under the section of this Act the marginal note of which is “Agreements between the three Companies and Central London

For protec-
tion of
Postmaster-
General.

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A.D. 1931. — "Railway Company" shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across any land or works comprised in the respective undertakings of the City Company the London Company and the Central Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertakings respectively for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertakings of the said companies or any part thereof are or is owned leased or worked by the District Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

(2) Any agreement made in pursuance of the last preceding section shall be subject to the provisions for the protection of the telegraphic lines of the Postmaster-General in respect of the use of electrical power which are contained in any Act relating to the city lines railways of the District Company and the Metropolitan Railway Company respectively and such provisions shall apply to the exercise of the powers conferred by and any works constructed under any such agreement.

Amendment
of London
Electric
Railway
Companies'
Facilities
Act 1915.

72. The London Electric Railway Companies' Facilities Act 1915 shall be read and construed as if there had been originally inserted at the end of item (c) in the First Schedule to such Act the words "in so far as the same is not authorised to be and is not actually paid out of capital or charged to capital account."

Application
of funds.

73. Each of the three Companies may appropriate and apply to such purposes of this Act as relate to it and to the general purposes of its undertaking being in all cases purposes to which capital is properly applicable any moneys which it has raised or has power to raise by shares stocks or debenture stocks or borrowing by virtue of any former Acts and which may not be required for the purposes to which they are by such Acts made specially applicable.

Crown
rights.

74. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown

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and in particular nothing herein contained authorises the three Companies or any of them 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. A.D. 1931.
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75. Nothing in this Act contained shall exempt any company upon whom powers are conferred by this Act or its 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 or of the rates for small parcels authorised to be taken by such companies or any of them. Provision as to general Railway Acts.

76. 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 three Companies 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. Costs of Act.

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Metropolitan District and City and South London
Railway Companies Act, 1931.*

A.D. 1931.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

MARGINAL NOTES AND NUMBERS OF SECTIONS OF ACTS
INCORPORATED WITH PART II (LONDON COMPANY—
WORKS AND LANDS) AND WITH PART III (LONDON
COMPANY AND CITY COMPANY—WORKS) OF THIS ACT.

Marginal note of section.	No. of section.
<u>THE LONDON ACT OF 1893.</u>	
Motive power - - - - -	8
Persons authorised to convey lands may grant easements	33
Provision as to cellars under streets not referenced - -	40
Conditions to be observed in opening road for boring purposes - - - - -	41
As to carting materials and soil - - - - -	42
For the protection of sewers of the council - - - - -	44
Inspection of works by council - - - - -	46
Walls of buildings to be made good - - - - -	47
Exhibition of placards in the county of London - - -	50
For the protection of the sewers of district boards and vestries - - - - -	51
For protection of the Gas Light and Coke Company -	59
Company empowered to underpin or otherwise strengthen houses near railway - - - - -	73
Agreements with council and local authorities - -	89

THE LONDON ACT OF 1899.

Special provisions as to use of electrical power - -	7
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THE LONDON ACT OF 1902.

As to powers of Board of Trade in respect of use of mechanical power - - - - -	9
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

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Marginal note of section.	No. of section.	A.D. 1931.
—	—	—
THE LONDON ACT OF 1902—continued.		
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	
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.		
Company not to carry animals and goods - - -	52	
THE LONDON ACT OF 1926.		
As to private street expenses in certain cases - - -	98	
THE LONDON ACT OF 1929.		
For protection of companies and local authorities supplying electricity - - - - -	27	
THE LONDON ACT OF 1930.		
Plans &c. to be approved by Minister of Transport - -	73	
Compensation for damage by working of railways and subways - - - - -	74	
As to private rights of way over lands taken compulsorily	75	
Power to Company to enter upon property for survey and valuation - - - - -	76	
Power to make trial borings - - - - -	77	
Costs of arbitration in certain cases - - - - -	79	
Power to acquire leasehold interests and use lands held on lease - - - - -	83	
Application of section 99 of London Act of 1926 - -	84	

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SECOND SCHEDULE.

MARGINAL NOTES AND NUMBERS OF SECTIONS OF ACTS
 INCORPORATED WITH PART IV (CITY COMPANY—
 WORKS) OF THIS ACT.

Marginal note of section.	No. of section.
THE CITY ACT OF 1903.	
For protection of Postmaster-General - - -	8 (As amended by section 134 of the London Act of 1930)
Provisions as to cellars under streets not referenced - - - - -	20
Conditions to be observed in opening road for boring purposes outside City - - - -	37
As to carting materials and soil - - - -	39
For the protection of sewers of the council -	40
Walls of buildings to be made good - - -	42
Conditions to be observed in opening streets for boring purposes - - - - -	44
Machinery to be screened from view - - -	45
As to works near the surface of street - -	50
Exhibition of placards - - - - -	52
Deposit of objects of interest - - - - -	59
General provisions for protection of water gas hydraulic power and electric companies -	72
Company empowered to underpin - - - - -	77
THE LONDON ACT OF 1930.	
Plans &c. to be approved by Minister of Transport - - - - -	73
As to private rights of way over lands taken compulsorily - - - - -	75
Power to Company to enter upon property for survey and valuation - - - - -	76
Costs of arbitration in certain cases - - -	79
Power to acquire leasehold interests and use lands held on lease - - - - -	83
Application of section 99 of London Act of 1926	84

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THIRD SCHEDULE.

A.D. 1931.

MARGINAL NOTES AND NUMBERS OF SECTIONS OF ACTS
 INCORPORATED WITH PART V (DISTRICT COMPANY—
 WORKS AND LANDS) OF THIS ACT.

Marginal note of section.	No. of section.
THE DISTRICT ACT OF 1897.	
Walls of buildings to be made good - - -	36
As to exhibition of placards within county of London - - - - -	38
General provisions for protection of water gas hydraulic power and electric companies	40
Deposit of objects of interest - - - -	53
Company empowered to underpin or otherwise strengthen houses near railway - - -	58
THE DISTRICT ACT OF 1901.	
For protection of Postmaster-General - - -	12
	(As amended by section 94 sub- section (3) of the London Act of 1926.)
THE DISTRICT ACT OF 1902.	
For protection of sewers of council - - -	14
	(except subsection (7) thereof).
THE DISTRICT ACT OF 1903.	
Protection of gas and water mains of local authorities - - - - -	7
Persons under disability may grant easements &c. - - - - -	40
Power to Company to build sell let deal use or dispose of shops buildings &c. - - -	95
THE LONDON ACT OF 1926.	
As to private street expenses in certain cases -	98
E	65

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A.D. 1931.	Marginal note of section.	No. of section.
	THE LONDON ACT OF 1930.	
	As to private rights of way over lands taken compulsorily - - - - -	75
	Power to Company to enter upon property for survey and valuation - - - - -	76
	Power to make trial borings - - - - -	77
	Costs of arbitration in certain cases - - - - -	79
	Power to acquire leasehold interests and use lands held on lease - - - - -	83

FOURTH SCHEDULE.

PART I.

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

Where situate.	No. on deposited plans.
SUBWAYS NOS. 1 AND 2.	
City and metropolitan borough of Westminster.	1 to 29 (inclusive) 30 31 and 36
SUBWAY No. 3.	
Metropolitan borough of Holborn.	10
City and metropolitan borough of Westminster.	10 46 47 48 49 50 51 52 53

PART II.

PROPERTIES UNDER WHICH EASEMENTS MAY BE TAKEN BY THE LONDON COMPANY AND THE CITY COMPANY OR EITHER OF THOSE COMPANIES.

Where situate.	No. on deposited plans.
Metropolitan borough of Southwark.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 23 24 25 26 27 28 29 30 31 32 41 42 43 60 72 73 74 75 76 77 78 79 80 82 83 84 85 86 87 150 152 153 154 155 161 162 164 165 166 167 168 169 170 171 172 173 174 175 176 177.

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PART III.

A.D. 1931.

PROPERTIES UNDER WHICH EASEMENTS MAY BE
 TAKEN BY THE CITY COMPANY.

Where situate.

No. on deposited plans.

SUBWAY No. 7.

Metropolitan borough of
 Wandsworth. 1 3.

FIFTH SCHEDULE.

PART I.

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

Where situate.

No. on deposited plans.

SUBWAYS NOS. 1 AND 2.

City and metropolitan borough
 of Westminster. 3 4 5 26 28 29.

DEVIATION RAILWAY No. 1.

Urban District of Southgate 31A 34 34A 35 37A.
 Urban district of East Barnet 1.
 Valley.

DEVIATION RAILWAY No. 2.

Urban district of Southgate 107 109 112 113 114 115 116
 117 118 120 122 123 124 125
 127 128 130 131 132.
 Urban district of Enfield 1 2 3 4 130 131 132.

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PART II.

A.D. 1931. PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN BY
 THE LONDON COMPANY AND THE CITY COMPANY
 OR EITHER OF THOSE COMPANIES.

Where situate.	No. on deposited plans.																																																																			
—	—																																																																			
Metropolitan borough of Southwark.	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	20	21	23	24	25	26	27	28	29	30	31	32	41	42	43	60	72	73	74	75	76	77	78	79	80	82	83	84	85	86	87	150	152	153	154	155	161	162	164	165	166	167	168	169	170	171	172	173	174	175	176	177.

PART III.

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

Where situate.	No. on deposited plans.																
—	—																
WORK No. 4.																	
Metropolitan borough of Chelsea.	11	14	15	21	22.												
City and metropolitan borough of Westminster.	1	9	14.														

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