



CHAPTER cviii.

An Act to empower the county councils of the administrative counties of London and Middlesex to make new streets street widenings and other works for the improvement of traffic facilities between West Cromwell Road and Great West Road in the counties of London and Middlesex respectively to make further provision in regard to the issue of precepts and the appointment of justices' clerks in Middlesex and for other purposes. [31st July 1936.]

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WHEREAS the traffic facilities between the counties of London and Middlesex are inadequate and inconvenient and it is expedient that for the improvement thereof the London County Council (hereinafter referred to as "the London Council") and the Middlesex County Council (hereinafter referred to as "the Middlesex Council") should be authorised to construct new streets execute street widenings and make improvements of streets (all of which works are hereinafter referred to as "the improvements") and to acquire lands for the purposes thereof or in connection therewith and to exercise other powers as in this Act provided :

And whereas it is expedient that the Rating and Valuation Act 1925 should in its application to the county of Middlesex be amended as provided by this Act :

15 & 16
Geo. 5. c. 90.

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And whereas it is expedient that provision should be made with respect to the appointment remuneration and superannuation of justices' clerks and their staffs and with respect to the formation and alteration of petty sessional divisions in the county of Middlesex :

And whereas it is expedient that the other provisions in this Act contained should be made :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas the Minister of Transport has with the approval of the Treasury determined to make in accordance with the general conditions set forth in the First Schedule to this Act contributions out of the Road Fund towards the expenditure incurred or to be incurred in connection with this Act :

And whereas an estimate has been prepared of the cost of and incidental to the execution of the improvements (including the acquisition of lands therefor or in connection therewith) and such estimate (being calculated to cover the original cost of purchasing lands and executing the improvements without any allowance in respect of returns from the resale or letting of lands) amounts to two million five hundred and sixteen thousand pounds :

And whereas plans and sections showing the lines and levels of the improvements such plans also showing the lands which may be acquired or used compulsorily under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the London Council and with the clerk of the Middlesex Council and are in this Act referred to respectively as the deposited plans sections and book of reference :

23 & 24
Geo. 5. c. 51. And whereas the Middlesex Council have in relation to the promotion of the Bill for this Act complied with the requirements of Part XIII of the Local Government Act 1933 :

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

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

Lords Spiritual and Temporal and Commons in this A.D. 1936.
present Parliament assembled and by the authority
of the same as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the London and Middlesex (Improvements &c.) Act 1936. Short title.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Improvements.

Part IV.—Financial.

Part V.—Enactments relating to Middlesex.

Part VI.—Miscellaneous.

3.—(1) In this Act except as otherwise expressly provided or unless the subject or context otherwise requires— Interpretation.

“ the county of London ” means the administrative county of London ;

“ the London Council ” means the London County Council ;

“ the county of Middlesex ” means the administrative county of Middlesex ;

“ the Middlesex Council ” means the Middlesex County Council ;

“ the appropriate authority ” where used in relation to such of the powers of this Act as are exercisable by the London Council means the London Council and where used in relation to such of the said powers as are exercisable by the Middlesex Council means the Middlesex Council ;

“ borough ” includes a metropolitan borough and
“ the borough ” means the borough of the borough council in relation to which that expression is used ;

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“borough council” means the council of a borough and “the borough council” means the council of the borough in relation to which that expression is used;

“the Minister” means the Minister of Transport;

“the improvements” means the new streets street widenings improvements of streets and other works by Part III of this Act authorised or any of them or any part thereof respectively and “improvement” means any of the improvements or any part thereof;

“reserved area” means any area for the time being set apart in the improvements for dividing lines of traffic;

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

9 & 10
Geo. 5. c. 57.

“land” or “lands” includes any interest in land and any easement or right in to or over land;

“the tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“street” where used in relation to the county of London has the meaning assigned to that term in the Metropolis Management Acts 1855 to 1893 and where used in relation to the county of Middlesex includes any street road footpath or other highway and any bridge over which such highway passes;

“enactment” includes any enactment in a Provisional Order confirmed by Parliament; and

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

41 & 42 Vict.
c. 76.

(2) Except as otherwise expressly provided in this Act or unless the context otherwise requires terms to which meanings are assigned by any enactment incorporated with or applied by this Act or which have in any such enactment special meanings have in and for the purposes of this Act in relation to the county

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
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of London or the county of Middlesex as the case may be the same respective meanings. A.D. 1936.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

4. The Lands Clauses Acts so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act with the following exceptions and modifications:—

- (a) sections 127 to 133 inclusive of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict. c. 18.
- (b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the London Council or the Middlesex Council as the case may require and shall be sufficient without the addition of the sureties mentioned in that section; and
- (c) the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the London Council or the Middlesex Council as the case may require.

PART II.

LANDS.

5.—(1) Subject to the provisions of this Act the London Council may enter upon take and use and may hold or otherwise deal with or dispose of any of the lands delineated on the deposited plans and described in the deposited book of reference which may be required for the purposes of such of the improvements as are to be executed within the county of London or for providing space for the erection of houses and buildings adjoining or near to such improvements or for the purposes of recoupment reinstatement or exchange or for other purposes of this Act. Power to take lands.

(2) Subject to the provisions of this Act the Middlesex Council may enter upon take and use and

A.D. 1936. — may hold or otherwise deal with or dispose of any of the lands delineated on the deposited plans and described in the deposited book of reference which may be required for the purposes of such of the improvements as are to be executed within the county of Middlesex or for providing space for the erection of houses and buildings adjoining or near to such improvements or for the purposes of recouplement reinstatement or exchange or for other purposes of this Act :

Provided that the Middlesex Council shall not under the powers of this section enter upon take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein numbered in the borough of Brentford and Chiswick 462 to 470 inclusive.

(3) The powers of the London Council for the purchase of lands by agreement shall subject to the provisions of this Act be deemed to extend to and to authorise the purchase by the London Council by agreement of any other lands in the county of London which they may think it desirable to purchase in order to provide sites for the erection of houses for persons of the working class or substituted sites or facilities for any persons whose lands may be required for the purposes of or in connection with the improvements.

For protection of
Mercers
Company.

6. Notwithstanding anything in this Act or shown on the deposited plans the London Council shall not under the powers of this Act acquire otherwise than by agreement any greater area of the property numbered 4 in the metropolitan borough of Hammersmith on the deposited plans than is shown coloured red on the plan signed in duplicate by Frank Hunt on behalf of the London Council and by Dendy Watney on behalf of the Wardens and Commonalty of the Mystery of Mercers of the City of London.

Power to
use subsoil
of streets.

7. Subject to the provisions of this Act the appropriate authority may enter upon take use and appropriate so much of the subsoil and under surface of any public street road or footway within the limits of deviation shown on the deposited plans as shall be necessary for the purposes of the improvements or any part thereof without being required to purchase the same or any easement therein or thereunder.

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8. And whereas in the execution of the improvements or otherwise in the exercise by the appropriate authority 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 appropriate authority 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:—

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As to taking
of parts of
certain
properties.

(1) The owner of and other persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the appropriate authority or each or any of them are or is hereinafter included in the term "the owner" and the said properties are hereinafter referred to collectively as "the scheduled properties" and severally as a "scheduled property":

(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 fails to notify in writing to the appropriate authority that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the appropriate authority such portion only without the appropriate authority being obliged or compellable to purchase the whole the appropriate authority 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 by notice in writing to the appropriate authority alleges that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other

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portion less than the whole (but not exceeding the portion over which the appropriate authority have compulsory powers of purchase) can be so severed :

- (4) If the tribunal determine that 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 thereto the owner may be required to sell and convey to the appropriate authority the portion so determined to be severable without the appropriate authority being obliged or compellable to purchase the whole the appropriate authority paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that 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 thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) 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 thereto (and whether or not it shall determine that any other portion can be so severed) the appropriate authority may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (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 thereto but that any such other portion as aforesaid can be so

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severed the appropriate authority in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

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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 the Lands Clauses Consolidation Act 1845.

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

9. Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated therewith the appropriate authority shall not be required to purchase any railway river canal dock tidal basin navigation or watercourse or any part thereof respectively which may be crossed or interfered with in constructing the improvements but may acquire such easements and rights in over or under any such railway river canal dock tidal basin navigation or watercourse as they may require for making and maintaining the improvements and may give notice to treat in respect of such easements and rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

Power to acquire easements compulsorily in certain cases.

10. All private rights of way over any lands which the appropriate authority are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the appropriate authority unless the appropriate authority shall by resolution otherwise determine and give notice in

Extinguishment of private rights of way.

A.D. 1936. — writing of their resolution to the owner of any right of way referred to therein :

Provided that the appropriate authority shall make full compensation to all parties interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to certain persons to grant easements &c. by agreement.

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

Correction of errors in deposited plans and book of reference.

12. If there be any omission misstatement or wrong description of any lands referred to in this Act or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the appropriate authority after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to a metropolitan police magistrate (as respects lands in the county of London) or to two justices acting for the county of Middlesex (as respects lands in that county) for the correction thereof and if it appears to the magistrate or justices that the omission or misstatement or wrong description arose from mistake he or they shall certify accordingly and he or they shall in his or their certificate state the particulars of the omission or in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerks of the London Council and the Middlesex Council respectively and a duplicate thereof shall be deposited with the town clerk of the borough in which the lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks with the other

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documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the appropriate authority to take the lands and execute the improvements in accordance with the certificate.

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13. The appropriate authority and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the appropriate authority may in the county of London or in the county of Middlesex as the case may be from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours and afterwards from time to time twelve hours' previous notice to the occupiers thereof enter upon and into the lands and buildings by this Act authorised to be taken and used as aforesaid or any of them or any premises in respect of which a claim for compensation under this Act is received for the purpose of surveying and valuing the said lands and buildings and of inspecting the said premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands buildings or premises.

Power to enter upon property for survey &c.

14. In settling any question of disputed purchase money or compensation payable by the appropriate authority under this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the twentieth day of July one thousand nine hundred and thirty-five if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently altered buildings &c.

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

Benefits to be set off against compensation.

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are contiguous with such adjoining lands arising out of the execution of the improvements or arising through such adjoining lands becoming lands fronting on any new or existing street shall failing agreement be determined by the tribunal and shall be set off against the said compensation or purchase money.

Power to appropriate lands for purposes of Act.

16.—(1) The appropriate authority may for the purposes of this Act appropriate and use or deal with or dispose of in accordance with the provisions of this Act any lands in the county of London or the county of Middlesex as the case may be belonging to them and not required by them for any other purpose and the provisions of this Act relating to lands acquired by the appropriate authority thereunder shall apply to any lands appropriated by the appropriate authority under the powers of this section as if such lands had been so acquired.

The appropriate authority shall make any necessary adjustments in their accounts required in consequence of any such appropriation as aforesaid.

(2) (a) An amount equivalent to the ascertained value of any lands appropriated by the appropriate authority under the powers of this section shall be added to and be deemed to form part of the expenditure incurred by the appropriate authority in carrying into execution the provisions of this Act.

(b) The said ascertained value shall be such a sum as may be agreed between the Minister and the appropriate authority or in the event of difference between them as may be settled by arbitration. Provided that for the purposes of this subsection the section of this Act of which the marginal note is "Arbitration" shall apply as if in that section the words "the President of the Chartered Surveyors' Institution" were substituted for the words "the President of the Institution of Civil Engineers."

Power to enter on land after service of notice to treat.

17.—(1) Notwithstanding anything contained in section 84 of the Lands Clauses Consolidation Act 1845 the appropriate authority may at any time after notice to treat for the compulsory acquisition of any land under the provisions of this Act has been served upon all persons whose estate or interest therein is

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authorised to be taken by the appropriate authority and after giving to such persons 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 85 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.

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(2) Where the appropriate authority have agreed to purchase any land for the purposes of this Act or have determined to appropriate land for those purposes subject to the interest of the person in possession thereof and that interest is not greater than that of a tenant for a year or from year to year then at any time after such agreement has been made or such appropriation has been determined upon by the appropriate authority the appropriate authority may after giving to the person so in possession 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 but subject to the payment to the person so in possession of the like compensation (with such interest thereon as aforesaid) as if the appropriate authority had been authorised to purchase the land compulsorily in accordance with the provisions of the Lands Clauses Acts (except the provisions thereof relating to the service of notice to treat and except sections 84 to 90 of the Lands Clauses Consolidation Act 1845) and such person had in pursuance of such authorisation been required to quit possession before the expiration of his term or interest in the land.

(3) The powers conferred by this section shall be in addition and without prejudice to any other powers of entry upon lands exercisable by the appropriate authority under any other provision of this Act.

18. The appropriate authority may use for any purposes of or in connection with the improvements (including the provision of open areas street refuges grass verges enclosures or gardens) and lay out and construct streets and footways upon and develop all or any lands acquired by them under the powers of this Act and not required for any other purpose thereof.

Powers with reference to certain lands.

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Sale or
leasing &c.
of lands.

19.—(1) Notwithstanding anything in this or any other Act or Acts or otherwise to the contrary the London Council may—

- (a) retain and hold and use for such time and for such purpose as they may think fit (making any necessary adjustments in their accounts in consequence of such user); or
- (b) demise lease or let for any term or (subject or not as the case may be to any such demise lease or letting) sell and convey or exchange for other lands in the county of London either with or without paying or receiving any money for equality of exchange; or
- (c) grant any easements rights or privileges in under or over;

any land acquired by them under this Act or taken in exchange under the powers of this section and do any act or thing requisite or proper for any of the purposes aforesaid.

(2) Any such sale conveyance demise lease letting or exchange may be made at such price or rent (including a peppercorn rent) or for such consideration and may be subject to such restrictions conditions and stipulations (whether as to the title to be produced to such land or as to the nature of the buildings at any time erected or to be erected thereon or as to the use or enjoyment thereof or otherwise) and may be effectuated in one or more parcels or lots and either by public auction or private contract as the London Council think reasonable and as regards any restrictions conditions and stipulations which may be contained in any assurance made under this enactment the same may at all times thereafter be enforced by the London Council for the benefit of the London Council or of any person entitled to other property adjoining or held under title derived from the London Council.

Receipts of
appropriate
authority to
be effectual
discharges.

20. The receipt of the appropriate authority or of any person duly authorised by the appropriate authority for any purchase money rent or money payable to the appropriate authority by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and

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the person to whom the receipt shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received. A.D. 1936.

21. The appropriate authority may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of any lands which may be acquired by or are vested in the appropriate authority under the provisions of this Act with respect to the sale by the appropriate authority to such person of any of such last-mentioned lands for such consideration as may be agreed upon between the appropriate authority and such person or with respect to the reinstatement of such person and the appropriate authority may accept as satisfaction of the whole or any part of such consideration the grant by such person of any other lands or property required by the appropriate authority for the purposes of this Act. Power to make agreements with owners of property &c.

22.—(1) If and when the London Council acquire under the powers of this Act any portion of the churchyards of St. Paul's Church and St. Peter's Church respectively in the borough of Hammersmith they shall before applying or using any part of such lands for or in connection with the improvements remove or cause to be removed the remains of all deceased persons interred in such part. Removal of human remains.

(2) Before proceeding to remove any such remains the London Council shall publish a notice for three successive days in two newspapers circulating in the county of London to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said part of such lands may give notice in writing to the London Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as

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hereinafter mentioned to any regulations made by the bishop of the diocese of London to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the London Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of London who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the London Council such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the London Council in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the London Council may without any faculty for that purpose remove the remains of the deceased person and subject to the consent of the bishop cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the London Council think suitable for the purpose.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the London Council be removed and re-erected at the place of re-interment of such remains or at such place within the county of London as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the London Council and the London Council shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and

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tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

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(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county of London.

23. The powers of the appropriate authority for the compulsory purchase of lands under this Act shall cease on the first day of October one thousand nine hundred and forty-one.

Limitation of time for purchase of lands.

24. As from the passing of this Act the Middlesex Council shall be the highway authority for the purposes of the Restriction of Ribbon Development Act 1935 in respect of so much of Mawson Lane Hogarth Lane Ellesmere Road Cedars Road and Sutton Lane as will be included in the new street comprising Works Nos. 5 6 7 and 8 authorised by this Act.

Middlesex Council to be highway authority for existing roads for certain purposes.
25 & 26
Geo. 5. c. 47.

PART III.

IMPROVEMENTS.

25. Subject to the provisions of this Act the London Council may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute the works in the county of London hereinafter described (that is to say):—

Power to London Council to execute works.

A new street (forming a continuation of West Cromwell Road) to be situate in the royal borough of Kensington and the boroughs of Fulham and Hammersmith commencing at the junction of Warwick Road and Fenelon Road in the royal borough of Kensington and terminating at the boundary of the counties of London and Middlesex at Hughenden Road in the borough of Hammersmith comprising—

Work No. 1 Commencing at the before-mentioned junction of Warwick Road and

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Fenelon Road in the royal borough of Kensington and terminating at the junction of North End Road and Conan Street in the borough of Fulham including—

- (i) a widening and improvement on both sides of Fenelon Road and Conan Street;
- (ii) a new bridge with approaches thereto over the West London Extension Railway and the London Passenger Transport Board's district line;
- (iii) in connection with the new bridge aforesaid a raising of the levels of Fenelon Road and Conan Street;

Work No. 1A A subsidiary road in the royal borough of Kensington to connect Ashley Cottages and Shaftesbury Road; and

Work No. 1B A widening in the borough of Fulham of North End Road on the east side thereof between its junction with Work No. 1 hereinbefore described and a point 190 feet or thereabouts north of such junction;

Work No. 2 Commencing at the junction of North End Road and Talgarth Road in the borough of Fulham at the termination of Work No. 1 hereinbefore described and terminating at a point 110 feet or thereabouts south-east of the junction of Hammersmith Bridge Road and Sussex Place in the borough of Hammersmith including—

- (i) a widening and improvement of Talgarth Road and Colet Gardens on the northern sides thereof respectively Great Church Lane (between Elric Street and Fulham Palace Road) on the southern side thereof Fulham Palace Road (between Great Church Lane and Queen Street) on the southern and western sides thereof and Sussex Place on both sides thereof;
- (ii) a widening on the southern side of the bridge carrying Great Church

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Lane over the London Passenger Transport Board's district line and Piccadilly line; and A.D. 1936.

(iii) in connection with the widening of the bridge aforesaid a raising of the levels of Great Church Lane;

Work No. 3 A circus for a gyratory system of traffic in the borough of Hammersmith and commencing by a junction with Work No. 2 hereinbefore described at the termination of that work proceeding thence in a south-westerly north-westerly north-easterly and south-easterly direction to and terminating at the point of commencement hereinbefore described;

Work No. 4 Commencing in the borough of Hammersmith by a junction with Work No. 3 hereinbefore described at a point 90 feet or thereabouts south of the junction of Angel Road and Salem Place and terminating at the boundary of the counties of London and Middlesex at the western end of Hughenden Road.

26. Subject to the provisions of this Act the Middlesex Council may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute the works in the borough of Brentford and Chiswick in the county of Middlesex hereinafter described (that is to say):— Power to Middlesex Council to execute works.

A new street commencing at the termination of Work No. 4 hereinbefore described and terminating at the junction of Great West Road with Chiswick High Road and Gunnersbury Avenue comprising—

Work No. 5 Commencing at the termination of Work No. 4 hereinbefore described and terminating near the junction of Mawson Lane and Eastbury Grove including—

a widening and improvement of Mawson Lane on the north-western side thereof;

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Work No. 6 A circus for a gyratory system of traffic and commencing by a junction with Work No. 5 hereinbefore described at the termination of that work proceeding thence in a south-westerly north-westerly and north-easterly direction to and terminating at the point of commencement hereinbefore described;

Work No. 7 Commencing by a junction with Work No. 6 hereinbefore described at a point 40 feet or thereabouts west of the junction of Hogarth Lane and Devonshire Road and terminating at a point 55 feet or thereabouts from the southern side of Chiswick High Road near its junction with Great West Road and Gunnersbury Avenue including—

(i) a widening and improvement of Hogarth Lane on both sides and of Ellesmere Road part of Cedars Road and part of Sutton Lane on the northern sides thereof respectively;

(ii) a new bridge over the Southern Railway with approaches thereto;

Work No. 7A A raising of the level of Harvard Hill;

Work No. 8 A circus for a gyratory system of traffic and commencing by a junction with Work No. 7 hereinbefore described at the termination of that work proceeding thence in a westerly and north-westerly direction to a junction with Great West Road and thence in a north-easterly south-easterly and south-westerly direction to and terminating at the point of commencement hereinbefore described.

Power to
make
subsidiary
works &c.

27. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the appropriate authority in connection with and for the purposes of this Act and as part of the improvements (in addition to the works described in the sections of this Act of which the marginal notes are respectively "Power to London Council to execute works" and "Power to Middlesex Council to execute

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

works") may execute or do any of the following works or things (that is to say):— A.D. 1936.

- (a) Make junctions and communications (including the provision of steps for the use of persons on foot) with any existing streets intersected or interfered with by or contiguous to any of the improvements and divert widen or alter the line or alter the level of any existing street for the purposes of the improvement;
- (b) Relay and alter the line or alter the level of any tramway in or along any street of which the whole or part is to be diverted widened raised lowered or otherwise interfered with under the powers of this Act and provide during such relaying and alteration any temporary line or lines of tramway which may be necessary for continuing the traffic on any tramway to be so relaid or altered Provided that the working or user of any tramway or portion thereof may be suspended (either wholly or partially) for such periods as may be deemed necessary for this purpose without involving any liability penalty or forfeiture by reason or in consequence of any such suspension;
- (c) Stop up any street or part of a street within the limits of deviation shown on the deposited plans which they may consider unnecessary to retain or to throw into the improvements and alter and divert any street or part of a street within the same limits;
- (d) Raise sink or otherwise alter the position of any of the steps areas cellars cellar-flaps pavement-lights gratings boundary walls railings fencings windows sewers drains watercourses pipes or spouts belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the appropriate authority shall make reasonable compensation to any person who suffers damage by any such alteration;
- (e) Execute any works for the protection of any adjoining land or buildings;

A.D. 1936.

(f) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings.

Power to construct bridges &c. and to execute temporary works on railways.

28. Subject to the provisions of this Act the appropriate authority may for the purposes of or in connection with the improvements and within the limits of deviation shown on the deposited plans construct and execute all such bridges arches piers viaducts embankments tunnels abutments wing walls and other works as they may deem necessary or expedient for carrying the improvements over or under any railway stream or watercourse or any land and may for the purpose of and during the execution of the improvements over or under any railway erect place or execute and maintain upon over or under such railway all such temporary structures erections works apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon.

Deviation from line and levels.

29. In executing the improvements the appropriate authority may deviate laterally from the lines or situations thereof to any extent within the limits of deviation shown on the deposited plans relating thereto respectively and vertically from the levels thereof defined on the deposited sections to any extent not exceeding five feet.

Underpinning of houses near improvements.

30. The appropriate authority at their own costs and charges may subject as hereinafter provided underpin or otherwise strengthen any house or building within one hundred feet of any of the improvements and the following provisions shall have effect (that is to say) :—

- (1) At least ten days' notice shall except in case of emergency be given to the owners lessees and occupiers of the house or building so intended to be underpinned or otherwise strengthened :
- (2) Each such notice shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 :

A.D. 1936.

(3) If any owner lessee or occupier of any such house or building shall within seven days after the giving of such notice give a counter notice in writing that he disputes the necessity of such underpinning or strengthening the question of the necessity shall be settled by arbitration :

(4) The appropriate authority shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof :

(5) (a) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the appropriate authority may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the opening for traffic of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the appropriate authority on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration ;

(b) If in any such case as is referred to in this subsection the underpinning or strengthening done by the appropriate authority shall at any time within twelve months from the opening for traffic of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of such work the appropriate authority shall make compensation to the owner lessee and occupier

A.D. 1936.

of the house or building for such injury provided that the claim for compensation in respect thereof be made within one month from the discovery thereof :

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

Power to
stop up
streets.

31.—(1) Subject to the provisions of this Act the London Council may for the purposes of and in connection with the improvements stop up the whole or such portion or portions as they think fit of the streets or parts of streets mentioned in Part I of the Third Schedule to this Act.

(2) Subject to the provisions of this Act the Middlesex Council may for the purposes of and in connection with the improvements stop up the whole or such portion or portions as they think fit of the streets or parts of streets mentioned in Part II of the Third Schedule to this Act :

Provided that the part of Cedars Road referred to in the said schedule shall only be closed to vehicular traffic.

Vesting of
site of
streets
stopped up.

32. On the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act all rights of way over the same and other rights in respect thereof shall (subject to the proviso to subsection (2) of the immediately preceding section of this Act) be extinguished and the site and soil thereof shall vest in the appropriate authority so far as such site and soil shall not be already vested in them but the appropriate authority shall not stop up any street or portion thereof (except the footpath from Hogarth Lane to Dukes Road and the part of Cedars Road referred to in the

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

Third Schedule to this Act) unless they are owners in possession of all houses and lands (other than lands forming part of any street) on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree :

A.D. 1936.

Provided that the appropriate authority shall make full compensation to all parties interested in respect of any private rights of way extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

33.—(1) For the purpose of facilitating the movement of vehicular traffic along the route of the improvements or the safety of the public or otherwise the Minister on the application of the appropriate authority and after giving the mayor aldermen and burgesses of the borough of Brentford and Chiswick in relation to any street in the borough of Brentford and Chiswick an opportunity of being heard may from time to time authorise the appropriate authority at or in the vicinity of the junction of any street with the improvements to erect or remove barriers or notices for the prevention prohibition or limitation of access by vehicular traffic to or from such route from or to any such street.

Power to prevent access to or from new streets.

(2) Any person removing or interfering with any such barrier or failing to comply with any such notice shall be liable to a penalty not exceeding five pounds for each offence.

(3) For the purposes of this section the appropriate authority in the county of London shall include the borough council within whose district any such street is situate.

34.—(1) Subject to the provisions of this Act the appropriate authority may cause such parts of the improvements to be laid out for carriageway and such parts thereof for footway and such parts thereof for a reserved area as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation

Carriageway footway and other works.

A.D. 1936. — shown on the deposited plans construct erect and provide all such works and conveniences including subways (whether for persons on foot or for the accommodation of mains pipes or wires) as they may think proper for the purposes of or in connection with the improvements.

56 & 57 Vict.
c. ccii.

(2) The provisions of the London County Council (Subways) Act 1893 and all byelaws for the time being in force thereunder shall extend and apply to any subway for the accommodation of mains pipes or wires constructed in the county of London by the London Council under the powers of this section as well during as after the construction thereof as if any such subway had been included in the expression "subway" in the said Act of 1893 For the purposes of the application of the said Act of 1893 to any such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

Prohibition
of persons
vehicles &c.
on reserved
area.

35. Where the appropriate authority lay out any part of the improvements as dual carriageways separated by a reserved area and the highway authority indicate by notices conspicuously placed thereon or in proximity thereto or by the erection of fences that such reserved area or any part thereof is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or drive any horse or cattle or vehicle on over or across any such reserved area in contravention of the terms of any such notice or in disregard of any such fence shall be liable to a penalty not exceeding five pounds for each offence.

Sewers &c.
to be
removed
arched over
or filled up.

36. Subject to the provisions of this Act the appropriate authority may cause to be removed arched over or filled up all such sewers drains or watercourses or parts thereof as shall be in or near the streets to be interfered with for the purposes of the improvements and as shall become unnecessary by reason of the purchase of the property entitled to the use thereof.

Vesting and
disposal of
materials.

37. There shall be by virtue of this Act vested in the appropriate authority—

(a) all building or other materials of houses buildings and structures acquired under the powers of this Act and all materials and apparatus in under upon or over any lands so acquired;

[26 GEO. 5. & London and Middlesex [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

(b) all lamp-posts paving metalling and other materials in over or under any street or part of a street stopped up altered or diverted; and A.D. 1936.

(c) all materials obtained in the alteration of or interference with any street sewer or drain in connection with the improvements;

and the appropriate authority may appropriate and use or sell or dispose of the same or any of them.

38.—(1) When any of the improvements in the county of London is completed a certificate thereof shall be issued under the seal of the London Council and any duly authenticated copy of such certificate shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and that the improvement to which such certificate relates has been completed and from the date of such certificate so much of the improvement to which such certificate relates as has been laid out as carriage-way reserved area or footway shall subject to the provisions of this Act form part of the street and may subject as aforesaid be used by the public accordingly. Improve-
ments in
county of
London
to form
public
streets
repair &c.

(2) Subject to the provisions of this Act so much of the land acquired by the London Council for or in connection with the improvements as is laid out as carriage-way reserved area or footway shall after the issue of the certificate relating thereto (subject to the enjoyment by the council of the borough in which the same is situate of all such rights in such land as are usually enjoyed in respect of a street by the highway authority) be and remain vested in the London Council and the maintenance repair paving draining cleansing and lighting of so much of the improvements as has been laid out as aforesaid (including unless otherwise agreed any subways for persons on foot constructed in connection with the improvements) shall be under the care management control and jurisdiction of the council of the borough in which the same is situate :

Provided that the provisions of this section with reference to the repair of carriageways shall not apply to that part of any carriageway which under the provisions of the Tramways Act 1870 the London Passenger Transport Board are bound to keep in repair : 33 & 34 Vict.
c. 78.

A.D. 1936.

Provided also that the structure of the bridge with the retaining walls parapets and other works of the approaches thereto (other than the road surface thereof) carrying Work No. 1 by this Act authorised to and over the West London Extension Railway and the London Passenger Transport Board's district line shall vest in and be maintained by the London Council.

(3) If within a period of five years after the issue by the London Council pursuant to the provisions of this Act of a certificate of the completion of any of the improvements any subsidence of such improvement shall occur the London Council may in their discretion contribute towards the costs and expenses incurred by the council of the borough in which such subsidence occurs in making good the improvement but nothing in this subsection shall affect any claim which may lawfully be made in respect of such subsidence.

Maintenance
of works in
county of
Middlesex.

39.—(1) Every road or bridge constructed or widened by the Middlesex Council under this Act in the county of Middlesex shall be vested in the Middlesex Council and for the purposes of maintenance repair improvement and enlargement of and other dealing with every such road and bridge and every road vested in the Middlesex Council under this Act and the prevention and removal of obstructions thereon the Middlesex Council shall have the powers which for the time being they have with respect to county roads and county bridges.

38 & 39 Vict.
c. 55.

(2) In addition to the foregoing powers the Middlesex Council in cases in which suitable and sufficient drains or sewers are not available for receiving the drainage of the works in the county of Middlesex authorised by or vested in the Middlesex Council under this Act shall have the same powers for carrying such drains and other works and conveniences as they may consider necessary or convenient for the drainage of the said works as a local authority have under the Public Health Act 1875 for carrying sewers within and without their district and when exercising such powers the Middlesex Council shall be subject to such restrictions as a local authority are subject to and the provisions of that Act relating to the construction of sewers shall with any necessary modifications apply accordingly.

(3) Section 32 of the Local Government Act 1929 which relates to the rights of certain urban district councils to maintain county roads shall not apply to the new street comprising Works Nos. 5 6 7 and 8 authorised by this Act.

A.D. 1936.

—
19 & 20
Geo. 5. c. 17.

40.—(1) The appropriate authority shall so far as they conveniently can permit any person having statutory powers so to do to lay down or place under and in accordance with the statutes in that behalf mains pipes wires or other apparatus for the distribution of water gas or electricity or telephonic or telegraphic apparatus in the soil under the footway on either side of the improvements or under the reserved area during and simultaneously with the construction of the portion of the footway or reserved area under which it is desired to lay such apparatus.

As to laying
of pipes &c.
in carriage-
way of new
streets.

(2) Notwithstanding anything in any other Act to the contrary it shall not be lawful during the construction of any part of the improvements for any person to enter upon break up or interfere with any existing street on the line of such part of the improvements for the purpose of laying down any main pipe wire or other apparatus or executing any work whatsoever therein thereon or thereunder except with the previous consent in writing of the appropriate authority but such consent shall not be unreasonably withheld and may be given subject to such terms and conditions as the appropriate authority may reasonably determine and any difference between the appropriate authority and any person under this subsection shall be settled by the Minister.

(3) Notwithstanding anything in any other Act to the contrary it shall not be lawful after the completion of any part of the improvements for any person to enter upon break up or interfere with the carriage-way of such part of the improvements for the purpose of laying down any main pipe wire or other apparatus or executing any work whatsoever therein thereon or thereunder except with the previous consent in writing of the highway authority but such consent shall not be unreasonably withheld and may be given subject to such terms and conditions as the highway authority may reasonably determine and any difference between the highway authority and any person under this subsection shall be settled by the Minister.

A.D. 1936.

(4) The provisions of this section shall not apply to any part of the improvements to which the section of this Act of which the marginal note is "Restrictions on execution of works in improvements" relates.

(5) Nothing in this section shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1926.

Restrictions
on execution
of works in
improve-
ments.

41.—(1) Notwithstanding anything in any other Act to the contrary it shall not be lawful for any person to enter upon break up or interfere with any part of the carriageway or footway of—

(a) the new bridge over the West London Extension Railway and the London Passenger Transport Board's district line (being part of Work No. 1 by this Act authorised); or

(b) the new bridge over the railway of the Southern Railway Company (being part of Work No. 7 by this Act authorised); or

(c) so much of the new streets as is included in the said Work No. 1 and Work No. 7 (excluding the said bridges) as is above the existing normal ground level of the adjoining land;

for the purpose of laying down any main pipe wire or other apparatus or executing any work whatsoever therein thereon or thereunder except with the consent in writing of the appropriate authority and in accordance with such terms and conditions (including in the case of the bridges but not otherwise the payment of any rent or other valuable consideration) as the appropriate authority may reasonably determine and any difference between the appropriate authority and any person as to any terms or conditions imposed under the foregoing provisions of this section shall be settled by arbitration:

Provided that—

(i) if within one month after the passing of this Act any person gives notice in writing to the appropriate authority containing particulars of all mains pipes wires and other apparatus which he may require to lay down in on or under either of the said bridges or so much

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

of the said Work No. 1 or Work No. 7 A.D. 1936.
(as the case may be) (excluding the said
bridges) as is hereinbefore referred to and
of all works which he requires to carry out
in connection therewith and agreeing to pay
to the appropriate authority the reasonable
additional cost which will be incurred by
them in affording him facilities for laying
mains pipes wires or other apparatus and
for the execution of works he may with the
consent of the appropriate authority (which
consent shall not be unreasonably withheld)
and subject to such terms and conditions
(including payment of the additional cost
before referred to and as regards facilities
afforded in on or under such bridge but not
otherwise an annual payment or other
valuable consideration) as may be imposed
by the appropriate authority lay down mains
pipes wires and other apparatus and execute
works to such an extent as is in the opinion
of the appropriate authority reasonably
practicable having regard to the accom-
modation available and to the requirements
of all other persons who give such notice
as aforesaid;

- (ii) any difference arising under this proviso
between the appropriate authority and any
person as to the withholding of any consent
or as to the reasonableness of any terms and
conditions (other than the condition relating
to the payment of the additional cost
referred to in this proviso) or as to the
amount of such additional cost shall be
settled by arbitration.

(2) Where under or in accordance with the pro-
visions of this Act any main pipe wire work or other
apparatus of any person is laid down or placed in or
under the carriageway or footway of either of the new
bridges referred to in subsection (1) of this section
or of any such other portion of the said Work No. 1
or Work No. 7 as is referred to in that subsection that
person shall notwithstanding the foregoing provisions
of this section be entitled to open and break up the

A.D. 1936. — soil and pavement of such carriageway or footway for the purpose of inspecting repairing maintaining removing or renewing such main pipe wire work or apparatus subject to and in accordance with the provisions with respect to the opening and breaking up of streets contained in the Gasworks Clauses Act 1847 (as incorporated in the case of electricity undertakers with the Electric Lighting Act 1882) or the Waterworks Clauses Act 1847 (as the case may be) or (in the case of any person to whom none of the said Acts apply) subject to and in accordance with conditions similar to the said provisions of the said Gasworks Clauses Act 1847:

10 & 11 Vict.
c. 15.
45 & 46 Vict.
c. 56.
10 & 11 Vict.
c. 17.

Provided that nothing in this subsection shall entitle any person—

- (a) to interfere in any way with any part of the structure of the said bridges or the retaining walls parapets and other works of the approaches to such bridges; or
- (b) to lay down or place in or under such carriageway or footway otherwise than subject to and in accordance with the provisions of subsection (1) of this section any additional main pipe wire work or apparatus; or
- (c) to substitute otherwise than as last aforesaid for any existing main pipe wire work or apparatus any new main pipe wire work or apparatus of larger dimensions:

Provided further that any person exercising the powers conferred by this subsection shall—

- (a) comply with the reasonable directions of the appropriate authority; and
- (b) make good any damage or injury caused by him to the structure of the said bridges or the retaining walls parapets and other works of the approaches to such bridges or bear and pay the cost reasonably incurred by the appropriate authority in making good such damage or injury.

(3) Nothing contained in this section shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1926.

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

42. The appropriate authority shall in constructing the new bridge over the West London Extension Railway and the London Passenger Transport Board's district line (being part of Work No. 1 by this Act authorised) and the approaches thereto and the new bridge over the railway of the Southern Railway Company (being part of Work No. 7 by this Act authorised) and the approaches thereto provide for the accommodation of telegraphic lines of the Postmaster-General either a space three feet wide and two feet six inches deep or a space of equivalent content to such last mentioned space in one of the footways of each of the new bridges. The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General. Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the appropriate authority his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same. Provided further that any extra expense which the appropriate authority may reasonably incur in complying with the provisions of this section shall be borne and paid by the Postmaster-General.

A.D. 1936.

Accommodation for Post Office telegraphs.

43.—(1) Subject to the provisions of this Act the appropriate authority may for the purposes of and during the execution of the improvements stop up interfere with alter or divert temporarily all or any part of the carriageway or footway of any street or part of a street or of any subway shown within the limits of deviation delineated upon the deposited plans and may execute and do all necessary works and things for or in connection with such stopping up interference alteration or diversion and for keeping such carriageway or footway open for traffic and may after consultation with the Commissioner of Police for the Metropolis remove or alter any drinking-troughs lamp-posts street refuges lavatories posts and other erections upon the said lands.

Power to stop up ways temporarily.

(2) The appropriate authority shall provide reasonable access for all persons bona fide going to or returning from any premises in any street of which the

A.D. 1936. — carriageway or footway is stopped up interfered with altered or diverted under the powers of this section.

Removal
&c. of
apparatus.

44.—(1) In and for the purposes of this section—

“Apparatus” includes sewers drains culverts watercourses and mains pipes valves tubes cables wires or apparatus laid down or used for or in connection with the carrying conveying or supplying of a supply of water or water for hydraulic power gas or electricity or for telegraphic or other purposes standards and brackets carrying street lamps and street refuges lavatories posts and other structures and works;

“Undertakers” means the company body or person (other than the appropriate authority) to whom any apparatus in relation to which the expression is used belongs;

“The permitted works” means all such works and things as the appropriate authority are by this section authorised to execute or do.

(2) The appropriate authority for any purpose in connection with the exercise of the powers of this Act may and (if and when reasonably required by the undertakers) shall remove divert alter the position or line or level of or carry out any other alterations to any apparatus in under over or upon the lands acquired by or vested in them under the provisions of this Act and also in any street or part of a street within the limits of deviation shown on the deposited plans and any other apparatus connected with any apparatus so removed diverted or altered and may remove any other obstruction in under or near such lands street or part of a street and shall make such appropriate substituted works either permanent or temporary as may be reasonably necessary and shall cause as little detriment and inconvenience as circumstances admit and shall make reasonable compensation for any damage caused by the execution of the permitted works:

Provided that before the appropriate authority execute any of the permitted works relating to any apparatus they shall (except in cases of emergency) give to the undertakers notice of their intention to do

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

so such notice to be given seven days at least before the commencement of the execution of the permitted works and such works shall be done under the superintendence (at the expense of the appropriate authority) of the undertakers unless the undertakers refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such works or discontinue the same during the execution of such works and the appropriate authority shall execute such works to the reasonable satisfaction of the undertakers.

A.D. 1936.

(3) If within seven days after notice under subsection (2) of this section has been served upon any undertakers those undertakers so elect they shall themselves execute such works to their apparatus as may be necessary for the purposes of this section and the reasonable cost of executing such works shall be repaid to them by the appropriate authority Provided that such works shall be carried out in accordance with the directions and to the reasonable satisfaction of the appropriate authority.

(4) All sewers drains and watercourses substituted under the provisions of this section for any existing sewers drains or watercourses shall be under the same jurisdiction care management and direction as the existing sewers drains or watercourses for which they may respectively be so substituted.

(5) If any difference arises between the appropriate authority and any undertakers touching the amount of any compensation or cost to be paid by the appropriate authority under the foregoing provisions of this section or touching any work matter or thing to be done or executed by the appropriate authority or by such undertakers under such provisions with reference to any apparatus or touching the mode of doing or executing the same such difference shall be settled by arbitration.

45. If the improvements are not completed on or before the first day of October one thousand nine hundred and forty-three then as from that date the powers of the appropriate authority under this Act for the execution of the improvements shall cease except so far as the same are respectively then completed.

Period for
completion
of improve-
ments.

A.D. 1936.
—
Agreements
between
London and
Middlesex
Councils.

46. Subject to the provisions of this Act the London Council and the Middlesex Council may enter into and carry into effect any agreements or arrangements for or in connection with any of the purposes of this Act including agreements or arrangements for the joint exercise of any of the powers of this Act conferred upon them severally or the exercise by one of them of any of the powers of this Act conferred upon the other of them.

Agreements.

47.—(1) The appropriate authority on the one hand and the council of any borough or any company body or person having the control or management of water gas or other pipes or electric or other wires or apparatus on the other hand may with the approval of the Minister enter into and carry into effect agreements with reference to any of the provisions of this Act relating to or affecting only the parties to such agreements respectively.

(2) The appropriate authority on the one hand and the Southern Railway Company the West London Extension Railway Company and the London Passenger Transport Board or any of them on the other hand may with the approval of the Minister enter into and carry into effect agreements with reference to any of the provisions of this Act relating to or affecting only the parties to such agreements respectively.

(3) Notwithstanding anything contained in this Act any agreement entered into between the appropriate authority and the said railway companies or board or any of them may with the approval of the Minister provide for the variation of any of the provisions of this Act (so far as they relate only to the powers rights obligations or interests of the Minister or of the parties to any such agreement) or of the provisions of any previous agreement between the same parties.

(4) The Minister on the one hand and the appropriate authority on the other hand may enter into and carry into effect agreements with reference to any matters arising out of the carrying of this Act into execution and may by any such agreement vary any of the provisions of this Act but not so as to affect prejudicially the rights or interests of any person other than the Minister and the appropriate authority.

[26 GEO. 5. & London and Middlesex [Ch. cviii.]
1 EDW. 8.] (Improvements &c.) Act, 1936.

48. For the purposes of this Act the provisions and purposes of any agreement entered into under the provisions of the section of this Act of which the marginal note is "Agreements" shall be deemed to be provisions and purposes of this Act.

A.D. 1936.
—
As to purposes of certain agreements.

PART IV.

FINANCIAL.

49. The general conditions relating to the grant by the Minister towards the expenditure incurred or to be incurred by the appropriate authority in connection with this Act and to the arrangements for the execution of the improvements as set forth in the First Schedule to this Act are hereby confirmed.

Conditions of grant by Minister &c.

50.—(1) The borough councils of Fulham Kensington and Hammersmith or any of those councils may contribute towards the costs and expenses of the London Council in connection with the improvements and the acquisition of lands for or in connection with the improvements such sums as the borough councils may respectively by resolution determine.

Contributions by Fulham Kensington and Hammersmith Borough Councils.

(2) For the purpose of paying to the London Council any such contribution the borough council concerned may borrow the requisite money and for the purpose of securing the repayment with interest of any money so borrowed the borough council may mortgage and assign any of the money or rates authorised to be raised or levied by them under the Metropolis Management Act 1855 and any borrowing by a borough council under this section shall be subject in all respects to the provisions of sections 183 to 189 of the said Act of 1855 Provided that all money borrowed by a borough council under this section shall be repaid within a period not exceeding in any case sixty years from the date of borrowing.

18 & 19 Vict. c. 120.

51. The London Council may expend on capital account for the purposes of this Act such money as they may from time to time think fit not exceeding one million six hundred and twenty thousand pounds and may borrow or otherwise provide the whole or any

Money to be raised by London Council on capital account.

[Ch. cviii.] *London and Middlesex* [25 GEO. 5. &
(*Improvements &c.*) Act, 1936. 1 EDW. 8.]

A.D. 1936. part of the money required for those purposes in
2 & 3 accordance with the provisions of the London County
Geo. 5. c. cv. Council (Finance Consolidation) Act 1912.

Power to
Middlesex
Council to
borrow.

52.—(1) The Middlesex Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Middlesex Council may determine not exceeding those respectively mentioned in the third column of the said table:—

Purpose.	Amount.	Period for repayment.
(a) The acquisition of lands and easements in the county of Middlesex.	£270,400	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act in the county of Middlesex.	£88,000	Thirty years from the date or dates of borrowing.
(c) The proportion of the costs charges and expenses of this Act payable by the Middlesex Council.	Sum requisite.	Five years from the passing of this Act.

20 & 21
Geo. 5.
c. clxvi.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act or with section 52 (Consolidated loans fund) of the Middlesex County Council Act 1930 shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Separate
accounts of
receipts and
payments.

53.—(1) Notwithstanding anything contained in this or any other Act all receipts and payments by the London Council or the Middlesex Council relating to the provisions and purposes of this Act shall be carried or charged to separate accounts to be kept by each council in relation to this Act.

[26 GEO. 5. & London and Middlesex [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

(2) The said accounts shall at all times be available for examination by officers appointed for the purpose by the Minister. A.D. 1936.
—

PART V.

ENACTMENTS RELATING TO MIDDLESEX.

54.—(1) Notwithstanding anything contained in any enactment section 9 of the Rating and Valuation Act 1925 in its application to any precept issued by the Middlesex Council in respect of any period beginning on or after the first day of April one thousand nine hundred and thirty-seven and in its application to any rate or part of a rate levied in pursuance of such precept shall be read and have effect as if—

Middlesex county rates and precepts. 15 & 16 Geo. 5. c. 90.

(a) the words “(subject in the case of an urban rating area to such adjustment as is herein after provided)” in paragraph (b) of subsection (2) thereof;

(b) the proviso to paragraph (c) of subsection (2) thereof; and

(c) the words “if provision were not made by the said Part II of the Second Schedule for any such relief as aforesaid which operates only in an urban rating area” in paragraph (d) of subsection (2) thereof;

were omitted therefrom and for the purposes aforesaid any rules made or to be made by the Minister of Health under sections 9 and 58 of the Rating and Valuation Act 1925 shall be deemed to be modified so as to give effect to the provisions of this section.

(2) Section 68 (Incidence of expenses of Council) of the Middlesex County Council Act 1931 is hereby repealed as from the first day of April one thousand nine hundred and thirty-seven. 21 & 22 Geo. 5. c. xxxii.

55. Section 33 (Acquisition of land for amenities) of the Middlesex County Council Act 1934 shall have effect as if the following subsection were added thereto:—

Amendment of section 33 of Middlesex County Council Act 1934.

“(3) Nothing in this section shall authorise the Council to acquire otherwise than by agreement land vested in any statutory undertakers or acquired by them for the purposes of their undertaking.” 24 & 25 Geo. 5. c. lxxxix.

A.D. 1936.

Amend-
ment of
consolidated
loans fund
scheme.

56. Section 52 (Consolidated loans fund) of the Middlesex County Council Act 1930 as amended by section 141 (Extension of consolidated loans fund to district councils) of the Middlesex County Council Act 1934 shall have effect and shall be deemed to have had effect as if the following subsections had been inserted at the end thereof:—

“(9) Any scheme approved by the Minister of Health under this section may be altered amended or revoked by a scheme made and approved in like manner as the original scheme.

(10) Any such amendment may provide that the amended scheme (so far as the same may relate to advances in respect of the Middlesex County Council Act 1931 from the consolidated loans fund established under the Consolidated Loans Fund (Middlesex) Scheme 1933 or to the interest in respect of any such advance) shall be deemed to have come into operation on the day on which the original scheme came into operation.”

Further
provisions
as to petty
sessional
divisions
and justices'
clerks in
Middlesex.

57.—(1) In this section—

“The Middlesex quarter sessions” means the justices of the peace for the county of Middlesex in quarter or general sessions assembled;

“The committee” means the standing joint committee of the Middlesex quarter sessions and the Middlesex Council appointed under section 30 of the Local Government Act 1888.

(2) The Middlesex Council may prepare and submit to the Secretary of State a draft order making provision with respect to the following matters that is to say the draft order—

(a) may provide for the transfer to the committee of all or any of the powers and duties of the Middlesex quarter sessions in reference to the alteration and revision of the divisions of the county of Middlesex for which special or petty sessions are to be held and the constitution of new divisions;

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

- (b) may confer further powers upon the committee with respect to the alteration revision or constitution of such divisions and may regulate the procedure for any such alteration revision or constitution and may alter the period at the expiration of which any such alteration or revision may be made; A.D. 1936.
- (c) may provide for the transfer to the committee of all or any of the powers and duties of the justices acting in and for the petty sessional divisions of the county of Middlesex with respect to the appointment and determination of the appointment of clerks;
- (d) may confer further powers upon the committee with respect to the appointment remuneration and determination of the appointment of such clerks and of the persons to assist such clerks in the performance of their duties;
- (e) may provide for the transfer to the service of the committee of all or any of the justices' clerks in the county of Middlesex and of all or any persons employed by any such clerk for the purposes of his duties as such clerk;
- (f) may apply the provisions contained in Part XI (Superannuation) of the Middlesex County Council Act 1934 to justices' clerks transferred to or appointed by the committee and to persons appointed to assist such clerks in the performance of their duties with such amendments as may be necessary or desirable;
- (g) may contain such incidental consequential or supplemental provisions as may appear to be necessary or proper for the purposes of this scheme.

(3) The Secretary of State may make the order in the terms of the draft submitted to him or with such modifications as he may think fit and may fix the date for such order to come into operation and on and after the date so fixed the order shall have full force and effect notwithstanding the provisions contained in any other enactment.

(4) (i) Every order made by the Secretary of State under this section and relating to the appointment and

A.D. 1936. — determination of the appointment of justices' clerks by the committee shall provide that—

- (a) Before any person is appointed by the committee as clerk to the justices of a petty sessional division the committee shall confer with the justices of that division and take into consideration any nomination made by them and no appointment shall be valid unless and until it has been confirmed by the Secretary of State;
- (b) The appointment of a clerk to the justices of a petty sessional division shall not be determined by the committee without the consent of the justices of that division provided that if the justices withhold their consent the committee may appeal to the Secretary of State who may confirm the determination of the appointment;
- (c) The Secretary of State before confirming any such appointment shall take into consideration any representations that may be made to him by the justices of the petty sessional division concerned and before confirming any such determination of the appointment of a clerk shall take into consideration any representations that may be made to him by such justices or such clerk.

(ii) Nothing in this subsection shall affect any obligation under the provisions of Part XI (Superannuation) of the Middlesex County Council Act 1934 as amended by any order made under this section in regard to retirement on attaining an age limit.

(5) Any order made by the Secretary of State under this section may be altered amended or revoked by an order made in like manner as the original order.

PART VI.

MISCELLANEOUS.

For protection of
Postmaster-
General.

58.—(1) The appropriate authority shall not remove divert alter the position of or otherwise interfere with any telegraphic line belonging to or used by the

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

Postmaster-General except in accordance with and A.D. 1936.
subject to the provisions of the Telegraph Act 1878. —

(2) Notwithstanding the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove therefrom any telegraphic line which is in under upon along over or across the same and any Post Office letter box or telephone call box and the appropriate authority shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line or of any telegraphic line connected therewith which in consequence will be rendered useless and of such letter box or call box and the substitution of a telegraphic line or letter box or call box (as the case may be) in such other place as the Postmaster-General may require.

59. Before breaking up or otherwise interfering with any street in connection with the construction of the improvements the appropriate authority shall (except in cases of emergency) give seven days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of the improvements. Notice to Commissioner of Police.

60. For the protection of the mayor aldermen and burgesses of the borough of Brentford and Chiswick (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Middlesex Council apply and have effect notwithstanding anything in this Act contained or shown upon the deposited plans and sections (that is to say):— For protection of Brentford and Chiswick Corporation.

(1) In this section the expression "apparatus" means electricity mains and cables and other works and apparatus in connection with the electricity undertaking of the Corporation and "sewers" includes drains:

A.D. 1936.

(2) Notwithstanding anything contained in the section of this Act of which the marginal note is "As to laying of pipes &c. in carriageway of new streets" the Corporation shall be entitled—

(a) for the purpose of laying down maintaining inspecting repairing renewing or removing apparatus (other than service connections and sewers) to exercise from time to time either during the construction or after the completion of the improvements or any part thereof the like rights of opening and breaking up so much of the improvements as consists of—

(i) the reserved area; and

(ii) so much of the carriageway situate between severed portions of the reserved area as lies between imaginary lines in continuation of the longitudinal boundaries of such severed portions; and

(b) for the purpose of maintaining inspecting repairing renewing or removing any apparatus (other than service connections or sewers) for the time being situate in or under the carriageway of the improvements and of making altering repairing or disconnecting service connections between any such apparatus and any premises supplied or to be supplied with electricity therefrom to exercise from time to time either during the construction or after the completion of the improvements or any part thereof the like rights of opening and breaking up such carriageway;

as if the said section had not been enacted :

Provided that nothing in this paragraph shall affect the operation of the section of this Act of which the marginal note is "Removal &c. of apparatus" :

(3) (a) Notwithstanding anything contained in the section of this Act of which the marginal note

is "Restrictions on execution of works in improvements"— A.D. 1936.

(i) the consent of the Middlesex Council to the entry upon breaking up of or interference with any part of the carriageway or footway referred to in subsection (1) of that section by the corporation shall not be unreasonably withheld and the terms and conditions to be imposed by the Middlesex Council under the said section with respect to such entry breaking up or interference shall not include the payment by the corporation of any rent or other valuable consideration;

(ii) in any case in which the corporation shall have paid or contributed towards or agreed to pay or contribute towards the additional cost incurred or to be incurred by the Middlesex Council in affording such facilities as are referred to in the proviso to subsection (1) of the said section the terms and conditions to be imposed by the Middlesex Council under the said proviso with respect to the use or enjoyment by the corporation of such facilities shall not include the making of any annual payment or the payment of any other valuable consideration;

(b) In its application to the Corporation the said section shall be read and have effect as if the words "at any time before the thirty-first day of December one thousand nine hundred and thirty-six" were substituted in paragraph (i) of the proviso to subsection (1) of the said section for the words "within one month after the passing of this Act":

- (4) Notwithstanding the stopping up temporarily of any street or part of a street or of any subway under the powers of the section of this Act of which the marginal note is "Power to stop up ways temporarily" the corporation their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus or sewers of the corporation situate in or under any such street

A.D. 1936.

or part of a street or subway as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such street or part of a street or subway as may be necessary for inspecting repairing maintaining renewing or removing such apparatus or sewers :

(5) If in the exercise of any of the powers of this Act the Middlesex Council lower or raise the level of any street so as to leave over any apparatus or sewer of the corporation a covering of less than two feet or more than four feet the corporation may re-lay such apparatus or sewer at such depth that the covering over such apparatus or sewer will be not less than such minimum covering nor more than such maximum covering or where the apparatus or sewer is situate in the carriageway of such street may divert the same under the footway of such street and lay the same at such depth as aforesaid :

(6) Where by reason or in consequence of the exercise of any of the powers of this Act any apparatus or sewer of the corporation is rendered derelict or unnecessary the Middlesex Council shall pay to the corporation the value of such apparatus or sewer so rendered derelict or unnecessary unless substituted apparatus or a substituted sewer be provided Such value shall in case of difference between the corporation and the Middlesex Council be determined by arbitration in manner hereinafter provided :

(7) The provisions of the section of this Act of which the marginal note is "Removal &c. of apparatus" shall in its application to the corporation be read and have effect subject to the following modifications:—

(i) the period of twenty-one days shall be substituted for the period of seven days mentioned in the proviso to subsection (2) of that section; and

(ii) the period of fourteen days shall be substituted for the period of seven days mentioned in subsection (3) of that section :

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

- (8) In addition to any rights exerciseable by them under the provisions of the said section of this Act of which the marginal note is "Removal &c. of apparatus" the corporation shall be entitled to execute such works as the engineers of the corporation may reasonably deem necessary for supporting or protecting any apparatus or sewer of the corporation being situate in under across or along the line of the carriageway of the improvements and affected by any of the works or operations of the Middlesex Council or for maintaining the continuity of the supply of electricity by means of such apparatus or the discharge of sewage by means of such sewer and if it be reasonably necessary so to do the corporation may provide ducts for so much of any main as will be situate in under across or along the line of the carriageway of the improvements or within a distance of ten feet on either side thereof and the Middlesex Council shall repay to the corporation the reasonable cost incurred by them under the provisions of this subsection: A.D. 1936.
- (9) If by reason or in consequence of the provisions of this Act or of anything done thereunder it shall be reasonably necessary for the corporation to lay a second service main or sewer in any street or part of a street in which the corporation have a single service main from which supplies of electricity are afforded to premises situate on both sides of such street or a single sewer into which the drainage from premises situate on both sides of the street is discharged the Middlesex Council shall pay to the corporation the reasonable cost incurred by them in providing and laying such second service main and the service connections necessary for connecting that main with the premises to be supplied by means thereof and in providing and laying such second sewer:
- (10) If by reason or in consequence of the execution of the improvements any damage to any apparatus or sewer of the corporation or any interruption in the supply of electricity by the

A.D. 1936.

corporation or the discharge of sewage shall be caused the Middlesex Council shall bear and pay the cost reasonably incurred by the corporation in making good such damage and shall—

(a) make reasonable compensation to the corporation for any loss sustained by them; and

(b) indemnify the corporation against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the corporation by reason or in consequence of any such damage or interruption :

(11) The reasonable expense of all repairs and renewals of any apparatus or sewer of the corporation or any works in connection therewith which may be rendered reasonably necessary by or in consequence of—

(a) the acts or defaults of the Middlesex Council their contractors agents workmen or servants or any person in the employ of them or any of them; or

(b) any subsidence resulting from the works of the Middlesex Council whether during the construction of such works or within a period of twelve months after the date or the respective dates of the completion thereof;

shall be borne and paid by the Middlesex Council :

(12) The Middlesex Council shall bear and pay to the corporation the amount of any expenses reasonably incurred by the corporation in or in connection with—

(a) the cutting off of any apparatus or sewer of the corporation from any other apparatus or sewer and the connecting of any new or substituted apparatus or sewer with any existing apparatus or sewer of the corporation rendered necessary by reason or in consequence of the execution of the improvements; or

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

(b) the removal or any alteration of any service connections rendered necessary by reason or in consequence of such execution; A.D. 1936.

and shall indemnify the corporation against all claims and demands by the owner of any such service connection or by the owners or occupiers of premises supplied by means thereof :

(13) The corporation may if they deem fit employ watchmen or inspectors to watch and inspect any improvement whereby any apparatus or sewer of the corporation will or may be interfered with or affected during the execution thereof and the reasonable expenses thereof shall be borne by the Middlesex Council and be paid by them to the corporation :

(14) If any question or difference shall arise between the Middlesex Council and the corporation under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be settled by arbitration :

(15) Nothing contained in this Act shall exempt from any town planning scheme for the time being in operation in the borough of Brentford and Chiswick any land acquired by the Middlesex Council for the purposes of this Act and not required for the improvements but this paragraph shall not deprive the Middlesex Council of any right to which they may be entitled in respect of such land under such scheme or under the Town and Country Planning Act 1932 :

22 & 23
Geo. 5. c. 48.

(16) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the corporation would have been entitled if this section had not been enacted.

61. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in

For protection of Metropolitan Water Board.

A.D. 1936. writing between the board and the appropriate authority
— apply and have effect (that is to say):—

(1) In this section—

the expression “ apparatus ” means mains pipes valves hydrants plugs syphons and other works and apparatus; and

the expression “ the signed plan ” means the plan signed by Frank Hunt on behalf of the London Council and Jonathan Roberts Davidson on behalf of the board :

(2) Notwithstanding anything contained in this Act or shown upon the deposited plans or sections or described in the deposited book of reference the appropriate authority shall not without the consent in writing of the board enter upon take or use any lands property or works of the board or any part of any such lands property or works except the lands (in this section referred to as “ the acquired lands ”) coloured pink and edged with red on the signed plan :

(3) (a) If the London Council shall serve upon the board notice to treat for the acquisition of the acquired lands the consideration for such acquisition shall be—

(i) the conveyance by the London Council to the board in fee simple by way of exchange of the lands coloured blue on the signed plan free from all incumbrances and cleared of all buildings structures or erections thereon ;

(ii) the payment by the London Council to the board or by the board to the London Council as the case may be of such sum for equality of exchange as may be agreed between them or as failing such agreement shall be determined in accordance with the Lands Clauses Acts ;

and the London Council shall also pay to the board such costs charges and expenses as would have been payable to them if the acquired lands had been acquired compulsorily by the London Council under the provisions of the Lands Clauses Acts ;

(b) Within a period of ten years after the date of the passing of this Act the board shall give to the London Council notice in writing requiring them to sell and convey and within twelve months after the receipt of such notice the London Council shall sell and convey to the board the lands coloured yellow on the signed plan free from all incumbrances and cleared of all buildings structures and erections thereon for a price or consideration to be agreed or determined at the same time and upon the same basis as that at and upon which the value of the said lands coloured blue is agreed or determined for the purpose of assessing the sum to be paid for equality of exchange under the foregoing subparagraph (a);

(c) As soon as reasonably practicable after the board shall have conveyed to the London Council the acquired lands the London Council shall pay to the board such sum as shall be agreed or determined as aforesaid by way of compensation for the inconvenience and additional expense to be suffered or incurred by the board in erecting maintaining and operating an extension of their existing pumping station upon the whole or part of a site consisting of the said lands respectively coloured blue and yellow and so much of the lands coloured pink on the signed plan as is situate southward of the acquired lands instead of upon a site consisting of the whole of the lands coloured pink on the signed plan :

(4) The London Council shall not enter upon any part of the acquired lands until they shall have conveyed to the board as provided by paragraph (3) of this section the said lands coloured blue and shall have paid to the board the sums of money costs charges and expenses payable to them under the provisions of that paragraph :

(5) (a) As soon as practicable after the board shall have conveyed to the London Council the acquired lands they shall replace with steel

A.D. 1936.

mains of the same respective internal diameters and encased in cement concrete such parts of the existing mains of the board in Standish Road in the metropolitan borough of Hammersmith as are situate under or within a distance of ten feet from either side of the acquired lands and (where pursuant to subparagraph (b) of this paragraph such steel mains or any of them are laid at a lower level than that of the existing mains for which they are respectively substituted) for such further distance on each side of the acquired lands as shall be reasonably necessary for forming convenient connections between the substituted mains and those parts of the existing mains of which the level is unaltered;

(b) Where the said existing mains or any of them are laid at such a level that the top thereof would be at less than the respective depths next hereinafter specified below the surface of the new street authorised by this Act the board shall lay the steel mains to be substituted therefor at such levels as they may think fit but so that the top of such steel mains shall not be at a depth below the surface of the said new street greater than the said respective depths :—

Internal diameter of main.	Depth below surface of new street.
Not exceeding twelve inches -	Three feet.
Exceeding twelve inches and not exceeding twenty-four inches.	Three feet six inches.
Exceeding twenty-four inches -	Four feet.

(c) The amount of the costs and expenses reasonably incurred by the board in the execution of the provisions of this paragraph shall on demand be repaid to them by the London Council :

(6) Notwithstanding anything contained in the section of this Act of which the marginal note

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

is "As to laying of pipes &c. in carriageway of new streets" the board shall be entitled— A.D. 1936.

(a) for the purpose of laying down maintaining inspecting repairing renewing or removing apparatus (other than service mains and service pipes) to exercise from time to time either during the construction or after the completion of the improvements or any part thereof the like rights of opening and breaking up so much of the improvements as consists of—

(i) the reserved area; and

(ii) so much of the carriageway situate between severed portions of the reserved area as lies between imaginary lines in continuation of the longitudinal boundaries of such severed portions; and

(b) for the purpose of maintaining inspecting repairing renewing or removing any apparatus for the time being situate in or under the carriageway of the improvements and of making altering repairing or disconnecting service connections between any such apparatus and any premises supplied or to be supplied with water therefrom to exercise from time to time either during the construction or after the completion of the improvements or any part thereof the like rights of opening and breaking up such carriageway;

as if the said section had not been enacted:

Provided that nothing in this paragraph shall affect the operation of the section of this Act of which the marginal note is "Removal &c. of apparatus":

(7) (a) Notwithstanding anything contained in the section of this Act of which the marginal note is "Restrictions on execution of works in improvements"—

(i) the consent of the appropriate authority to the entry upon breaking up of or interference with any part of the

A.D. 1936.

carriageway or footway referred to in subsection (1) of that section by the board shall not be unreasonably withheld and the terms and conditions to be imposed by the appropriate authority under the said section with respect to such entry breaking up or interference shall not include the payment by the board of any rent or other valuable consideration ;

(ii) in any case in which the board shall have paid or contributed towards or agreed to pay or contribute towards the additional cost incurred or to be incurred by the appropriate authority in affording such facilities as are referred to in the proviso to subsection (1) of the said section the terms and conditions to be imposed by the appropriate authority under the said proviso with respect to the use or enjoyment by the board of such facilities shall not include the making of any annual payment or the payment of any other valuable consideration ;

(b) In its application to the board the said section shall be read and have effect as if the words "at any time before the thirty-first day of December one thousand nine hundred and thirty-six" were substituted in paragraph (i) of the proviso to subsection (1) of the said section in lieu of the words "within one month after the passing of this Act" :

- (8) Notwithstanding the stopping up temporarily of any street or part of a street or of any subway under the powers of the section of this Act of which the marginal note is "Power to stop up ways temporarily" the board their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus of the board situate in or under any such street or part of a street or subway as they had immediately before such stopping up and shall be at liberty

to execute and do all such works and things in upon or under such street or part of a street or subway as may be necessary for inspecting repairing maintaining renewing or removing such apparatus :

- (9) If in the exercise of any of the powers of this Act the appropriate authority lower or raise the level of any street so as to leave over any apparatus of the board a covering of more than five feet or less (in the case of mains having an internal diameter exceeding twenty-four inches) than four feet and (in the case of mains having an internal diameter exceeding twelve inches and not exceeding twenty-four inches) than three feet six inches and (in the case of any other mains or apparatus) than three feet the board may relay such apparatus at such depth that the covering over such apparatus will be not less than such minimum covering nor more than such maximum covering and the appropriate authority shall repay to the board the expense reasonably incurred by them in so doing :
- (10) Where by reason or in consequence of the exercise of any of the powers of this Act any apparatus of the board is rendered derelict or unnecessary the appropriate authority shall pay to the board the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus be provided Such value shall in case of difference between the board and the appropriate authority be determined by arbitration in manner hereinafter provided :
- (11) The provisions of the section of this Act of which the marginal note is "Removal &c. of apparatus" shall in its application to the board be read and have effect subject to the following modifications:—
- (i) the period of twenty-one days shall be substituted for the period of seven days mentioned in the proviso to subsection (2) of that section; and

A.D. 1936.

(ii) the period of fourteen days shall be substituted for the period of seven days mentioned in subsection (3) of that section :

- (12) In addition to any rights exerciseable by them under the provisions of the said section of this Act of which the marginal note is "Removal &c. of apparatus" the board shall be entitled to execute such works as the engineer of the board may reasonably deem necessary for supporting or protecting any apparatus of the board being situate in under across or along the line of the carriageway of the improvements and affected by any of the works or operations of the appropriate authority or for maintaining the continuity of the supply of water by means of such apparatus and if it be reasonably necessary so to do the board may substitute steel pipes encased in cement concrete for so much of any main or pipe as will be situate in under across or along the line of the carriageway of the improvements or within a distance of ten feet on either side thereof and the appropriate authority shall repay to the board the reasonable cost incurred by them under the provisions of this subsection :
- (13) If by reason or in consequence of the provisions of this Act or of anything done thereunder it shall be reasonably necessary for the board to lay a second service main in any street or part of a street in which the board have a single service main from which supplies of water are afforded to premises situate on both sides of such street the appropriate authority shall pay to the board the reasonable cost incurred by them in providing and laying such second service main and the service pipes necessary for connecting that main with the premises to be supplied by means thereof :
- (14) If by reason or in consequence of the execution of the improvements any damage to any apparatus or property of the board or any interruption in the supply of water by the board shall be caused the appropriate authority

[26^vGEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

shall bear and pay the cost reasonably incurred by the board in making good such damage and shall— A.D. 1936.

(a) make reasonable compensation to the board for any loss sustained by them; and

(b) indemnify the board against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the board;

by reason or in consequence of any such damage or interruption:

(15) The appropriate authority shall not except with the consent of the board (which consent shall not be unreasonably withheld) execute or do any work which may involve any interference with the continuous supply of water by the board from any pipe other than a service main or service pipe during the months of May June July August and September in any year:

(16) The reasonable expense of all repairs and renewals of any apparatus of the board or any works in connection therewith which may be rendered reasonably necessary by or in consequence of—

(a) the acts or defaults of the appropriate authority their contractors agents workmen or servants or any person in the employ of them or any of them; or

(b) any subsidence resulting from the works of the appropriate authority whether during the construction of such works or within a period of twelve months after the date or the respective dates of the completion thereof;

shall be borne and paid by the appropriate authority:

(17) The appropriate authority shall bear and pay to the board the amount of any expenses reasonably incurred by the board in or in connection with—

(a) the cutting off of any apparatus of the board from any other apparatus and

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the connecting of any new or substituted apparatus with any existing apparatus of the board rendered necessary by reason or in consequence of the execution of the improvements; or

(b) the removal or any alteration of any communication or supply pipes rendered necessary by reason or in consequence of such execution;

and shall indemnify the board against all claims and demands by the owner of any such communication or supply pipe or by the owners or occupiers of premises supplied by means thereof:

- (18) The board may if they deem fit employ watchmen or inspectors to watch and inspect any improvement whereby any apparatus of the board will or may be interfered with or affected during the execution thereof and the reasonable expenses thereof shall be borne by the appropriate authority and be paid by them to the board:
- (19) If any question or difference shall arise between the appropriate authority and the board under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be settled by arbitration:
- (20) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the board would have been entitled if this section had not been enacted.

For protection of Gas Light and Coke Company.

62. For the protection of the Gas Light and Coke Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the appropriate authority apply and have effect (that is to say):—

- (1) In this section the expression "apparatus" means mains pipes valves stopcocks or other works or apparatus:

(2) Notwithstanding anything contained in subsection (2) of the section of this Act of which the marginal note is "Carriageway footway and other works" the provisions of the London County Council (Subways) Act 1893 and any byelaws for the time being in force thereunder in their application for the purposes of this Act shall not extend or apply to the company or any of their apparatus:

(3) Notwithstanding anything contained in the section of this Act of which the marginal note is "Vesting and disposal of materials" the appropriate authority shall at the option of the company either deliver to the company free of charge at such place as they may reasonably appoint or pay to the company the value of all such lamp-posts lamps and other materials of the company as are referred to in that section. Such value shall in case of difference between the company and the appropriate authority be determined by arbitration in manner hereinafter provided:

(4) Notwithstanding anything contained in the section of this Act of which the marginal note is "As to laying of pipes &c. in carriageway of new streets" the company shall be entitled—

(a) for the purpose of laying down maintaining inspecting repairing renewing or removing apparatus (other than service mains and service pipes) to exercise from time to time either during the construction or after the completion of the improvements or any part thereof the like rights of opening and breaking up so much of the improvements as consists of—

(i) the reserved area; and

(ii) so much of the carriageway situate between severed portions of the reserved area as lies between imaginary lines in continuation of the longitudinal boundaries of such severed portions; and

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(b) for the purpose of maintaining inspecting repairing renewing or removing any apparatus for the time being situate in or under the carriageway of the improvements and of making altering repairing or disconnecting service connections between any such apparatus and any premises supplied or to be supplied with gas therefrom to exercise from time to time either during the construction or after the completion of the improvements or any part thereof the like rights of opening and breaking up such carriageway;

as if the said section had not been enacted :

Provided that nothing in this paragraph shall affect the operation of the section of this Act of which the marginal note is "Removal &c. of apparatus" :

- (5) (a) Notwithstanding anything contained in the section of this Act of which the marginal note is "Restrictions on execution of works in improvements"—

(i) the consent of the appropriate authority to the entry upon breaking up of or interference with any part of the carriageway or footway referred to in subsection (1) of that section by the company shall not be unreasonably withheld and the terms and conditions to be imposed by the appropriate authority under the said section with respect to such entry breaking up or interference shall not include the payment by the company of any rent or other valuable consideration;

(ii) in any case in which the company shall have paid or contributed towards or agreed to pay or contribute towards the additional cost incurred or to be incurred by the appropriate authority in affording such facilities as are referred to in the proviso to subsection (1) of the said section the terms and conditions to be imposed by the appropriate authority under the said proviso

provisions of this Act or of any enactment incorporated therewith to the benefit of which the company would have been entitled if this section had not been enacted. A.D. 1936.

63. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Middlesex Council and the company apply and have effect (that is to say):—

For protection of Southern Railway Company.

(1) (a) The Middlesex Council shall not under the powers of this Act purchase or acquire by compulsion any lands or property of the company or any interest in such lands or property other than such easement as may be required for the purposes of the construction and maintenance over the Kensington and Richmond railway of the company of the new bridge with approaches thereto forming part of Work No. 7 by this Act authorised and the provisions of the section of this Act of which the marginal note is "Power to acquire easements compulsorily in certain cases" shall apply to the acquisition of any such easement;

(b) The Middlesex Council shall not without the consent of the company which shall not be unreasonably withheld either temporarily or permanently enter upon take use or interfere with the railways works or property of the company save only so far as may be reasonably necessary for the said purposes:

(2) The said bridge and its approaches shall be constructed and maintained by the Middlesex Council—

(a) with a clear headway throughout of not less than fifteen feet above the existing rail level of the said railway; and

(b) so as not to interfere with or injuriously affect the company's culvert on the eastern side of the said railway:

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- (3) The construction repair and renewal of the said bridge and its approaches and of all works in connection therewith or subsidiary thereto shall be executed by and at the expense of the Middlesex Council;

Before commencing the construction of the said bridge and so much of its approaches and of all works in connection therewith or subsidiary thereto as shall or may pass over or under or in any way affect the railways or property of the company or may be within twenty yards thereof (which works are hereinafter referred to as "the said works" which expression shall also include any works of maintenance or renewal of the said bridge approaches and other works) the Middlesex Council shall submit to the chief engineer of the company (in this section referred to as "the engineer") for his reasonable approval plans sections specifications and particulars of the said works and of the stages by which it is proposed to carry out the said works Provided that the Middlesex Council shall not be required to submit to the engineer plans sections or specifications of any work of maintenance Provided also that if the engineer does not signify his disapproval of or requirements in regard to the said plans sections specifications and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof The said works shall be executed in accordance with such plans sections specifications and particulars and by such stages as shall be approved as aforesaid or settled by arbitration:

- (4) Before the Middlesex Council commence the execution of the said works any temporary works which may in the opinion of the engineer be reasonably necessary to ensure the stability of the railway works and property of the company and the safety of the traffic on the said railway shall be carried out by the Middlesex Council to the reasonable

satisfaction of the engineer or the company if they so elect may and shall carry out such temporary works on behalf of the Middlesex Council and to their reasonable satisfaction and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Middlesex Council to the company: A.D. 1936.

- (5) Before commencing the said works the Middlesex Council shall give twenty-eight days' previous notice in writing to the engineer of their intention to commence the same. Such notice shall be accompanied by a sufficient description of the works to be executed and the Middlesex Council shall comply with any reasonable directions which may be given by the engineer as to the times at which such works may be carried out:
- (6) Subject to the provisions of this section the execution of the said works when commenced shall be carried on and completed with the utmost dispatch and so that the temporary interference with the traffic on the said railway shall be of the least practicable duration and unless otherwise required by the engineer all temporary works in connection with the said works shall be removed from the property of the company immediately the permanent works have been completed:
- (7) If it shall at any time appear to the engineer either during the execution or within twelve months of the completion of the said works that owing to or in consequence of the execution thereof any additional works or other measures of precaution are reasonably required either by way of addition to the existing works of the company or in connection with the said works or in relation to the method of the execution thereof so as to prevent subsidence or damage happening to the railway works or property of the company the Middlesex Council shall on being required in writing by the engineer at any

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time not later than the expiration of the said period of twelve months so to do make and execute at their own expense and according to plans sections and specifications to be reasonably approved by him such additional works or take such measures of precaution (including the temporary cessation of the execution of the said works) as the engineer shall reasonably require. Provided that if agreed by the Middlesex Council the company may and shall carry out such works or take such measures of precaution on behalf of the Middlesex Council and to their reasonable satisfaction and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Middlesex Council to the company :

- (8) The said works shall be executed by the Middlesex Council so as not to endanger the structure or stability of the railway and works of the company and all works and operations in connection with the said works shall be executed so as to cause as little interference with or delay or interruption to the working of traffic on the said railway as may be and if any such interference delay or interruption shall be caused or take place the Middlesex Council shall pay to the company all reasonable costs and expenses to which they may be put as well as reasonably adequate compensation for any loss sustained by them by reason of any such interference delay or interruption :
- (9) The said works shall be executed under the superintendence (if such be given) and to the reasonable satisfaction of the engineer and the Middlesex Council shall bear and pay to the company all reasonable costs charges and expenses incurred by them in respect of such superintendence and of the employment by the company of a sufficient number of inspectors watchmen and signalmen to be appointed by them for inspecting and watching the said works and for watching signalling and protecting the railway and works of

the company and the traffic thereon with reference to and during the execution of the said works and for preventing as far as may be interference obstruction danger or accident arising from any of the operations of the Middlesex Council or from the acts or defaults of their contractors or of any person in the employ of either of them : A.D. 1936.

- (10) The Middlesex Council shall at all times afford reasonable facilities to the engineer and to any person authorised by him for access to the said works during the execution thereof and shall also furnish the engineer with all information he may reasonably require with regard to the said works or the method of construction thereof :
- (11) If by reason of the execution of the said works it shall become reasonably necessary within six months after the completion thereof to reconstruct add to alter strengthen or remove any signal cabin signal posts signal telegraph and telephone posts and wires permanent way or other works equipment or apparatus belonging to or on or connected with the said railway or to substitute other works therefor the company may effect such reconstruction addition alteration strengthening removal or substitution and the reasonable expense thereof shall be repaid to them by the Middlesex Council :
- (12) Any additional expense which the company may reasonably incur in widening altering reconstructing or maintaining their railway or works in pursuance of powers existing at the passing of this Act by reason of the existence of the said works across or over the same shall be paid by the Middlesex Council to the company :
- (13) The Middlesex Council shall be responsible for and make good to the company all reasonable costs charges losses damages and expenses not otherwise provided for by this section which may be occasioned to the

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company or to the railway works or property of the company or to any person or persons lawfully using the same by reason of the construction execution or failure of the said works (except where such costs charges losses damages and expenses arise from the neglect or default of the company their servants or agents) or of any act or omission of the Middlesex Council or of their contractors or of any person in the employ of either of them and the Middlesex Council shall except as aforesaid effectually indemnify and hold harmless the company from and against all claims and demands upon or against them by reason of such construction or failure or of any such act or omission :

- (14) The fact that any work or thing has been done by the Middlesex Council in accordance with any plan section or specification approved by the engineer or under his superintendence shall not excuse the Middlesex Council from any liability or affect any claim of the company for injury to their railway or works or the traffic thereon :
- (15) Any expenses reasonably incurred by the company under the provisions of paragraphs (4) (7) and (8) of this section or in the employment of inspectors watchmen and signalmen under paragraph (9) of this section or under paragraph (11) of this section shall be deemed to include any compensation payable to any workman or his legal representatives or dependants in respect of the injury to or death of such workman whilst employed by the company in and about the works respectively mentioned in the said paragraphs :
- (16) The company shall be at liberty to affix for the purposes of the said railway wires electric cables signalling or other apparatus and equipment to any part of the said bridge in such position and in such manner as may be reasonably approved by the Middlesex Council :

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- (17) Except as provided in paragraph (1) of this section any difference which may arise between the Middlesex Council and the company under this section shall be referred to and determined by arbitration.

64. The following provisions for the protection of the West London Extension Railway Company and the Great Western Railway Company respectively (each of which is in this section referred to as "the railway company") shall unless otherwise agreed in writing between the railway company and the London Council apply and have effect (that is to say):—

For protection of West London Extension Railway Company and Great Western Railway Company.

- (1) The London Council shall not under the powers of this Act enter upon take use or interfere with the railways of the railway company where Work No. 1 by this Act authorised crosses the same or any of the lands works or property now belonging to the railway company connected therewith (which railways lands works and property are in this section referred to as "the railways") without the consent of the railway company signified in writing but the railway company shall grant and the London Council may take an easement or right of constructing and maintaining Work No. 1 over the railways of the railway company subject to and in accordance with the provisions of this Act:
- (2) The London Council shall pay to the railway company for the easement or right which they may acquire under the provisions of this section such consideration as may be agreed upon or in the event of difference may be settled in the manner provided by the Lands Clauses Acts with respect to the settlement of disputed compensation and the provisions of those Acts shall extend and apply to such easement or right as if the same were lands within the meaning of those Acts:
- (3) The London Council shall construct Work No. 1 so far as the same will be carried over the railways in such lines or situations within the

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limits of land to be acquired shown upon the deposited plans as shall be reasonably approved by an engineer jointly appointed by the said railway companies (hereinafter referred to as "the said engineer") and by such means and in such manner as to leave the running lines undisturbed at all times and so as in no way to obstruct impede or interfere with the free uninterrupted and safe user thereof or the traffic thereon and if any such obstruction or interference shall be caused or take place contrary to this enactment the London Council shall notwithstanding any approval as aforesaid pay to the railway company all reasonable costs and expenses to which the railway company may be put as well as full compensation for any loss sustained by them by reason of any such obstruction or interference :

- (4) The London Council shall not less than twenty-eight days before they commence the construction of the parts of Work No. 1 which will pass over the railways furnish to the said engineer for his approval proper and sufficient plans sections and specifications of the works proposed to be made by the London Council over the railways and shall not commence the same until such plans sections and specifications shall have been approved in writing by the said engineer or in case of any difference arising between him and the London Council until the same have been settled by arbitration Provided that if the said engineer does not signify his approval or disapproval of the said plans sections and specifications within twenty-eight days he shall be deemed to have approved the same :
- (5) If within six months after the completion of the said parts of Work No. 1 any additions or alterations to the signalling apparatus or the telephone or telegraph wires and works on the railways are in the opinion of the said engineer necessary in consequence of the construction of Work No. 1 the same may be made by the railway company at the expense of the London

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

Council and the cost thereof as certified by the said engineer so far as it is reasonable and reasonably incurred shall be repaid to the railway company by the London Council : A.D. 1936.
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- (6) The bridge carrying Work No. 1 over the railways and all works necessary or incidental to the construction thereof or affecting the railways shall be executed under the superintendence (if such be given) and to the reasonable satisfaction of the said engineer and the London Council shall bear and pay the reasonable expense of the employment by the railway company of a sufficient number of inspectors or watchmen to be appointed by them for watching the railways with reference to and during the construction renewal or repair of the said bridge and for preventing as far as may be all interference obstruction danger or accident from any of the operations of the London Council or from the acts or defaults of their contractors or any person or persons in their employ or otherwise :
- (7) The London Council shall at all times maintain the works by which Work No. 1 shall be carried over the railways and all other works which may in any manner affect the railways in substantial repair and good order and condition to the reasonable satisfaction of the said engineer and if and whenever the London Council fail so to do after reasonable notice in that behalf the railway company may make and do in and upon as well the lands and property of the railway company as of the London Council such works and things as may be requisite in that behalf and the reasonable cost of so doing as certified by the said engineer shall be repaid to the railway company by the London Council Provided that the railway company and the London Council may agree in writing that the railway company instead of the London Council shall maintain the works specified in this paragraph and in that event the London Council shall pay to the railway company such annual or other

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sums as may be agreed in respect of the said maintenance :

- (8) The London Council shall subject to the terms of any agreement made under paragraph (7) of this section be responsible for and make good to the railway company all costs losses damages and expenses not otherwise provided for which may be occasioned to them or to the railways or to the traffic thereon or otherwise by reason of the construction maintenance of or failure to maintain or repair Work No. 1 over the railways or of any act or omission of the London Council or of any person or persons in their employ or of their contractors or others in the course of such construction maintenance or repair and the London Council shall effectually indemnify the railway company from all claims and demands upon or against them by reason of such construction maintenance or repair or failure as aforesaid or of any such act or omission Provided that the fact that any work or thing has been done in accordance with any plan section or specification approved by the said engineer or in accordance with any requirements of the said engineer or under the superintendence of the said engineer shall not excuse the London Council from any liability for damage as aforesaid or affect any claim of the railway company for injury to the railways or the traffic thereon save so far as the same may arise by reason of any such requirement :
- (9) Any additional expense which the railway company may reasonably incur in widening reconstructing repairing or maintaining the railways under powers existing at the date of the passing of this Act by reason of the existence of Work No. 1 shall be repaid to the railway company by the London Council :
- (10) Any difference which shall arise between the London Council and the railway company or the said engineer under this section (except under paragraph (2) hereof) shall be settled by arbitration.

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

65. The following provisions for the protection of the London Passenger Transport Board (in this section referred to as "the board") shall unless otherwise agreed in writing between the board and the appropriate authority apply and have effect (that is to say):—

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For protection of
London
Passenger
Transport
Board.

(1) In this section—

"Work No. 1" and "Work No. 2" mean respectively Work No. 1 and Work No. 2 authorised by this Act;

"The authorised works" means the works authorised by this Act;

"The new bridge works" means the structure of the bridge with the retaining walls parapets and other works of the approaches thereto (other than the road surface thereof) carrying Work No. 1 to and over the West London Extension Railway and the board's district line;

"Tramway" includes a trolley vehicle system and any conduit substructure posts cables wires or other apparatus connected with a tramway or trolley vehicle system;

"The engineer" means in relation to any railway of the board the chief engineer of the board and in relation to any tramway of the board the general manager (road transport) of the board:

(2) Except as provided by paragraph (3) of this section the appropriate authority shall not under the powers conferred upon them by this Act take any land which is the property of the board but the appropriate authority may purchase and take and the board shall if so required by the appropriate authority sell and grant such easements as may be reasonably required for constructing maintaining renewing and using or altering the authorised works in under or over such land 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 easements as if the same were lands within the meaning of those Acts except that the purchase of any

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such easement shall not be deemed to be the purchase of a part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 :

- (3) The London Council may enter upon take and use the lands belonging or reputed to belong to the board numbered on the deposited plans 7 8 9 and 30 in the metropolitan borough of Hammersmith :

Provided that the London Council shall not use—

(a) the said lands or the land numbered on the deposited plans 6 in the metropolitan borough of Hammersmith so as in any way to lessen the light and air heretofore enjoyed at the Barons Court substation of the board ;
or

(b) the said lands numbered 6 7 8 and 9 so that the space between any works or buildings constructed or erected thereon by the London Council and the eastern end of the said substation shall be less than the space existing at the passing of this Act between the buildings on the said lands numbered 7 8 and 9 and the said end of the said substation :

- (4) In the construction of Work No. 1 the London Council shall not carry the same over the board's district line otherwise than by means of a bridge of a single span of not less than sixteen feet six inches measured on the square and with a clear headway throughout such span of not less than fifteen feet above the upper surface of the existing rails of the railway :

- (5) (a) In this paragraph—

“ The depot ” means the Lillie Road depot of the board ;

“ The bridge ” means the bridge belonging or reputed to belong to the board giving access from Conan Street to the depot ;

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

“ The signed plan ” means the plan signed by Arthur Reginald Cooper on behalf of the board and by Thomas Peirson Frank on behalf of the London Council; A.D. 1936.
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(b) Except as expressly provided by this paragraph the London Council shall not stop up or interfere with the bridge either temporarily or permanently;

(c) The London Council may in connection with and for the purpose of the construction of Work No. 1 shorten or raise the bridge to such extent as may be reasonably necessary;

(d) If the board shall at any time hereafter widen or alter the bridge substantially in accordance with the signed plan any additional expense which the board may reasonably incur in carrying out such widening or alteration by reason of the existence of the authorised works shall be paid by the London Council;

(e) If it shall not be reasonably practicable for access from Conan Street (as widened and improved under the powers of this Act) to the depot to continue to be maintained by means of the bridge the London Council may stop up the bridge but the bridge shall not be stopped up until the London Council shall have provided such alternative access (equivalent in all respects to the access which would have been provided by the execution of the works shown on the signed plan) as the board may reasonably approve. Upon such alternative access being completed and becoming available for use by the board the board shall pay to the London Council such sum as it would have been necessary for the board to expend in executing the works shown on the signed plan less the cost reasonably incurred by the board in demolishing and removing the bridge;

(f) During the execution of the authorised works and (in the event mentioned in the preceding subparagraph of this paragraph) until the alternative access therein provided for shall have been completed and become

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available for use by the board the London Council shall provide all such temporary means of access to the depot as the board may reasonably require;

(g) The section of this Act of which the marginal note is "Power to prevent access to or from new streets" shall not apply to the bridge or to any street by means of which alternative access is provided pursuant to subparagraph (e) of this paragraph:

(6) (a) The London Council shall not commence to construct so much of the authorised works as will pass over or interfere with the high level siding of the board known as Three Kings Sidings (in this paragraph called "the existing siding") or the access thereto until a substituted siding affording accommodation of equal capacity and convenience in such position near to the existing siding as the board may reasonably approve together with all necessary incidental works (in this paragraph called "the substituted siding") shall have been provided as hereinafter in this paragraph mentioned;

(b) Any land acquired by the London Council as a site for the substituted siding shall be conveyed to the board free of cost;

(c) As soon as reasonably practicable after the conveyance to the board of the site for the substituted siding the board shall construct the substituted siding in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the London Council and the London Council shall from time to time pay to the board the costs and expenses reasonably incurred by the board in carrying out such work and all necessary incidental work:

(7) If in connection with and for the purpose of the construction of the authorised works it shall be reasonably necessary to alter or remove the pump house or any structure situate at the West Kensington station of the board such

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

alteration or removal and the reinstatement of the pump house or structure shall on reasonable notice by the London Council be carried out by the board and the London Council shall from time to time pay to the board the costs and expenses reasonably incurred by the board in connection therewith including the costs and expenses of installing such new or substituted pumping machinery and plant (after deducting the value of any existing machinery and plant disposed of or used by the board for other purposes) as may be reasonably necessary to prevent any interruption in the pumping operations at the said station being occasioned and the costs and expenses of providing any necessary temporary structures : A.D. 1936.

- (8) The appropriate authority shall not construct the authorised works where the same shall pass over or under or in any way affect the railways tramways or works of the board and shall not renew or alter the new bridge works otherwise than in accordance with plans sections and specifications to be previously submitted to and approved in writing by the engineer or in case of difference between the engineer and the appropriate authority settled by arbitration and the appropriate authority shall not commence the intended works until the plans sections and specifications relating thereto have been so submitted and approved or settled Provided always that if the engineer shall not within twenty-eight days after the submission to him of any plans sections or specifications signify his disapproval thereof and the grounds of such disapproval he shall be deemed to have approved thereof :
- (9) The authorised works so far as they pass over or under or in any way affect the railways tramways or works of the board shall be executed by the appropriate authority under the supervision (if the same be given) and to the reasonable satisfaction of the engineer and when commenced shall be completed with all reasonable dispatch :

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- (10) If by reason of the construction of the authorised works or by reason of the repair renewal or alteration of the new bridge works it shall become reasonably necessary either during the execution of the work or within six months after the completion thereof to add to or alter any cables drains or signals upon the railways of the board the board may effect such additions or alterations as may be reasonably requisite and the reasonable expense thereof shall be repaid to the board by the appropriate authority :
- (11) The London Council shall make good and restore to the reasonable satisfaction of the engineer any road or part of a road in the county of London repairable by the board which may be interfered with in the construction of the authorised works :
- (12) If in the opinion of the engineer it shall be necessary either during the execution of the work or within twelve months after the completion thereof that owing to the construction of the authorised works or owing to the repair renewal or alteration of the new bridge works any part of any of their railways tramways and works shall be altered reconstructed or strengthened the board may after reasonable notice to the appropriate authority carry out such works as may be reasonably requisite in that behalf and the costs and expenses reasonably incurred by the board in connection therewith shall be repaid by the appropriate authority to the board :
- (13) The appropriate authority shall not in constructing the authorised works or in repairing renewing or altering the new bridge works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways of the board or the conduct of any traffic thereon and if at any time or times hereafter the free uninterrupted and safe user of such railways or the conduct of any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the

appropriate authority shall pay to the board all reasonable costs and expenses to which the board may be put as well as full compensation for the loss sustained by them by reason of any such obstruction hindrance or interference : A.D. 1936.
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(14) (a) The appropriate authority in constructing the authorised works shall cause as little interference with or delay or interruption to the conduct of traffic on the tramways of the board as may be and shall provide all such temporary substituted accommodation (including lines of rail and apparatus) as may be reasonably necessary for continuing the traffic which but for the interference with any tramway of the board under the powers of this Act would have been carried by means of such tramway ;

(b) The board may if they so elect carry out such part of the work of providing such substituted accommodation as aforesaid as consists of the laying of temporary lines of rail or the laying down or erection of temporary apparatus and the costs and expenses reasonably incurred by the board in connection therewith shall be repaid by the appropriate authority to the board :

(15) The appropriate authority shall before commencing the construction of the authorised works so far as they pass over or under or in any way affect the railways tramways or works of the board and before commencing the repair renewal or alteration of the new bridge works give (except in case of emergency) fourteen days' previous notice in writing to the engineer of the intended works and shall bear and pay to the board the cost of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the railways tramways and works of the board with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger or accident which may arise from any of the operations of the appropriate authority

A.D. 1936.

or from the acts or defaults of their contractors or of any person or persons in their employ with reference thereto :

- (16) The London Council shall at all times maintain the new bridge works in substantial repair and good order to the reasonable satisfaction in all respects of the engineer :
- (17) The structure of the widened portion of the bridge (including the abutments and piers thereof) carrying Great Church Lane over the board's district line and Piccadilly line included in Work No. 2 shall when completed vest in the board and the said structure shall be maintained by the board The London Council shall pay to the board such capital sum as may be agreed or determined by arbitration to represent the cost of maintaining and renewing the said structure :
- (18) The appropriate authority shall be responsible for and make good to the board all reasonable costs and expenses and all damages and losses which may be occasioned to the board by reason of the construction of the authorised works or the repair renewal alteration or failure of the new bridge works (except where such costs losses damages and expenses arise from the neglect or default of the board their servants or agents) or of any act or omission of the appropriate authority or of their contractors and the appropriate authority will effectually indemnify and hold harmless the board from all claims and demands upon or against them by reason of such construction repair renewal alteration failure act or omission Provided always that the board shall give to the appropriate authority reasonable notice of any such claim or demand and that no settlement or compromise thereof shall be made except with the consent of the appropriate authority who shall (if they so elect) have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand The fact that any work or thing

[26 GEO. 5. & *London and Middlesex* [Ch. cviii.]
1 EDW. 8.] (*Improvements &c.*) Act, 1936.

has been executed or done in accordance with the foregoing provisions of this section shall not excuse the appropriate authority from any liability under this paragraph : A.D. 1936.
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(19) Any additional expense which the board may reasonably incur in maintaining renewing widening altering or reconstructing their railways under powers in existence at the passing of this Act by reason of the existence of the authorised works shall be paid by the appropriate authority :

(20) Subject to the consent of the London Council which shall not be unreasonably withheld the board may without making any payment therefor attach to the abutments of the bridge carrying Work No. 1 over the West London extension railway and the board's district line such signals cables and other apparatus as the board may require for the purposes of their undertaking :

(21) For the purposes of paragraphs (6) (7) (10) (12) (14) and (15) of this section any costs or expenses incurred by the board shall include compensation payable to any workmen or the legal representatives or dependants of workmen who may be injured or killed whilst employed by the board in and about the works or operations respectively mentioned in the said paragraphs :

(22) Any difference (other than a difference to which the Lands Clauses Acts apply) which may arise between the appropriate authority and the board or the engineer under or with reference to the provisions of this section shall be settled by arbitration.

66. Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference to which the provisions of the Lands Clauses Acts apply and except as otherwise provided by this Act) shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party (after notice in writing Arbitration.

A.D. 1936. — to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

Authenti-
cation and
service of
notices &c.

67.—(1) Where any notice or other document under this Act requires authentication by the appropriate authority it shall be deemed to be sufficiently authenticated if signed by the clerk of the appropriate authority or if in place of such signature it bears in writing the name of such clerk.

(2) Notices and other documents required or authorised to be served or given by the appropriate authority under this Act may except as by this Act otherwise provided be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises :

Provided that—

- (a) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if served by post shall be served by registered post;
- (b) in the case of a company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at its registered office or at its principal office or place of business; and
- (c) in the case of a firm any such notice or document may be delivered or sent by post addressed to the firm by their business name (being the name or style under which their business is carried on) at their principal place of business and any notice or document so delivered or sent shall be deemed to have been delivered or sent to each partner in the firm.

In proving service by post other than by registered post it shall be sufficient to prove that the notice or other

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document was properly addressed and put into the post. A.D. 1936.

(3) Any such notice or document as aforesaid which is required to be served on or given to the owner or occupier of any premises may be addressed by the description of "the owner" or "the occupier" of the premises (naming the premises) in respect of which the notice is given without further name or description.

68. Save as otherwise expressly provided all offences against this Act and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder may be prosecuted and recovered in a summary manner Provided that costs charges and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

69. Proceedings for the recovery of any demand made under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or on tort. Recovery of demands.

70. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered under or in pursuance of this Act shall be payable to the authority taking the proceedings leading to the recovery of the penalty. Penalties to be paid to authorities taking proceedings. 2 & 3 Vict. c. 71.

71. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

72. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

A.D. 1936.

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Inquiries by
Minister.

73. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents or approvals under this Act and the provisions of subsections (2) (3) (4) and (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as they apply to local inquiries held under that section but as if for references to a department there were substituted therein references to the Minister.

Crown
rights.

74. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing in this Act shall authorise the appropriate authority 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.

Costs of Act.

51 & 52 Vict.
c. 41.

75.—(1) All costs and expenses of the London Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 according as the London Council may decide.

(2) The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be borne by the London Council and the Middlesex Council in such proportions as may be agreed between them and shall be defrayed by the London Council in the like manner as provided by subsection (1) of this section and by the Middlesex Council out of their county fund or out of moneys to be borrowed under this Act.

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The SCHEDULES referred to in the
foregoing Act.

A.D. 1936.

FIRST SCHEDULE.

GENERAL CONDITIONS OF GRANT BY MINISTER OF TRANSPORT.

1. The Minister will make a grant from the Road Fund of sixty per centum of the net amount (approved by the Minister) of the expenditure incurred or to be incurred by the appropriate authority in defraying the costs of and incidental to the promotion of the Bill for this Act (other than Part V—Enactments relating to Middlesex) and in carrying into execution the provisions and purposes (other than the provisions and purposes of the said Part V) of this Act including expenditure to be incurred in connection with or as ancillary to the rehousing of persons of the working class displaced under the provisions of this Act.

2. All plans specifications estimates and engineering details relative to the improvements and any modifications thereof respectively shall be subject to the approval of the Minister.

3. (a) As soon as may be after the passing of this Act the appropriate authority shall forward to the Minister an estimate in such form as the Minister may require or approve of the expenditure to be incurred by them under the provisions of this Act during the twelve months next ensuing.

(b) On or before the expiration of the said period and thereafter at such intervals as may be approved by the Minister the appropriate authority shall forward to the Minister in such form as he may require or approve statements showing estimates of the liabilities incurred and to be incurred by them under the provisions of this Act during such ensuing period as may be specified by the Minister.

(c) After receipt of any such estimate the Minister will pay to the appropriate authority such sums at such times as will furnish the appropriate authority with sixty per centum of the moneys required to meet as and when they arise the liabilities of the appropriate authority in connection with carrying into execution the provisions of this Act subject to the grant specified in paragraph 1 hereof not being exceeded.

(d) The appropriate authority shall furnish to the Minister at such times and in such form and accompanied by such

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(Improvements &c.) Act, 1936. 1 EDW. 8.]

A.D. 1936. vouchers certificates reports or other documents as he may require or approve statements of the amounts paid by them under the provisions of this Act.

4. If any difference shall arise between the Minister and the appropriate authority with reference to the adjustment of accounts or the basis of such adjustment for giving effect to the foregoing conditions such difference shall be determined in such manner as may be agreed between the Minister and the appropriate authority.

SECOND SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY ARE
 REQUIRED TO BE TAKEN.

Area.	Numbers on deposited plans and in book of reference.
County of London—	
Royal borough of Ken- sington - - -	27 28 and 56.
Metropolitan borough of Fulham - - -	1 to 5 (inclusive) 7 9 to 11 (inclusive) 19 41 42 and 74.
Metropolitan borough of Hammersmith - -	3 4 113 to 115 (inclusive) 141 145 156 157 184 196 to 200 (inclusive) 201 203 to 205 (inclusive) 232 310 315 to 317 (inclusive) 325 332 to 334 (inclusive) 343 354 377 378 391 409 436 and 474.
County of Middlesex—	
Borough of Brentford and Chiswick - -	73 166 169 311 313 321 326 331 to 333 (inclusive) 338 340 342 343 349 to 353 (inclusive) 372 373 375 379 385 392 394 400 415 417 418 426 432 433 437 440 571 585 603 605 and 606.

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THIRD SCHEDULE.

A.D. 1936.

STREETS WHICH MAY BE STOPPED UP.

PART I.

In the royal borough of Kensington—

- (a) so much of Shaftesbury Road as lies between Works Nos. 1 and 1A by this Act authorised ;
- (b) so much of Ashley Cottages as lies between Work No. 1 by this Act authorised and a point 115 feet or thereabouts north-westward of its junction therewith.

In the borough of Hammersmith—

- (c) so much of Salem Place as lies between Angel Road and Work No. 3 by this Act authorised ;
- (d) so much of Angel Road as lies between Salem Place and Work No. 4 by this Act authorised ;
- (e) the pedestrian passageway (forming a continuation of Salem Place) between Angel Road and Bridge Avenue ;
- (f) Warwick Cottages between Upper Mall and Oil Mill Lane.

PART II.

In the borough of Brentford and Chiswick—

- (a) the pedestrian passageway from Hogarth Lane to Dukes Road ;
- (b) so much of Cedars Road as lies between Sutton Court Road and Work No. 7 by this Act authorised ;
- (c) so much of Oxford Road as lies between a point 205 feet or thereabouts south of the junction of that road with Wellesley Road and a point 356 feet or thereabouts south of the said junction.

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