



CHAPTER ccii.

An Act to confer further powers on the London County Council with respect to their existing subways. A.D. 1893.

[24th August 1893.]

WHEREAS subways under certain streets in the Administrative County of London have been constructed by the London County Council or the Metropolitan Board of Works and are now vested in the London County Council And it is expedient to make provisions to secure the more effectual use of such subways so as to limit the breaking-up or interference with the streets and that further powers with respect to such subways should be conferred upon the Council as in this Act set forth :

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

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

1. This Act may be cited for all purposes as the London County Council (Subways) Act 1893. Short title.

2. In this Act—

The expression "the Council" means the London County Council ;

The expression "the county" means the administrative county of London ;

The expression "the company" means and includes any company body or person having any power of opening or breaking up a street in the county for laying any pipe or wire except the Commissioners of Sewers of the City of London and a vestry or district board of works constituted and acting under the

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Metropolis Management Act 1855 and the Acts amending the same ;

The expression "subway" means an arched passage or covered way existing at the passing of this Act and belonging to the Council under the surface of a street which passage or way is adapted for the reception of and affording convenient access to pipes and wires placed therein ;

The expression "street" has the meaning assigned thereto in the Metropolis Management Act 1855 and the Metropolis Management Act 1862 ;

The expression "pipe" includes any pipe main valve tube or channel which may be laid in or under any street by the Company ;

The expression "wire" includes any wire conductor or cable and any attachment thereto or covering or protection thereof any part of which is placed or may be placed under any street or any part of any street by the Company ;

The expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

Removal of
pipes and
wires into
subway.

3. The company (without the consent of the Council) shall not in a street where there is a subway interfere with the surface of the street for the purpose of laying or renewing a pipe other than a communication or supply pipe unless they shall have given seven days' notice in writing to the Council of their intention so to do And the Council may at any time within the said period of seven days by notice under the hand of their engineer require the company to lay such pipe in such subway.

Where the Council have a subway in any street it shall be lawful for the Council at any time by notice in writing to require the company to remove into such subway any then existing pipes or wires of the company in the street for the reception of which such subway shall be convenient Provided that where pipes for the supply of water or gas are required to be removed provision shall be made for the continuance of the supply during such removal unless with the consent of the person entitled to the supply.

The reasonable cost of such removal (including the cost involved in removing or altering communications between the pipe or wire removed and any house or building and the cost of providing for the continuance of any supply of water or gas during such removal) shall be defrayed by the Council and if any difference arise as to the reasonable amount of such cost the same shall be settled by an arbitrator.

If default be made by the company in the removal of any such pipe or wire the Council whether having the control or management of the surface and soil of the street or not may if they think fit take up the pipe or wire in respect of which default is made and may remove the same into the subway and if it be necessary for the purpose of such removal to substitute new pipes for any existing pipes in the street the arbitrator may apportion the cost of such substitution between the Council and the company if he considers the company derive any benefit from the substitution. A.D. 1893.

4. If under the powers of this Act the Council cause any pipe or wire to be removed into any part of any subway over or near to the Metropolitan District Railway they shall not cause such pipe or wire to be placed in the subway in such a manner and position as may have the effect of disturbing or interfering with the action of any electric circuits from time to time used or intended to be used on or in connection with that railway for the purposes of telegraphic or telephonic communication or for electric signalling. As to removal of pipes or wires into subway under this Act.

The Council shall be responsible for and make good to the Metropolitan District Railway Company all costs losses damages and expenses which may be occasioned to the said railway company in consequence of any works or proceedings of the Council or the construction use breakage leakage or failure of any pipes or wires for the time being placed in the subway caused by the Council or their officers servants or workmen and shall effectually indemnify and hold harmless the said railway company from all claims and demands upon or against them by reason of such works or proceedings or such construction use breakage leakage or failure.

5. It shall be lawful for the Council to make on the company using any subway a charge for the use of the subway and the supervision of such subway and the pipes and wires therein according to a scale to be determined as herein-after provided and until such scale is so determined the amount of such charge (if not agreed between the Council and the company using the subway) shall be determined by an arbitrator. Provided that in the determination of such scale or of the amount of any such charge in the case of any water or gas company having statutory powers to break up streets regard shall be had only to such saving (if any) as may result to such company by reason of the pipe being laid and accessible in a subway instead of being laid or remaining under a street and to any other saving resulting to such company by reason of the subway and to the cost of management and supervision of the subway and the pipes therein. Charge for use of subway.

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Cesser of
powers to
break up
streets.

6. Where the Council have a subway in any street and so long as any such subway shall continue adapted for the reception of pipes and wires all power of the company for breaking up or interfering with the surface of the street beneath which the subway is made shall cease and determine except so far as may be necessary for any of the following purposes:—

- (A.) For removing pipes or wires into the subway;
- (B.) For laying pipes and wires across the street from intersecting or side streets in which no subways exist or in connection with valves works or appliances which for the purpose of regulating mains laid in subways may be brought to the surface of the street;
- (C.) For obtaining access to pipes or wires already laid or placed in the street but which the Council shall not have required the company to move into a subway;
- (D.) For forming connections between any pipes or wires in the subway and any house or building in the street or any public lamps so far as such connections cannot be formed through openings in the subway:

Any difference which may arise between the Council and the company under this section shall be referred to an arbitrator.

Maintenance
of pipes and
subway.

7. Every pipe and wire placed in any subway shall be maintained and kept in proper condition and repair by and at the expense of the company to whom it belongs under the supervision of the officer to be appointed for that purpose by the Council. If the company fail at any time to keep any such pipe or wire in proper condition and repair it shall be lawful for the Council to place the same in proper condition and repair and execute any works which may be necessary for that purpose and the amount of any costs and expenses to which the Council may be put in connection with any such work shall be repaid on demand by the company to whom the pipe or wire belongs and in default of such payment may be recovered by the Council in a summary way. Every subway shall be maintained and kept in proper condition and repair by the Council with efficient means of ventilation and free from water and other obstructions in the way of the company.

Superin-
tendent of
subways and
other officers.

8. It shall be lawful for the Council to appoint and employ a superintendent of subways and such other officers and servants as they may find requisite for any of the purposes of this Act relative to subways.

Connections
of wires in
subway with

9. Where the company is required under the powers of this Act to remove any wire or any part of a wire into a subway it

shall be lawful for the company to open up any portion of street for the purpose of conveniently passing such wire into and out of the subway and of connecting it with any other wire of the company : A.D. 1893.
overground
wires.

But any such interference shall be effected only in such manner and subject to and in accordance with such terms and conditions as in default of agreement between the company and the authority in whom the control of the street is vested shall be determined by an arbitrator who shall be appointed by the Board of Trade on the application of such authority or the company to whom the question refers.

10. The Council may from time to time make vary and enforce Bye-laws. bye-laws with respect to any of the following matters :—

The position and manner in which pipes and wires shall be placed in subways and the method in which they shall be brought into and taken out of subways ;

The manner in which any repairs or alterations in any such pipes and wires may be made ;

The control and regulation of persons resorting to any such subway and of all persons fixing or altering any pipe or wire therein ;

The access to subways by officers and servants of the company and other persons ;

The prohibition of any interference with any means of access to any subway ;

The preparation deposit and correction of maps plans and particulars of existing and intended pipes and wires ;

The materials and method to be employed in placing insulating and protecting wires in subways ;

And generally as to matters connected with the use of subways :

And the Council may by such bye-laws fix and determine the scale of fees and charges to be paid by any company or person using any subway and the conditions to which any such company and person or persons employed by them and using the subways shall be subject and they may also by such bye-laws fix and determine the penalties to be imposed on the Company or any person failing to comply with any of the provisions of this Act and the continuing penalties to be imposed in the event of any such offence being continued :

Provided that no such bye-laws shall have any force or effect until they shall have been approved by the Board of Trade who may prescribe what notices of the intended bye-laws should be

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Act, 1893.

A.D. 1893. given prior to their being taken into consideration and provided that before any such bye-laws are proposed to the Board of Trade for confirmation notice thereof with copies of the intended bye-laws shall be given to the Postmaster-General.

No bye-laws to come into operation until allowed by the Board of Trade. 11. No bye-laws made under the authority of this Act shall come into operation until the same be allowed by the Board of Trade and twenty-one days' notice of the intention to apply to the Board of Trade for the allowance of such bye-laws shall be given to the company and the Board of Trade may allow, disallow, or alter any such bye-laws as they think proper.

As to liability for accidents. 12. Nothing in this Act or in any bye-law made under this Act or any compliance with any of the provisions of this Act or of any such bye-law shall relieve the company from any liability to which they would be otherwise subject:

Provided that (without prejudice to any liability of the company) the Council shall pay and effectually indemnify the company against all claims demands damages and penalties to which the company may become liable in respect of any injury or damage caused by or consequent upon any act or operation of the company their officers or servants which act or operation is done to comply with any requisition of the Council under this Act or any bye-law made under this Act and is done with due and reasonable care and without negligence or default and also (in respect of any act or operation so done) against all damage which the company may sustain by reason or in consequence of any injury to any pipe or wire caused by or resulting from compliance with any requisition of the Council or with any bye-law under this Act and against any costs charges and expenses properly incurred by the company or for which the Company may become liable in reference to any such claims demands damages or penalties as aforesaid.

Cases of emergency. 13. Notwithstanding anything in this Act the company subject to and in accordance with the terms and conditions of their existing Acts may in any case of emergency and in order to repair remedy or prevent any accident open up any street in which any existing pipe or wire is laid Provided they shall as soon as possible serve on the Council notice of their proceeding to open up the street and specifying the purpose for which such opening is required.

Questions between Council 14. If any question shall arise between the Council and the company as to whether any subway is adapted for the reception

of pipes or wires or affords convenient access to pipes or wires or as to the position or manner (where not prescribed by any bye-law) in which any pipe or wire shall be required to be laid such question shall be referred to the determination of an arbitrator. A.D. 1893.
and company
referred to
arbitration.

15. Where under the provisions of this Act any matter is referred to "an arbitrator" the reference shall be to an arbitrator who shall be appointed by the Board of Trade on the application of the Council or the company to whom the question refers and the Arbitration Act 1889 shall apply to the arbitrator and procedure before him. Arbitrator.

16. No writ shall be issued against and no proceeding shall be instituted against the Council or any officer or person acting under their authority in reference to this Act except after such notice and subject to such conditions as are specified in section 106 of the Metropolis Management Act 1862 which section shall be deemed to be incorporated with this Act. Notice of
action to be
given to the
Council.

17. Every sum of money required by this Act to be paid to the Council and every penalty imposed by this Act or by any bye-law made in pursuance thereof may be recovered by the Council in a summary way. Recovery of
penalties.

18. All penalties which may be recovered under this Act or any of the bye-laws made by the Council under the powers of this Act shall notwithstanding anything contained in an Act made and passed in the session holden in the second and third year of the reign of Her present Majesty chapter seventy-one or in any other Act or Acts to the contrary be paid to the Council and may be carried by them to the credit of the county fund. Penalties
under
bye-laws to
be paid to
Council.

19. The production of a copy of a bye-law made by the Council under this Act if authenticated by the corporate seal shall until the contrary is proved be sufficient evidence of the due making and existence of the bye-law and of the bye-law having been approved by the Board of Trade. Evidence of
bye-laws.

20. Nothing in this Act shall be deemed to relieve the company from any obligation to which they are subject at the passing of this Act to give notice to any person or authority before commencing to open or interfere with any street. Company's
obligation to
give notice
not to be
affected.

21. The company shall not under the powers of this Act or any bye-law made under this Act be required to place any wire in any manner which shall be inconsistent with any regulation or condition Wires not
to be
inconsistent
with regula-

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Notice to Postmaster-General. **22.** With regard to subways which the Postmaster-General is entitled to use under the Telegraph Act 1878 the company shall not under the powers of this Act or any bye-law or regulation made under this Act be required to place or maintain any pipe or wire in any subway in which any telegraphic line of the Postmaster-General for the time being is placed until the Council shall have given notice in writing to the Postmaster-General describing the pipe or wire proposed to be placed in the subway and the position and manner in which the pipe or wire is proposed to be laid and used or worked and if within fourteen days after the service of such notice the Postmaster-General shall in writing object thereto on the ground that the placing or using or working of the pipe or wire in the position or manner proposed would injuriously affect such telegraphic line the company shall not be required so to place such pipe or wire unless or until the objection is withdrawn.

For protection of Postmaster-General. **23.** Nothing in this Act or in any bye-law or regulation made under this Act shall apply (except by way of protection) to the Postmaster-General or to any telegraphic line belonging to or used by the Postmaster-General or to any support or attachment thereof and nothing in this Act or in any such bye-law or regulation shall be deemed to take away abridge or prejudicially affect any right or privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1889 or any of them or enjoyed or exercisable by the Postmaster-General Provided that persons resorting to any subway by the authority of the Postmaster-General shall be subject to the bye-laws to be made under this Act with respect to the control and regulation of persons resorting to the subways and the prohibition of any interference with any means of access to any subway.

Nothing in this Act shall be deemed to confer on the Postmaster-General any greater power of using any subway of the Council than he has at the date of this Act.

Act not to apply to any pipe or wire authorised to **24.** This Act shall not apply to any pipe or wire authorised to be laid or placed by any Provisional Order or licence under the

Electric Lighting Acts 1882 and 1888 or under any special Act incorporating the said Acts or (in respect of such wires) to any company authorised to lay or place the same.

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—
be laid under
Electric
Lighting
Acts.

25. Nothing in this Act contained shall be deemed to authorise the Council to confer any powers of placing wires for electric lighting purposes in any subway on any company body or person not authorised so to place such wires by a special Act Provisional Order or licence under the provisions of the Electric Lighting Acts 1882 and 1888.

Not to
authorise
placing
unauthorised
wires in
subways.

26. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner.

As to pay-
ments under
this Act.

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