

**CHAPTER cclviii.**

An Act to extend the time for the compulsory purchase of lands for and completion of the railways and works authorised by the North West London Railway Act 1899 and for other purposes. [18th November 1902.] A.D. 1902.

WHEREAS by the North West London Railway Act 1899 (herein-after called "the Act of 1899") the North West London Railway Company (herein-after called "the Company") were incorporated and were authorised to construct the railways and other works in that Act more particularly described :

And whereas by the Act of 1899 the periods respectively limited for the compulsory purchase of lands for the purposes of and for the completion of the railways and works authorised by that Act were respectively limited to three years and five years from the date of the passing of that Act which received the Royal Assent on the ninth day of August one thousand eight hundred and ninety-nine :

And whereas it is expedient that the periods respectively limited as aforesaid for the compulsory purchase of lands and completion of the railways and works authorised as aforesaid should be extended :

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

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

1. This Act may be cited as the North West London Railway Act 1902. Short title.

2. The provisions of Part II. (relating to extension of time) of the Railways Clauses Act 1863 are so far as applicable and not

A.D. 1902.

Railways
Clauses Act
1863.

Definition.

Extending
period for
compulsory
purchase of
lands.

Restriction
on taking
houses of
labouring
class.

expressly varied by this Act incorporated with and form part of this Act.

3. In this Act the expression "the council" means the London County Council.

4. The powers of the Company under the Act of 1899 for the compulsory purchase or user of lands for the purposes of the railways and works authorised by that Act are hereby revived and extended and may be exercised at any time within but shall not be exercised after the expiration of three years from the ninth day of August one thousand nine hundred and two.

5. Section 69 of the Act of 1899 is hereby repealed and the Company shall not under the powers of that Act as extended by this Act purchase acquire or appropriate in any metropolitan borough twenty or more houses or sites of houses or in any other city borough or other urban district or in any parish not being within the administrative county of London or any city borough or other urban district ten or more houses which on the fifteenth day of December next before the passing of the Act of 1899 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent in the case of the said county of London of the Secretary of State for the Home Department and in any other case of the Local Government Board twenty or more or (as the case may be) ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

Provided that the provisions of this section shall not apply to any house or site shown on the deposited plans unless the Company acquire such house or site and not an easement merely.

If the Company purchase acquire or appropriate any house or site under the powers of the Act of 1899 as extended by this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house or site which penalty shall be recoverable by the said Secretary of State or the Local Government Board as the case may be by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the word "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not

working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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6. The period limited by the Act of 1899 for the completion of the railways and works authorised by that Act is hereby extended to three years from the ninth day of August one thousand nine hundred and four and that period shall for all purposes be deemed to be the period originally limited for the completion of the said railways and works and if the same be not then completed then upon the expiration of that period the powers granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Extending
period for
completion
of railways.

7. The Company shall from time to time submit for the approval of the Board of Trade plans sections and other details of their proposals with respect to—

Plans &c. to
be approved
by Board of
Trade before
works com-
menced.

- (A) Permanent way tunnels platforms stairs lifts and other communications;
- (B) Rolling stock;
- (C) Lighting; and
- (D) Ventilation;

and the railways authorised by the Act of 1899 rolling stock and other works shall be constructed reconstructed and maintained only in accordance with plans sections and other details as approved by the Board of Trade.

8.—(1) In addition to the provisions of the Acts incorporated herewith or with the Act of 1899 with respect to compensation for lands taken or injuriously affected the Company shall make compensation to the owner lessee and occupier of any land house or building which shall be injuriously affected by reason of the working of the railways authorised by that Act where constructed in tunnel (including the working of lifts and any other works in connexion with such railways) notwithstanding that no part of the property of such owner lessee or occupier is taken by the Company Provided that all claims for compensation under this section shall be made within two years from the date of the opening of such railways for public traffic and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the

Compensa-
tion for
damage by
working.

A.D. 1902. Board of Trade shall have the powers of the court or judge under section 5 of that Act.

(2) An arbitrator under this section may with the consent of all parties concerned hear together any class or group of claims under this section.

For protec-
tion of
Postmaster-
General.

9. The following provisions shall have effect in lieu of the provisions contained in section 23 of the Act of 1899 which section is hereby repealed :—

(1) The company shall so construct their electric lines and works of all descriptions and shall so work their undertaking in all respects as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines :

(2) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

(3) If a telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company be injuriously affected and he is unable to ascertain whether such injurious affection is caused by the Company or by any other persons generating or using electric currents for traction purposes the Postmaster-General may give notice to the Company requiring them to make at such times as he may specify such experiments (by working their generating stations running their cars or otherwise working any part of their undertaking or in case of continuous working by stopping the current generated for the purpose of their undertaking at such times as would not unduly interfere with the traffic) as he may deem necessary to enable him to discover which of the

undertakings causes the disturbance and such tests shall be carried out by the Company as and when required by the Postmaster-General : A.D. 1902.

- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) This section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the railway :
- (6) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878 :
- (7) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

10. Section 7 of the Act of 1899 shall be read and construed as if the words "thirteen feet" had been inserted in subsection (2) (d) thereof instead of the words "twelve feet and six inches." Amending
Act of 1899.

11. The following provisions shall apply and have effect within the county of London in lieu of the provisions of section 58 of the Act of 1899 affecting that county namely :— Buildings
not to be
brought
beyond
general line
&c.

Notwithstanding anything contained in this Act or in the Act of 1899 or shown on the deposited plans in the last-mentioned Act referred to it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the county of London or without the consent of the council as regards any such street or footway to erect or maintain any building or structure beyond the general line of building in any street part of a street place or row of houses in the county of London or to erect any building or structure in such manner that any external wall thereof above the surface of the ground or the external fence or boundary of any forecourt or space in front thereof shall be within the prescribed distance (as defined by the London Building Act 1894) from the centre of the roadway of any street or way (being a highway) upon which the same will abut.

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Application
of London
Building
Acts.

12. The provisions of the London Building Act 1894 and any Act or Acts amending the same shall except so far as the same may be expressly varied by this Act or the Act of 1899 apply to the execution by the Company of any works on any lands in the county and the Company shall save as aforesaid be entitled to the benefit of any special exemptions in favour of railway companies in the said London Building Act contained but no such exemptions shall be deemed to apply to any building which shall be used or intended to be used partly as a station and partly for domestic or other purposes.

Map and
plan of
underground
works of
Company to
be made.

13. The Company shall from time to time within six months from the time at which any underground stations platforms approaches passages subways tunnels sidings shafts lifts stairs or other underground works shall have been laid down or formed by them cause a survey and map to be made of the route along which any such underground works shall be laid on a scale of not less than five feet to a mile and shall cause to be marked thereon the course and situation of all such existing underground works belonging to them in order to show all such underground works along the said route and their situation relatively to any streets or roads on the surface over near or adjacent to the same and shall within six months of the making of any alterations or additions cause the said map to be from time to time corrected and such additions made thereto as may show the line and situation of all such underground works as may be laid down or formed by them from time to time after the passing of this Act and such map and plan or a copy thereof with the date thereon of the last time when the same shall have been so corrected as aforesaid shall be kept in the office of the Company and shall be open to the inspection of the council who shall be entitled to be supplied with a copy thereof or extracts therefrom.

Conditions to
be observed
in opening
road for
boring pur-
poses.

14. The following provisions shall apply and have effect within the county of London in lieu of the provisions of section 54 of the Act of 1899 affecting that county namely :—

- (1) At least fourteen clear days before commencing any vertical borings from the surface of any part of any street in the county of London the Company shall serve notice in writing of their intention to commence the same on the engineer of the council and such notice shall describe the place or places at which such borings are intended to be made and if within fourteen days after the service of such notice any objection

is made by the engineer of the council the matter shall unless otherwise agreed between them be determined by arbitration before the boring is commenced but if no such objection is made the said borings may be proceeded with:

A.D. 1902.

- (2) The Company shall furnish to the council information as to the strata traversed in any boring for the purposes of the works authorised by the Act of 1899 within the county of London.

15. The Company shall not erect or permit to be erected in connexion with any part of the works authorised by the Act of 1899 in or within twenty feet above the surface and in view of any public street in the county of London any machinery which shall not be effectively screened from view and if the Company shall erect any such machinery in contravention of the foregoing provisions of this section they shall upon being required by the council so to do forthwith make such alterations therein as the council may prescribe or effectively screen such machinery from view and if the Company shall neglect or omit so to do the council and their authorised officers may remove such machinery or any part thereof and recover from the Company the costs charges and expenses incurred in so doing.

Machinery to be screened.

16. The Company shall not open or make any ventilators air-shafts or other similar openings in any roadway or footway.

No ventilators to be made in streets.

17. If the Company shall construct any work not being an essential part of the railways authorised by the Act of 1899 which would interfere with or prevent the construction or use of any subway or tunnel which the council are or may hereafter be authorised and intending to construct the Company shall upon being so required by the council and at the expense of the council make all such alterations in such work as may in the opinion of the council be necessary for the purpose of such subway or tunnel and as would not prevent the use of or reasonable access to the said railways.

For protection of future subways of council.

18. Unless within two years from the passing of this Act the undertaking has been substantially commenced the Board of Trade may on the application of the council and after hearing the Company order that the powers of the Company as extended by this Act shall cease and such powers shall in accordance with such order cease.

Powers to cease unless undertaking substantially commenced.

A.D. 1902.

Trains and cheap fares for labouring classes.

19. Section 82 of the Act of 1899 shall be read as if the following words had been inserted at the end of subsection (3) of such section (that is to say) "the Company shall also issue such tickets to employers of workmen for the use of such workmen and shall also issue such tickets to such workmen on the day previous to that on which such tickets are made available."

Communication with lines of other companies.

20.—(1) The Company shall construct stations at or near the points at which the railways authorised by the Act of 1899 cross or pass near to any station on the railways of the Baker Street and Waterloo Railway Company and of the London and North Western Railway Company at Kilburn the Hampstead Junction Railway Company at Brondesbury and the Central London Railway Company at the Marble Arch.

(2) The Company shall if practicable within the limits of deviation shown on the deposited plans referred to in the Act of 1899 construct and provide in connexion with such stations all necessary and convenient stairs lifts subways passages communications works and conveniences for the purpose of enabling passengers to pass from or to such stations to or from the railways of the said companies provided that proper arrangements can be made with such companies for effecting such communications between their railways and the railways authorised by the Act of 1899 and for the apportionment of the expense thereof.

Through bookings.

21. The Company shall use their best endeavours to enter into and carry into effect agreements with the respective companies with whose railways they shall have effected communication for the issuing to and use by passengers of tickets entitling the holder to travel between any station of the Company and any station of such other companies respectively.

Company not to increase fares on bank holidays &c.

22. It shall not be lawful for the Company to take or demand on Sunday or on any bank or public holiday any higher rates or charges than those levied or made by them on ordinary working days.

Company to pay to council costs of inspection &c. and keep council indemnified.

23. The Company shall on demand pay to the council the amount of all costs charges and expenses (other than remuneration for work done in the ordinary course of their employment by salaried officers of the council) incurred by them in or about the inspection and approval of plans or works or otherwise in respect of any matter or thing which the council are by the Act of 1899 required or permitted to do.

24. Where under the provisions of the Act of 1899 any notice plans sections elevations or drawings are required to be given or submitted to the council the same shall save where otherwise expressly required be deemed to have been duly given or submitted if the same shall have been sent by post addressed to the clerk to the council.

A.D. 1902.
As to sub-
mission of
notices &c.

25. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or the rates for small parcels authorised by any Act relating to the Company.

Provision as
to general
Railway
Acts.

26. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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