



CHAPTER ci.

An Act for empowering the City and South London Railway Company to extend their railway and to confer further financial and other powers on the Company to confer powers on the London Electric Railway Company the Metropolitan District Railway Company and the Central London Railway Company and for other purposes. A.D. 1923.
[2nd August 1923.]

WHEREAS the City and South London Railway Company (in this Act called "the Company") by virtue of the City and South London Railway Acts 1884 to 1919 own and work an underground railway known as the City and South London Railway and extending from Euston Station to Clapham Common in the administrative county of London :

And whereas it is expedient that the Company should be authorised to extend their railway from its present termination at Clapham Common to the urban district of Merton and Morden in the county of Surrey :

And whereas the following is a statement of the capital which the Company are authorised to issue and have issued under the powers in that behalf conferred upon the Company by the City and South London Railway Acts 1884 to 1919 and the London Electric

[Ch. ci.]

*City and South London [13 & 14 GEO. 5.]
Railway Act, 1923.*

A.D. 1923. and City and South London Railway Companies Act
1922 :—

CAPITAL.

Description.	Total Authorised.	Total Issued and Paid up.
	£	£
Consolidated ordinary stock - - -	2,080,000	1,480,000
Five per centum preference stock - -	1,400,000	850,000
Four per centum debenture stock - -	1,118,000	1,093,829
Second debenture stock - - -	2,750,000	2,750,000

And whereas it is expedient that the existing capital powers of the Company should be amended and that further capital powers should be conferred upon the Company :

And whereas it is expedient that the powers in this Act hereinafter contained should be conferred upon the Company the London Electric Railway Company the Metropolitan District Railway Company and the Central London Railway Company and that such other provision should be made as is in this Act hereinafter contained :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of London and Surrey and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes of this Act cannot be attained 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 City and South London Railway Act 1923 and the City and South London

Short and
collective
titles.

Railway Acts 1884 to 1919 and the London Electric Metropolitan District City and South London and Central London Railway Companies (Fares &c.) Act 1920 and the London Electric and City and South London Railway Act 1922 and this Act may be cited together as the City and South London Railway Acts 1884 to 1923. A.D. 1923

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):— Incorporation of general Acts.

The Lands Clauses Acts :

Provided that notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon by the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party :

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the following matters or contained in the following sections thereof (that is to say)—

The construction of the railway and the works connected therewith ;

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

The regulation and use of the railway ;

The settlement of disputes by arbitration ;

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

The recovery of damages not specifically provided for and of penalties and the determination of any other matter referred to justices :

Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 ; and

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The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say)—

The borrowing of money on mortgage or bond;

The conversion of the borrowed money into capital;

The application of capital;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested; and

Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

Interpreta-
tion.

3. In this Act unless there be something in the context repugnant to the construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And

“The Company” means the City and South London Railway Company;

“The London Company” means the London Electric Railway Company;

“The Central Company” means the Central London Railway Company;

“The District Company” means the Metropolitan District Railway Company;

“The London Council” means the London County Council;

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

“The parish clerks” and “clerks of the several parishes” in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the county of London mean the town clerks of the metropolitan boroughs;

“The Act of 1903” means the City and South London Railway Act 1903;

“The Act of 1913” means the City and South London Railway Act 1913;

“ The Act of 1919 ” means the City and South London Railway Act 1919; A.D 1923

“ The Act of 1922 ” means the London Electric and City and South London Railway Companies Act 1922;

“ The railway ” or “ the railways ” means the railway by this Act authorised;

“ The underground railway ” means so much of the railway or railways as shall be constructed underground;

“ Shareholder ” includes stockholder.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway and works hereinafter described with all necessary and proper stations platforms approaches stairs passages subways tunnels sidings shafts lifts escalators stagings buildings apparatus plant depôts lay-byes machinery appliances and works and conveniences connected therewith or incidental thereto and may subject as aforesaid enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes and in connection with the said railway and works the Company may construct and maintain entrances steps lifts shafts passages inclines and other approaches and conveniences connecting the said railway and works with the surface of the pavements or carriageways adjoining the same or with the platforms of stations : Power to construct works.

Provided always that nothing in this Act shall authorise the Company except for the purpose of making trial borings or of constructing and maintaining with consent of the road authority in any part of any public street or road entrances and approaches to and exits from the railway and except as provided by the section of this Act of which the marginal note is “ Restrictions on breaking up commons and streets ” to enter upon take use or otherwise interfere with the surface of any common or commonable lands or of any public street or road but (subject as aforesaid) the Company may enter upon take use and appropriate the subsoil and under-surface of any common or commonable lands or of any public street road footway or place shown on the deposited

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plans and described in the deposited book of reference or so much thereof as shall be necessary for the purposes of this Act without being required to purchase the same or any easement therein or thereunder or to make any payment therefor.

Description
of railways.

5. The railway and other works hereinbefore referred to and authorised by this Act will be situate in the county of London and in the county of Surrey and are :—

A railway (5 miles 1 furlong and 5 chains or thereabouts in length) part whereof will be underground commencing in the metropolitan borough of Wandsworth by a junction with the existing railway of the Company under Clapham Common South Side at a point 120 yards or thereabouts south-west of its junction with High Street and Clapham Park Road and terminating in the urban district of Merton and Morden at a point 50 yards or thereabouts measured in a southerly direction from the junction of the London and Epsom Road and Crown Lane.

General
provisions
as to mode
of con-
struction.

6.—(1) The underground railway shall except as hereinafter provided be constructed in accordance with the provisions of this section and shall be approached either by means of stairs inclines subways electric or other lifts or escalators.

(2) (a) The tunnels of which the underground railway consists (including those for the stations) shall be constructed by means of steel or other sufficient metal shields driven forward or onward by hydraulic or other pressure as the work proceeds such shields being of sufficient length to protect the whole of the soil for a reasonable distance both in front of and behind the working faces but this provision shall not apply to the tunnels at junctions. All such tunnels shall be lined throughout with iron or other sufficient metal plates properly jointed throughout or with other suitable materials.

(b) Every permanent shaft shall be constructed either by underpinning or by sinking and either of brick concrete iron or other equally substantial and durable material.

(c) The station tunnels of the underground railway shall not have an internal diameter exceeding thirty feet

and the tunnels thereof between the stations shall not (except where necessary for adjustment at curves) have an internal diameter exceeding thirteen feet and the internal diameter of the shafts shall not exceed forty feet. Provided always that where necessary or expedient for the purposes of junctions and crossovers the underground railway may be constructed in a single tunnel having an internal diameter not exceeding forty feet. A.D. 1923.

(3) The Company may make trial borings at such places within the limits of deviation shown on the deposited plans as they shall think fit in order to ascertain by frequent examinations the nature of the soil. Provided always that any such borings made by the Company in any street shall be subject to such reasonable restrictions as to surface borings as the authority having the maintenance of that street may impose.

(4) Any space between the lining of the tunnels (including stations) of the underground railway and the surrounding soil shall be properly filled up with lime or cement grouting placed therein under pressure.

(5) If water is found to be present in the works on the railway in such quantity as to necessitate the employment of compressed air the Company shall immediately stop all excavating work at the point where the same is so found and the further driving of the tunnels at the working faces at that point until the Company have provided air-compressing machinery which will produce such a pressure of air as will prevent the inflow of any sand water gravel or soil and such machinery shall be maintained in full working order and the work at such working faces shall be carried on under compressed air as long as may be necessary.

(6) Except in the case of unforeseen accident or for the purpose of removing rain water or other trifling amounts of water no use shall be made of pumping or other modes of removing water from the works by this Act authorised.

7. In the execution of the works by this Act authorised but subject to the provisions of this Act the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown thereon. Provided always that nothing in this section contained shall authorise the Power to deviate laterally.

A.D. 1923. — Company to deviate from the said lines so that any part of the works shall extend under the front wall (above the street level) of any house or building abutting upon any street under and along which the railway or works are constructed unless such house or building shall have been purchased by the Company or the consent in writing of the owners, lessees and occupiers thereof shall have been first obtained but this proviso shall not apply in any case where the Company shall acquire an easement or right of using the subsoil.

Power to deviate vertically.

8. In the execution of the works by this Act authorised but subject to the provisions of this Act the Company may deviate vertically from the levels thereof marked on the deposited sections to such an extent as may be found necessary or convenient. Provided always that the underground railway shall not be constructed within twenty feet measured from the crown of the tunnel to the surface of any public street or road except in accordance with plans and sections previously submitted to and approved by the road authority whose approval shall not be unreasonably withheld:

Provided also that the Company shall not construct the underground railway beneath any lands of the London Council at any higher levels than those shown on the deposited sections except in accordance with plans and sections submitted to and reasonably approved by the London Council.

Restrictions on breaking up commons and streets.

9.—(1) Except as is by the section of this Act of which the marginal note is "Power to construct works" and except as is hereinafter in this Act provided the Company shall not break up or disturb the surface of any common or commonable lands or any street or road for the purpose of constructing the underground railway nor open or make any ventilators air shafts or other similar openings in any common or commonable lands or any roadway or footway but nothing herein contained shall restrict the right of the Company to the use of streets or roads for purposes of ordinary traffic or of access to or in connection with any of their lands or buildings or take away or diminish any rights which they would have as owners or occupiers of lands or buildings abutting upon any street or road.

(2) Subject to the provisions of this Act the Company for the purpose of constructing and maintaining

the underground railway and stations lifts escalators approaches and other works and conveniences connected therewith may enter upon and open up temporarily the surface of the ground of and the roadways and footways in the following streets and places (that is to say):—

In the metropolitan borough of Wandsworth—

Clapham Common Clapham Common South Side Long Road and the short road (unnamed) leading to the Pavement at or near the junction of those roads;

Clapham Common Clapham Common South Side Balham Hill and Nightingale Lane at or near the junction of those roads;

Balham High Road Chestnut Grove Station Road and Oakmead Road at or near the junction of those roads;

Balham High Road Upper Tooting Road Tooting Bec Road Trinity Road Stapleton Road Dafforne Road and Foulser Road at or near the junction of those roads;

Tooting High Street Defoe Road Mitcham Road and Broadway at or near the junction of those roads:

In the metropolitan borough of Battersea—

Nightingale Lane:

In the urban district of Mitcham—

High Street Colliers Wood Cavendish Road Christchurch Road and the road leading from High Street Colliers Wood and opposite Christchurch Road at or near the junction of those roads:

In the borough of Wimbledon—

High Street Merton Merton Road and Kingston Road at or near the junction of those roads:

In the urban district of Merton and Morden—

High Street Merton Kingston Road and Morden Road at or near the junction of those roads;
Dorset Road;

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Private road on the Merton Park Estate leading from Morden Road at the junction of that road with the London and Epsom Road;

The London and Epsom Road and Crown Lane at or near the junction of those roads.

(3) Seven days before breaking up or interfering with any public street within the metropolitan police district under the powers of this section the Company shall serve notice in writing on the Commissioner of Police of the Metropolis and make such arrangements with him as may be necessary so as to cause as little interference with traffic as may be reasonably possible.

Use of
sewers for
removing
water.

10.—(1) The Company may subject to the provisions of this Act use for the discharge of any water pumped or found by them during the construction of the works by this Act authorised any available stream or watercourse or any sewer or drain of the London Council or the Surrey County Council or the council of any metropolitan borough or the local authority of any district in the county of Surrey through which the said works may pass and for that purpose may lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain within the limits of deviation shown on the deposited plans :

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

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

(2) Nothing contained in this section shall prejudice or affect the powers of the Port of London Authority under sections 226 to 239 inclusive of the Port of London (Consolidation) Act 1920.

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11. Notwithstanding anything contained in this Act the Company shall for the purpose of constructing the railway and works and conveniences connected therewith be at liberty to make temporary shafts or openings in the surface of the following common or commonable lands so far as the same are included within the limits of deviation shown on the deposited plans and for such purpose they may enclose temporarily the areas thereof next hereinafter mentioned in connection therewith (that is to say) :—

As to common lands.

Name by which Land is known.	Parish in which situate.	Area to be temporarily enclosed.		
		A.	R.	P.
Clapham Common -	Wandsworth Borough-	0	3	0
Ditto - -	St. Mary Battersea -	0	0	16

Provided always that the Company shall restore the surface of any part of the said common or commonable lands in which they may make shafts or openings under the provisions of this subsection to its original condition as soon as it is reasonably practicable and to the satisfaction of the London Council.

12. The Company shall in respect of the underground railway from time to time submit for the approval of the Minister of Transport plans sections and other details of their proposals with respect to (A) permanent way tunnels platforms stairs lifts and other communications (B) rolling stock (C) lighting and (D) ventilation and the railway rolling stock and other works shall be constructed reconstructed and maintained only in accordance with plans sections and other details as approved by the Minister of Transport.

Plans &c. to be approved by Minister of Transport before works commenced.

13. The Company may during the construction of the works by this Act authorised or of any works incidental or ancillary thereto wholly or partially stop or suspend the working or user of their railway or any

As to cesser of working.

A.D. 1923. — portion thereof without being subject to any liability penalty or forfeiture by reason or in consequence of any such stoppage or suspension.

Period for completion of works.

14. If the works by this Act authorised are not constructed within five years from the passing of this Act then on the expiration of that period the powers of this Act granted to the Company for constructing the same shall cease except as to so much thereof as is then constructed.

Imposing penalty unless railway opened.

15. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until such railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the uncompleted part of the railway.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854.

Every sum of money received by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Minister of Transport that the Company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

16. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose

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property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof authorised by this Act in respect of which such property has been interfered with or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway in respect of which the penalty has been incurred or any part thereof have been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

17. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding in the whole twenty acres but nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section Any buildings erected on any land in the county of London acquired under this section (except such buildings or parts of buildings as may be used for the purposes of a station) shall be subject to the provisions of the Acts relating to buildings in the metropolis.

Lands for
extra-
ordinary
purposes.

18. The Company and their surveyors solicitors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act

Company
may enter
and survey
lands.

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authorised to be taken and used as aforesaid or any of them or any lands houses and buildings which may be affected by the construction of the railway and works for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Compensation in case of recently altered buildings.

19. In settling any question of disputed purchase money or compensation payable under this Act by the Company the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made after the thirty-first day of October one thousand nine hundred and twenty-two if in the opinion of such court or person the improvement alteration or building in respect of which the claim is made was made with a view to obtaining or increasing compensation nor in the case of any interest in lands created after the said date which in the opinion of such court or person was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid by the Company.

Costs of arbitration in certain cases.

20. The tribunal to which any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving such sufficient particulars and in such sufficient time as aforesaid has been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to

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such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice to the effect of this section.

21. The Company may acquire by agreement and hold for the purposes of their undertaking any interest less than the fee simple in any lands or any interest in any easement under any lands which it is authorised to acquire under the powers of this Act. Company may acquire leasehold and other interests.

22. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

23. All private rights of way over any lands which may be acquired compulsorily under the powers of this Act shall as from the date of the acquisition of such lands be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts as modified by this Act with reference to the taking of lands otherwise than by agreement. Private rights of way over lands taken compulsorily.

24. 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 Company 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 over or affecting any such lands and 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 grants and to such easements rights and privileges as aforesaid respectively. Persons authorised to convey lands may grant easements.

25. With respect to the properties shown on the deposited plans (other than public streets or roads or footways) which are described or referred to in the First Owners may be required to grant easements

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—
only under
certain
properties.

Schedule to this Act notwithstanding anything contained in this Act or the said plans the Company shall not be required to purchase or take the same or any part of the surface thereof but the Company may purchase and take and the owners of and other persons interested in any such property shall sell an easement or right of using the subsoil and undersurface thereof for the purposes of the undertaking of the Company and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of user except that no such easement or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845 and that any question of disputed purchase money or compensation under this section shall be settled by arbitration in manner prescribed by the said Acts as modified by this Act.

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

26. And whereas in the construction of the railways and works authorised by this Act or otherwise in the exercise of the powers of this Act by the Company it may happen that portions only of certain properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the properties described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

Power to
retain sell
&c. lands.

27. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained the Company may sell lease or otherwise dispose of in such manner for such

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consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or buildings or any interest in any lands or buildings acquired or provided by them under this Act and not required for the purposes of their undertaking and may make execute and do any deed act or thing proper for effectuating any such sale lease or other disposition.

28.—(1) In addition to the provisions of the Acts incorporated herewith 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 underground railway (including the working of lifts escalators and any other works in connection with the said railway) 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 for public traffic of that portion of the railway which is alleged to cause such injurious affection 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 Minister of Transport shall have the power of the court or a judge under section 5 of the said Act.

Compensa-
tion for
damage by
working.

(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.

29. The provisions contained in the sections of the Act of 1903 and the Act of 1919 which are mentioned or referred to in the Third Schedule to this Act shall subject to any amendments thereof made by this Act and so far as applicable extend and apply to the underground railway and works authorised by this Act as fully and effectually to all intents and purposes as if those provisions had been expressly re-enacted in this Act with reference thereto and as if the railways and works in these sections mentioned were the railway and works by this Act authorised. Provided always that for the purposes of such application of sections 40 41 42 43 44 45 46 48 55 56 and 57 of the

Application
of provi-
sions of
existing
Acts.

A.D. 1923. Act of 1903 and subsections (2) and (4) of section 23 of the Act of 1919 the expressions "the council" or "the county" therein shall mean the London Council and the county of London and that the provisions of those sections shall only apply to works by this Act authorised which are within the said county. Provided also that for the purposes of such application the expression "the protected companies" in section 72 of the Act of 1903 shall mean and include in addition to the several companies and councils therein mentioned the Metropolitan Water Board and so far as works for the supply of electrical energy are concerned any local authority or company within whose area for the supply of electricity any works by this Act authorised may be constructed and that for such purposes subsection (2) of section 23 of the Act of 1919 shall be read and construed as if after the word "extent" therein there had been inserted the words "and in such position" and as if the words "canopies or shelters" in subsection (4) of that section were "canopies shelters or signs."

For protec-
tion of
Postmaster-
General.

30. In the event of the railways or any part thereof being worked by electricity the following provisions shall have effect in respect of such portions thereof as are constructed in tunnel:—

(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. Provided that this subsection shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along such portions of the railways as are constructed in tunnel:

And the following provisions shall have effect in respect of the remaining portions of the railways:—

(2) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used

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or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

- (3) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (4) Before any electric line is laid down or any act or work for working the railways by electricity is done within thirty yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

And the following provisions shall have effect in respect of the railways whether constructed in tunnel or not :—

- (5) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the

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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 regulations of the Ministry of Transport :

- (6) 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 person 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 purposes 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 experiment shall be carried out by the Company as and when required by the Postmaster-General:
- (7) 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 twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention or non-compliance continues after conviction thereof

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or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof :

- (8) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraphic office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (9) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (10) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (11) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (12) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply to any such arbitration :
- (13) 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.

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For pro-
tection of
London
County
Council.

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

(1) In this section "the signed plans marked A and B" and "the signed plan marked C" mean the plans which are so marked and which have been signed in duplicate by the Right Honourable Earl Beauchamp the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred whereof one copy has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords:

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not under the powers of this Act enter upon take or use any lands of the council:

Provided always that the Company may purchase and take and the council shall at the request of the Company sell and grant to the Company such easements or rights of using so much of the subsoil of the lands of the council numbered on the deposited plans 6B to 6F 6H to 6K 98D and 172 to 175 all inclusive in the metropolitan borough of Wandsworth as may be necessary for the construction maintenance and use of any works by this Act authorised and the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts shall extend to and apply in respect of the acquisition of any such easements or rights:

(3) Nothing in this section shall be deemed to derogate from any powers or rights conferred upon the Company by the section of this Act of which the marginal note is "As to common lands":

(4) (a) If and when the Company acquire any part of the surface of the lands in the metropolitan borough of Wandsworth numbered 58 to 61 82 to 84 87 to 90 113 to 117 all inclusive 124 127 to 132 134 to 141 145 to 148 and 169 to 171 all

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inclusive on the deposited plans or of any part of such lands they shall at their own expense within one year after such acquisition add to so as to increase the present width of Balham High Road Upper Tooting Road Tooting High Street and Tooting Broadway along the whole frontage of the lands so acquired parts of such lands to the extent and for the distance shown by red colour on the signed plan marked C and the lines to which such streets are widened by the addition thereto as aforesaid of the parts of the said lands to be so added as aforesaid shall be deemed to be the lines to which buildings or structures may be erected on any part of the said lands Provided that if and when the Company acquire the said lands numbered 145 to 148 on the deposited plans and add parts of such lands to Tooting High Street as provided by this subsection the Council shall contribute to the cost of such acquisition (after deducting from the same any payment made by the Company in respect of trade compensation or disturbance) an amount which is in the same proportion to such cost as so reduced as the area of the land added to the highway of the street is to the whole area of the land so acquired by the Company;

(b) If and when the Company construct the underground railway or any part thereof they shall acquire the lands in the said metropolitan borough numbered 8 92 and 93 on the deposited plans and they shall at their own expense within one year after such acquisition add to so as to increase the present width of Nightingale Lane Balham Hill and Balham High Road along the whole frontage of the lands so acquired parts of such lands to the extent and for the distance shown by red colour on the signed plans marked A and B but the Company may before adding to Nightingale Lane the part of the said lands numbered 8 on the deposited plans construct wholly or in part on the part of the lands to be so added in a position to be hereafter agreed with the council or determined by arbitration as hereinafter in this section provided and may

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thereafter maintain and use thereon a double entrance to and exit from the railway and the lines to which Nightingale Lane Balham Hill and Balham High Road are widened by the addition thereto as aforesaid of the parts of the said lands to be so added as aforesaid shall be deemed to be the lines to which buildings or structures may be erected on any part of the said lands;

(c) All lands added to the highway of any street under the provisions of this section shall when so added be thereupon deemed to form part of such highway and shall be paved or made up by the council and thereafter maintained repaired cleansed and lighted by the council of the said metropolitan borough;

(d) The Company may before adding any lands to any such highway construct and maintain in such part of the subsoil thereof as the council may approve vaults cellars or other structures together with pavement lights or other means of lighting any such structures of such character as the council may approve but no approval of the council referred to in this subsection shall be unreasonably withheld;

(e) Save as aforesaid nothing in this section shall derogate from the application of section 46 (Application of London Building Acts) of the Act of 1903 as provided by this Act to the underground railway and works authorised by this Act:

(5) Notwithstanding anything contained in this Act the purchase money and compensation to be paid by the Company for making temporary shafts or openings in the surface of or for using or for any easement or right of using the subsoil and undersurface of Clapham Common shall (failing agreement) be determined in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and the council may receive the said purchase money and compensation and give to the Company a good and valid discharge therefor:

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- (6) If the Company construct a station entrance or exit on the lands in the said metropolitan borough numbered 13 on the deposited plans and the land in or upon which such entrance or exit is constructed is thereafter acquired for a street widening they shall if so required by the council reconstruct such entrance or exit at their own expense in a position clear of the carriageway of the street as so widened and reasonably approved by the council:
- (7) Any difference which may arise between the council and the Company under the provisions of this section shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement appointed by the President of the Institution of Civil Engineers on the application of either of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

32. For the protection of the Surrey County Council (in this section called "the council") the following provisions shall except so far as may be otherwise agreed in writing between the council and the Company apply and have effect (that is to say):—

For protec-
tion of
Surrey
County
Council.

- (1) At least seven clear days before commencing any vertical borings from the surface of any part of any street or road vested in the council the Company shall serve notice in writing of their intention to commence the same on the county surveyor and such notice shall describe the place or places at which such borings are intended to be made and if within seven days after the service of such notice any objection is made by the county surveyor the matter shall unless otherwise agreed be determined by arbitration before the boring is commenced but if no such objection is made the said borings may be proceeded with:
- (2) The Company shall furnish to the council full and detailed information as to the strata traversed in any boring that may be sunk through the surface of any road vested in the council:

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- (3) Where any part of the highway vested in the council is intended to be opened up or disturbed by the Company for the purpose of constructing the underground railway and stations lifts escalators approaches and other works and conveniences by this Act authorised the same shall be constructed in accordance with plans and sections of such works so far as they affect such highway submitted to and reasonably approved by the council. Provided that if for twenty-eight days after the submission of such plans and sections the council shall fail to notify the Company of their approval or disapproval the council shall be deemed to have approved thereof :
- (4) When any part of a highway vested in the council is opened up or disturbed by the Company for the purpose of making any trial borings or of constructing any of the works referred to in the last preceding subsection the Company shall at their own expense forthwith after the completion of the works restore to the reasonable satisfaction of the council the said part of the highway and shall so far as may be rendered necessary by any such works repair the same to the reasonable satisfaction of the council for a period of six months after such restoration and in the event of the Company failing to do so the council may restore and repair the said part of the highway and the Company shall pay to the council any reasonable expense incurred by the council in so doing :
- (5) Any damage to any part of a highway including drains culverts bridges and all other works vested in the council forming part of such highway where such damage is caused by or in consequence of the execution of any works under the powers of this Act shall be repaired by or at the expense of the Company and if the Company fail to repair any such damage after receiving reasonable notice in writing from the council requiring the Company so to do the council may repair such damage.

and the reasonable expense incurred by the council in so doing shall be repaid by the Company :

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- (6) At least twenty-eight days before commencing the work of constructing the bridge under the London-Epsom main road near its junction with Crown Lane the Company shall submit plans and sections of the bridge to the council for their reasonable approval. If such approval be not given within twenty-eight days from the submission of such plans and sections the work may be proceeded with :
- (7) It shall be lawful for the surveyor or other officer of the council duly appointed for the purpose by the surveyor from time to time to enter upon and inspect works of the Company under or within fifty feet of any highway or part of a highway vested in the council :
- (8) The approval by the council of any plans or sections or the supervision or inspection by the council of any works of the Company or any consent given by the council shall not exonerate the Company except as against the council from any liability for damage caused by or resulting directly or indirectly from any works executed by them :
- (9) If any difference shall arise between the council and the Company under the provisions of this section such difference shall be referred to and determined by an engineer to be agreed upon between the council and the Company or failing such agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

33. With reference to so much of the works by this Act authorised as will be made within the metropolitan borough of Wandsworth the following provisions for the protection of the council of the said borough (in this section respectively referred to as "the borough council")

For protec-
tion of
Wands-
worth
Borough
Council.

A.D. 1923. — and “the borough”) shall unless otherwise agreed between the Company and the borough council be observed and have effect (that is to say):—

- (1) The Company may make and during the construction of the works but no longer maintain temporary shafts or openings from the surface of the streets referred to in the section of this Act of which the marginal note is “Restrictions on breaking up commons and streets” in such position of such dimensions and character and in accordance with such conditions as to the removal or closing thereof and the prevention of disturbance and inconvenience as may be reasonably prescribed by the borough council:
- (2) All such shafts or openings shall at night and when otherwise requisite be lighted outside the hoardings enclosing the same to the reasonable satisfaction of the borough council:
- (3) In carrying out the works the Company shall make such provision as may be necessary for maintaining all traffic along the roadways and footways and shall take all reasonable precautions to prevent disturbance or inconvenience to the public and the owners and occupiers of adjoining property:
- (4) Before commencing any of the works in the borough which shall interfere in any way with the surface of any street the Company shall give to the engineer of the borough council at least twenty-eight days’ previous notice in writing stating specifically the works proposed to be carried out accompanied by plans drawings and sections showing in detail the nature and character of the proposed works and shall obtain the approval in writing of the borough council of such works unless within twenty-eight days after the submission of such plans the borough council shall have failed to notify the Company of their approval or disapproval:
- (5) The Company shall not place any hoarding on any part of any public way except with the reasonable approval of the borough council and for such period and in such manner as may

be necessary during and for the purpose of the execution of the works by this Act authorised and such hoarding shall be erected under the provisions of the Metropolis Management Act 1855 or any amendment thereof No advertisement shall be posted on such hoarding :

- (6) The Company after the restoration of any opening in any road or street in the borough shall at their own expense keep and maintain such portion of the road or street as shall have been broken up by them in good and substantial repair in every respect to the reasonable satisfaction of the borough council for twelve months next after the same shall have been so restored as aforesaid :
- (7) The engineer to the borough council shall have access at all times to any works in progress in the borough for the purpose of inspecting the same and if he shall be of opinion that the construction of the works is attended with danger to any property belonging to or under the control of the borough council the Company shall adopt such measures and precautions as may be reasonably considered necessary for the purpose of preventing any injury or damage thereto :
- (8) Where any of the said works shall or may pass over or under so as to interfere with any sewer drain or work under the jurisdiction or control of the borough council or shall or may in any way affect the sewerage or drainage of the borough the Company shall not commence such works until they have given to the borough council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the office of the borough engineer with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the borough council shall have reasonably approved of the same or the same shall have been approved by an arbitrator as hereinafter provided and if the borough council do not signify their disapproval or other directions

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within fourteen days after the service of the said notice plan section and particulars as aforesaid they shall be deemed to have approved thereof and the Company shall provide in such manner as the borough council shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by reason of the said intended works or any part thereof and shall save harmless the borough council against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction and superintendence (if given) of the engineer of the borough council at the cost charge and expense in all respects of the Company :

- (9) In case any part of any street place or pavement in the borough or any sewer drain work or property belonging to the borough council or under their control should sink or be in any way injuriously affected by or in consequence of the works of the Company the borough council may repair such street place pavement sewer drain work or property and the Company shall pay to the borough council the reasonable expense thereof on demand provided that the borough council shall give immediate notice to the Company of the discovery of the injury and of their intention to do such repairs :
- (10) Any granite setts paving metalling or other material of any street in the borough excavated or displaced by the Company in the construction of the works authorised by this Act so far as the same are not required by the Company for reinstating any such street shall if the borough council so require forthwith be delivered by the Company at such depôt or place within three miles from the place of excavation or displacement as the engineer of the borough may direct and if within seven days after the engineer shall have given notice in writing to the Company of such depôt or place any such paving metalling or material be not delivered as aforesaid the borough council may remove

the same to the depôt or place and the reasonable cost of their so doing shall be paid to them by the Company :

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(11) All works under the highways of the borough shall be constructed and maintained by the Company in such manner as at all times to support all traffic lawfully using such highways and any steam roller traction engine or other motor which the borough council or their contractors for the time being may reasonably use for repairing the streets or roadways under its control and the Company shall indemnify the borough council against and make good to them all costs and expenses that the borough council may incur or be put to by reason of any defect or insufficiency in strength in such works or any neglect to properly maintain the same :

(12) The Company shall not deposit any subsoil or materials anywhere within the borough so as to cause any nuisance or obstruction to the council or any person using the streets roads or footways within the borough and if the Company their contractors servants or agents commit any breach of this subsection they shall be liable on summary conviction to a penalty not exceeding forty shillings for each offence :

(13) Any difference which may arise under the provisions of this section between the borough council and the Company shall be referred to and determined by an engineer to be agreed upon or failing such agreement appointed on the application of either party after notice to the other of them by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference.

34. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Wimbledon (in this section called "the council") shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the

For protection of Wimbledon Corporation.

A.D. 1923.

council and the Company have effect with respect to such of the railways and works as are to be constructed and made and such of the powers of the Company as are to be exercised within the borough of Wimbledon (in this section called "the borough") :—

- (1) The entrances and exits to and from any stations in the borough shall be so designed as to secure the least practicable inconvenience to the public traffic in the adjoining streets and before the works are commenced plans thereof shall be submitted to the council for their reasonable approval. If the council do not within twenty-one days from the submission to them of any such plans express in writing to the Company their approval or disapproval thereof they shall be deemed to have approved thereof :
- (2) The Company at their own expense but under the superintendence (if given) and subject to the reasonable approval of the council shall—
 - (a) Where the railway interferes with the passage of water in any watercourse stream or ditch provide and maintain so far as may be reasonably necessary adequate and proper culverts for the passage of the water thereunder ; and
 - (b) Divert or connect any sewers or drains which may be interfered with by or in the construction of the railway :
- (3) All streets within the borough vested in the council which shall be interfered with by the Company shall be restored to as good a condition as before the interference therewith respectively by the Company to the reasonable satisfaction of the council and if the level of any such street is raised or lowered or altered by the Company any part of such street which is so raised or lowered or altered and the approaches thereto shall be maintained by the Company in good and substantial repair to the reasonable satisfaction of the council for one year after the same shall have been so restored :
- (4) Any works of the Company which will interfere with any street sewer drain sanitary convenience or other work vested in or belonging

to the council shall be executed in accordance with plans and sections previously submitted to and reasonably approved by the council. Provided that if the council do not within twenty-one days from the submission to them of any such plans and sections express to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof. All such works shall be constructed under the supervision (if given) and to the reasonable satisfaction of the council who may inspect by their surveyor or other officer any such works :

- (5) In carrying out any such works the Company shall make such provision as may be necessary for maintaining all traffic along the roadways and footways in the borough and shall take all reasonable precautions to prevent disturbance or inconvenience to the public and the owners and occupiers of adjoining property :
- (6) The Company shall make good all injury or damage caused by or resulting from any of their works or operations to any sewers drains or works vested in the council :
- (7) All works executed by the Company under any highway in the borough under the provisions of this Act shall be constructed and maintained by the Company of sufficient strength at all times to support all traffic lawfully using such highways and any steam or other roller traction or other engine or motor which the council may ordinarily use for repairing such highways or in exercising other powers vested in the council and the Company shall make good to the council all costs or expenses incurred by them by reason of the failure of any such works :
- (8) The Company shall not place any hoarding on any part of any public way in the borough except with the reasonable approval of the council and for such period and in such manner as may be necessary during and for the purpose of the execution of works by this Act authorised. No advertisement shall be posted on such hoarding :

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(9) The reasonable costs charges and expenses of or incurred by the council in respect of the necessary supervision by them of any works of the Company under this Act shall be borne and paid to the council by the Company :

(10) In case of any difference between the Company and the council with respect to any of the matters in this section contained such difference shall be referred to and determined by an engineer to be appointed in default of agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid in accordance with the provisions of the Arbitration Act 1889.

For pro
tection of
Merton and
Morden
Urban
District
Council.

35. The following provisions for the protection and benefit of the Merton and Morden Urban District Council (in this section called "the council") shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the council and the Company have effect with respect to such of the railways and works as are to be constructed and made and such of the powers of the Company as are to be exercised within the district of the council—

(1) The bridge carrying the road known as Dorset Road over the said railway shall be of a width of not less than fifty feet between the parapets measured on the square across such road and the said parapets shall be of a height of not less than five feet and the said bridge shall be constructed of such strength as shall be sufficient to enable all traffic lawfully using the same at all times to be carried thereover with safety :

(2) The foregoing provisions shall apply to the bridge carrying the road known as Kenley Road save that the width thereof shall be not less than forty feet measured as aforesaid :

(3) The Company shall in the event of a new road being constructed under the council's town planning scheme from a point opposite Crown Lane to the junction of Central and Morden Hall Roads before the completion of that part of the railway which is beneath the junction

of Crown Lane with the London and Epsom Road carry the said new road over the railway by means of a bridge with approaches thereto of which the width throughout shall be not less than fifty feet and of which the gradient shall in no part be more than 1 in 30:

The Company shall carry the existing footpath from the London and Epsom main road to Central Road over the railway by means of a properly constructed footbridge with inclined approaches of which the width throughout shall be not less than eight feet and will thereafter maintain to the reasonable satisfaction of the council the said footbridge and approaches:

- (4) In carrying the railway in tunnel under the Abbey Recreation Ground (numbered on the deposited plans 205 in the urban district of Merton and Morden) the Company shall use their best endeavours not to interfere with or disturb the surface of the ground and in the event of any interference or disturbance will restore the surface to the satisfaction of the council:
- (5) The council may if the Company purchase from the council the land known as the Morden Recreation Ground (numbered on the deposited plans 227 in the urban district of Merton and Morden) require the Company in lieu of paying any purchase money or compensation therefor and at the sole expense of the Company to provide suitably lay out and convey to the council a recreation ground which shall so far as reasonably practicable be of a size similar to and in a position as reasonably convenient as the Morden Recreation Ground:
- (6) Plans of the entrances and exits to and from any stations in the district of the council shall be submitted to the council for their reasonable approval. If the council shall not within twenty-one days from the submission to them of any such plans express to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof:

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- (7) The Company at their own expense but under the superintendence (if given) and subject to the reasonable approval of the council shall—
- (a) Where the railway interferes with the passage of water in any watercourse stream or ditch provide and maintain so far as is reasonably necessary adequate and proper culverts for the passage of the water thereunder; and
- (b) Divert or connect any sewers or drains which may be interfered with by or in the construction of the railway:
- (8) All streets within the district of the council which are vested in the council and which shall be interfered with by the Company shall be restored to as good a condition as before the interference therewith respectively by the Company to the reasonable satisfaction of the council and if the level of any such street is raised or lowered or altered by the Company any part of such street which is so raised or lowered or altered and the approaches thereto shall be maintained by the Company in good and substantial repair to the reasonable satisfaction of the council for one year after the same shall have been restored:
- (9) Any works of the Company which will interfere with any street sewer drain sanitary convenience or other work vested in or belonging to the council shall be executed in accordance with plans and sections previously submitted to and reasonably approved by the council. If the council do not within twenty-one days from the submission to them of any such plans and sections express to the council in writing their approval or disapproval thereof they shall be deemed to have approved thereof. All such works shall be done under the supervision (if given) and to the reasonable satisfaction of the council who may inspect by their surveyor or other officer any such works:
- (10) In carrying out any such works the Company shall make such provision as may be necessary for maintaining all traffic along the roadways

and footways in the district of the council and shall take all reasonable precautions to prevent disturbance or inconvenience to the public and the owners and occupiers of adjoining property :

- (11) All works executed by the Company under the provisions of this Act under any highway within the district of the council shall be constructed and maintained by the Company of sufficient strength as at all times to support all traffic lawfully using such highways and any steam or other roller traction or other engine or motor, which the council may ordinarily use for repairing such highways or in exercising other powers vested in the council and the Company shall make good to the council all costs or expenses incurred by them by reason of the failure of any such works :
- (12) The Company shall not place any hoarding on any part of any public way in the district of the council except with the reasonable approval of the council and for such period and in such manner as may be necessary during and for the purpose of the execution of works by this Act authorised. No advertisement shall be posted on such hoarding :
- (13) The reasonable costs charges and expenses of or incurred by the council in respect of the necessary supervision by them of any works of the Company under this Act shall be borne and paid to the council by the Company :
- (14) In case of any difference between the Company and the council with respect to any of the matters in this section contained such difference shall be referred to and determined by an engineer to be appointed in default of agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid in accordance with the provisions of the Arbitration Act 1889.

36. 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 protec-
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A.D. 1923.
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tan Water
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writing between the board and the Company have effect (that is to say):—

(1) The following modifications of section 72 of the Act of 1903 (which by the section of this Act whereof the marginal note is “Application of provisions of existing Acts” is incorporated with this Act and made applicable to the board) shall in its application to the board and their apparatus have effect (that is to say):—

(a) The period of twenty-eight days shall be substituted for the period of fourteen days mentioned in subsections (1) and (2) of the said section 72 and the period of fourteen days shall be substituted for the period of seven days mentioned in the said subsection (1);

(b) The President of the Institution of Civil Engineers shall be substituted for the Board of Trade in subsection (8) of the said section 72:

(2) The Company shall not remove raise sink or otherwise alter the position of any mains pipes valves hydrants plugs or other works or apparatus (in this section referred to as “apparatus”) of the board or do anything which may impede the board’s access to such apparatus or the passage of water into or through the same without the consent in writing of the engineer of the board or his duly authorised representative (in this section referred to as “the said engineer”) which shall not be unreasonably withheld or in any manner other than the said engineer shall reasonably approve nor (with such consent and approval) until such good and sufficient apparatus as the said engineer may reasonably consider necessary for continuing the supply of water has been first provided laid down and made ready for use to the satisfaction of the said engineer. In the event of any dispute arising under this subsection such dispute shall be settled by arbitration as hereinafter provided:

(3) The Company in executing any works under this Act or in removing raising sinking or otherwise altering the position of any apparatus of the

board shall make good all damage done by them to the apparatus or other property of the board and shall make reasonable compensation to the board for any loss or damage which they may sustain by reason of any interference with their apparatus or property :

- (4) The Company shall not raise sink or otherwise alter the position of any apparatus of the board or alter the level of any street or road in which any such apparatus is situate so as to leave over such apparatus a covering of either less than three feet or more than five feet unless in the case of any mains or pipes of the board so raised sunk or altered or affected by any such alteration of the level of a street or road they substitute for such mains or pipes steel mains or pipes encased in concrete of dimensions not less than those of the existing mains or pipes :
- (5) The Company 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 during the months of May June July August and September in any year :
- (6) Notwithstanding anything contained in this Act or shown on the deposited plans or sections the Company shall not construct any booking hall under any street or road in any case in which such construction would leave insufficient space for the reasonably convenient accommodation of any apparatus of the board in or under such street or road and of additional apparatus to be hereafter laid in or under such street or road consisting of two mains each having an internal diameter of not more than eighteen inches :
- (7) Where any inclined tunnel or shaft is constructed by the Company for the purposes of any stair or escalator within ten feet measured in any direction from any apparatus of the board the Company shall execute such works as the said engineer may reasonably require for supporting

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such apparatus and if the board in their discretion deem it necessary so to do they may substitute steel tubes encased in concrete for any mains or pipes within the said distance from such tunnel or shaft and the Company shall on demand repay to the board the cost incurred by them in so doing :

(8) The Company shall in constructing within the limits of supply of the board any bridge for carrying any public road over the railways or works by this Act authorised or any of them provide and thereafter maintain in such bridge accommodation for not less than two mains each having an internal diameter of not less than twelve inches and also for any apparatus of the board already existing in or under such road. Such accommodation shall be situate beneath the footpath or footpaths (if any) of each such bridge as aforesaid or shall be provided for in such other manner as may be agreed upon or as failing agreement may be determined by arbitration in manner hereinafter provided :

(9) All works to be executed or provided in connection with any apparatus of the board shall be so executed and provided by and at the expense of the Company but to the reasonable satisfaction and under the superintendence (if after reasonable notice he shall choose to attend) of the said engineer and the reasonable costs charges and expenses of such superintendence shall be paid by the Company :

(10) The provisions of the section of this Act of which the marginal note is "Compensation for damage by working" shall extend and apply to the apparatus of the board as if the same were expressly included in such lands houses and buildings as are referred to in that section :

(11) If any difference shall arise between the Company and the board or the said engineer under the provisions of this section (other than a difference as to the construction or meaning of the said provisions) such difference shall be settled in accordance with the provisions of

subsection (8) of the said section 72 of the Act of 1903 as modified by this section : A.D. 1923.

- (12) The provisions of this section shall except as otherwise expressly provided be in addition to and not in substitution for or derogation of any other provision of this Act to the benefit of which the board would otherwise be entitled.

37. The following provisions for the protection of the Southern Railway Company (in this section called "the Southern Company") shall unless otherwise agreed between the Company and the Southern Company apply and have effect (that is to say) :—

For protection of Southern Railway Company.

- (1) Notwithstanding anything in this Act contained or shown upon the deposited plans and sections the Company shall not without the previous consent in writing of the Southern Company under their common seal which shall not be unreasonably withheld enter upon take use or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the Southern Company (other than such part of the properties numbered on the deposited plans 92 and 93 in the metropolitan borough of Wandsworth as may be required for the purposes of the railway and works authorised by this Act or the widening of any street which the Company may be required to widen under this Act) but the Company may purchase and take and the Southern Company shall and they are hereby authorised to sell and grant accordingly an easement under or right of using so much of the subsoil of any lands and property of the Southern Company as may be necessary for the purposes of this Act. The amount to be paid for the acquisition of such easement shall be settled in case of difference in the manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement and the easement or right so to be taken shall be deemed to be land so far as respects the proceedings for the acquisition thereof and also for the purpose of any arbitration :

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- (2) The Company shall before they commence the construction of so much of the railway and all works in connection therewith as shall or may pass under or in any way affect the property of the Southern Company or be within twenty yards thereof submit to the engineer of the Southern Company proper and sufficient plans sections detailed drawings and specifications of the works proposed to be carried out by the Company including strength and quality of materials for the reasonable approval of the said engineer and also proper and sufficient plans showing the stages by which it is intended to carry out the proposed works for the like approval. Provided that if the said engineer shall for the space of twenty-eight days neglect or refuse to approve the said plans sections drawings and specifications or shall disapprove the same then such plans sections drawings and specifications shall be submitted to and approved by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either the Company or the Southern Company and such portion of the railway and all works necessary or incident to the construction thereof or affecting the property or works of the Southern Company shall be constructed only according to such plans sections drawings and specifications as shall be approved as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the said engineer and at the costs charges and expenses in all respects of the Company :
- (3) Before the Company commence the construction of the railway any temporary works which may in the opinion of the engineer of the Southern Company be reasonably necessary to ensure the stability of the railways and property of the Southern Company shall be carried out by and at the cost of the Company or the Southern Company may if they so elect carry out such works for the Company and the costs thereof and any expenses incurred in connection therewith (including compensation payable to any

workmen who may be injured or killed whilst employed by the Southern Company in and about such works or their legal representatives or dependents) shall be repaid by the Company to the Southern Company on demand:

- (4) If it shall at any time appear to the engineer of the Southern Company either during the construction or after the completion of the railway that any further or other works or appliances or other measures of precaution are required either by way of underpinning the railways or other works or property belonging to the Southern Company or by way of addition to the existing works of the Southern Company or in connection with the works of the said railways or in relation to the method of construction of the railway so as to prevent subsidence damage or injury happening to the said railways or other works or property of the Southern Company owing to or in consequence of the execution of the railway the Company shall on being thereunto required in writing under the hand of the engineer of the Southern Company make and execute at their own expense and according to plans sections and specifications to be approved by him such works or take such measures of precaution including the temporary cessation of the construction of the railway as the said engineer shall reasonably require and the construction of the railway when commenced shall proceed without cessation except as aforesaid and with all reasonable despatch Any difference as to the necessity of any such further works as aforesaid or as to the mode of execution thereof shall unless otherwise agreed be determined by an engineer to be appointed on the application of either party as hereinafter provided:
- (5) The Company shall before commencing the construction or the structural alteration renewal or repair of the railway give (except in case of emergency) twenty-eight days' previous notice in writing to the said engineer of the Southern Company of their intention to commence such works and in case of emergency the Company

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shall give the Southern Company the longest notice which they can reasonably give having regard to the urgency of the repairs to be executed and such notice shall be accompanied by a sufficient description of the works proposed to be carried out :

- (6) The Company shall at their own expense construct and at all times maintain the railway and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the Southern Company and also any further works which may be constructed under the provisions of subsection (4) of this section in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Southern Company and so as to leave undisturbed at all times the said railways or other property and works of the Southern Company and if and whenever the Company fail so to do after fourteen days' notice in writing to be given by the Southern Company to the Company or in case of emergency the Southern Company may make and do in and upon as well the lands and railway of the Company as their own lands all such works and things as the engineer of the Southern Company may think requisite and the sum from time to time certified by such engineer to be the reasonable amount of their expenditure in that behalf shall be repaid to them by the Company and in default of full payment the amount due may be recovered with full costs by the Southern Company from the Company in any court of competent jurisdiction Provided always that in the event of any dispute between the Company and the Southern Company as to the amount so certified such dispute shall be settled by arbitration by an engineer to be appointed on the application of either party as hereinafter provided :
- (7) Notwithstanding the approval of plans sections and detailed drawings and specifications or supervision by or completion to the satisfaction

of the engineer of the Southern Company as aforesaid and notwithstanding the compliance by the Company with the provisions of this section if during the execution of any of the works hereinbefore referred to the said railways of the Southern Company or any of the works connected therewith respectively or any lands or property of that company shall be injured or damaged such injury or damage shall be forthwith made good to the Southern Company who may recover the full amount expended in so doing from the Company in any court of competent jurisdiction :

- (8) Notwithstanding anything in this Act provided or contained the Company shall be responsible for and make good to the Southern Company all costs charges losses damages and expenses which may be occasioned to the said railways or other works or property of the Southern Company and to any future works buildings or appliances which may be executed by the Southern Company and to any person or persons using the said railways or other works or property and the said future works buildings or appliances which may be executed by the Southern Company by reason of the construction alteration maintenance or failure of the railway or other works of the Company or of any act or omission of the Company or of any person or persons in their employ or of their contractors or others and the Company shall effectually indemnify and hold harmless the Southern Company from all claims and demands upon or against them by reason of such construction alteration maintenance failure or omission or in respect of any damage caused to the premises of any lessees or tenants of the Southern Company :
- (9) The Company shall not in making and maintaining the railway and the said works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways and property of the Southern Company or any traffic thereon or with the access to the premises of any lessees or tenants of the Southern

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Company and if at any time or times hereafter the free and uninterrupted and safe user of the railways of the Southern Company or any traffic thereon or the access to the said premises shall be obstructed hindered or interfered with contrary to this enactment the Company shall notwithstanding any approval as aforesaid pay to the Southern Company their lessees or tenants all costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference :

- (10) The Company shall from time to time repay to the Southern Company any additional expense to which that company may be put in maintaining their said railways or other works or property by reason or in consequence of the construction or user of the railway :
- (11) The Company shall execute all protective works within the powers of the Company and take such other precautions (including the use of compressed air at an approved pressure and grouting with approved Portland cement) as shall be reasonably necessary for ensuring the safety of the railways of the Southern Company and their other property and such protective works when commenced shall be proceeded with without cessation :
- (12) During the construction of the railway so far as the same affects the said railways or other works or property of the Southern Company the Company shall bear and on demand pay to the Southern Company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them (including compensation payable to any workmen who may be injured or killed whilst so employed or their legal representatives or dependents) for inspecting watching and lighting their said railways and other works or property connected therewith and their said lands or property with reference to and during the execution of the railway and for preventing as far as may be all interference obstruction danger and accident arising

from any of the operations of the Company or from the acts or the defaults of their contractors or of any person or persons in their employ or otherwise and the Company shall at all times give ample facilities to the engineer of the Southern Company and his assistants or inspectors for full and free access to the railway during or after its construction and shall also furnish him or them with every information he or they may reasonably require with regard to the railway or the method of construction thereof:

- (13) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their railway in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or to be used on the railways of the Southern Company or with the currents in such circuits:
- (14) The Company and the Southern Company may enter into and carry into effect agreements as to any of the works and matters referred to in this section or as to any of the other provisions of this Act:
- (15) Except as in subsection (1) of this section otherwise provided with regard to the settlement of the amount to be paid for the acquisition of the easement therein referred to if any difference shall arise between the Company and the Southern Company or their engineer touching this section or anything to be done or not to be done thereunder or any requirement of or matter or thing by this section left to the approval or decision of such engineer the same shall be determined by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply thereto.

38. The following provisions for the protection of the London United Tramways Limited (hereinafter called "the tramway company") shall unless otherwise

For protection of London

A.D. 1923. agreed upon in writing between the tramway company and the Company apply and have effect (that is to say) :—

United
Tramways
Limited.

- (1) Before commencing the construction of any of the works by this Act authorised or the laying down of any main lines or apparatus for transmitting electrical energy or of any other works (all of which are herein included in the expression "the works") so far as the same may be situate or intended to be situate so as to interfere with any tramway of the tramway company (including in the expression "the tramway" where used in this section the substructure of the tramway and the posts wires and electrical apparatus of the tramway company) the Company shall give to the tramway company not less than twenty-one days' notice in writing of their intention to commence such works and such notice shall be accompanied by plans sections and particulars of the works showing the nature and position of the works and the manner in which the works are intended to be carried out and the works shall be constructed and subsequently maintained by the Company at their own expense in accordance with the plans sections and particulars as reasonably approved by the engineer of the tramway company or settled by arbitration as hereinafter in this section provided and under his superintendence and to his reasonable satisfaction Provided that if for fourteen days after the delivery of such plans sections and particulars to the tramway company the same shall not have been so approved or objected to in writing by the engineer of the tramway company the same shall be deemed to have been approved by him :
- (2) The execution of the works shall so far as practicable be carried on continuously by day and by night from the time when the same shall be commenced until the time when the same shall be completed and so as not to unnecessarily interrupt the traffic on the tramway and the Company shall pay to the tramway company the reasonable cost incurred by the tramway company in superintending the works

and making provision by temporary tramways or otherwise for the continuous working of the tramway during the execution of the works:

- (3) The Company shall repay to the tramway company any expense to which they may be put in reinstating the tramway or any part of any road repairable by them which may be interfered with by the works and the expense of carrying out such works as may be reasonably necessary for the protection of the tramway and all additional expense to which the tramway company may be put by reason of the works:
- (4) Where the repair or removal of any of the works will involve any interference with the tramway or any portion of a road repairable by the tramway company the Company shall (except in cases of emergency) give to the tramway company not less than forty-eight hours notice in writing before commencing to effect such repair or renewal and the Company shall in effecting such repair or renewal conform to such reasonable requirements as may be made by the tramway company and the provisions of this section (so far as they may be applicable) shall apply to any such repair or renewal as if the same formed part of the works:
- (5) The Company shall bear and on demand pay to the tramway company the expense of the employment by the tramway company during the execution of the works of a sufficient number of inspectors watchmen and signalmen to be appointed by the tramway company for watching and signalling and for managing and controlling the traffic on the tramway with reference to and during the execution of the works but such superintendence by the tramway company shall not relieve the Company from liability for any accident which may be occasioned by or through the operations of the Company or their contractors agents or workmen:
- (6) If during the execution or by reason of the failure of any of the works or of any act or omission of the Company or of their contractors or of any person in the employ of the Company

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or their contractors the tramway shall be injured or damaged such injury or damage may be made good by the tramway company and the Company shall repay to the tramway company the expense thereof and the Company shall indemnify the tramway company against all losses which the tramway company may sustain and shall pay all costs charges and expenses to which the tramway company may be put or may incur by reason of such failure act or omission as aforesaid :

- (7) The Company shall compensate the tramway company for any damage or injury occasioned to the property of the tramway company and shall indemnify the tramway company against all claims for damage or injury by any persons in consequence of or arising from the construction or user of the works :
- (8) If by reason of the execution of the works any extra cost shall at any time hereafter be occasioned to the tramway company in altering renewing repairing or maintaining the tramway such extra cost shall be borne and paid by the Company :
- (9) If any difference arises under this section between the Company and the tramway company or their respective engineers such difference shall be settled by arbitration and the arbitrator shall be an engineer or other fit person to be mutually agreed upon or in default of agreement to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party with notice in writing to the other and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
South
Metropolitan Gas
Company.

39. For the protection of the South Metropolitan Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the gas company and the Company have effect (that is to say) :—

- (1) The Company shall not remove raise sink or otherwise alter the position of any mains pipes

valves hydrants plugs or other works or apparatus (in this section referred to as "apparatus") of the gas company or do anything which may impede the passage of gas into or through the same without the consent in writing of the engineer of the gas company (in this section referred to as "the said engineer") or in any manner other than the said engineer shall approve nor (with such consent and approval) until such good and sufficient apparatus as the said engineer may consider necessary for continuing the supply of gas has been first provided laid down and made ready for use to the reasonable satisfaction of the said engineer :

- (2) The Company in executing any works under this Act or in removing raising sinking or otherwise altering the position of any apparatus of the gas company shall make good all damage done by them to the apparatus or other property of the gas company and shall make reasonable compensation to the gas company for any loss or damage which they may sustain by reason of any interference with their apparatus or property :
- (3) All works to be executed or provided in connection with any apparatus of the gas company shall be so executed and provided by and at the expense of the Company but to the reasonable satisfaction and under the superintendence (if after reasonable notice he shall choose to attend) of the said engineer and the reasonable costs charges and expenses of such superintendence shall be paid by the Company :
- (4) The provisions of the section of this Act of which the marginal note is "Compensation for damage by working" shall extend and apply to the apparatus of the gas company as if the same were expressly included in such lands houses and buildings as are referred to in that section :
- (5) If any difference shall arise between the Company and the gas company under the provisions of this section (other than subsection (4) thereof

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or any difference as to the construction or meaning of the said provisions) such difference shall be settled in accordance with the provisions of subsection (8) of section 72 of the Act of 1903 as modified by this section :

- (6) The provisions of this section shall except as otherwise expressly provided be in addition to and not in substitution for or derogation of any other provision of this Act to the benefit of which the gas company would otherwise be entitled.

For protection of South London Hospital for Women (Incorporated) and others.

40. For the protection of the South London Hospital for Women (Incorporated) the Endowment Trustees of the said hospital for the time being and Maude Mary Chadburn in relation to their several interests in the hereditaments and premises known as Numbers 102 and 103 South Side Clapham Common and Number 1 Balham Hill in the metropolitan borough of Wandsworth in the county of London and their heirs and successors in estate and assigns and tenants (all of whom are in this section included in the expression "the owners") the following provisions shall notwithstanding anything contained in this Act or in the City and South London Railway Acts 1884 to 1919 and unless otherwise agreed in writing between the owners and the Company be observed and have effect (that is to say) :—

- (1) In this section the expression "hospital premises" means and includes the hospital carried on in No. 103 South Side Clapham Common and No. 1 Balham Hill the nursing home carried on in No. 103 South Side Clapham Common and the offices cellars vaults passages and other premises connected therewith and the site thereof belonging or reputed to belong to and occupied by the owners or some or one of them but not any estate or interest in the subsoil of the roadway or footway of Clapham Common South Side or Balham Hill :

The expression "the agreed plan" means the plan signed in duplicate by the Right Honourable Earl Beauchamp the Chairman of the Committee of the House of Lords to whom the Bill for this Act was during its progress through Parliament referred one copy whereof has been

deposited with the Clerk of the Parliaments and the other copy whereof has been deposited in the Private Bill Office of the House of Commons:

- (2) The Company shall not enter upon take use or interfere with either permanently or temporarily any part of the hospital premises whether above or under the ground or any subsoil under any part of the said premises except that:—

(a) The Company may purchase and take and the owners if required by the Company shall sell to the Company so much of the land shown and numbered 13 on the deposited plans in the metropolitan borough of Wandsworth as is coloured pink on the agreed plan or any part thereof; and that

(b) In relation to so much of the lands shown and numbered 11 12 and 13 respectively on the deposited plans in the said metropolitan borough as lies to the westward of the line coloured green upon the agreed plan the Company may purchase and take and the owners shall if required by the Company sell to the Company for the purposes of their undertaking an easement or right of using the subsoil or undersurface of such lands or any part thereof:

- (3) The Company shall not use any portion of the said land coloured pink upon the agreed plan which may be acquired by them under this Act otherwise than for the purposes of an entrance and exit stairway to and from a station escalator:
- (4) The entrance and exit stairway to and from the station escalator to be constructed by the Company as aforesaid shall face southward and the same and all works connected therewith shall be constructed in accordance with plans sections elevations and particulars to be submitted by the Company to the owners not less than one month prior to the commencement of the construction of the said works and be subject to their reasonable approval:

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- (5) The Company shall not affix or suffer to be affixed to the said entrance and exit stairway or any part thereof any advertisement but nothing in this subsection shall prevent the Company exhibiting in or near such entrance and exit stairway signs and placards giving information to the public as to the position of the station and the traffic of the Company :
- (6) In the event of the owners requiring the Company at any time after the commencement of the construction of the railway but not later than three months after the completion of the construction of the said entrance and exit stairway to effect (in accordance with plans sections elevations and particulars to be submitted by the Company to and reasonably approved by the owners) such works of alteration adaptation reinstatement and making good of the forecourts of the hospital premises and of the entrance gates approach drives garden beds and partition garden walls of the same as may be reasonably necessary for rendering the same (so far as may be practicable) as convenient and sightly after as before the construction of the said entrance and exit stairway (all which works are hereinafter referred to as "the works of alteration") the Company shall at their own expense forthwith execute the same in a good and substantial manner :
- (7) In constructing the railway beneath South Side Clapham Common and Balham Hill opposite the hospital premises and for a distance of one hundred feet on either side thereof the Company shall not deviate vertically in an upward direction so as to bring the uppermost rails of the railway nearer than fifty feet to the surface of the said streets or either of them :
- (8) Any temporary shaft or temporary opening in the surface of the ground which the Company may desire to sink or make for the purposes of the construction of the railway within one hundred and fifty feet of any part of the hospital premises shall be sunk or made in such position as may be reasonably approved by the owners

but nothing in this subsection shall prevent the construction by the Company without the necessity of obtaining any such approval of any necessary temporary works for the purposes of an escalator and booking hall having an entrance stairway upon the land coloured pink on the agreed plan:

- (9) No works for generating or transforming electrical energy or other motive power shall be constructed within fifty yards from any part of the hospital premises:
- (10) In constructing such of the works by this Act authorised as shall be in close proximity to the hospital premises the Company shall employ all means (including in particular the use of electrically driven plant of the most modern character) which shall be reasonably practicable for minimising noise and disturbance to the owners and to the occupants of the hospital premises:
- (11) In exercising in relation to the hospital premises the powers of the section of this Act of which the marginal note is "Company may enter and survey lands" the Company shall conform to the reasonable requirements of the owners as to the hours and conditions at and subject to which such entry as is by the said section authorised shall take place:
- (12) The improvements alterations and building operations effected by the owners in that part of the hospital premises known as No. 1 Balham Hill since the thirty-first day of October one thousand nine hundred and twenty-two shall for the purpose of the section of this Act of which the marginal note is "Compensation in case of recently altered buildings" be deemed not to have been made with a view to obtaining or increasing compensation under this Act:
- (13) The engineer of the owners may from time to time inspect any works authorised to be constructed by the Company within one hundred feet from any part of the hospital premises

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during the construction thereof and the Company shall give such engineer all necessary facilities for such inspection and if he shall be of opinion that the construction of the works or other operations of the Company are attended with danger to the hospital premises the Company shall forthwith adopt such additional measures and precautions as may be reasonably considered necessary for the purpose of preventing damage or injury to the hospital premises :

- (14) The Company shall not underpin or strengthen any part of the hospital premises unless the engineer of the owners shall reasonably consider such underpinning or strengthening necessary in which event it shall be carried out under his supervision at the Company's cost and risk and section 77 of the Act of 1903 shall not extend or apply to the hospital premises :
- (15) The Company shall pay the reasonable costs charges and expenses of the owners in connection with the inspection of the railway and works hereinbefore referred to and with the approval of the works of alteration and such costs charges and expenses may be recovered from the Company by the owners :
- (16) If any difference shall arise between the Company and the owners under this section the same shall be referred to an independent engineer to be appointed by the President of the Institution of Civil Engineers on the application of the Company or the owners after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory re-enactment or modification thereof for the time being in force shall apply to any such arbitration.

For protection of
Cannon
Brewery
Company
Limited.

41. For the protection of the Cannon Brewery Company Limited (hereinafter called "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company apply and have effect :—

- (1) The expression "the hotel" in this section means the Grove Hotel situated at the south-west corner of Kingston Road and Morden

Road in the urban district of Merton and Morden and the ground offices and cellars connected therewith being the property numbered 78 on the deposited plans in the urban district of Merton and Morden :

- (2) Nothing in this Act contained shall authorise the Company to enter upon take use or interfere with the surface of the ground or any building vault cellar or other construction forming part of the hotel or entitle the Company to take an easement under the hotel without the consent of the owners which consent shall not be unreasonably withheld :
- (3) The railway where it passes under the hotel shall be constructed so that the crown of the tunnel shall be not less than twenty-five feet below the surface of Morden Road adjoining the hotel :
- (4) The owners may from time to time appoint an engineer to inspect the carrying on and construction of the railway works within twenty-five feet on either side of the place where the railway passes under the hotel and shall give notice to the Company of such appointment and the Company shall give to such engineer and his assistants all reasonable facilities for such inspection and if he shall be of opinion that the said works or other operations are attended with danger to the hotel the Company shall forthwith adopt such additional precautions and measures as may be reasonably necessary for the purpose of preventing damage or injury to the hotel :
- (5) The Company shall pay the reasonable fees of such engineer appointed by the owners in relation to the inspection of the works of the Company :
- (6) The Company shall pay to the owners compensation for all damage or injury of every description which may arise to the hotel by or from the construction of the railway or from the construction of any temporary or permanent shafts or underground passages or other works or from the erection of any temporary or permanent buildings or structures in the immediate

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vicinity and the owners may claim and receive and recover such compensation from the Company notwithstanding that no part of the hotel is actually taken provided that the Company shall not be liable for any such damage or injury as aforesaid if the same be occasioned by reason of the execution or failure of any works or by reason of any act or omission which shall be executed or done or happen in accordance with any requirement of the owners or their engineers :

- (7) The Company shall not erect any temporary buildings hoardings or structures nor make any openings in the footpaths or roadways adjoining the hotel which shall unreasonably interfere with the free access of the public thereto or with the business of the owners :
- (8) If any difference shall arise between the owners and the Company or their respective engineers concerning this section or anything to be done or not to be done thereunder the same shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice to the other.

For protection of
Rutlish
School
Governors
and
Rutlish
Trustees.

42. For the protection of the Rutlish School Governors and of the Rutlish School Trustees or other the owners for the time being of the lands numbered on the deposited plans 204 204a and 208 in the urban district of Merton and Morden (all of whom are hereinafter included in the expression "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company apply and have effect:—

- (1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Company shall not (except for the purpose of making trial borings) without the consent in writing of the owners which shall not be unreasonably withheld enter upon take or use any part of the said properties numbered 204 204a and 208 on the deposited plans but the Company may acquire and the owners shall and they are

hereby authorised if required by the Company to sell and grant to the Company an easement or right of using so much of the subsoil of the said lands as the Company may require for the construction working and maintenance therein of the railway and works by this Act authorised also a right of access over the said lands for the purpose of constructing the said works and of from time to time making openings in and in the surface of such lands for the purposes of such construction. The provisions of the Lands Clauses Acts shall apply to the acquisition of any such easement or right as if the same were lands within the meaning of those Acts :

- (2) If the Company make any opening in the said lands they shall restore and make good any drains or pipes in and the surface of such lands and make good any subsidence which may occur during one year from the completion of the Company's works to the reasonable satisfaction of the owners :
- (3) No building except a sports pavilion or similar building easily removable shall be erected on any part of the said lands which is within the limits of deviation shown on the deposited plans until the expiration of five years from the passing of this Act or until any tunnels and works in connection therewith which may be constructed by the Company in the said lands under the powers of this Act have been completed whichever shall be the earlier date :
- (4) Before any building shall be erected on any part of the said lands within fifty feet of the railway the owners shall submit to the Company plans and specifications of any such building and shall comply with the reasonable requirements of the Company which shall be communicated to the owners within twenty-eight days of the submission of the said plans and specifications and any amount by which the cost of erecting the said building shall be increased in consequence of such requirements shall be paid by the Company to the owners :
- (5) Except as in subsection (1) of this section is otherwise provided with regard to the amount

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to be paid for the acquisition of the easement or right therein referred to any difference which shall arise between the Company and the owners under the provisions of this section shall be settled by arbitration by an engineer to be agreed upon or failing such agreement by an engineer to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to such arbitration.

For pro-
tection of
Morden
Estate.

43. For the protection of Gilliat Edward Hatfeild or other the owner or owners for the time being of the estate in the county of Surrey comprising an area of nine hundred acres or thereabouts and known as the Morden Estate (all of whom are in this section referred to as and included in the expression "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections:—

(a) the Company shall in constructing the railway through the property of the owners construct the same in the most western line that is reasonably practicable and within the limits of deviation shown on the deposited plans;

(b) no part of any lands of the owners acquired by the Company shall be used for any purpose other than the construction of the railway and the erection and construction of car sheds and sidings and the Company shall not acquire or use any greater area of such lands than thirty-five acres for the erection and construction of such car sheds and sidings;

(c) the owners shall during and for the purposes of the construction of any works of the Company on or in any lands acquired by the Company from the owners afford to the Company their contractors officers and servants all such means of access to such lands over any other lands of the owners as may be

reasonably required by the Company on such terms as failing agreement between the owners and the Company may be determined by arbitration as hereinafter in this section provided but save as aforesaid the Company and their contractors officers and servants shall not be entitled to use for purposes of access or for any other purpose whatsoever any lands (including private roads) of the owners other than any lands acquired by them from the owners as aforesaid :

- (2) When the Company commence the construction of the railway and of any other works upon any lands acquired by them from the owners they shall proceed with and complete such construction with all practicable dispatch :
- (3) No part of any building or structure other than the chimneys thereof to be erected by the Company on any lands acquired by them from the owners shall be erected to a greater height than thirty feet above the surface of the ground nor shall such buildings or structures be of an unsightly character and the Company shall adopt the best practicable means for preventing the emission from any such building or structure of smoke or fumes which are of a noxious character or greater in extent than can be reasonably prevented :
- (4) The Company shall at all times maintain all such buildings or structures as aforesaid in a good and proper condition :
- (5) The Company shall to the reasonable satisfaction of the owners reinstate or provide proper substitutes for all watercourses drains fences and private roads and footpaths of the owners which may be intersected or interfered with under the powers of this Act :
- (6) Before commencing the construction of any works upon any lands acquired from the owners the Company shall fence off such lands from the adjoining lands of the owners with fences of a character and height reasonably approved by the owners and at all times after the erection of such fences the Company shall maintain the same in

A.D. 1923:
—

a good and proper condition to the reasonable satisfaction of the owners :

- (7) If any question shall arise under the provisions of this section between the owners and the Company such question 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 to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Tolls &c.

44. The railway shall for all purposes whatsoever be part of the Company's undertaking and the Company may demand and take for the conveyance of passengers thereon any fares not exceeding those authorised by the City and South London Railway Acts 1884 to 1923 Provided always that where passengers are conveyed partly on the existing or authorised railways of the Company and partly on the railway the whole of such railways shall for the purpose of short distance rates and charges be considered one railway and in estimating the amount of rates and charges in respect of passengers conveyed on any part of the said railways for a less distance than two miles the Company may demand and take rates and charges as for two miles and any fraction of a mile beyond two miles or beyond any greater number of miles shall be deemed one mile.

As to approval of fares in excess of certain maxima by Minister of Transport.

45.—(1) The powers of charge conferred by this Act on the Company in so far as they permit the Company to charge in the case of passengers conveyed on the railway in any carriage other than a first-class carriage fares in excess of one penny per mile (fractions of a mile being counted as one mile with a minimum fare of twopence) shall cease and determine either when fresh provision shall be made by Parliament relating to the fares to be charged by the Company or on the fifteenth February one thousand nine hundred and twenty-five whichever shall be the earlier.

(2) Before the Company under the powers conferred by this Act fix fares for the conveyance of passengers on the railway in carriages other than first-class carriages

which are in excess of one penny per mile (fractions of a mile to count as a mile with a minimum fare of twopence) the Company shall submit to the Minister of Transport a schedule of the fares aforesaid intended to be charged and no such fares which are so in excess shall be charged until the same have been approved by him. Before approving any such fares which are so in excess the Minister of Transport shall refer the matter to the Rates Advisory Committee constituted under the Ministry of Transport Act 1919 for their advice and they shall report thereon to him.

(3) If the Minister of Transport shall at any time after the passing of this Act consider that the fares charged by the Company in the case of passengers conveyed on the railway in any carriage other than a first-class carriage are higher than are justified by the circumstances of the case the Minister of Transport may after reference as aforesaid to the Rates Advisory Committee by order require the Company to modify the fares aforesaid then in operation and which he considers are higher than are justified to such extent as may be prescribed by the order but so that the Company shall not be required to reduce such fares below one penny per mile fractions of a mile being counted as a mile with a minimum of twopence.

46. The Company may demand and take for small parcels conveyed upon the railway any rates or charges not exceeding the following (that is to say):— Rates &c.
for small
parcels.

For every parcel not exceeding seven pounds in weight sixpence;

For every parcel exceeding seven pounds but not exceeding fourteen pounds in weight one shilling;

For every parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight one shilling and sixpence;

For every parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight two shillings:

Provided that the Company may charge for small parcels conveyed upon the railway exceeding fifty-six pounds but not exceeding five hundred pounds in weight any sum they may think fit:

Provided also that articles sent in large aggregate quantities for carriage by the Company although made up in separate parcels such as bags of sugar coffee meal

A.D. 1923. — and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

The weight of all parcels shall be determined according to the imperial avoirdupois weight.

Foregoing charges not to apply to special trains.

47. The restrictions as to charges to be made for passengers shall not extend to any special train run by the Company on the railway in respect of which the Company may make such charges as they think fit but such restrictions shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway.

Passengers' luggage.

48. Notwithstanding anything contained in any former Act every passenger travelling by any train running on any of the Company's railways or by any train of the Company may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof. All such luggage shall be carried by and at the responsibility of the passenger and shall not be so carried or be of such form or description as to annoy or inconvenience any other passenger. A passenger shall not place any personal luggage on any seat or part of a seat on which any other passenger desires to sit. Any provision of any Act requiring the carriage of any greater weight of luggage than in this section provided shall cease to apply as regards any passenger travelling by any such train.

Company not to carry animals and goods.

49. The Company shall not carry on the railway or on any other railway forming part of their undertaking any cattle or other animals except dogs or any goods articles or merchandise other than parcels.

Power to Company to carry dogs and to demand and take rates and charges therefor.

50.—(1) Notwithstanding anything contained in any former Act relating to or affecting the Company the Company may convey dogs on the railway and on any other railways which are now or hereafter owned worked or run over by or leased to them and may from time to time make vary or rescind regulations with regard thereto and to the admission or removal of dogs to or from the premises of the Company and the carriages on the said railways.

(2) No person shall be entitled to a seat for the accommodation of a dog in any such carriage as aforesaid,

(3) The Company may demand and take for the conveyance of dogs in carriages of any class on the railways aforesaid or any of them such rates or charges as the Company may think fit not exceeding the fares which the Company are for the time being authorised to demand and take for the conveyance of passengers in carriages of the same class on the same railways.

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51. The provisions of this section shall apply with regard to the issue by the Company over the railway of workmen's return tickets :— Workmen's fares.

(1) The Company shall every morning except Sundays Christmas Day Good Friday and bank or public holidays issue at all stations on the railway workmen's return tickets to all other stations on the railway for a forward and return journey on the same day at fares not exceeding the fares for the time being in force for a single journey between the same two stations. Provided that the Company may charge a minimum fare of threepence for any such workman's return ticket :

(2) A workman's return ticket issued in pursuance of this section shall entitle the holder to whom the ticket is issued to travel in a suitable carriage (other than a first-class carriage) by the route specified thereon by any train timed to leave the station at which the ticket is issued at or before half-past seven o'clock in the morning of the day of issue thereof (but so that such holder shall change from one railway train or carriage to another at such stations on such route as may be necessary) and to return by the same route in a like carriage by any train on the same day (but so that he shall change railways trains or carriages as aforesaid) and to leave the train on such return journey at any station at which such train shall stop within the limits of the journey for which such ticket is issued :

(3) The Company shall publish in some conspicuous and convenient part of every station on the railway notice boards or placards setting forth the conditions on which workmen's return

A.D. 1923:

tickets are issued and the fares charged in respect thereof and the trains by which such tickets are available :

- (4) The liability of the Company under any claim to compensation for injury or otherwise in respect of any passenger travelling with a workman's return ticket shall be limited to a sum not exceeding one hundred pounds :
- (5) On complaint being made to the Minister of Transport with respect to the sufficiency convenience number or times of trains between the stations on the railway by which such workmen's return tickets are available or the sufficiency of the accommodation provided thereby the Minister of Transport may after inquiry make such order upon the Company as having regard to the circumstances may appear to the said Minister to be necessary to give effect to the purposes of this section :
- (6) For the purposes of this section the railways of the Company and the London Company shall all be deemed one railway and the expression "workmen's return tickets" shall include workmen's through return tickets over the railways of both of those companies.

Agreements
as to construction
and working
Company's
railways.

52.—(1) The District Company the London Company and the Central Company (in this section called "the three companies") or any one or more of them on the one hand and the Company on the other hand may enter into and carry into effect vary and rescind agreements with respect to the following purposes or any of them (that is to say) :—

The construction working use management and maintenance of the undertaking of the Company or some part or parts thereof by the three companies or any of them ;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railway of the Company ;

The supply and maintenance by any one or more of the three companies during the continuance of any such agreement for the working or use of the

undertaking of the Company or some part or parts thereof of engines motors stock and plant necessary for the purposes of such agreement;

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The employment of officers and servants;

The payments to be made and the conditions to be performed with respect to such working use management and maintenance;

The appointment of directors of the Company and of joint committees of any one or more of the three companies who are parties to such agreement and the Company;

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

(2) The provisions of section 26 of the Railways Clauses Act 1863 shall apply to and for the purposes of any agreement entered into under the provisions of this section.

53. Nothing in any agreement made under the authority of this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertakings for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is worked by the District Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Saving for
Postmaster-
General.

54.—(1) The Company on the one hand and the District Company and the London Company or either of them on the other hand may enter into and carry into effect vary and rescind contracts and agreements for and with respect to the supply by the District Company and the London Company or either of them to the Company

Agreements
for supply
of elec-
tricity.

A.D. 1923. of electricity and the prices to be charged for and the terms and conditions of such supply.

(2) All provisions which are contained in any of the Acts of the Company or in the Acts of the District Company or the London Company for the protection of the telegraphic lines of the Postmaster-General in respect of the use of electricity shall extend and apply to the exercise by the Company or either of those companies (as the case may be) of any of the powers conferred by this section or by any contract or agreement made under this section.

Alteration
of number
of directors.

55.—(1) The Company may from time to time increase or reduce the number of the directors but so that the number shall not be less than three nor more than nine.

(2) Section 46 of the City and South London Railway Act 1890 is hereby repealed.

Continuing
directors.

56. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors holding office shall be less than three the directors shall not except for the purpose of filling vacancies and allotting shares or stock to any proposed director or directors act so long as the number is below such minimum.

Notice of
candidature
for office of
director.

57. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place of a director retiring by rotation unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company fourteen days at least before the day of election.

As to quali-
fication of
directors.

58. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting such office or place of trust or profit or becoming interested in any such contract,

Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

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59.—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

Appoint-
ment of
managing
director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

60. The Company the District Company the London Company and the Central Company (in this section called "the companies") or any of them either alone or in conjunction with any other railway companies or any statutory or limited companies or any bodies societies or persons may in addition to subscribing to any such pension fund as is referred to in section 34 (Pensions for Company's servants) of the Act of 1919. subscribe to any

Amending
section 34
of Act of
1919.

A.D. 1923. — medical charitable or educational institutions to which any former employees or employees for the time being of any of the companies or any other railway or any statutory or limited companies or bodies societies or persons or any dependents or widows of any such employees as aforesaid may apply for assistance or relief and may establish or subscribe to a fund or funds for assisting in any manner thought fit any such employees or any such dependents or widows as aforesaid Any subscriptions made prior to the passing of this Act by any of the companies to any such fund or funds as aforesaid are hereby sanctioned and confirmed.

Railway
constables.

61. Subject to the conditions hereinafter set forth any metropolitan police magistrate or any magistrate for the city of London or any two justices having jurisdiction in any one of the counties or boroughs in which the constables hereinafter mentioned are to act may on the application of the Company the London Company the District Company and the Central Company or any of them appoint all or so many as they think fit of the persons recommended to them for that purpose by any one or more of the said companies to act as special constables upon and within the whole of the railways stations and works belonging to or worked by all or any of the said companies either solely or jointly with any other company companies or committee and the following provisions shall apply to every appointment so made:—

- (1) Every person so appointed shall make oath or declaration in due form of law before any such magistrate or justice having jurisdiction in the city of London or in any one of the counties or boroughs in which such person is to act duly to execute the office of a constable:
- (2) Every person so appointed and having been sworn or having made declaration as aforesaid shall during the continuance of his appointment have all the powers protection and privileges of a constable in respect of the exercise of his duties and may follow and arrest any person who has departed from any of the said railways stations or works after committing therein or thereon any offence for which he might have been arrested while within or upon the said railways stations or works:

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—

(3) Any such magistrate or any two justices assembled and acting together or any of the companies may dismiss from his office or accept the resignation of any constable so appointed and thereupon all powers protection and privileges belonging to such person by virtue of such appointment shall wholly cease. No person so dismissed or resigning shall be capable of being reappointed except with the consent of the authority by whom he was dismissed :

(4) The local authorities of any county city or borough shall not be liable for any expense of or be responsible for any acts or defaults of such constables or for anything connected with or consequent upon their appointment and nothing in this Act contained shall restrict or affect the jurisdiction or powers of the respective local authorities of the county city or borough as the case may be or of any police force :

(5) A constable appointed as aforesaid shall not act as such unless he be in uniform or provided with an authority to act as a constable which authority the magistrate or justice before whom such constable makes oath or declaration as aforesaid is hereby empowered to grant and if the constable be not in uniform he shall show such authority whenever called upon to do so :

(6) Section 26 of the Great Northern Piccadilly and Brompton Railway Act 1908 section 55 of the Metropolitan District Railway Act 1900 section 36 of the Central London Railway Act 1909 and section 31 of the Act of 1919 are hereby repealed.

62. Subject to the provisions of this Act the Company may from time to time raise further money in all or any one or more of the following ways that is to say (a) by borrowing on mortgage of their undertaking (b) by the creation and issue either at a discount or at par or at a premium of second debenture stock carrying interest at such rates as the Company shall think fit and (c) by borrowing either without security or on the security of the deposit (with or without a charge thereon) of such second debenture stock as aforesaid (whether redeemable or irredeemable) Provided always that the aggregate

Additional
capital and
loan capital.

A.D. 1923.

amount of the moneys so from time to time raised and which are at any one time outstanding shall not exceed in the whole three million six hundred thousand pounds.

As to
authorised
but un-
issued
capital and
dividends
thereon.

63. Notwithstanding anything contained in the City and South London Railway Acts 1884 to 1913 or any of them the Company may create and issue as preference capital with a dividend at such rate as the directors may determine at the time or times of the issue thereof any capital which the Company are by the Act of 1903 or the Act of 1913 or by either of those Acts as amended by this Act authorised to create and issue as ordinary or preference capital and which the Company have not created and issued at the passing of this Act.

As to
debenture
stock.

64.—(1) Any second debenture stock created and issued under the provisions of this Act shall carry interest at such rate as the Company shall determine and shall all rank *pari passu* irrespective of the dates of the creation or issue thereof and shall rank *pari passu* with the second debenture stock authorised to be created and issued under the Acts of 1919 and 1922 and shall with the interest thereon be a charge on the whole undertaking from time to time of the Company but such charge and any mortgage created under this Act shall rank subject to any charge securing any debenture stock created and issued under or by virtue of the City and South London Railway Acts 1884 to 1913 or any of them.

(2) Notwithstanding anything contained in Part III. of the Companies Clauses Act 1863 or this Act (a) any subsequent Act which authorises the Company to raise money by borrowing or by mortgage or by the creation and issue of debenture stock may authorise the Company to raise the same so as to rank as regards the principal and interest thereof and the security therefor either *pari passu* with any first debenture stock which the Company are authorised to create and issue by any previous Act or in priority to or *pari passu* with the second debenture stock which the Company are authorised to create and issue by the said Act of 1919 and the said Act of 1922 and this Act or otherwise as such subsequent Act may provide and (b) the interest on all debenture stock which is at any time created and issued under any subsequent Act shall (subject to the provisions of such subsequent Act) have priority over all principal

moneys secured by such debenture stock and by the second debenture stock which the Company are authorised to create and issue by the said Act of 1919 and the said Act of 1922 and this Act Notice of the effect of this subsection shall be endorsed on all certificates for such last-mentioned debenture stock.

(3) The borrowing powers conferred upon the Company by this Act shall not nor shall any borrowing powers heretofore conferred upon the Company be subject to reduction owing to the Company purchasing or having prior to the passing of this Act purchased lands in consideration of rentcharges or having paid or paying interest out of capital during construction of works or making up or paying or having made up or paid interest on any stocks or shares of the Company out of capital under the provisions of this or any previous Act.

65.—(1) The directors may from time to time by virtue of this Act and without further or other sanction or authority create and issue the second debenture stock which the Company are by this Act authorised to create and issue or any part thereof and any unissued preference stock which the Company were immediately prior to the passing of or are by this Act authorised to issue so as to be redeemable either at par or at such premium (not exceeding five per centum) and on such dates or in such events and on such terms and conditions and in such manner as the directors may determine at or before the issue thereof.

Issue of redeemable preference capital and debenture stock.

(2) The Company may if the terms of issue so provide—

- (a) Call in and pay off the stock or any part thereof at any time before the fixed date of redemption; and
- (b) Redeem the stock or any part thereof in all or any of the following ways namely either by paying off the stock or by purchasing the same in the market or by tender at any price not exceeding the redemption price thereof or by issuing to any stockholder subject to his consent other stock in substitution therefor and may for the purpose (a) of providing money for paying off money borrowed by them under the powers of this Act (either with or without a deposit of

A.D. 1923.

second debenture stock by way of security) or (b) of paying off the stock or (c) of replacing capital applied under the section of this Act of which the marginal note is "Power to apply capital in purchase of redeemable stocks" or (d) of providing substituted stock create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued under this section. Provided that the creation and re-issue for the purpose of any particular class of stock does not make the total amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create save so far as such creation and issue is for the purpose of paying off stock created and issued under the provisions of this section or of providing stock substituted for the same thereunder. Any stock so paid off or redeemed shall be cancelled. Provided that unless any subsequent Act of Parliament otherwise directs the new second debenture stock so created and issued by the Company shall be created and issued as second debenture stock ranking *pari passu* as regards principal interest and security with the second debenture stock which the Company are authorised to create and issue by the Act of 1919 the Act of 1922 and this Act as the case may be. Provided also that the powers of the Company of borrowing or borrowing on mortgage or by the creation and issue of debenture stock or otherwise shall not by reason of section 34 of the Companies Clauses Act 1863 be cancelled by the creation and issue of redeemable debenture stock under the provisions of this section.

(3) If the Company deposit any debenture stock (whether redeemable or not) or any redeemable preference stock to secure advances from time to time on current account or otherwise such debenture stock or preference stock shall not be taken to have been redeemed by reason only of the account of the Company having ceased to be in debit whilst such debenture stock or preference stock remains so deposited.

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(4) The Company may from time to time set aside out of revenue after providing for the payment of dividends or interest on any loan or on any guaranteed stock preference stock or debenture stock of the Company and for other fixed charges and obligations such sums as the Company may consider proper for the purpose of forming a fund for the redemption of any redeemable stock which the Company may have issued and which under the conditions of the issue thereof is redeemable wholly or partly in cash and the Company may invest any sums so set apart and the income therefrom in any securities in which trustees are for the time being by law authorised to invest trust funds or in any other securities (not being except as hereinafter provided securities of the Company) in which they may be authorised to invest those sums by a resolution passed at a general meeting of the Company.

(5) Any sums so set apart shall be applied for redemption of any redeemable stock for the redemption of which they have been set apart but may if the directors of the Company think fit be also at any time applied in the purchase of any such stock at a price not exceeding the redemption price and any stock so purchased shall be cancelled.

(6) All sums so set apart shall be shown in Account No. 9 (Proposed appropriation of net income) of the accounts and returns prepared by the Company pursuant to the provisions of the Railway Companies' (Accounts and Returns) Act 1911.

66. Any capital moneys which the Company now or at any time hereafter have in their hands and which may not be required for any purpose to which the same are made specially applicable by the Act or Acts by which they are authorised to be raised may if the directors think fit be at any time applied in the purchase of any redeemable first or second debenture stock or redeemable preference stock in the market or by tender at any price not exceeding the redemption price thereof Any first or second debenture stock or preference stock so purchased shall be cancelled.

Power to apply capital in purchase of redeemable stocks.

67. Section 10 (For appointment of a receiver) of the Act of 1922 is hereby repealed so far as it relates

For appointment

A.D. 1923.

of a re-
ceiver.

to the Company but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provisions. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing
mortgages
to have
priority.

68. Subject to the provisions of this Act the principal moneys secured by all mortgages granted by the Company before the passing of this Act in pursuance of the powers of any former Act of Parliament and subsisting at the passing hereof shall during the continuance of any such mortgages have priority over the principal moneys secured by any mortgages granted by the Company by virtue of this Act.

Receipt in
case of
persons not
sui juris.

69. If any money is payable to a mortgagee or debenture stockholder of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Directors
may exer-
cise capital
powers.

70. The directors may from time to time notwithstanding the provisions of any Act relating to the Company and without further authority than is given by this section exercise all or any of the powers of raising money by mortgaging the undertaking or creating and issuing second debenture stock and borrowing and of creating and issuing redeemable preference and debenture stock which are conferred upon the Company by this Act and so much of the powers of raising additional capital by the creation and issue of preference shares or stock or redeemable preference shares or stock or of borrowing or of creating and issuing debenture stock or redeemable debenture stock conferred upon the Company by the *City and South London Railway Acts 1884 to 1919* or any of them as shall not have been exercised at the passing of this Act but nothing in this section contained shall be deemed

to limit the powers of such directors to exercise on behalf of the Company the powers conferred by any other section of this Act. A.D. 1923.

71. The Company may apply to the purposes of this Act or to the general purposes of their undertaking to which capital is properly applicable including the payment of interest under the provisions of the section of this Act of which the marginal note is "Power to pay interest on borrowed money out of capital" any of the moneys which they are by any Act relating to the Company authorised to raise and which may not be required for the purposes of those Acts respectively. Power to apply funds.

72. All moneys raised under this Act by the Company shall be applied only to the purposes of their undertaking to which capital is properly applicable. Application of moneys.

73. The Company may charge to capital account the interest accruing until the fifteenth day of August one thousand nine hundred and twenty-eight or for such less period as the directors may determine on all money which the Company may raise by borrowing or by the issue of debenture stock for the purpose of providing funds for the construction or equipment of the works by this Act authorised or other purposes to or on which capital may under the provisions of this Act or any other Act relating to the Company be applied or expended. Power to pay interest on borrowed money out of capital.

74. The District Company the London Company and the Central Company (each of whom are in this section referred to as "the subscribing company") or any one or more of them may with the authority of not less than three-fourths of the votes of such proprietors of the subscribing company entitled to vote as are present in person or by proxy at a general meeting of the subscribing company specially convened for the purpose subscribe such moneys as they may think fit towards the construction of the railways and works by this Act authorised and the subscribing company may with the like authority contribute and apply in or towards payment of their said subscription any moneys which the subscribing company are already authorised or may by any Act passed in the present session of Parliament be authorised to raise and which may not be Power to other companies to subscribe to works of Company.

A.D. 1923. required by them for the purposes of their undertaking and the subscribing company shall in respect of any sum so subscribed and the corresponding shares in the Company to be held by them have all the powers rights and privileges (except in regard to voting at general meetings which shall be as in this Act provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company :

Provided always that the subscribing company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe other than to one of the companies named in this section.

Votes of
companies'
shareholders
in Company.

75. The District Company the London Company and the Central Company may each or any of them while shareholders of the Company from time to time appoint some person in writing under their common seal to each attend any meeting of the Company and such persons shall have all privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital held by the company appointing them.

Inspection
and copies
of share-
holders'
address
book.

76.—(1) Notwithstanding anything contained in section 34 of the Regulation of Railways Act 1868 the Company shall not be required to print or to supply printed copies of the shareholders address book of the Company but the said book shall at all convenient times be open to the inspection of any person who holds any share or stock or mortgage of the Company gratis and to the inspection of any other person on payment of a sum not exceeding one shilling for each inspection.

(2) Any person may require a copy of the said book or of any part thereof and for every hundred words so required to be copied the Company may demand a sum not exceeding sixpence.

(3) If the Company act in contravention of this section they shall be liable for each offence to the same penalty (which shall be recovered and applied in the same manner) as for an offence under the said section 34.

Directors
may autho-
rise chief

77. The directors may by resolution authorise any chief officer of the Company to sign contracts on behalf

of the Company and contracts signed in accordance with any such resolution shall have the same validity as contracts made under section 97 of the Companies Clauses Consolidation Act 1845 when signed on behalf of the Company by any two of the directors.

A.D. 1923.

—
officers to
sign certain
contracts.

78. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any railway or to execute any other work or undertaking.

Deposits for
future Bills
not to be
paid out of
capital.

79. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Provision
as to general
Railway
Acts.

80. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any land or hereditaments (including the subsoil or undersurface of any street road or footway) or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give).

Crown
rights.

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

Costs of
Act.

A.D. 1923. The SCHEDULES referred to in the foregoing
Act.

FIRST SCHEDULE.

PROPERTIES UNDER WHICH EASEMENTS MAY BE TAKEN.

Area.	Numbers on deposited Plans.
Metropolitan borough of Wandsworth.	6B to 6I inclusive 6K 8 11 to 19 inclusive 23 to 31 inclusive 37 to 42 inclusive 44 to 52 inclusive 54 to 61 inclusive 63 to 85 inclusive 87 to 93 inclusive 95 to 98 inclusive 98B to 98E inclusive 99 to 118 inclusive 118A 119 to 121 inclusive 124 127 to 132 inclusive 134 to 141 inclusive 145 to 149 inclusive 151 to 157 inclusive 159 to 166 inclusive 169 to 188 inclusive 190 to 198 inclusive.
Metropolitan borough of Battersea.	6K.
Urban district of Mitcham -	1A 3 to 18 inclusive 20 to 39 inclusive 39A 39B.
Urban district of Merton and Morden.	39B 41 to 56 inclusive 56A 57 to 63 inclusive 65 66 66A 67 to 76 inclusive 76A 78 to 94 inclusive 95 to 101 inclusive 101A 102 to 157 inclusive 160 to 167 inclusive 171 to 181 inclusive 183 to 192 inclusive 192A 193 to 199 inclusive 199A 200 201 202 204 204A 205 206 207 208 209 210 211 212 213 and 214.

SECOND SCHEDULE.

A.D. 1923.

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

Area.	Nos. on deposited Plans.	Description of property.
Metropolitan borough of Wandsworth.	8	House garden passage and out-buildings.
	13	House garden and outbuildings.
	124	House shop yard and outbuildings.
Urban district of Merton and Morden.	117	House garden and outbuildings.
	118	House garden and outbuildings.
	119	House garden and outbuildings.
	120	House garden and outbuildings.
	121	Public house yard and warehouse.
	200	Electrical engineering factory workshop stores offices engine houses allotments light railway and sheds.
	204	Sports ground sheds and stands.
	204A	Sports ground and sheds.
	206	Field and tennis courts.
	207	House gardens and sheds.
	210	Field.
	213	House and garden.
218	Field.	
219	Occupation road farm buildings cattle sheds and yard.	
224	Farriers shop garden and water-tanks.	
231	Paddock.	

A.D. 1923.

THIRD SCHEDULE.

NUMBERS and MARGINAL NOTES of SECTIONS of ACTS of CITY AND SOUTH LONDON RAILWAY COMPANY which are wholly or partly incorporated with this Act and which are referred to in the section of this Act of which the marginal note is "Application of provisions of existing Acts."

Act of 1903.

Marginal Note of Section.	No. of Section.
Railway may be worked by electrical power - - -	7
Provisions as to use of electrical power - - -	11
Provision as to cellars under streets not referenced -	20
Conditions to be observed in opening road for boring purposes outside city.	37
As to carting materials and soil - - - -	39
For protection of sewers of council - - - -	40
Buildings not to be brought beyond general line -	41
Walls of buildings to be made good - - - -	42
Inspection of works by council - - - -	43
Conditions to be observed in opening streets for boring purposes.	44
Machinery to be screened from view - - - -	45
Application of London Building Acts - - - -	46
For protection of council's tramways - - - -	48
As to works near surface of street - - - -	50
Exhibition of placards - - - -	52
For protection of sewers of metropolitan borough councils.	53
As to submission of notices &c. - - - -	55
Map and plan of underground works of Company to be made.	56
Company not to be exonerated by approval of plans &c.	57
Deposit of objects of interest - - - -	59
General provisions for protection of water gas hydraulic power and electric companies.	72
Company empowered to underpin or otherwise strengthen houses near railway.	77

[13 & 14 GEO. 5.] *City and South London
Railway Act, 1923.*

[Ch. ci.]

Act of 1919.

A.D. 1923.

Marginal Note of Section.

No. of Section
and Subsections.

For protection of London County Council -

- Subsections (2)
and (4) of
Section 23.

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