CHAP. xxx.

An Act to make provision respecting the use of Subways under the management of the Commissioners of Sewers of the City of London and the liberties thereof; and for other purposes. [24th June 1869.]

A.D. 1869.

WHEREAS subways are in course of construction by the mayor, aldermen, and commons of the city of London, in common council assembled, under the viaduct or raised way and parts of the new streets authorized by "The Holborn Valley Improvement Act, 1864," as amended by "The Holborn Valley Improvement (Additional Works) Act, 1867," (and which said Acts are herein-after referred to as the recited Acts,) and the same, when completed, will be under the management of the Commissioners of Sewers of the city of London and the liberties thereof, in this Act called the commissioners:

27 & 28 Vict. c. lxi. 30 & 31 Vict. c. lv.

And whereas, in order to prevent inconvenience to the public by the frequent breaking up of the surface of the viaduct and new streets, it is expedient that the commissioners be enabled to require companies, bodies, and persons intending or required to place water, gas, or other pipes in or under the viaduct and new streets to lay them in the subway on proper terms and conditions; and it is also expedient to make other provisions respecting the use of the subway:

And whereas the objects aforesaid 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited as "The City of London Subways Act, 1869." Short title.

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Interpretation of terms.

2. In this Act the term "subway" means an arched passage or covered way under the surface of a street, constructed for the reception of gas, water, and other pipes:

The term "street" includes viaduct, road, square, alley, court, thoroughfare, and public place, constructed or to be hereafter constructed under the powers of the recited Acts or either of them:

The term "pipe" includes gas pipe, water pipe, tube for telegraph wires, or other tube, and all apparatus connected with a pipe or tube.

Requisition for use of subways for new pipes.

3. Where any company, body, or person is desirous of laying a pipe under the surface of a street, under which street there is or may be a subway of the commissioners, constructed or to be hereafter constructed under the powers of the recited Acts or either of them, and the commissioners, by notice served on the company, body, or person, require them or him to lay the same in the subway, then, after service of the notice, and notwithstanding anything in any Act of Parliament now in force, it shall not be lawful for that company, body, or person to lay the pipe under the surface of the street otherwise than in the subway, or to open or break up the street for that purpose.

Remedies against companies, &c. violating provisions of Act.

4. If any company, body, or person lays a pipe or opens or breaks up a street in any respect in contravention of this Act, they or he shall for every such offence (without prejudice to any other remedy or proceeding against them or him) be liable to a penalty not exceeding twenty pounds, and the commissioners (whether having the control or management of the surface and soil of the street or not), if they think fit, may remove the pipe so laid, and may fill in the ground, and make good the surface and pavement of the street opened or broken up, and the expenses incurred by them in so doing shall be paid to them, on demand, by such company, body, or person, and in default of payment may be recovered as a penalty under this Act is recoverable.

Removal of existing pipes into subway.

5. Where there is under a street a subway under the management of the commissioners, and a pipe has been laid under the surface thereof otherwise than in the subway, the commissioners may, by notice served on the company, body, or person to whom the pipe belongs, require them or him to remove the same into the subway, and they or he shall remove the same accordingly, and the expenses of such removal shall be defrayed by the commissioners; and if any difference arises respecting the reasonable amount of those expenses, the same shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either

party, and the costs of the reference shall be in the discretion of the arbitrator; and in case it is necessary for the purpose of such removal to substitute any new pipe for any existing pipe in the street, the arbitrator may apportion the cost of such substitution between the commissioners and the company, body, or person, if he considers that the company, body, or person will derive any benefit from the removal or substitution. If the company, body, or person fail to comply with the notice, the commissioners (whether having the control or management of the surface and soil of the street or not), if they think fit, may take up the pipe in respect of which default is made, and may remove the same into the subway, and for that purpose may open and break up the street.

General use of subway.

6. The commissioners shall, as far as space will admit, and without favour or preference, allow pipes to be laid in any subway under their management.

Maintenance of pipes and subways.

7. All pipes placed in a subway under this Act shall be maintained by the companies, bodies, or persons to whom the same belong, under the supervision of the commissioners, and the subway shall be maintained by the commissioners in an efficient state of ventilation and repair, and free from water and other obstruction in the way of the companies, bodies, or persons using the same.

Manner and terms of supervision.

8. The supervision of the pipes in a subway, and the general management of the subway by the commissioners, shall be conducted in such manner and on such terms, pecuniary and other, as are from time to time agreed on between the commissioners and the companies, bodies, and persons using the subway, or as in case of difference are determined by the Board of Trade, or by an arbitrator appointed by that board on the application of either party, and the costs of the reference shall be in the discretion of the arbitrator, and each party shall do all acts necessary to give effect to the reference and award.

Application of Commissioners' Acts, &c.

9. For the purposes and in the execution of this Act, the commissioners shall have and may exercise all powers, privileges, and authorities conferred on them by the Acts constituting and regulating them, and, as far as may be, the provisions of those Acts shall apply for the purposes and in the execution of this Act, and particularly the provisions in those Acts, or either of them, relating to the recovery and application of penalties.

Saving for powers.

10. Nothing in this Act shall take away or abridge any right or power or authority vested in or exerciseable by the mayor, aldermen,

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and commons of the city of London in common council assembled, or the commissioners independently of this Act.

Expenses of Act.

11. The costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and passing this Act shall be paid by the mayor, aldermen, and commons out of any money coming to them under "The Holborn Valley Improvement Act, 1864," and "The Holborn Valley Improvement (Additional Works) Act, 1867," or any Act of Parliament passed to provide funds for the execution of the works authorized by those Acts.

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