CHAPTER clxxxi.

An Act to authorise the construction of certain Street Improvements and the taking of Lands in the Parish of Saint Mary Abbotts Kensington in the County of London and for other purposes. [7th August 1896.] A.D. 1896.

WHEREAS the construction of the street improvements herein-after mentioned would be of public and local advantage:

And whereas the several persons herein-after named are willing at their own expense to execute the necessary works upon being authorised to acquire certain lands buildings and property in the neighbourhood thereof and having the other powers in this Act expressed conferred upon them:

And whereas a plan and section showing the lines and levels of the works authorised by this Act the plan showing also the lands which may be compulsorily taken under the powers of this Act and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of London and are herein-after respectively referred to as the deposited plan section and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

Short title.

1. This Act may be cited as the Kensington (James Street Area) Improvements Act 1896.

Incorporation of general Acts.

2. The Lands Clauses Acts (except where expressly varied by or excepted from or inconsistent with this Act) are incorporated with and form part of this Act.

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Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have (subject as herein-after mentioned) the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the Undertakers" means and includes Charles Witt Simson of 14 Addison Gardens Kensington and George Richmond Mewburn of 18 Campden Hill Gardens Kensington in the county of London and the survivor of them and the heirs of such survivor and their respective assigns;

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

The expression "vestry" means the vestry of the parish of Saint Mary Abbotts Kensington;

The word "street" includes streets squares courts lanes alleys highways roadways thoroughfares and other public passages or places;

The expressions "the works" and "the undertaking" mean respectively the works and the undertaking by this Act authorised;

The word "company" in the Acts herewith incorporated means the Undertakers;

Any enactment in the Acts herewith incorporated referring to a writing under the common seal of the company shall be read and have effect as if referring to a writing under the hands or seals of the Undertakers or in the case of the survivor of the Undertakers or of the heir of the survivor of the Undertakers under his hand and seal;

Any enactment in the Acts herewith incorporated referring to the manager secretary chief or other clerk accountant treasurer or other officer of the company shall be deemed to apply to the Undertakers;

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to take lands and execute works.

4. Subject to the provisions of this Act the Undertakers may enter upon take and use the lands delineated on the deposited plan and described in the deposited book of reference or any of them or any part or parts thereof respectively and shall make in the lines

and according to the levels shown on the deposited plan and section the works herein-after described with all necessary and proper walls fences drains culverts approaches buildings works and conveniences connected therewith:

The works herein-before referred to and by this Act authorised will be situate in the parish of Saint Mary Abbotts in the county of London and are—

(1) A new street (No. 1) commencing at or near the south-east corner of Kensington Square and terminating at or near the west end of St. Alban's Road at its junction with South End and South End Row;

(2) A new street (No. 2) commencing at or near the south-east corner of Kensington Square and terminating at or near the junction of Kensington Court Little Charles Street and Charles Street;

(3) A widening of the western end of St. Alban's Road on the south side thereof between Stanford Road and the termination herein-before described of the proposed new street (No. 1); and

In connexion with the aforesaid street improvements a narrowing of the road or passage known as South End on the south side for a distance of ten yards or thereabouts at the east end thereof.

Power to stop up and discontinue certain streets and passages.

5. Subject to the provisions of this Act the Undertakers may when and so soon as in each case they have become owners in possession of the property on both sides thereof stop up and discontinue for public use the following streets roads and places or some of them or some part or parts thereof respectively (that is to say) James Street Kensington Square Mews James Place and the roadway leading northward from South End and towards which the industrial dwellings belonging or reputed to belong to Arbuthnot Charles Guthrie abut and which is known as Saint Alban's Road West and all other yards passages roadways and places leading out of or communicating with the same respectively all in the parish of Saint Mary Abbotts Kensington aforesaid and may also when and so soon as they have become owners in possession of the properties numbered respectively on the deposited plan 30 31 32 and 33 stop up and discontinue for public use the passage now leading from South End Row to South End Cottages and so much of South End Row as lies to the westward of a line drawn in continuation northward of the eastern boundary wall of the property numbered 19 on the deposited plan and upon the stopping up or discontinuance thereof respectively the sites and soils of those

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streets roads and places respectively or such parts thereof as are not shown by the deposited plan to be thrown into and form part of the new streets and street widening to be made under the powers of this Act are by this Act vested in the Undertakers freed and discharged from all public and private rights over or affecting the same and may be appropriated and used by the Undertakers for the purposes of their undertaking.

Money deposit.

6. Before putting in force any of the powers conferred by this Act the Undertakers shall deposit or secure to the satisfaction of the vestry such a sum of money or of Government securities not exceeding five thousand pounds as may be required by the vestry Any deposit so made shall be made in the joint names of a trustee to be appointed by the Undertakers and a trustee to be appointed by the vestry by resolution under their common seal The sum so deposited or secured shall constitute a fund for securing the construction of the street improvements by this Act authorised and shall be repaid or released to the Undertakers in equal moieties when and so soon as it may be certified by the surveyor to the vestry that amounts equal to the sums so to be repaid or released have been expended by the Undertakers upon the purchase of land for or the construction of the street improvements by this Act authorised or at such earlier dates and by such instalments as may be approved by the vestry Any sum or portion of any sum so deposited which shall not within the time by this Act limited for the completion of the street improvements by this Act authorised be released or releasable or repaid or repayable under the foregoing provisions of this section may be applied in pursuance of a resolution of the vestry in or towards the purchase of land for or the construction or completion of any of the street improvements by this Act authorised and subject thereto shall be repaid or retransferred to the Undertakers or as they shall direct and the Undertakers shall from time to time be entitled to any interest or dividend which may accrue upon any money or securities deposited as aforesaid and not applied under any such resolution as aforesaid.

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

7. And whereas in exercise of the powers of this Act it may happen that portions only of the houses or other buildings shown on the deposited plan 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 houses or other buildings numbered respectively on the deposited plan 67 127

and 135 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 Undertakers the portions only of the premises so required without the Undertakers being obliged or compellable to purchase the whole or any greater portion thereof the Undertakers paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Period for compulsory purchase of lands.

8. The powers of the Undertakers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take easements &c. by agreement.

9. 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 Undertakers any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement 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.

For protection of trustees of Mission Hall.

10. The Undertakers shall not without the previous consent in writing of the trustees for the time being of the Mission Hall numbered 65 on the deposited plan enter upon take or use any part of the said Mission Hall.

For protection of vestry of St. Mary Abbotts Kensington.

11. For the protection of the vestry of St. Mary Abbotts Kensington in the county of Middlesex (herein-after called "the vestry") the following provisions shall unless otherwise agreed between the vestry and the Undertakers have effect (that is to say):—

(1) The Undertakers shall before commencing the execution of any of the street improvements and subject to the provisions of sub-section 2 of this section within one year after the passing of this Act purchase from the vestry and the vestry will sell to the Undertakers the fee simple with vacant possession and free from all incumbrances of the property now belonging to them in James Street known as Nos. 9 10 11 12 13 14 10A 12A 19A 21 22 23 and 24 at and for the sum of three thousand six

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hundred pounds (which sum is herein-after referred to as "the purchase money"):

(2) The Undertakers shall pay to the vestry within one month from the date of the passing of this Act the sum of three hundred and sixty pounds as a deposit on account of the purchase money and shall also pay interest at the rate of four per centum per annum on the amount of the purchase money from the seventh day of February one thousand eight hundred and ninety-six until the completion of the purchase or until the Undertakers shall notify to the vestry that the said properties will not be required or until the vestry shall give the notice herein-after referred to whichever event shall first happen and if the Undertakers shall notify to the vestry that the said properties will not be required then they shall forthwith forfeit to the vestry the said deposit of three hundred and sixty pounds and pay interest at the rate aforesaid to the date of such notification to the vestry:

(3) If the completion of the purchase shall not take place within twelve months from the date of the passing of this Act and such notice as aforesaid shall not be given by the Undertakers within a like period the vestry may at any time thereafter by notice in writing to the Undertakers relieve themselves and the Undertakers respectively from the obligations of the section with relation to the sale and purchase of the said properties but such notice shall be without prejudice to the claims of the vestry to the forfeiture of the said deposit and the interest as aforesaid:

(4) When and so soon as the surveyor to the vestry shall have certified that the Undertakers have completed the streets Nos. 1 and 2 and the sewers thereunder and the widening the vestry shall pay to the Undertakers as a contribution towards the expense of the said improvements the sum of eight thousand six hundred pounds.

For protection of Sir Daniel Cooper.

12. The Undertakers shall not without the previous consent in writing of Sir Daniel Cooper erect any building to the northward of the property coloured red on the plan signed by Richard John Bowerman on behalf of the Undertakers and Leonard James Maton on behalf of the said Sir Daniel Cooper within ten feet of the northern boundary of such property nor shall any portion within twenty feet of the northern boundary of the said property of any building so erected exceed in height the limit shown on the said plan and in consideration of the foregoing provisions of this section neither the said Sir Daniel Cooper nor anyone claiming under him

as owners of the said lands coloured red shall make any claim against the Undertakers or anyone claiming under them in respect of any interference with ancient lights.

For protection of King's College.

13. No windows or openings shall be constructed by the Undertakers or any person deriving title through the Undertakers in the flank wall of any new house or building which may be erected by them or by any person deriving title under them on land abutting on the existing property of the Governors and Proprietors of King's College London known as 13 and 13A Kensington Square or upon the property coloured red blue and green on the plan signed by George Rackstrow Crickmay on behalf of the Undertakers and by James Green on behalf of the college.

Period for completion of works.

14. If the street improvements by this Act authorised and shown on the deposited plan and section are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Undertakers for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to stop up ways during execution of Act.

15. The Undertakers during the making of the works by this Act authorised may in or upon the lands shown upon the deposited plan and with the consent of the council and the vestry and according to such regulations as the council and vestry or either of them may prescribe stop up or cause to be temporarily stopped up all or any part of the carriage ways or footways of streets which they shall think necessary for the purposes of this Act to be so stopped up and for that purpose may put or cause to be put up sufficient palisades bars posts and other erections and the council may from time to time make such orders for regulating the passage of horses carts and carriages as to them shall seem proper.

Width of streets &c.

16. The roadways of the new streets and widening of St. Alban's Road by this Act authorised shall not be made of less width than forty feet including the footways on either side thereof and any buildings erected by the Undertakers or by any grantee or lessee of the Undertakers shall be set back seven feet six inches at least from the lines of the respective footways Provided always that if for the whole length of the frontage to any new street or widened street as aforesaid the Undertakers erect buildings having the ground floors set out as shops the footways shall be brought up to the frontage line of those buildings and shall be of the width of fifteen feet.

Power to deviate from levels &c.

17. Subject to the provisions of this Act in making any of the works for or connected with the street improvements by this Act

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authorised the Undertakers may deviate to any extent not exceeding two feet from the levels thereof defined on the deposited section and may deviate from the lines thereof within the limits of deviation defined on the deposited plan Provided that the said street improvements shall not without the consent in writing of the council and the vestry be constructed otherwise than in the line and situation shown on the deposited plan.

Power to make subsidiary works.

18. Subject to the provisions of this Act and within the limits defined on the deposited plan the Undertakers in connexion with the street improvements and as part and for the purposes thereof may make junctions and communications with any existing streets interfered with by or contiguous to the works and may make alterations of the levels of any existing streets for the purpose of connecting the same with the new streets and street widening authorised by this Act and may remove alter or interfere with any sewer or drain or telegraphic telephonic or electric apparatus the Undertakers providing a proper substitute before interrupting the flow of sewage in any sewer or drain and making compensation to all persons injuriously affected by the alteration of level or interference with any street or any premises or property :

Provided that the Undertakers shall not remove alter or interfere with any telegraphic or telephonic apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 and nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of that Act apply.

Restrictions on displacing persons of labouring class.

19.—(1) The Undertakers shall not under the powers of this Act purchase or acquire twenty or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(b) They shall have given security to the satisfaction of the said Secretary of State for the carrying out of the scheme.

(2) The approval of the said Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State may dispense with the last-mentioned requirements subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State may have approved of any scheme under this section or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirements shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State out of the High Court.

(5) If the Undertakers acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any such house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Undertakers may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require.

(7) The Undertakers may on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid:

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Provided that all lands on which any buildings have been erected or provided by the Undertakers in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Secretary of State may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8) All buildings erected or provided by the Undertakers for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local).

(9) The said Secretary of State may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as inspectors have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10) The Undertakers shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(11) Any houses on any of the lands shown on the deposited plan occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Undertakers prior to the date of the passing of this Act shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the said Secretary of State is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State they might have been sufficient to accommodate.

(12) The expression "labouring class" in this section includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some

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

For protection of sewers.

20. Where either of the new streets or the street widening or any works connected therewith to be done under or by virtue of this Act shall interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the council or of the vestry or with any sewers or works to be made or executed by the council or vestry or either of them or shall or may in any way affect the sewerage or drainage of the districts under their or either of their control the Undertakers shall not commence such works until they shall have given to the council or the vestry as the case may be twenty-eight days previous notice in writing of their intention to commence the same by leaving such notice at the principal office for the time being of such council or vestry with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such council or vestry as the case may be shall have signified their approval of the same (unless such council or vestry do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid) and the Undertakers shall comply with and conform to all orders directions byelaws and regulations of the council or of the vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as such council or vestry shall require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the council and vestry against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the council or the vestry as the case may be at the costs charges and expenses in all respects of the Undertakers and all costs charges and expenses which the council or the vestry may be put to by reason of such works of the Undertakers whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such council or vestry as the case may be by the Undertakers on demand and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses

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of the Undertakers under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council or vestry as the case may be respectively as any sewers or works now or hereafter may be.

Works to be subject to approval of vestry.

21. One month before commencing the execution of any of the street works by this Act authorised the Undertakers shall submit to the vestry plans sections and other necessary particulars of such street works and describing the nature of the paving and other materials to be used therein and all such street works shall be made and completed paved flagged sewered drained channelled and kerbed in such manner and with such materials as shall be reasonably approved by the vestry and the lamp posts and other arrangements for lighting the same shall be subject to the like approval of the vestry.

As to alteration of position of pipes.

22. Subject to the provisions of this Act the Undertakers may for any purpose in connexion with the works by this Act authorised upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined upon the deposited plan raise sink or otherwise alter the position of any drain channel water gas or hydraulic pipe belonging to or connected with any house or building adjoining or near to the works and also any main or other pipe laid down or used by any company for carrying a supply of water or gas or hydraulic power and may remove any other obstruction making in case of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit to any company person or body and making reasonable compensation to any company person or body who suffers damage by any such alteration Provided always that before the Undertakers alter the position of any main or other pipe laid down or used by any such company or body they shall give to the company or body to whom the same belongs notice of their intention to do so specifying the time at which they will begin to do so such notice to be given seven days at least before the commencement of the work for effecting such alteration and such work shall be done under the superintendence (at the expense of the Undertakers) of the company or body to whom such pipe belongs unless such company or body refuses or neglects to give such superintendence at the time specified in the notice for the commencement or discontinues the same during the work and the Undertakers shall execute such work to the reasonable satisfaction of the engineer of such company or body Provided also that the Undertakers shall not cause any street or road to be lowered or raised or the position of any water gas or hydraulic pipes to be

altered so as to leave over such pipes in any street a covering of less than three feet (unless the Undertakers shall in such case protect the same pipes from frost or injury by artificial covering to the satisfaction of the engineer of such company or body) or more than six feet unless a referee to be appointed by the Board of Trade at the expense of the Undertakers on the application of either party in case of dispute shall consider that the pipes should be carried to a greater depth for the purpose of avoiding interference with the works to be executed under this Act and in such case the pipes shall be altered in such manner and such works shall be made at the expense of the Undertakers in such manner as the referee may prescribe.

For protection of West Middlesex Water Company.

23.—(1) Every notice of the intention of the Undertakers to alter the position of any pipe of the West Middlesex Water Company shall be accompanied by a plan and section showing the proposed alteration.

(2) Any expenses that the West Middlesex Water Company may incur for the purpose of or in connexion with laying down new mains pipes syphons plugs and other apparatus for the supply of water in the new street No. 2 authorised by this Act shall be borne and paid by the Undertakers and may be recovered against the Undertakers by the West Middlesex Water Company in any court of competent jurisdiction and if in the construction by the Undertakers of the works necessary for the widening of the street by this Act authorised to be widened any mains pipes syphons plugs or other apparatus in the said street shall be affected so as to render necessary the substitution therefor of new mains pipes syphons plugs or apparatus the expenses incurred by the West Middlesex Water Company in effecting such substitution shall in like manner be borne and paid by and may be recovered from the Undertakers.

(3) Before the Undertakers under the provisions of this Act stop up or discontinue or appropriate to the purposes of their undertaking any street or place in which any main or pipe or other water apparatus of the West Middlesex Water Company shall be laid they shall to the satisfaction of the engineer for the time being of the West Middlesex Water Company take up and deliver to that company at their Kensington works all the mains pipes and water apparatus belonging to that company which shall be laid in any such street or place and the Undertakers shall also pay to the West Middlesex Water Company their reasonable charges of removing or altering any of the apparatus in immediate communication therewith which the works of the Undertakers shall render useless or which shall require to be altered.

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For protection of Gaslight and Coke Company.

24. For the protection of the Gaslight and Coke Company (in this section referred to as "the gas company") the following provisions shall have effect (that is to say):—

(A) Whereas in the execution of the street widening by this Act authorised the mains pipes syphons and other works belonging to the gas company may be intersected or otherwise interfered with and it is expedient that the gas company shall have full control over the execution of all works in any way affecting the supply by them of gas so as effectually to provide against the supply thereof being impeded Therefore all alterations which under the provisions of this Act the Undertakers may be empowered to execute of the mains pipes syphons or other works of the gas company shall be done and executed by the gas company but at the cost of and to the reasonable satisfaction and under the direction of and in such manner as shall be required by the engineers for the time being of the Undertakers and no works matters or other things which shall intersect or otherwise interfere with the mains pipes syphons and other works of the gas company shall be commenced until after fourteen days previous notice thereof in writing shall have been given to the gas company:

(1) The Undertakers shall not more than forty-eight hours and not less than twenty-four hours before the execution of such alterations is required to be commenced serve a notification upon the gas company stating the alterations required and time when such alterations are required to be commenced;

(2) Upon receipt of any such notification as last aforesaid the gas company shall proceed to execute and complete with all reasonable despatch such alterations as required by the Undertakers;

(3) If the gas company for twenty-four hours after the time when any such alterations are required to be commenced neglect to comply with such notification or fail at any time to proceed with such alterations with all reasonable despatch the Undertakers may themselves proceed to execute such alterations:

(B) And whereas there are divers mains pipes syphons and other apparatus belonging to the gas company in divers streets highways roads footpaths lanes courts passages and other places within the limits shown on the deposited plan which are now used by the gas company for supplying gas to the streets highways roads footpaths lanes courts passages and other places

as aforesaid and such streets or other places or some of them will or may be done away with under the powers of this Act Therefore when the Undertakers for any purposes of this Act take any of those mains pipes syphons or other apparatus which belong to the gas company they shall pay to the gas company the value thereof and the same shall thereupon become the property of the Undertakers and the Undertakers shall also pay to the gas company their reasonable charges of removing or altering any of the mains pipes syphons or other apparatus in immediate communication therewith which the works of the Undertakers shall render useless or which shall require to be altered:

(c) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned or sustained by any act or omission of the Undertakers or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them in the execution of the street widening and works by this Act authorised the Undertakers shall forfeit and pay to the gas company for such interruption for the use and benefit of the gas company the sum of ten pounds for every hour during which such interruption shall continue and in addition shall pay to the gas company the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction and the Undertakers shall also be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company (including injury and loss by explosion) through by reason of or consequent on any such act or omission of the Undertakers or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Undertakers will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of any such act or omission:

(d) The Undertakers shall make good all damage done by them to property belonging to or controlled by the gas company and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes of any person supplied by the gas company with gas:

(e) Any difference arising between the Undertakers and the gas company respecting any of the matters referred to in this

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enactment shall be settled at the request of either party by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers and the costs and expenses attending any such reference shall be borne and paid as he may direct.

Dedication of street &c. to the public and repair and maintenance thereof.

25. So soon as any of the new streets or widening of street by this Act authorised shall have been completed with proper paved flagged or asphalted and kerbed footpaths or sideways channels sewers gullies or other necessary works to the satisfaction of the vestry the Undertakers may and shall open and dedicate the same to the public and thereafter they shall be used by the public accordingly and the same and the sole power authority liability and duty of maintaining paving repairing cleansing painting and lighting the same shall be vested in the vestry.

Errors and omissions in plan &c. to be corrected by a metropolitan stipendiary magistrate who shall certify the same.

26. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Undertakers may after ten days notice to the owners lessees and occupiers of the lands in question apply to a metropolitan stipendiary magistrate for the correction thereof and if it appear to such magistrate that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of London and such certificate shall be kept by such clerk of the peace along with the other documents to which the same relates and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and the Undertakers may take the lands and execute the works in accordance with such certificate.

Power for undertakers and public bodies to agree with respect to the construction and maintenance of the street and works.

27. Subject to the provisions of this Act the Undertakers on the one hand and the council and the vestry or either of them on the other hand may from time to time enter into and carry into effect contracts agreements and arrangements for or with respect to the construction of the street improvements and works by this Act authorised or any of them or any part or parts thereof respectively and the works and conveniences connected therewith the acquisition and appropriation of lands and property and any incidental matters and the vestry may apply their funds rates and revenues for the purpose of paying any costs or expenses incurred by them in pursuance of the terms of any such agreement and may borrow any

sums required for such costs or expenses and for the purpose of securing the repayment with interest of any money to be borrowed as aforesaid may mortgage and assign all the moneys or rates authorised to be raised by them under the Metropolis Management Act 1855 and all the provisions of sections 183 to 191 of that Act as amended by any subsequent Act shall apply to any borrowing by the vestry under this Act.

Powers of sale and lease of land not to be restricted.

28. Nothing in this Act shall be construed to prevent the Undertakers from selling any land acquired by them under this Act and not required for the new streets and widening of street by this Act authorised or from demising any such land on lease or otherwise disposing of the same as they may think fit.

Undertakers not exempt from provisions of the London Building Act.

29. Nothing in this Act shall be deemed to exempt the Undertakers or any grantee or lessee of the Undertakers or any buildings on the lands referred to in this Act from any of the provisions of the Metropolis Management Acts for the time being in force or from any of the provisions of the London Building Act 1894.

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