CHAPTER cxxx.

An Act to empower the London County Council to make a new Approach to the Tower Bridge on the Southern Side of the River Thames. [6th July 1895.]

A.D. 1895.

WHEREAS it is expedient to confer on the London County Council (herein-after called "the Council") powers to make the improvement and works herein-after described and it is also expedient to confer on the Council such powers as are herein-after set forth with regard to the raising of money for the purposes of this Act:

And whereas it is also expedient to confer upon the Council in connexion with and for the purposes of the improvement by this Act authorised the powers herein-after set forth:

And whereas the Council have caused to be deposited with the clerk of the peace for the county of London plans and sections describing the line and levels of the works by this Act authorised and the lands which may be taken for the purposes thereof and also plans of the lands liable to have a special charge imposed upon them under this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference:

And whereas an estimate has been prepared by the Council as to the amount which they will require to expend on capital account for the purposes of this Act and such estimate amounts to four hundred and thirty-six thousand pounds:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

A.D. 1895.

and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.—Introductory.

Short title.

1. This Act may be cited as the London County Council (Tower Bridge Southern Approach) Act 1895.

Interpretation of terms.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Council" means the London County Council;

"The improvement" means the improvement and works by this Act authorised;

"Street" has the meaning assigned to that term in the Metropolis Management Act 1855 and the Acts amending the same;

When any matter shall require to be done before justices the expression "two justices" shall be understood to mean two justices acting together in petty sessions or a metropolitan police magistrate sitting alone;

And the several words and expressions to which by the Acts wholly or partly incorporated herewith meanings are assigned have in this Act the same respective meanings unless there be in the subject or context something repugnant to or inconsistent with such construction:

Provided that for the purposes of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Council and that 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 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.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts are (except where expressly varied by this Act) incorporated with and form part of this Act.

PART II.—Widening of Southern Approach to Tower Bridge.

Power to Council to make works.

4. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans

and according to the levels shown on the deposited sections the Council may execute the works herein-after described:

The Council may make a new approach to the Tower Bridge from the southern side viz.:—

(A) A widening of the Bermondsey New Road on the north-western side commencing in the parish of Saint George the Martyr Southwark at the junction of the Bermondsey New Road with the Old Kent Road and terminating at the junction of Rothsay Street with the Bermondsey New Road in the parish of Bermondsey;

(B) A widening of the Bermondsey New Road on the eastern side in the parish of Bermondsey commencing at the entrance to Goulston's Buildings and terminating in Grange Road about forty yards eastward of its junction with Star Corner or Bermondsey New Road;

(C) A new road commencing in Grange Road at the point aforesaid to form a junction with the Bermondsey New Road as proposed to be widened and to terminate in Artillery Street opposite the end of Church Row in the parish of Saint John Horsleydown;

(D) A widening of Church Row in the parish of Saint John Horsleydown in continuation of the new road herein-before described to and terminating in Tooley Street opposite the approach to the Tower Bridge:

And in connexion with the said works the Council may remove or alter the fence or railings surrounding the church of Saint Mary Magdalen Bermondsey and throw into the improvement so much of the ground within the said fence or railings as is within the limits of deviation marked on the deposited plans and may alter the piers and archways of the viaduct of the London Brighton and South Coast and South Eastern Railways in the parish of Saint John Horsleydown for the purpose of carrying the said new road under the same.

For the protection of the School Board for London.

5. Whereas the Council under the powers of this Act are authorised to acquire for the purposes of the widening of Church Row in the parish of Saint John Horsleydown lands and houses abutting on Church Row numbered on the deposited plans 26 to 32 inclusive and 34 35 and 36 in the said parish And whereas by the Education Department Provisional Order Confirmation (London) Act 1889 (herein-after called "the Act of 1889") the School Board for London (herein-after called "the school board") were authorised to purchase and take for providing additional accommodation to their then existing Fair Street School premises

A.D. 1895.

certain land in the same parish described in the schedule to the provisional order confirmed by the said Act under the heading "Plan No. 17" which includes the same land or part thereof which the Council are authorised to take under this Act as aforesaid And whereas the school board have under the powers of the said Act served notices to treat upon the owners and lessees of the said lands or some of them and have purchased the interests of some of such owners and lessees and are about to utilise the site so authorised to be purchased for the purposes authorised by the said Act Be it enacted as follows:—

(1.) The school board shall under the powers of the said Act of 1889 complete the purchase of the lands and houses numbered on the deposited plans 26 to 32 inclusive and 34 35 and 36 in the said parish but the school board shall not until after the expiration of six months from the passing of this Act place any buildings or erections on any part of the said lands between the line marked on the deposited plans "extent of widening" and Church Row and Fair Street:

(2.) If within six months after the passing of this Act the Council serve notice in writing on the school board of their intention to proceed with the widening of Church Row then so much of the said lands as is shown on the deposited plans between the line marked thereon "extent of widening" and Church Row and Fair Street shall by virtue of this Act (if and so far as the same lands or any of them shall have then been purchased by the school board) become and be vested in and transferred to the Council for all the interest of the school board therein for the purposes of such widening:

The Council shall pay by way of purchase money to the school board in respect of the said lands so vested in and transferred to the Council such a proportion of the cost incurred by the school board in the purchase of the whole of the lands purchased by them under the said Act of 1889 for the purpose of enlarging the Fair Street School premises as the area of the lands so vested and transferred to the Council shall bear to the area of the whole of the lands so purchased In default of agreement between the school board and the Council as to the amount of such proportion such amount shall be determined by an arbitrator to be appointed on the application of either the school board or the Council by the President for the time being of the Surveyors Institution:

(3.) The Council shall pave or cause to be paved with wood the whole of the roadway of Church Row adjoining the said school

site when widened and also of Artillery Street to the extent of forty feet south of the angle of Church Row and Artillery Street.

For the protection of Messrs. Slee Slee and Company and Messrs. Robinson and Farquhar.

6. Notwithstanding anything in this Act the powers of the Council for the compulsory purchase of the properties numbered respectively on the deposited plans 163 164 and 165 in the parish of Saint Mary Magdalen Bermondsey shall cease after the expiration of two years from the passing of this Act and nothing in this Act shall authorise the Council to stop up either temporarily or permanently the street known as Church Street in the said parish unless they acquire the said properties.

For the protection of the London Brighton and South Coast and South Eastern Railway Companies.

7. In reference to the construction of the new road (herein-after referred to as "the new road") forming the approach to the Tower Bridge by this Act authorised the following provisions for the protection of the London Brighton and South Coast Railway Company (herein-after called "the Brighton Company") and of the South Eastern Railway Company (herein-after called "the South Eastern Company") shall be observed and have effect (that is to say):—

(A) In this section the expression "the railway company" means the Brighton Company when used in relation to the railway and works of the Brighton Company and the South Eastern Company when used in relation to the railway and works of the South Eastern Company:

(B) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the new road and the works connected therewith so far as they will be under the railway and works of the railway company shall (unless otherwise agreed between the railway company and the Council) be constructed in the position shown on the said plans without any deviation from the centre line indicated thereon and in accordance with the plans and sections showing the principles of construction of the bridge to be built under the said railway and works which plans and sections have been signed by the Honourable Alan de Tatton Egerton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and of which plans and sections (herein-after referred to as "the signed plans and sections") one copy has been deposited in the Private Bill Office of the House of Commons another copy with the Council another copy with the Brighton Company and another copy with the South Eastern Company And the principles of construction so provided for shall not be departed from without the joint consent of the Brighton Company and the South Eastern Company:

A.D. 1895.

(c) The works of the Council under this Act shall be so constructed as not to prevent the future widening of the railway of the railway company and the Council shall not oppose (except upon clauses) any application on the part of the railway company to Parliament for powers to widen their railway at or near the site of the new road:

(d) The Council shall one month before commencing the construction of the new road or any work connected therewith at any point within forty feet of the railway of the railway company submit proper and sufficient detailed plans sections elevations and specifications thereof (according to the principles of construction provided for by the signed plans and sections) to the engineer for the time being of the railway company who shall within fourteen days of the receipt of the same express in writing his approval or disapproval thereof If such engineer fail to express his disapproval of the said detailed plans sections elevations and specifications within the said period of fourteen days he shall be deemed to have approved the same but in the event of his duly expressing his disapproval and in the event of there being any difference between the engineer of the railway company and the Council touching any of the said matters the same shall be forthwith referred to arbitration as herein-after provided and in that case the commencement of the said works shall be deferred (unless the parties otherwise agree) until the arbitrator has determined the points in difference And the said new road and works shall be constructed in all respects in accordance with such detailed plans sections elevations and specifications or with such modifications or alterations as may from time to time be approved by the engineer of the railway company:

(e) All works which in the opinion of the engineer of the railway company shall affect the railway of the railway company shall be carried out and executed under the superintendence and to the reasonable satisfaction of such engineer and in all things at the expense of the Council and the Council shall bear and on demand pay to the railway company any expense of any kind to which they may be put by reason of the construction of the new road or of the said bridge or of any works in connexion therewith:

(f) If at any time it shall appear to the engineer of the railway company that any further or other works or appliances are required to prevent injury happening to the railway of the railway company owing to or in consequence of the new road and the works connected therewith being constructed or having

been constructed under or through the same the Council shall at their expense immediately on being required so to do in writing under the hand of such engineer or in the event of difference after determination as herein-after provided execute such works and do such things as the said engineer or arbitrator may consider necessary:

(G) The Council shall at all times be liable to maintain and repair the works by which the railway of the railway company is carried over the new road in good order and condition to the reasonable satisfaction in all respects of the engineer of the railway company If and whenever the Council fail so to do the railway company may make and do upon or over the new road and on any lands of the Council as well as on any lands of the railway company such repairs as the engineer of the railway company may find necessary and the sum from time to time certified by such engineer or determined as hereafter provided to be the reasonable amount of the expenditure of the railway company in that behalf shall be repaid to the railway company by the Council and in default of payment may be recovered by them from the Council with costs in any court of competent jurisdiction:

(H) Notwithstanding anything in this Act contained the Council shall be responsible for and make good to the railway company all costs losses damages and expenses which may be occasioned to the railway company or to any of the railways works or property of the railway company or to the traffic thereon or otherwise by reason of the execution or failure of any of the works by this Act authorised or of any act or omission of the Council or of any persons in their employ or of their contractors or others and the Council shall effectually indemnify and hold harmless the railway company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission In the event of any difference arising between the railway company and the Council as to any matters provided for by this sub-section the same shall be settled by arbitration as herein-after provided:

(I) The Council shall bear and on demand pay to the railway company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their railway with reference to and during the execution of the said works and of any repairs of the said works or of any further works required to prevent injury happening to the railway of the railway company owing to or

A.D. 1895.

in consequence of the new road and the works connected therewith being constructed or having been constructed under or through the same and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the Council or from the acts or defaults of their contractors or of any person or persons in their employment or otherwise:

(K) If by or in consequence of the execution of the works of the Council hereby authorised it becomes necessary to add to alter or change the position of any signals signal posts or other like works upon the railway of the railway company the same shall be so added to altered or moved by the railway company and the reasonable expense thereof shall be paid on demand to them by the Council:

(L) The Council shall not purchase or take any land of the railway company which they are by this Act authorised to enter upon or interfere with but the Council may purchase and take and the railway company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Council might purchase and use the same And in no case shall such easement without the consent of the railway company extend to a greater area than is absolutely necessary for the proper construction of the new road and the said works connected therewith:

(M) If any question or difference shall at any time arise between the Council and the railway company touching any detailed plans sections elevations or specifications explanatory of the said signed plans and sections prepared by the Council for the construction of the new road or as to the reasonableness or sufficiency of such explanatory plans sections elevations or specifications or as to the execution of any of the intended works or as to the reasonableness of any requirements of the railway company's engineer or as to the amount payable to the railway company in respect of any of the matters and things provided for or referred to in the foregoing sub-sections the same shall be settled by an engineer to be appointed on the application of either party by the President for the time being of the Institute of Civil Engineers and the decision of such engineer shall be final and conclusive:

(N) In consideration of the provisions of this section no part of the railways and lands of the railway company shall be deemed to be lands liable to the improvement charge authorised by this Act:

(o) The Council and the railway company may enter into and carry into effect any agreement for the execution by the railway company of the works by this Act authorised so far as they will affect the railway of the railway company and as to the undertaking by the railway company for such consideration as may be agreed of all or any of the liabilities and obligations imposed by this Act upon the Council with respect to the maintenance and repair of such works or any of them and any such agreement may with the consent of the South Eastern Company but not otherwise provide for the execution by the Brighton Company wholly or in part of the works affecting the South Eastern Railway as well as of those affecting their own railway or with the consent of the Brighton Company but not otherwise provide for the execution by the South Eastern Company wholly or in part of the works affecting the railway of the Brighton Company as well as of those affecting their own railway.

Power to take lands.

8. Subject to the provisions of this Act the Council may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of the improvement and for providing space for the erection of houses and buildings adjoining or near to the improvement.

Power to certain persons to grant 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 the Lands Clauses Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and for the purposes of this Act 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 easements rights and privileges as aforesaid and to any grant of the same respectively.

Correction of errors in deposited plans &c.

10. If any omission mis-statement or erroneous description shall have been made of any lands or of the owners lessees or occupiers of any lands on the deposited plans or in the deposited book of reference the Council may after ten days notice to the owners lessees and occupiers of the lands affected by such proposed correction apply to a metropolitan police magistrate for the correction thereof and if it shall appear to such magistrate that such omission mis-statement or erroneous description arose from mistake he shall

A.D. 1895.

certify the same accordingly and he shall in such certificate state the particulars of any such omission and in what respect any such matter shall have been mis-stated or erroneously described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept by such clerk of the peace along with the other documents to which it relates and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and the Council may take the lands in accordance with such certificate.

Power to Council to enter upon property for survey and valuation.

11. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council 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 and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands 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 and buildings.

Costs of arbitration &c. in certain cases.

12. The court or person to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if they or he shall be of opinion that no such statement giving sufficient particulars shall have been delivered one half of the costs of the arbitration or as the case may be one half of the costs of the proceedings before the sheriff (including the costs of summoning empannelling and returning the jury and of taking the inquiry and in recording the verdict and judgment therein) shall be defrayed by the person with whom the Council shall have such question and the remaining half shall be defrayed by the Council anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days notice to the Council to amend the statement in writing of the claim delivered by him to the Council 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 Council if they object to the

amendment and such amendment shall be subject to such terms enabling the Council 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 of the effect of this section.

Compensation in case of recently altered buildings.

13. In settling any question of disputed purchase money or compensation under this Act and in making the valuation under Part III. of this Act 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 or for or in respect of any interest in the lands created after the twenty-seventh day of July one thousand eight hundred and ninety-two if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to stop up ways temporarily.

14. The Council for the purposes and during the making of the improvement may in or upon the lands shown in connexion therewith upon the deposited plans stop up or cause to be stopped up temporarily all or any part of any carriageway or footway which they shall think necessary for such purposes to be stopped up and may from time to time put or cause to be put up sufficient palisades, hoardings bars posts and other erections and may construct temporary works for keeping any such carriageway and footway open for traffic and may make from time to time such orders for regulating the traffic as to them shall seem proper.

Streets may be raised or lowered.

15. Subject to the provisions of this Act the Council may for the purposes of and in connexion with the improvement alter the line or level of any of the streets and places described on the deposited plans or sections as intended to be diverted raised or lowered in the manner shown on such plans or sections.

Deviation from line and levels.

16. In making any of the works for or connected with the improvement the Council may subject to the provisions of this Act deviate to any extent from the line thereof within the limits of deviation defined on the deposited plans and the Council may subject to the provisions of this Act deviate to any extent from the levels thereof defined on the deposited sections not exceeding three feet from the levels thereof as defined on the said sections.

A.D. 1895.

Power to make subsidiary works.

17. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Council in connexion with and for the purposes of this Act and as part of the works to be executed under the powers of this Act may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the improvement and may divert widen or alter the line or level of any existing street for the purpose of connecting the same with the improvement The Council may stop up any street passage or place within the limits of deviation shown on the deposited plans which they may consider unnecessary to retain as a thoroughfare or to throw into the improvement and may alter and divert any street passage or place within the same limits The Council may appropriate the site and soil of any street passage or place so stopped up or diverted and all rights of way or other rights over the same shall be thereupon extinguished And the Council may raise lower alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer The site and soil of any street passage or place or any part of any street passage or place stopped up or diverted and appropriated by the Council under this Act and the lamp-posts paving metalling or materials in on or under any street so altered diverted or stopped up and any materials of any drain or sewer so altered shall vest in the Council and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted.

Alteration of position of water gas and other pipes.

18. The Council may for any purpose in connexion with the improvement upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse waterpipe or gaspipe belonging to or connected with any house or building and also any main pipe or apparatus laid down or used by any company or person for carrying a supply of water or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person for any damage caused by any such alteration Provided always that before the Council alter the position of any main pipe or apparatus laid down or used by any such company or person they

shall (except in cases of emergency) give to the company or person 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 Council) of the company or person to whom such pipe or apparatus belongs unless such company or person refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the execution of such work and the Council shall execute such work to the reasonable satisfaction of the engineer of such company or person Provided also that the Council shall not cause any street to be lowered or raised nor the position of any water or gas main or other pipe to be altered so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Council 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 person or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Council in such case provide special means of access to the same to the satisfaction of the engineer of such company or person:

If any difference arise between the Council or their engineer and any such company or person or their or his engineer touching the amount of any costs expenses or charges under the provisions of this Act to be paid by the Council to any such company or person or touching any work matter or thing with reference to such mains or other pipes under such provisions to be done or executed by the Council or the mode of doing or executing the same such difference shall be settled by an engineer to be agreed upon by the engineer of the Council and of any such company or person respectively or failing agreement by such engineer as shall on the application of the engineer either of the Council or of any such company or person be named by the President for the time being of the Institute of Civil Engineers whose decision shall be final and binding and the expenses of the reference shall be borne as the referee may direct:

Provided also that the Council shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down for telegraphic or other purposes and belonging to the Postmaster-

A.D. 1895.

General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided always that nothing in this section shall extend to prejudice or affect any of the provisions for the protection of any undertakers authorised to supply electrical energy contained in any special Act or any provisional order confirmed by Act of Parliament:

Where the Council propose to raise sink or otherwise alter the position of any tube wire or apparatus laid down for telephonic purposes they shall give to the Company owning the same not less than seven days previous notice of the time and place at which the work will be begun and of the nature of the operation and the Council shall make the same under the supervision and to the reasonable satisfaction of such owners or their engineer.

Carriageway footway sewers and other works.

19. Subject to the provisions of this Act the Council may cause such parts of the improvement to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of the improvement and in laying out or forming such carriageway and footway and works the Council may in addition to the powers by this Act conferred exercise the same powers and authorities as are vested in and shall be subject to the same liabilities only in respect thereof as are imposed upon any vestry or district board of works in the county of London when they stop up temporarily any thoroughfare or any part thereof in the repairing or repaving of any street.

Directing how the pavement shall be laid and made.

20. The Council shall for the purposes of and in connexion with the improvement in a substantial and workmanlike manner fill or cause to be filled in all and every the vaults cellars and open places over which it may be necessary to new pave (except such as are capable of being used as cellars vaults or areas) with good sound hard brick or other rubbish to be well rammed down to prevent the ground from giving way and shall well and effectually pave over all the said ground with a sufficient quantity of materials of proper quality and dimensions and shall in like manner erect and build any underground arches which they may think necessary and also relay and repair the streets which they may disturb or alter in carrying the purposes of this Act into execution Provided always that nothing herein contained shall extend or be construed to extend to

charge the Council with the liability or expense of repairing or making good such pavement or arches in future but when the same shall have been in the first instance so paved relaid erected built and repaired as aforesaid the same shall for ever thereafter be kept in repair by the authority in whom the management and repair of the street are vested or by any other parties or persons liable to repair the same.

Sewers or drains to be arched over or filled up.

21. The Council may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets to be interfered with for the purposes of the improvement as shall appear necessary for executing the purposes of this Act so as that no public sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in any wise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient Provided always that before removing or filling up any sewer or drain or part thereof as aforesaid the Council shall (where necessary) cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and drains shall be under the same jurisdiction care management and direction as the existing sewers or drains.

Power to alter steps areas pipes &c.

22. The Council within the limits of deviation defined on the deposited plans may for the purposes of and in connexion with the improvement raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings windows and watercourses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Council shall make reasonable compensation to any company society or person who suffers damage by any such alteration.

Removal of bodies.

23. If the Council take for the purposes of this Act any part of the land forming part of any churchyard or burial ground the following provisions shall apply and have effect namely :—

(A) All human remains being interred or deposited in or on any part of such churchyard or burial ground so taken shall be removed and interred by the Council to and in such other graveyard or cemetery in which human remains may be lawfully interred as the Council may appoint under such precautions for public health and decency and for the security

A.D. 1895.

of the men employed as a Secretary of State thinks fit to prescribe provided that human remains removed from consecrated ground shall be re-interred in consecrated ground:

(B) Nevertheless the heirs executors administrators relatives or friends of persons whose remains are interred in any portion of any such churchyard or burial ground so disturbed may remove the same under such precautions as aforesaid to any consecrated burial ground in which human remains may be lawfully interred and may remove any tablets or monuments erected to the memory of such persons on such portion of ground and the expenses of such removal not exceeding twenty pounds for each vault containing a coffin or coffins and not exceeding five pounds for each separate coffin not contained in a vault and not exceeding five pounds for each tablet or monument shall be borne and paid by the Council.

Limitation of time for purchase of lands.

24. The powers of the Council for the compulsory purchase or taking of lands for the purposes of the improvement shall cease after the expiration of three years from the passing of this Act.

Period for completion of improvement.

25. If the improvement be not completed within seven years from the passing of this Act the powers of the Council under this Act for the execution of the said improvement shall cease (except so far as the same shall have been then completed).

Improvement to form public street Repair &c.

26. When the improvement is completed a certificate thereof shall be issued under the seal of the Council and any copy of such certificate certified under the hand of the clerk of the Council shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the improvement as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly The land acquired by the Council for and thrown into the improvement shall be [and remain vested in the Council and the maintenance repair paving cleansing and lighting thereof shall be under the care management control and jurisdiction of the authority in whom the management and repair of streets is vested in the same manner as other streets in their district.

Power to sell materials.

27. The Council may sell or dispose of all building and other materials of any houses and buildings acquired by them under the powers of this Act and all lamp posts paving metalling and materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the Council under the powers of this Act.

A.D. 1895.

Power to lease surplus lands.

28. The Council may when and as they shall think fit so to do demise and lease any lands acquired by them under this Act and not required for the improvement or such parts thereof as the Council shall think it expedient to let on building leases either altogether or in parcels to any person or persons who shall erect and build or covenant and agree to erect and build thereon or on any part thereof houses erections or buildings of such size or class of building and upon such plan and elevation and of such height and with such storeys as the Council shall think proper for such term or number of years as they may think fit so as there be reserved in every such demise or lease such peppercorn or other yearly rent to be incident to the immediate reversion of the premises therein comprised as to the Council shall seem reasonable and so that in every such demise or lease there be contained a covenant for the payment of the rent thereby to be reserved and such other covenants on the part of the tenant or lessee to be therein named as the Council shall reasonably be advised or require and also a clause in the nature of a condition of re-entry on non-payment of the rent thereby to be reserved or on non-observance or non-performance of the covenants therein to be contained on the part of the tenant or lessee to be observed and performed and every such tenant or lessee shall give such good and sufficient security for the erecting finishing and completing of every such house erection and building which he shall covenant or agree to erect within the time in which he shall have contracted to finish the same as the Council shall order and direct and the Council may if they think fit accept and take any fine for the granting of any lease and may enter into any agreement for the granting of any lease of such lands or such parts thereof and may in any such lease or agreement for a lease give to the lessee or intended lessee an option or right to purchase the fee simple in reversion in the premises leased or agreed to be leased together with all houses erections or buildings thereon at the time of the exercise of such option at such time and on such terms and conditions as they may think fit and on granting leases in pursuance of such agreements may alter the amount of the rents agreed to be reserved in such leases and may apportion the same and grant separate leases of any part of the hereditaments by any such agreement agreed to be leased as the Council think fit and may also alter or rescind any agreement as aforesaid and may accept any surrender of any lease in all respects as the Council shall think fit and any part of the said lands may be appropriated for and left as yards or courts to be attached to any houses agreed to be leased as the Council shall think fit.

A.D. 1895.

As to sale of ground rents.

29. Subject to the provisions of this Act the Council may sell and dispose of or cause to be sold and disposed of the ground rents to be reserved by the leases or demises or agreed to be reserved by any agreements for leases of any lands made under the authority of this Act and also the fee simple in reversion in such lands and in the houses erections or buildings thereon either altogether or in parcels by public auction or by private contract for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit and as regards any stipulations or provisions which may be contained in any conveyance under this enactment the same may at all times thereafter be enforced by the Council by re-entry on such lands on breach of any such stipulation or provision or otherwise in such manner in all respects as the Council shall think fit.

Council may sell land in the first instance without having previously granted a lease thereof.

30. Subject to the provisions of this Act the Council may if they think it expedient so to do sell and dispose of in the manner hereinbefore directed all or any lands acquired under the powers of this Act and not required for the improvement without having previously granted or agreed to grant any lease thereof for such price or prices or sum or sums of money as the Council shall think reasonable and subject to such stipulations and provisions for the enjoyment thereof and as to the nature of the buildings which are to be at all times erected and built thereon and also subject to such stipulations as to the title to be produced to the hereditaments to be sold as the Council shall think fit.

Council may let or exchange lands.

31. The Council may from time to time let either from year to year or for a less period or for a term at rack rent or exchange or otherwise dispose of any building or lands or any part thereof acquired by them under the powers of this Act for the improvement and not required for the improvement and may execute and do any deed act or thing proper for effectuating any such lease exchange or other disposition.

Council to dispose of lands not wanted.

32. Subject to the provisions of this Act the Council shall on or before the first day of September in the year one thousand nine hundred and forty-nine which period shall be the prescribed period for the purposes of section 127 of the Lands Clauses Consolidation Act 1845 sell and dispose of all lands acquired by them under the powers of this Act for the improvement and which shall not be required for any of the purposes thereof.

Receipts of Council to be effectual discharges.

33. The receipt of the Council or of any person duly authorised by the Council for any purchase money rent or money payable to the Council by virtue of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the receipt shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Power to Council to make agreements with owners of property &c.

34. The Council may subject to the provisions of this Act from time to time enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the improvement with respect to the sale by the Council to such person of any lands or property (including any street or thoroughfare or any part of a street or thoroughfare appropriated by the Council under the powers of this Act and not required for the improvement) for such consideration as may be agreed upon between the Council and such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or other property required by the Council for the purposes of this Act.

Restrictions on displacing persons of labouring class.

35. (1.) The Council shall not under the powers of this Act purchase or acquire twenty or more houses in any parish which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or have been or shall be subsequently so occupied unless and until 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 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.

(2.) The approval of the Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the 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 in the

A.D. 1895.

event of the Council proceeding with the improvement 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 Secretary of State may dispense with the last-mentioned requirement 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 Secretary of State may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with any such requirement as aforesaid shall be enforceable by a writ of mandamus to be obtained by the Secretary of State out of the High Court.

(5.) If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or in contravention of the requirements of the scheme displace or cause to be displaced the persons residing in any house or houses they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the 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 Council 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 Council may on any lands belonging to them or purchased or acquired under this section provide such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and such dwellings may be in buildings exclusively devoted to dwellings or in buildings partly designed for use for shops warehouses offices or other purposes and the Council may sell demise or let or otherwise dispose of such buildings and any lands purchased or acquired as aforesaid:

Provided that any buildings erected or provided by the Council in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated either wholly or partly (as the case may be) in accordance with the scheme for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

A.D. 1895.

Provided also that the 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 for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 and any Act or Acts relating to buildings in the county of London.

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

(10.) The Council shall pay to the Secretary of State a sum to be fixed by him in respect of 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 sum to be fixed by the Secretary of State for the services of such inspector.

(11.) For the purposes of this section the expression "labouring class" 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 such persons who may be residing with them.

PART III.—Improvement Area and Charge.

Improvement charge.

36. And whereas the improvement will be effected out of public funds charged over the whole county and will or may substantially and permanently increase in value lands in the neighbourhood of the improvement which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value a charge should be placed on such lands Therefore the following provisions shall have effect viz. .—

Definitions in this part of this Act.

(1) In and for the purposes of this part of this Act—

The expression "the improvement area" means the area within the lines marked on the deposited plans as "limits of deviation";

A.D. 1895.

"Owner" means where the hereditament is copyhold the person or persons entered on the roll of the manor and entitled to enfranchise the same;

"Lands" shall extend to messuages lands tenements and hereditaments but shall not include any main pipe or apparatus of any Company supplying gas or water under the powers of any Act of Parliament or any culvert pipe tube apparatus or wire of any electric lighting or hydraulic company authorised by any Act of Parliament or telephone company acting under a licence from the Postmaster-General or any estate or interest in land of or belonging to any such company in respect of any such main pipe apparatus culvert tube or wire:

Lands liable to be charged.

(2) All lands within the improvement area but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions herein-after set forth) in respect or in consideration of any substantial and permanent increase in value which it is clearly shown has been derived from the improvement by this Act authorised:

Specification of lands proposed to be charged.

(3) At least two months before the Council commence any part of the improvement and as soon after the passing of this Act as the Council think fit the Council shall make under their seal a specification of all the lands upon which they propose to to place a charge and which they desire to include in the assessment hereafter mentioned;

They shall give notice by registered letter addressed to each owner lessee or occupier of any such lands within the improvement area as the Council include in such specification;

Thereupon any such owner lessee or occupier may apply to the Local Government Board to appoint some independent person to make a valuation of the several lands within the improvement area which the Council have included in the specification;

A copy of the specification shall be delivered to the person so appointed within twenty-one days after his appointment and the person so appointed shall thereupon after giving such notice or notices as the Local Government Board may direct and hearing any parties interested and applying to be heard proceed to make a valuation of all such lands which valuation is hereafter referred to as "the initial valuation" The proper cost of making the initial valuation including the reasonable

A.D. 1895.

costs charges and expenses of all or any of the parties interested (to be fixed in case of difference by the Local Government Board) shall be paid by the Council;

Provided that if within one month after the service of the said notices no application be made for the appointment of a person to make the initial valuation the Council shall make such application and the valuation shall be made accordingly;

In making such valuation the valuer shall separately distinguish and assess in each case the value of the land apart from that of any existing buildings thereon and shall also value the land and buildings as a whole and shall not take into consideration any increased value accruing or supposed to accrue to such land or buildings from or in consequence of the improvement but shall only take into consideration the value independently of the improvement and as if the improvement had not been contemplated;

The valuer shall also separately value the interest of the owner of any such lands and the interest of every lessee of any such lands for a term having not less than twenty-one years unexpired at the date of the valuation (excluding from each such valuation any trade interest) and shall not take into consideration any increased value accruing or supposed to accrue to such lands from or in consequence of the improvement but shall only take into consideration the value of the said lands independently of the improvement and as if the improvement had not been contemplated;

The initial valuation when made shall be deposited with the clerk of the Council and shall be kept deposited at the county hall and shall be open to inspection at all reasonable times by any persons and their duly authorised agents interested in any lands comprised in the said valuation:

Assessment for proposed charge.

(4) The Council shall not sooner than twelve months nor later than three years after the issue by them of their certificate of the completion of the improvement cause to be framed an assessment describing the lands situate within the improvement area and comprised in the said valuation which the Council allege ought to bear and pay the said improvement charge and the Council shall in such assessment state and specify—

(*a*) The names of the owners lessees and occupiers of the lands described in the said assessment respectively so far as they can be ascertained;

(*b*) The amounts by way of charge which the Council allege ought to be charged upon such lands respectively;

A.D. 1895.

The assessment shall contain a statement of the amount which the Council allege is the enhanced market value derived by the lands respectively from the improvement;

The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this section shall be equal to three per centum per annum upon one half of the amount which the Council allege is the enhanced market value derived by the said lands from the improvement after making all fair and proper deductions for rates taxes assessments and impositions on the said lands according to such increased value:

Approval of assessment by Council.

(5) The assessment shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit:

Notice of assessment.

(6) The resolution approving an assessment shall be published once in each of two successive weeks in two or more London daily newspapers with an interval of at least six clear days between the two publications and copies of such resolution shall be publicly posted on the site of the improvement and within seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees and occupiers of the lands described in the assessment;

The notices served on the owners lessees and occupiers under this section shall state shortly the effect of the resolution and assessment upon the lands in respect of which they are served and also of the provisions of this part of this Act with respect to the time and mode of objecting to the assessment and the grounds on which the assessment may be objected to and shall also state shortly the provisions of this part of this Act with respect to claims for decrease in value the right to have the matter decided by an arbitrator and the payment of costs:

Copies to be deposited.

(7) From and after the date of the first publication of the resolution and until the expiration of three months from the date of the last publication thereof the assessment or copies thereof certified by the clerk or some other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested:

Objection to assessment.

(8) During the said period of three months the owner or lessee of any lands described in the assessment or the occupier thereof for the time being may by written notice served on the

Council object to the assessment on any of the grounds following :—

(i.) That any lands in which he is interested included in the assessment ought to be excluded by reason that it has not been or cannot be clearly shown that the market value of the lands to which the notice relates is substantially and permanently increased by the improvement;

(ii.) That the amount of any charge proposed to be placed upon any lands in which he is interested ought to be varied ;

(iii.) That the assessment is incorrect in respect of some matter of fact (to be specified in the objection) :

Purchase of estate or term in certain cases.

(9) If (A) any owner or owners of any lands comprised in the initial valuation upon which a charge is proposed to be placed who alone or together have power to sell the fee simple of such lands subject to any lease or leases thereof or (B) any such owner or owners of any such lands and any lessee or lessees of the same for a term having not less than twenty-one years unexpired at the date of the initial valuation who alone or together have power to surrender his or their lease or leases so that the terms of years thereby created shall merge in the fee simple and inheritance of such lands are of opinion that such charge is greater than it should be in reference to the enhancement or supposed enhancement of the value of such lands by reason of the improvement they may at any time within the said period of three months (instead of giving any notice of objection under the preceding paragraph of this section) by notice in writing served upon the Council require the Council to purchase their estate and interest in such lands and the Council shall thereupon purchase and take the same accordingly at the value specified in the initial valuation ;

Council may abandon improvement charge after notice given by owners to purchase.

If within one month after the receipt of any such notice by any owners or by any owners and lessees requiring the Council to purchase their estate and interest in any lands in manner aforesaid the Council shall elect to abandon the proposed charge to which such notice relates the Council may give notice by registered letter addressed to such owners or to such owners and lessees of their intention to abandon the same and thereupon the Council shall be relieved from any liability to purchase such lands or the estate or interest therein to which the notice relates and the charge so far as relates to such lands or any estate or interest therein of such owners or such owners and lessees as the case may be shall be extinguished and the Council shall give a certificate under their common seal that

A.D. 1895.

such charge is extinguished which shall be sufficient evidence thereof Provided that the Council shall pay to the owners or to the owners and lessees as the case may be all costs charges and expenses reasonably and properly incurred by them in consequence of the said lands having been included in the assessment such costs failing agreement to be settled by a master of the High Court:

Lands decreased in value.

(10) At any time during the said period of three months after the last publication of the assessment the owner or lessee of any lands upon which a charge under this section is proposed to be placed who may be the owner or lessee of other lands within the limits of deviation may give written notice to the Council that substantial and permanent decrease in the value of such other lands to an amount to be stated in the notice has been caused by the improvement and that he claims that such alleged decrease shall be considered by the arbitrator and if it be clearly shown that any substantial and permanent decrease in the value of such other lands as aforesaid has been caused by the improvement the arbitrator shall deduct the same in determining the amount of the charge in respect of such first-mentioned lands;

Notices by joint tenants.

For the purposes of this part of this Act joint tenants or tenants in common may give any such notice as aforesaid through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common and any lessees may combine in a notice:

If no objection or claim assessment final.

(11) If at the expiration of the said period of three months no notice of objection or of alleged decrease in value shall have been served on the Council then the Council may publish notice to that effect in the "London Gazette" and as from the date of such notice such assessment shall become final:

Arbitrator to settle objections and claims.

(12) If any such notice of objection or of alleged decrease in value be served on the Council within the said period of three months then the Council may apply to the Local Government Board to appoint an arbitrator for the purposes of this part of this Act and the Local Government Board shall appoint an arbitrator accordingly and as often as any such arbitrator shall die or resign or become incapable of acting (previous to the making of an award as hereinafter provided) the Council may in like manner apply to the said board and the said board shall from time to time appoint another arbitrator in his stead and every such arbitrator shall be entitled to such fees or remuneration as may be fixed by the Local Government Board:

A.D. 1895.

Amendment of assessment.

(13) The Council may at any time before the appointment of the arbitrator but subject to the provisions of this part of this Act by resolution amend the assessment so as to include in the assessment as amended any lands by this Act made liable to have an improvement charge placed upon them and comprised in the initial valuation but not in the original assessment and may fix the sums proposed to be charged upon any such lands but any such resolution shall be published and copies thereof shall be served and copies of the amended assessment deposited for public inspection in the manner herein-before prescribed with respect to the original resolution and assessment and notices of objection and of alleged decrease in value in respect of the amended assessment may be given in like manner and if given shall be dealt with and determined in like manner as objections to or claims in respect of the original assessment:

Procedure of arbitrator.

(14)—(i.) The Council at any time after the appointment of the arbitrator may apply to the arbitrator to appoint a time for determining the matter of all objections and alleged decreases in value made as in this part of this Act mentioned and for making an award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and claimants and also upon the owners lessees and occupiers of any lands inserted or which it may be proposed to insert in the award (being in all cases lands by this part of this Act made liable to have an improvement charge placed upon them and comprised in the initial valuation) and at the time and place so appointed the arbitrator may proceed to hear and determine the matter of all such objections and allegations The arbitrator may amend the assessment on the application either of any objector or claimant or of the Council Provided that if he insert in the award any lands or the name of any person not included in the original assessment or increase the amount of the charge on any lands such notice as the arbitrator may think sufficient shall be given to the persons affected to enable them to object to such insertion or increase;

(ii.) The arbitrator may also if he think fit adjourn the hearing and direct any further notices to be given;

(iii.) No objection to any assessment or award which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever;

(iv.) All the reasonable and proper costs of any such arbitration and incident thereto shall be borne by the Council unless the

A.D. 1895.

arbitrator shall award the same amount of charge as shall have been proposed in the assessment or for a greater amount or (in the case of alleged decrease in value) for a less amount than the amount claimed in which case each party shall bear his own costs incident to the inquiry or arbitration and the costs of the arbitrator shall be borne in equal proportions Provided that if it shall appear to the arbitrator that any objection to the amount proposed to be assessed or that any claim was frivolous and vexatious the arbitrator may make such order concerning the costs of the person making such objection as to him may seem meet Where such costs are ordered to be paid or become payable by an objector or objectors the arbitrator may if he thinks fit add such costs to the charge apportioned on the estate or interest of the objector or objectors:

Final award.

(15) When and so soon as the assessment and any amendments thereof and all objections thereto and all such allegations as aforesaid (if any) shall have been disposed of as by this part of this Act directed the arbitrator shall issue an award under his hand which shall be final and conclusive for all purposes;

A copy of the award shall be published once in the "London Gazette" and notice of such award shall be served upon the owners or reputed owners lessees or reputed lessees and occupiers of the lands affected thereby:

Effect of charge.

(16) If no objection as herein-before provided be made to the assessment the amount defined by the assessment or the amended assessment (and if an award be made as herein-before provided then the amount defined by the award) as the charge in respect of any lands shall be a charge and incumbrance thereon and the Council shall cause the same to be registered as a land charge under the Land Charges Registration and Searches Act 1888:

Incidence of charge.

(17) The charge in respect of any lands as fixed by the award shall (subject to the following provision) begin to be payable on the first day of April or October as the case may be next ensuing after the date of the award and shall be payable thereafter half-yearly until redeemed and satisfied;

The arbitrator in making the award shall take into consideration all the circumstances of the case and in particular shall consider the several interests in such lands and the time at which they severally expire and may make the commencement of any charge dependent on the expiration of any term of years or other period or on the happening of any event as he shall deem fair and equitable;

The improvement charge charged upon any lands shall be apportioned between the several parties having any estate or interest in such lands as they shall agree or as in the event of no agreement being made or so far as any such agreement shall not extend shall be determined by the arbitrator who may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the award :

Collection of charge.

(18) The charge due in respect of any lands shall be payable to the Council on demand and may be collected on behalf of the Council by such persons as they may appoint for that purpose ;

Where any lands in respect of which a charge is payable are occupied by any person the Council may collect the annual payments due in respect of the charge from such person But if he be not the person for the time being liable to the payment of the charge or any part thereof then he may deduct from any rent payable by him the charge or any part thereof payable by any other person and any person receiving such rent (if he be not the person liable to pay the charge or any part thereof) may in like manner deduct from any rent payable by him the charge or such part thereof as is payable by any other person so that the proper deduction may in each case be made from the rent paid to the person or persons by whom the charge or any portion thereof is payable ;

In case of default being made in any payment due to the Council in respect of the charge the amount thereof may be recovered in any court of summary jurisdiction and in addition the Council may have and exercise such remedies for recovering the same as are conferred by the Conveyancing and Law of Property Act 1881 with regard to sums payable by way of rent-charge :

Redemption of charge.

(19) Any owner lessee or occupier of any lands subject to the charge or any other person interested therein may from time to time redeem the same by agreement with the Council and shall be entitled from time to time to redeem the charge upon any lands on payment to the Council of any arrears thereof and of a sum equal to thirty-three times the amount of such charge and from and after such redemption the charge shall be deemed to be satisfied and shall be no longer payable in respect of the said lands and the Council shall give a certificate under their common seal that the said charge is redeemed and satisfied which shall be sufficient evidence thereof :

A.D. 1895.

As to existing contracts &c.

(20) Where the incidence of the charge as between any persons interested in the lands is regulated or affected by contract or covenant the arbitrator shall have regard to such contract or covenant and this Act shall not be deemed to alter the effect of such contract or covenant :

Service of notices &c.

(21) In any case where the Council are required under this part of this Act to serve any notice or other document upon any owner or lessee and the Council are unable after diligent inquiry to ascertain the name or address of any owner or lessee on whom such notice or document is to be served it shall be sufficient to serve the same either by delivering the same to the occupier of the lands with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy of the resolution to some conspicuous and convenient place on or near the lands :

Arbitration Act to apply.

(22) The Arbitration Act 1889 shall subject to the provisions of this part of this Act apply to the arbitrator and procedure before him except that the award shall be final and binding upon all parties.

PART IV.—FINANCIAL.

Money to be raised on capital account.

37. (1.) The Council may expend on capital account for the purpose of carrying out the improvement including the purchase of land for the same by this Act authorised such money as they may from time to time think fit not exceeding four hundred and thirty-six thousand pounds and in order to raise or provide the money required for that purpose the Council may from time to time create and issue Consolidated stock or resort to the Consolidated Loans Fund or otherwise raise money in accordance in each case with the provisions of the Acts for the time in force regulating the raising of money for capital purposes by the Council :

Provided that nothing in this Act shall authorise the borrowing and expenditure of any money on capital account after the thirtieth day of September one thousand eight hundred and ninety-six.

(2.) The Council shall make provision for the redemption of such stock or the repayment of any money borrowed or expended on capital account for the purposes of this Act within a period of not exceeding sixty years from the date of the expenditure of such money in accordance with the provisions in relation to redemption and repayment of the Acts relating to the raising and expenditure of money by the Council on capital account.

As to payments under this Act.

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

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.