CHAPTER cxci.

An Act to amend the Metropolitan District Railway Act 1881; and for other purposes in relation thereto. A.D. 1883.

[20th August 1883.]

WHEREAS by section twelve of the Metropolitan District Railway Act 1881, the Metropolitan District Railway Company were authorised to make and maintain openings or shafts for the purpose of ventilating their Railways in any road or open space under which their Railways pass, subject to the conditions by the said section prescribed:

And whereas under the authority of the said section openings or shafts have been made by that Company within the Metropolis, and by reason thereof the user and enjoyment of certain roads and open spaces by the public will be prejudicially affected, and it is expedient that the provisions in this Act contained should be made with respect to the openings or shafts in this Act mentioned, and that the said section twelve of the Metropolitan District Railway Act 1881 should be repealed to the extent and effect hereinafter provided:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and Be it Enacted by the 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 Metropolitan Board of Works (District Railway Ventilators) Act 1883.

Interpretation of terms.

2. In this Act—

The term "the Metropolis" means the Metropolis as defined by the Metropolis Management Act 1855, except the City of London and the liberties thereof;

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The term "the Board" means the Metropolitan Board of Works as constituted by the Metropolis Management Act 1855;

The term "the limit of the Board's authority" means all places within the Metropolis, and the Victoria Embankment;

The term "the Company" means the Metropolitan District Railway Company;

The term "the Metropolitan Engineer" with respect to all places within the limit of the Board's authority, means the Engineer for the time being of the Board.

Partial repeal of Section 12 of the Metropolitan District Railway Act 1881.

3. From and after the passing of this Act, section twelve of the Metropolitan District Railway Act 1881 shall be and the same is hereby repealed as to all places within the limit of the Board's authority except as respects the maintenance of the openings or shafts made by the Company near the Victoria Station, on the roadway of the Victoria Embankment, and in the gardens of the Victoria Embankment.

Metropolitan District Railway to close certain openings or shafts.

4. The Company shall within six months after the passing of this Act close the openings or shafts made by them in Tothill Street and Parliament Square in the City of Westminster under the authority of section twelve of the Metropolitan District Railway Act 1881; and they shall remove all buildings and erections constructed by them in connection with such openings or shafts; and they shall fill in and reinstate and make good the road or pavement or ground opened or broken up for the purpose of such openings or shafts and restore the same to the condition which the same was in before the making of such openings or shafts to the reasonable satisfaction of the Metropolitan Engineer; and in case the Company fail or omit within such time as aforesaid to close such openings or shafts in such roads or open spaces as aforesaid, or to remove such buildings or erections so constructed by them as aforesaid, or to fill in and reinstate and make good the road, pavement, or ground opened or broken up for the purpose of such openings or shafts, or to restore the same to the condition which the same was in before the making of such openings or shafts, to the reasonable satisfaction of the Metropolitan Engineer, they shall be liable to a penalty of fifty pounds for every day during which they fail or omit to comply with the provisions of this section, which penalty may be recovered in a summary manner by the Board. If any such failure or omission as aforesaid occurs, the Board may, without prejudice to any other remedy, cause the work necessary by reason of the said failure or omission to be executed, and the expense of executing the same shall be repaid by the Company to the Board, and may in case of non-payment be recovered in a summary manner.

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Alteration of opening or shaft near Temple Station.

5. The opening or shaft made by the Company in the garden of the Victoria Embankment, on the east side of the Temple Station, shall within three months after the passing of this Act be altered by the Company, so that the length thereof shall be reduced from sixty-two feet to forty feet under the like penalty as is hereinbefore provided in the event of the failure of the Company to comply with the provisions of the immediately preceding enactment.

Certain expenses of Company to be paid by Board.

6. When the said openings or shafts in Tothill Street and Parliament Square have been closed, and all buildings or erections constructed by the Company in connection therewith have been removed, and the road or pavement or ground opened or broken up for the purpose of such openings or shafts has been filled in and reinstated and made good and restored to the condition which the same was in before the making of such openings or shafts, and the said alteration of the opening or shaft in the garden of the Victoria Embankment on the east side of the Temple Station has been completed to the reasonable satisfaction of the Metropolitan Engineer, the Board shall pay to the Company all the reasonable costs and expenses incurred by them in the making and closing of such openings or shafts and in complying with the provisions of this Act with reference thereto, and in case of difference between the Board and the Company as to the amount of such costs and expenses, such difference shall be determined by an arbitrator to be appointed by the Board of Trade at the request of either party whose decision shall be final and binding on the parties, and the Arbitrator may make such order as to the payment of the costs of any arbitration under this Act as he may think just.

Costs of Act.

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

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