CHAPTER clvi.

An Act to confer further powers on the Metropolitan District Railway Company and for other purposes. A.D. 1887.

[8th August 1887.]

Agreement of 1871 and Act of 1872.

WHEREAS by the Metropolitan Railway Act 1872 (herein-after called "the Act of 1872") section 8 the agreement (herein-after called "the agreement of 1871") made the twenty-ninth day of June one thousand eight hundred and seventy-one between the Metropolitan Railway Company (herein-after called "the Metropolitan Company") and the Metropolitan District Railway Company (herein-after called "the Company") was confirmed and directed to be carried into effect:

Act of 1879.

And whereas by the Metropolitan and District Railways (City Lines and Extensions) Act 1879 (herein-after called "the Act of 1879") it was enacted (section 52) that subject to the provisions of the said Act all the powers therein conferred on or vested in the Company and the Metropolitan Company (herein-after called "the two companies") jointly for the construction of the railways new street and works or any of them thereby authorised and with respect to the maintenance and management of the joint undertaking by the said Act constituted and the levying of tolls and charges in respect of the use thereof or otherwise should be vested in a joint committee to be called "the Metropolitan and District Joint Committee" such joint committee to be composed (section 53) of three persons to be from time to time nominated and appointed by the Company and three persons to be appointed by the Metropolitan Company in manner by the said Act prescribed:

Appointment of joint committee.

As to standing arbitrator under Act of 1879.

And whereas it was by the said Act provided that the said joint committee should at their first meeting in every year appoint some person as standing arbitrator for the ensuing year and that if any question should at any time arise in the committee concerning which question the member or members present representing the one company differ from the member or members present representing the other company the matter in difference should if so desired by the

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member or members present representing either company be from time to time referred to the said arbitrator or in default of the appointment of such arbitrator by the joint committee then to an arbitrator to be nominated by the Board of Trade on the application of either of the two companies and that the arbitrator might on application made to him by the members of the committee representing either of the said companies attend at any meeting of the committee and summarily decide any such matter in difference and that every award or decision of such arbitrator should be final with respect to the matters submitted to him:

And whereas it is expedient that the provisions of the agreement of 1871 and of the Act of 1879 with respect to arbitration and with respect to the powers and proceedings of the joint committee thereunder should be varied in manner herein-after expressed and it is also expedient that the other provisions herein-after contained should be made:

And whereas it is expedient that the powers and time limited by the Metropolitan District Railway Act 1882 for the completion of the railway secondly described in and authorised by section 5 of the Metropolitan District Railway Act 1878 and known by the name of the Acton Junction Railway the lands for which have been duly acquired by the Company should be revived and extended and that further provision should be made in regard thereto:

And whereas it is also expedient that the powers and time limited by the Metropolitan District Railway Act 1883 for the completion of the West Brompton Junction Railway described and authorised by section 5 of the Metropolitan District Railway Act 1881 the lands for which have been duly acquired by the Company should be revived and extended and that further provision should be made in regard thereto:

And whereas the objects 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 (that is to say):

Short title.

1. This Act may be cited as the Metropolitan District Railway Act 1887.

First standing arbitrator.

2. The first standing arbitrator for the purposes of this Act shall be Henry Tennant who shall continue in office until a standing arbitrator is appointed by the joint committee under the powers of the Act of 1879 and thereupon the standing arbitrator so appointed and his successor from time to time in office shall be the standing

arbitrator for the purposes of this Act The said Henry Tennant or other the standing arbitrator for the time being for the purposes of this Act is herein-after referred to as the standing arbitrator.

As to arbitrations under the agreement of 1871.

3. During the continuance of the agreement of 1871 but no longer all questions arising under the said agreement on which the respective representatives of the two companies on the joint committee under the said agreement shall not agree shall not be referred to or determined by the standing arbitrator appointed in pursuance of the said agreement but shall during the continuance of the said agreement if so desired by the member or members present representing either company and notwithstanding anything to the contrary contained in the said agreement be from time to time dealt with and disposed of by the standing arbitrator whose decision shall be final and binding.

Power to standing arbitrator to convene special meeting of joint committee.

4. The standing arbitrator may at any time during the continuance of the agreement of 1871 on the application of any member of the joint committee of 1871 or any person nominated and appointed by either company under clause 17 of the said agreement to be a member of the joint committee convene a special meeting of the joint committee giving to each member thereof not less than six days notice of any such meeting and for the purpose of any such special meeting the arbitrator may decide that the members present constitute a quorum in the absence of any reasonable excuse for non-attendance.

Questions to be referred to the standing arbitrator.

5. All questions arising between the two companies under section 89 of the Act of 1879 shall during the subsistence of the agreement of 1871 if so desired by either company be referred to and determined by the standing arbitrator whose decision shall be final and binding Provided that except as is in this Act expressly provided nothing in this section contained shall in any way vary prejudice or affect the rights of either company under the agreement of 1871 or the Act of 1879.

Jurisdiction of arbitrator not to be questioned.

6. No question shall be raised as to the jurisdiction of the standing arbitrator or the validity of his decisions by reason of doubt from which committee his authority emanates in any particular case.

Power to standing arbitrator to state a case.

7. The standing arbitrator shall have power to state a case on the request of either party for the opinion of the High Court of Justice on any question referred to his determination by this Act and generally shall have all the powers of a single arbitrator appointed under the provisions of the Railway Companies Arbitration Act 1859.

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Revival of time for completion of Acton Junction Railway.

8. The powers granted by the Metropolitan District Railway Act 1882 and the time thereby limited for the construction and completion of the junction railway secondly described in and authorised by the fifth section of the Metropolitan District Railway Act 1878 shall be and the same are hereby revived and extended until the fourth day of July one thousand eight hundred and eighty-nine and sections 17 and 18 of the said Act shall be read and construed as if the said fourth day of July one thousand eight hundred and eighty-nine had been the time limited by the said Act for the completion of the said junction railway.

Revival of time for completing West Brompton Junction Railway.

9. The powers granted by the Metropolitan District Railway Act 1883 and the time thereby limited for the completion of the West Brompton Junction Railway described in and authorised by section 5 of the Metropolitan District Railway Act 1881 shall be and the same are hereby revived and extended until the twenty-seventh day of June one thousand eight hundred and eighty-nine and sections 18 and 19 of the said Act shall be read and construed as if the said twenty-seventh day of June one thousand eight hundred and eighty-nine had been the time limited by the said Act for the completion of the said railway.

Provision as to general railway Acts.

10. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Expenses of Act.

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

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