CHAPTER lxxii.

An Act to empower the county councils of the administrative counties of Middlesex and Surrey to construct bridges across the river Thames and other works to vest the Richmond Bridge in the said county councils to confer further powers upon them and for other purposes. A.D. 1928.

[3rd August 1928.]

WHEREAS it is expedient to empower the county councils of the administrative counties of Middlesex and Surrey to construct the bridges across the river Thames roads and other works authorised by this Act and to make further provision in regard thereto:

And whereas in pursuance of the Act 13 George III. chapter LXXXIII entitled "An Act for building a "bridge across the river of Thames from Richmond in "the county of Surrey to the opposite shore in the "county of Middlesex and to enable His Majesty to "grant the inheritance of the ferry at Richmond to "certain persons therein mentioned" provision was made for the constitution of commissioners and the said commissioners have built a bridge in accordance with the said Act:

And whereas it is expedient that the said Richmond Bridge together with all the property assets and liabilities of the said commissioners should be transferred to the said county councils:

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And whereas by Part IV of the Middlesex County Council (General Powers) Act 1921 the Middlesex Council were empowered to establish and maintain a superannuation fund for the granting of superannuation and other allowances to their officers and servants and it is expedient to amend the provisions of that Act:

And whereas it is expedient to extend the time limited by the Middlesex County Council Act 1925 for the purchase of certain lands and the construction of certain works:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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

And whereas an estimate has been prepared by the Councils for the purpose hereinafter mentioned and such estimate is as follows:—

	£
The construction of the works authorised by this Act - - - -	1,199,070

And whereas the several works included in such estimate are permanent works and it is expedient that the Councils should be empowered to borrow money as provided by this Act:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Act 1872 so far as the same are applicable have been observed by the Councils:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Middlesex and Surrey which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 :— A.D. 1928.

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Middlesex and Surrey (Thames Bridges &c.) Act 1928.

Division of Act into Parts.

2. This Act is divided into Parts as follows (that is to say) :—

Part I.—Preliminary.
Part II.—Richmond Bridge.
Part III.—Lands.
Part IV.—Works.
Part V.—Middlesex provisions.
Part VI.—Finance and miscellaneous.

Incorporation of Acts.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act with the following exceptions and modification (namely) :—

(*a*) Sections 127 to 131 and 133 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of either of the Councils and shall be sufficient without the addition of the sureties mentioned in that section.

Interpretation.

4. 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) :—

(*a*) "The Middlesex Council" means the county council of the administrative county of Middlesex;

(*b*) "The Surrey Council" means the county council of the administrative county of Surrey;

(*c*) "The Councils" means the Middlesex Council and the Surrey Council and includes either of the said councils;

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(*d*) "The scheduled agreement" means the agreement set forth in the First Schedule to this Act;

(*e*) "The river" means the river Thames;

(*f*) "The Richmond Bridge Commissioners" means the commissioners for building a bridge across the Thames between Richmond and the opposite shore constituted by the Act of 1772;

(*g*) "The day of transfer" means the first day of April nineteen hundred and twenty-nine or such earlier or later date as may be agreed between the Richmond Bridge Commissioners and the Councils;

(*h*) "Street" and "road" include any street road footpath and other highway;

(*i*) "The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

(*j*) "The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

(*k*) "The Act of 1772" "the Act of 1921" and "the Act of 1925" mean respectively the Act 13 George III. chapter LXXXIII the Middlesex County Council (General Powers) Act 1921 and the Middlesex County Council Act 1925;

(*l*) "Telegraphic line" has the same meaning as in the Telegraph Act 1878;

(*m*) "The Port Authority" means the Port of London Authority.

Confirmation of scheduled agreement.

5.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly.

(2) The Middlesex Council and the Surrey Council may enter into and carry into effect further agreements in regard to the exercise of the powers conferred upon the Councils by this Act.

Powers of joint committee.

6. A joint committee of the Middlesex Council and of the Surrey Council appointed under and subject to the provisions of the Local Government Act 1888 and of the scheduled agreement shall have power to exercise such of the powers of this Act conferred upon the Councils (except those contained in Part V (Middlesex provisions) which shall apply only to the Middlesex Council and those relating to the acquisition of lands) as the Councils shall from time to time determine and for this purpose and subject to such exceptions and determinations shall have power to make and carry into effect all such agreements and arrangements as under the provisions of this Act may be made and carried into effect by the Councils.

PART II.

RICHMOND BRIDGE.

Transfer of bridge and all property of commissioners to Councils.

7.—(1) On and after the day of transfer the Richmond Bridge constructed under the Act of 1772 together with the approaches thereto and all property rights assets duties and liabilities of the Richmond Bridge Commissioners shall by virtue of this Act be transferred to and vested in and shall attach to the Councils and the bridge together with the approaches thereto shall for all purposes be deemed to be a county bridge under the jurisdiction control and management of the Middlesex Council and the Surrey Council in the manner following (that is to say):—

So much of the bridge and the approaches thereto as is situate in the county of Middlesex shall be vested in and under the control of the Middlesex Council; and

So much of the bridge and the approaches thereto as is situate in the county of Surrey shall be vested in and under the control of the Surrey Council.

(2) The Councils and the Richmond Bridge Commissioners may enter into and carry into effect agreements in regard to the transfer of the said bridge property rights assets duties and liabilities and in regard to any of the purposes of this Part of this Act.

Compensation to officers.

8. The Councils may pay compensation to any officer or servant in the regular employment of the Richmond Bridge Commissioners whose services shall not

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be retained by the Councils in respect of any loss he may incur by reason of the transfer of the said Richmond Bridge to the Councils.

Actions not to abate.

9. If at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Richmond Bridge Commissioners the same shall not abate or be discontinued or in anywise be prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Councils as and when it might have been continued prosecuted and enforced by against or in favour of the said Commissioners if this Act had not been passed.

Contracts to be binding on Councils.

10. All agreements conveyances contracts deeds and other instruments entered into or made with or by the Richmond Bridge Commissioners and in force at the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Councils and may be enforced as fully and effectually as if instead of the said commissioners the Councils had been parties thereto.

Books &c. to remain evidence.

11. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Richmond Bridge Commissioners shall be admitted in evidence in respect of the same or the like matter for or against the Councils.

Repeal of Act of 1772.

12. On the day of transfer the Act of 1772 shall be repealed except the provisions which are set out in the Second Schedule to this Act and those provisions shall have effect as if the Councils were therein named instead of the Richmond Bridge Commissioners.

PART III.

LANDS.

Power to take lands.

13. Subject to the provisions of this Act the Councils may enter upon and take appropriate hold and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may respectively require for the purposes of the works authorised by this Act including the improvement and development of frontages or of the lands abutting on or adjacent to any street or for other the purposes of this Act:

Provided always that all lands so taken and used as may be situate within the county of Middlesex shall subject to the provisions of this Act vest in and belong to the Middlesex Council and all lands so taken and used as may be situate within the county of Surrey shall subject to the provisions of this Act vest in and belong to the Surrey Council.

Common rights.

14. Upon the acquisition by the Surrey Council of the land in the urban district of Esher and the Dittons numbered 58 on the deposited plans the Surrey Council may convey such land to the district council for that district who shall hold the same for the same purposes and subject to the same rights (including any common or commonable rights) as they now hold the lands in the same urban district which are numbered 51 and 53 on the deposited plans and which form part of Ditton Common and upon such conveyance all common commonable and other rights affecting so much of the last-mentioned lands as shall be acquired by the Surrey Council shall upon such acquisition be by virtue of this Act extinguished.

Period for compulsory purchase of lands.

15. The powers of the Councils for the compulsory purchase of lands for the purposes of this Part of this Act shall cease after the expiration of five years from the thirty-first day of October nineteen hundred and twenty-eight.

Benefits to be set off against compensation.

16. In estimating the amount of compensation or purchase money to be paid by the Councils in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any bridge or road or of the widening or improvement of any existing road or arising through such adjoining lands becoming lands fronting on any such new or existing road shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation in case of recently acquired interest.

17. For the purposes of determining any compensation payable in respect of lands taken under the powers of this Part of this Act the tribunal 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

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interest in the land created after the nineteenth day of November nineteen hundred and twenty-seven if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary or was made or created with a view to obtaining or increasing compensation under this Act.

Power to acquire additional lands by agreement.

18. In addition to the other lands which the Councils are by this Act authorised to purchase and acquire they may purchase take on lease or acquire lands by agreement and may hold the same for the purposes of this Act.

Power to reinstate owners of property.

19. The Councils may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the works authorised by this Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Councils may pay or receive money for equality of exchange.

Power to enter upon property for survey and valuation.

20. The Councils and their respective surveyors officers and workmen and any person duly authorised in writing under the hands of their respective clerks may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used 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.

Further powers of entry.

21. The provisions of section 106 (Power of entry on land acquired) of the Housing Act 1925 so far as they relate to lands acquired for the purposes of Part III of that Act shall apply to the lands which the Councils are by this Act authorised to acquire as if those provisions were with the necessary alterations re-enacted in this Act.

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Persons under disability may grant easements &c.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Councils any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain premises.

23.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Councils of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Councils and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

(*a*) The owner of and persons interested in any of the properties whereof the whole or part is described in the Third Schedule to this Act and whereof a portion only is required for the purposes of the Councils or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties";

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Councils that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Councils such portion only without the Councils being obliged or compellable to purchase the whole the Councils paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

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(*c*) If within such twenty-one days the owner shall by notice in writing to the Councils allege that such portion cannot be so severed then unless the Councils agree to take the whole of the property (in which case the notice to treat shall be deemed to apply to the whole property) the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Councils have compulsory powers of purchase) can be so severed;

(*d*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Councils the portion which the tribunal shall have determined to be so severable without the Councils being obliged or compellable to purchase the whole the Councils paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

(*e*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(*f*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion

can be so severed) the Councils may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

(*g*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Councils in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

Correction of errors &c. in deposited plans and book of reference.

24. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Councils after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which the lands are situate for the correction thereof and if it shall appear to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the

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clerk of the peace for such county and a duplicate thereof shall also be deposited with the clerk of the district council for the district in which the lands are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Councils to take the lands and execute the works in accordance with such certificate.

Extinction of private rights of way.

25.—(1) All private rights of way over any lands which the Councils are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Councils if the Councils shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) Provided that the Councils shall make compensation to all persons interested in respect of any rights extinguished under the provisions of this section.

Retention and disposal of lands.

26.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Councils may retain hold and use for such time and for such purpose as they may think fit or may sell lease (whether in possession or reversion) exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

(2) Nothing in this section contained shall release the Councils or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands are

acquired by the Councils or any person from or through whom the Councils may derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Part IV.

Works.

Power to Councils to execute works.

27. The Councils may subject to the provisions of this Act and in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute make and maintain the works hereinafter described together with footways and carriageways and all necessary works and conveniences connected therewith (namely) :—

Work No. 2 A bridge over the river with approaches thereto in the boroughs of Twickenham and Richmond and in the urban district of Heston and Isleworth commencing at the junction of The Avenue and Heathcote Road and terminating in the Old Deer Park Richmond ;

Work No. 6 A bridge over the river with approaches thereto in the urban districts of Barnes and Brentford and Chiswick commencing at about 377 yards from the junction of Lower Richmond Road and Clifford Avenue measured in a north-easterly direction and terminating at the junction of the Great Chertsey Road with Hartington Road;

Work No. 8 A bridge over the river with approaches thereto in the urban districts of Hampton and East and West Molesey commencing by a junction with the Kingston and Staines road and terminating at the garden of Creek House.

Power to Middlesex Council to execute works.

28. The Middlesex Council may subject to the provisions of this Act and in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute make and maintain the works hereinafter described together with footways and carriageways

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and all necessary works and conveniences connected therewith (namely) :—

Work No. 1 A road in the borough of Twickenham and the urban district of Heston and Isleworth commencing in London Road near to its junction with Ivy Road and terminating at the junction of The Avenue with Heathcote Road;

Work No. 7 A widening of Alexandra Avenue Burlington Lane and Mawson Lane in the urban district of Brentford and Chiswick commencing at the north-east end of Alexandra Avenue and terminating in Chiswick Lane.

Power to Surrey Council to execute works.

29. The Surrey Council may subject to the provisions of this Act and in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute make and maintain the works hereinafter described together with footways and carriageways and all necessary works and conveniences connected therewith (namely) :—

Work No. 3 A road in the borough of Richmond commencing at the termination of Work No. 2 authorised by this Act and terminating at the junction of Kew Road with Lower Mortlake Road;

Work No. 4 A widening of Lower Mortlake Road and Lower Richmond Road in the borough of Richmond and the urban district of Barnes commencing at the termination of Work No. 3 authorised by this Act and terminating near to the junction of Lower Richmond Road and Clifford Avenue;

Work No. 5 A road in the urban district of Barnes and the borough of Richmond commencing at the termination of Work No. 4 authorised by this Act and terminating at the commencement of Work No. 6 authorised by this Act;

Work No. 9 A road in the urban districts of East and West Molesey and Esher and the Dittons commencing at the termination of Work No. 8 authorised by this Act and terminating at Ditton Common;

Work No. 10 A road in the urban district of Esher and the Dittons commencing at the termination of Work No. 9 authorised by this Act and terminating by a junction with the London and Portsmouth road;

Work No. 11 A road and bridge over the Southern Railway in the urban district of Esher and the Dittons commencing and terminating by junctions with Summer Road;

Work No. 12 A channel for the rivers Ember and Mole in the urban district of East and West Molesey commencing by a junction with the river Ember and terminating at the junction of that river with the river Thames;

Work No. 13 A channel from the river Mole to the river Ember in the urban district of East and West Molesey;

Work No. 14 The reconstruction of the existing channel and sluice gate connecting the river Mole with the river Ember in the urban district of East and West Molesey;

Work No. 15 An alteration of the southern bank of the river in the urban district of East and West Molesey commencing at the mouth of the river Mole and terminating at about 155 yards therefrom measured in an easterly direction.

Power to deviate in construction of works.

30. Subject to the provisions of this Act the Councils in constructing the works authorised by this Part of this Act may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Demolition of Hampton Court Bridge and stopping up of highways and waterways.

31.—(1) When Work No. 8 authorised by this Act has been completed and is open for traffic the Councils may take down and remove the existing bridge over the river known as "Hampton Court Bridge" and may stop up so much of the approaches thereto as is rendered unnecessary by the construction of the said Work No. 8.

(2) When Work No. 9 authorised by this Act has been completed between its commencement and its

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junction with Summer Road the Surrey Council may stop up so much of Jasmine Road as lies between its junction with the said Work No. 9 and its junction with Summer Road but that council shall not stop up any part of such road unless they are the owners in possession of the lands on both sides thereof.

(3) When Work No. 11 authorised by this Act has been completed and is open for traffic the Surrey Council may stop up the level crossing of Summer Road over the Southern Railway.

(4) Upon the stopping up of any highway under the powers of this section all rights of way thereover and other rights shall by virtue of this Act be extinguished:

Provided that the Councils shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section.

(5) When Works Nos. 12 13 and 14 authorised by this Act have been completed the Surrey Council may stop up so much of the river Mole as will be situate between the said Work No. 13 and the river Thames and so much of the river Ember as will be rendered unnecessary by reason of the execution of the said works and the beds of so much of the said rivers Mole and Ember as aforesaid shall vest in the Surrey Council.

(6) Notwithstanding the stopping up of the said level crossing the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said level crossing and from such part of Summer Road as shall also be stopped up any telegraphic line of the Postmaster-General which is in under along or across the same and the Surrey Council shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

Agreements with Southern Railway Company.

32. The Surrey Council may enter into and fulfil agreements with the Southern Railway Company relative to the stopping up of the level crossing of Summer Road over that company's railway authorised by this Act and to any of the works authorised by this Act which affect that company.

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Power to make subsidiary works.

33.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Councils in connection with the works authorised by this Part of this Act and for the purposes thereof may—

(*a*) make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the works authorised by this Act or any of them;

(*b*) make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or otherwise;

(*c*) construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;

(*d*) stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Act;

(*e*) execute any works for the protection of any adjoining land or buildings;

(*f*) remove alter divert or stop up any drain sewer channel or watercourse the Councils providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse; and

(*g*) alter the mains pipes wires and other works for the purpose of conveying water gas or electricity to any house or other place.

(2) Any paving metalling or materials in on or under any street altered or diverted under the powers of this Act and any sewers drains and pipes rendered unnecessary by the substitution of other sewers drains and pipes therefor shall vest in the Councils and all substituted sewers drains and pipes shall be under the same jurisdiction care management and direction as the existing sewers drains and pipes for which they may be so substituted.

(3) In the exercise of the powers conferred by this section the Councils shall cause as little detriment and inconvenience as circumstances admit to any local

A.D. 1928. authority company or person and shall make reasonable compensation for any damage caused to any local authority company or person by the exercise of such powers.

(4) Within the limits of deviation shown on the deposited plans the Councils may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and shall make reasonable compensation for any damage caused by the exercise of the powers of this subsection.

(5) The Councils shall not alter or remove any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(6) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Underpinning of houses near works.

34. And whereas in order to avoid in the execution and maintenance of works authorised by this Act injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same Therefore the Councils at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the Councils shall be served in manner prescribed by this Act and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Councils:

(3) If any owner lessee or occupier of any such house or building or the Councils (as the case may require) shall within seven days after the giving of such notice give a counternotice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference:

(4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by the Councils or such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Councils may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5) The Councils shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section:

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Councils such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Councils then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Councils shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such

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lessees or occupiers within six months from the discovery thereof :

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Councils from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :

(8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Determination of compensation.

35. Any question of disputed compensation payable under Part III or Part IV of this Act or under any enactment incorporated with this Act shall be referred to and determined by arbitration in accordance with the provisions of the Lands Clauses Acts and those provisions with any necessary alterations shall apply accordingly.

Power to sell materials.

36. The Councils may sell or dispose of any materials of any houses buildings or structures acquired by them under the powers of this Act and not required for the purposes thereof and also all 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 Councils under the powers of this Act and the materials (if any) obtained in the course of the improvement.

As to sizes of certain arches of bridges.

37. Notwithstanding anything in this Act or shown on the deposited plans and sections the bridges (Works Nos. 2 and 6) shall be constructed so that the centre of the underside of the central and side arches of Work No. 2 shall be not less than twenty feet six inches above the level of Trinity high water and the centre of the underside of the central arch of Work No. 6 shall be not less than twenty-two feet four-and-a-half inches and the centre of the underside of the side arches shall be not less than twenty-one feet seven inches above the level of Trinity high water while the centre of the underside of the arch of Work No. 6 over the towpath shall be not less than twenty-three feet nine inches above the level of Trinity high water.

Towing-paths and access to be kept open.

38. The Councils shall not at any time interfere with the existing towing-paths on the Surrey side of the river beneath the bridges (Works Nos. 2 and 6) so as to prevent the effective use of such towing-paths and shall during and for ever after the construction of such bridges keep open for the whole width thereof a towing-path on the Surrey side of the river at Work No. 2 of the same width as now existing and a towing-path on the Surrey side of the river at Work No. 6 of a width of approximately twenty feet and shall provide and maintain means of access of similar widths to such towing-paths from the upper and lower sides of the said bridges but nothing in this section shall prevent the construction of the bridge (Work No. 6) with a pier of the bridge abutting on the towing-path.

Maintenance of works.

39.—(1) Every road or bridge constructed or widened by the Councils under this Act shall be vested in the Councils and for the purposes of maintenance repair improvement and enlargement of and other dealing with every such road and bridge and every road vested in the Councils under this Act and the prevention and removal of obstructions thereon the Councils shall have the powers which for the time being they have with respect to main roads and county bridges.

(2) In addition to the foregoing powers the Councils shall have the same powers for carrying such drains and other works and conveniences as they may consider necessary or convenient for the drainage of the works authorised by or vested in the Councils under this Act as a local authority have under the Public Health Act 1875 for carrying sewers within and without their district and when exercising such powers the Councils shall be subject to such restrictions as a local authority are subject to and the provisions of that Act relating to the construction of sewers shall with any necessary modifications apply accordingly.

No mains or pipes to be laid on bridge except with consent of Councils.

40.—(1) Notwithstanding anything in any Act to the contrary it shall not except as by this section expressly provided be lawful for any person to enter upon break up or interfere with the bridges comprised in Works Nos. 2 6 and 8 authorised by this Act or the bridge transferred to the Councils under Part II of this Act or the carriageways and footways over the same respectively for the purpose of executing any work whatsoever therein

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thereon or thereunder except with the consent of the Councils in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the Councils may reasonably determine:

Provided that—

(*a*) the consent of the Councils to the breaking up of and interference with the said bridges for the purpose of laying down electric lines therein shall not be withheld unreasonably and that any question which may arise as to whether such consent is so withheld or as to whether the terms and conditions subject to which any such consent is given are reasonable shall be determined by the Minister of Transport;

(*b*) the owners of any mains pipes electric lines or other works lawfully placed in the existing Hampton Court Bridge shall be entitled to place maintain and renew similar mains pipes lines or works in the bridge (Work No. 8) authorised by this Act upon and subject to such terms and conditions as may be agreed between them and the Councils and the Councils shall give to such owners reasonable facilities for placing such mains pipes lines and works in the last mentioned bridge before the existing Hampton Court Bridge is demolished by the Councils.

(2) Nothing contained in this section shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1926.

Temporary stoppage of streets.

41.—(1) The Councils during and for the purpose of the execution of the works authorised by this Act may (with the consent of the road authority which shall not be withheld unreasonably) break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same.

(2) The Councils shall provide reasonable access for foot passengers bona fide going to or from any such house.

As to notice to Commissioner of Police.

42. Before breaking up or otherwise interfering with any street situate in the metropolitan police district in connection with the execution of any works under the powers of this Act the Councils shall (except in cases of emergency) give fourteen days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of such works.

Abatement of work abandoned or decayed.

43.—(1) Where any work constructed by the Councils under the powers of this Act and situate wholly or partially on under or over the shore or bed of the river below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Councils at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Councils they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Councils and the amount of such expense shall be a debt due from the Councils to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Reservation of accommodation for Post Office telegraphs.

44. The Councils in constructing the bridges (Works Nos. 2 6 and 8) and the Surrey Council in constructing the bridge (part of Work No. 11) authorised by this Act shall provide under the footway of the said bridges

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accommodation for the telegraphic lines of the Postmaster-General as follows :—

In Work No. 2 a space twenty-four inches wide by twenty-four inches deep;

In Work No. 6 a space twenty-four inches wide by twenty-four inches deep;

In Work No. 8 a space forty-eight inches wide by twenty-four inches deep;

In the bridge (part of Work No. 11) a space eighteen inches wide by twenty-four inches deep.

The accommodation shall be provided in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Councils or the Surrey Council (as the case may be) his disapproval thereof or made any requirements with respect thereto he shall be deemed to have approved the same Provided further that any extra expense which the Councils may reasonably incur in complying with the provisions of this section shall be borne and paid by the Postmaster-General.

For protection of local authorities.

45.—(1) In this section unless the context otherwise requires the expression "local authority" means the council of any borough or urban district and the expression "work" means any work authorised by this Part of this Act (including any alteration diversion or other work authorised by the section of this Act whereof the marginal note is "Power to make subsidiary works").

(2) At least twenty-eight days before commencing any work which shall or may in any way interfere with or affect any street culvert sewer drain pipe watercourse or other work appliance or apparatus of or under the control of a local authority the Councils shall give to the local authority notice thereof and shall at the same time send to the local authority for their reasonable approval such plans sections drawings and particulars as may be necessary.

(3) Within twenty-eight days after the service of the notice under subsection (2) of this section the local authority shall signify in writing to the Councils their

approval or disapproval of the said plans sections drawings and particulars and in the event of their failing to do so they shall be deemed to have approved thereof.

(4) If the local authority shall disapprove of the said plans sections drawings and particulars or shall make any requirements which the Councils shall be unwilling to agree to the matter in difference shall be determined by arbitration.

(5) The Councils shall not execute the works except in accordance with the plans sections drawings and particulars as approved by the local authority or as determined by arbitration.

(6) All the works so far as the same shall or may affect any such street culvert sewer drain pipe watercourse work appliance or apparatus as aforesaid shall be carried out at the reasonable costs charges and expenses in all things of the Councils and under the superintendence and to the reasonable satisfaction of the engineer of the local authority if the said engineer attends for the purpose of such superintendence and all such additional costs charges and expenses to which the local authority may be put by reason of the works (whether in the execution or in the superintendence thereof) shall be paid to the local authority by the Councils.

(7) The Councils shall not alter remove or displace any sewer drain main pipe watercourse or other work or apparatus of the local authority or do anything to impede the passage of sewage or surface water into or through any sewer or drain or the supply of water into or through any main or pipe of the local authority without the consent in writing of the local authority under the hand of their engineer or surveyor or (in the case of any matter affecting the supply of water) the water engineer until good and sufficient sewers drains mains and pipes or other apparatus necessary or proper for continuing the passage of sewage surface water and water as sufficiently as the same was passed or supplied by the sewer drain main pipe watercourse or other work or apparatus proposed to be removed or displaced shall at the expense of the Councils have first been made and laid down in place thereof and made ready for use and to the reasonable satisfaction of the local authority.

(8) If any difference shall arise between a local authority and the Councils under the provisions of this

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section such difference shall be referred to and determined by an engineer to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 or any modification of that Act for the time being in force shall apply to the reference.

(9) The provisions of this section shall apply except so far as may be otherwise agreed in writing between the local authority and the Councils under their respective common seals.

For protection of Richmond Corporation.

46. Notwithstanding anything in this Act the following provisions for the protection of the mayor aldermen and burgesses of the borough of Richmond (Surrey) (in this section respectively referred to as "the corporation" and "the borough") shall unless otherwise agreed in writing between the Councils and the corporation have effect (that is to say):—

(1) Any works to be executed in relation to the lowering or altering the level or position of any sewer drain main pipe watercourse work or apparatus of the corporation or the laying of any new sewer drain main pipe watercourse work or apparatus or one or more of them in substitution for any existing sewer drain main pipe watercourse work or apparatus shall if the corporation so desire be executed by them at the reasonable expense of the Councils and in that case the corporation shall within twenty-eight days of receiving notice from the Councils give notice of their intention so to execute such works and shall commence execute and complete the same with all reasonable dispatch and on completion of the works the reasonable expenses thereof shall be payable by the Councils:

(2) The corporation may if they think fit employ such watchmen and inspectors as they may reasonably deem necessary to watch and inspect the execution of the proposed works so far as they affect the existing works of the corporation and the reasonable wages of such watchmen and inspectors shall be paid by the Councils to the corporation monthly:

(3) The Councils shall not discharge surface water from the proposed works into any soil sewer of the corporation nor into any surface sewer of the corporation without the consent in writing of the corporation which consent shall not be unreasonably withheld:

(4) Before stopping up under the powers of this Act any street or road in the borough the Councils shall give fourteen days' notice to the corporation of their intention so to do and the Councils shall not without the consent in writing of the corporation under the hand of their town clerk stop up at any one time more than one-half of the width of any such street or road:

(5) The Councils shall at all reasonable times permit the corporation their officers agents servants workmen and contractors with or without material to have at their own risk reasonable access to the existing works of the corporation and to any new altered or substituted works or protective works connected therewith:

(6) All expenses in relation to the cleansing maintaining and repairing of the bridge over the river and the approaches thereto (Work No. 2) shall be borne and paid by the Councils:

(7) Before the new road comprised in Works Nos. 2 and 3 authorised by this Act is completed and open for traffic the Councils shall at their own expense construct in accordance with designs and plans previously submitted to and approved by the corporation or if such approval is unreasonably withheld settled by an arbitrator to be appointed as hereinafter provided and for ever after maintain to the reasonable satisfaction of the corporation the following works:—

(*a*) A suitable refuge in or near to the centre of the said road at a point where Park Lane if continued would intersect the said road with a lamp pillar in the centre thereof capable of holding such number of lamps as the Commissioner of Police of the metropolis may deem necessary and the reasonable cost of lighting the said lamps shall be borne by the corporation;

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(*b*) For the purpose of providing access for pedestrians to the said new road from the Riverside Walk by the side of the river a flight of steps from the up-river side of the said new road down to the said Riverside Walk at a point between the Old Deer Park and the river;

(*c*) In order to provide for the safety of the public using the said Old Deer Park as a recreation ground and playground a suitable unclimbable wrought iron fence six feet in height on both sides of the new road throughout its entire length in the said Old Deer Park with two suitable wrought iron gateways in the said fence on each side of the said new road at such places as the corporation shall reasonably direct:

(8) The Councils shall at their own expense before commencing the construction of the said new road take down and re-erect to the reasonable satisfaction of the corporation on the north side of the said new road on a site or sites reasonably determined by the corporation the pavilion dressing rooms and shed public conveniences stables and drinking fountain belonging to the corporation which are at present situated on the south side of the said new road and the Councils shall after such re-erection at their own expense provide install and complete to the reasonable satisfaction of the corporation the necessary gas water and electricity mains to and for the said buildings and provide lay and complete to the like expense and satisfaction the proper drains and drainage of the said buildings when re-erected:

(9) Any difference which shall arise between the corporation and the Councils under this section and any matter required by this section to be submitted to an arbitrator shall be referred to an engineer to be appointed on the application of either party (after notice to the other) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

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For protection of Twickenham Corporation.

47. For the protection of the mayor aldermen and burgesses of the borough of Twickenham (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Middlesex Council apply and have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Middlesex Council shall not in executing and making so much of the road (Work No. 1) by this Act authorised as will be situate in the borough of Twickenham (in this section referred to as "the borough") between Winchester Road and the river Crane deviate in a northerly direction from the centre line thereof as shown upon the deposited plans and thereon marked "Centre line of new roadway for Work No. 1" to a greater extent than twenty feet:

(2) Any pipes drains sewers paving metalling or materials removed from any street which may be altered or diverted under the powers of this Part of this Act within the borough by the Middlesex Council shall vest in that council and as from the date when any such alteration or diversion shall have been completed all substituted pipes drains sewers paving metalling or materials and all pipes drains sewers paving metalling or materials for which no substitution shall have been made (other than paving metalling or materials on the site of the Work No. 1 and Work No. 2 authorised by this Act) shall be under the same jurisdiction care management and direction as the existing pipes drains sewers paving metalling and materials:

(3) The Middlesex Council shall not at any time discharge whether directly or indirectly surface water from any work authorised by this Part of this Act to be constructed or maintained by them into any soil-sewer maintainable by the corporation without the consent of the corporation in writing:

(4) The Middlesex Council shall not permanently stop up or appropriate the site and soil of any

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street within the borough without the consent of the corporation which shall not be unreasonably withheld :

(5) Before breaking up or otherwise interfering with any street in the borough in connection with the execution of any works under the powers of this Part of this Act the Middlesex Council shall (except in cases of emergency) give not less than fourteen days' notice in writing to the corporation and shall make such arrangements with the corporation as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of such works :

(6) The Middlesex Council shall construct and maintain steps on each side of the bridge (Work No. 2) by this Act authorised where such bridge crosses Ranelagh Drive and Duck's Walk so as to afford adequate and direct means of access for foot passengers from Ranelagh Drive and Duck's Walk to the said bridge :

(7) Nothing contained in this Act shall exempt from any town planning scheme for the time being in operation in the borough any land acquired by the Middlesex Council for the purposes of this Part of this Act and not required for the Work No. 1 and Work No. 2 authorised by this Act but this subsection shall not deprive the Middlesex Council of any right to which they may be entitled in respect of such land under such scheme or under the Town Planning Act 1925 :

(8) If any difference shall arise between the corporation and the Middlesex Council under the provisions of this section (other than subsections (1) and (3) of this section) such difference shall be referred to and determined by an engineer to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 or any modification of that Act for the time being in force shall apply to the reference.

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For protection of Brentford and Chiswick Urban District Council.

48. Except so far as may be otherwise agreed in writing between the Brentford and Chiswick Urban District Council (in this section referred to as "the district council") and the Middlesex Council the following provision shall apply and have effect (that is to say):—

Any materials in under or upon any road street or other place in the urban district of Brentford and Chiswick altered by the Middlesex Council for the purposes of this Act and any materials obtained in the alteration of or interference with any drain or sewer vested in the district council may be applied in or towards the reinstatement of the road and the Middlesex Council shall if so required deliver the surplus material not so used to the surveyor of the district council or to such person as he may appoint to receive the same:

Provided that if within seven days after the setting aside of the surplus material and notice duly given such surplus is not removed by such surveyor or by a person named by him for that purpose such surplus material shall absolutely vest in and belong to the Middlesex Council and may be dealt with removed and disposed of by them in such manner as they may think fit.

For protection of Esher and the Dittons Urban District Council.

49. For the protection of the Esher and the Dittons Urban District Council (in this section referred to as "the district council") the following provisions shall unless otherwise agreed in writing between the district council and the Surrey Council apply and have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Surrey Council shall construct the new road (Work No. 11) so as not to interfere with Summer Road or the roadside waste thereof to a greater extent than shown on the plan signed in duplicate by William Percival Robinson on behalf of the Surrey Council and by Horace Charles Fread on behalf of the district council:

(2) The Surrey Council shall construct culverts under the new road (Work No. 9) of sufficient capacity

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to carry any water overflowing from the river Ember on the west side of the said road back into the river:

(3) The Surrey Council shall not acquire the lands in the urban district of Esher and the Dittons which are numbered 51 and 53 on the deposited plans and which form part of Ditton Common until they shall have conveyed to the district council the land in the same district numbered 58 on the deposited plans:

(4) Notwithstanding anything contained in the section of this Act of which the marginal note is "Power to sell materials" all materials in under or upon any road street or other places altered by the Surrey Council within the said district and any materials obtained in the alteration of or interference with any drain or sewer and the materials (if any) obtained in the course of the improvement shall in so far as they are not required for the construction of Works Nos. 9 10 and 11 within the district become the property of the district council who may sell or dispose of the same:

(5) Any difference which may arise between the district council and the Surrey Council under this section shall be referred to and determined by an engineer or other fit person to be appointed unless otherwise agreed upon the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Port Authority.

50. For the protection of the Port Authority the following provisions shall unless otherwise agreed in writing between the Councils and the Port Authority have effect (that is to say):—

(1) Subject to the provisions of the section of this Act of which the marginal note is "As to sizes of certain arches of bridges" all works (whether permanent or temporary) in connection with the construction of the new bridges (Works Nos. 2 and 6) (in this section referred to as "the said bridges" which expression where the context

so requires includes either of the said bridges) to be constructed erected or placed under the powers of this Act in the river or on over or under the bed shores or banks thereof shall be constructed in accordance with plans and longitudinal and cross sections to be approved in writing by the Port Authority under the hand of their secretary or failing such approval settled by arbitration as hereinafter in this section provided before the works are commenced All such temporary works shall be enclosed in floating booms which shall be placed in such positions as shall be defined upon plans to be submitted to and approved by the Port Authority :

Provided that if the Port Authority shall not within two months of the delivery of any such plans and sections express their disapproval thereof they shall be deemed to have approved thereof :

(2) (*a*) During the construction of any works adjacent to the openings of the said bridges and until such time as all temporary works have been removed a steam tug shall if so required by the Port Authority be provided by and at the expense of the Councils which shall at all times during that period be in attendance at or near the site of the works to render assistance to vessels and barges navigating the river in the vicinity ;

(*b*) Owners and masters of vessels shall not be liable to make good any damage which may be caused to the temporary works except such as may arise from the wilful act or default of such owners or masters or their servants or agents :

(3) In the construction and subsequent maintenance and repair of the said bridges and any works in the river or on over or under the bed shores or banks thereof the traffic of the river shall not be interfered with except so far as may be absolutely necessary :

(4) All works in connection with the said bridges shall when commenced be proceeded with and

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completed as soon as practicable and the Councils shall upon completion of such bridges remove any temporary works and materials for temporary works which may have been erected or placed in the river or on over or under the bed shores or banks thereof in connection therewith and all piles and other works (other than those forming part of the permanent new bridges) in the bed and foreshores of the river shall be drawn from the river and not cut off If the Councils fail so to do after receipt of notice from the Port Authority the Port Authority may remove the same charging the Councils with the expense of so doing and the Councils shall repay to the Port Authority all expenses so incurred :

(5) The Councils shall during the progress of any works (whether temporary or permanent) in connection with the said bridges in the river or on over or under the bed shores or banks thereof and during the subsequent repairs of any such works hang out and exhibit on or near to the said works and on the said bridges when completed every night from sunset to sunrise such lights (to be kept burning by and at the expense of the Councils) and during every day such marks as shall be proper and sufficient for the navigation and safe guidance of vessels The said lights and marks shall from time to time be altered by the Councils in such manner and be of such kind and number and be so placed and used as the Port Authority by writing under the hand of their secretary or other authorised officer shall approve or direct If the Councils fail so to exhibit and keep burning such lights and to exhibit such marks they shall for every such offence forfeit to the Port Authority twenty pounds :

(6) Nothing in this Act shall authorise or empower the Councils without the previous consent of the Port Authority to embank encroach upon or interfere with any part of the shores or banks of the river within the limits of the Port of London except as is expressly authorised by this Act :

(7) The Councils shall not (except so far as shall be necessary in the construction of the said bridges) take any gravel soil or other material from the bed or shores of the river within the limits of the Port of London without the previous consent of the Port Authority:

(8) The span of the central arch of the new bridge (Work No. 2) shall be not less than one hundred feet and the spans of the two remaining arches shall be approximately one hundred feet and the span of the central arch of the new bridge (Work No. 6) shall be not less than one hundred and fifty feet and the spans of the three remaining arches over the river and towpaths shall be approximately one hundred and twenty-five feet one hundred and twenty-five feet and fifty feet respectively such spans being measured at right angles to the piers at the level of Trinity highwater:

(9) The foundations of the piers of the said bridges and of all or any of the works in connection therewith shall be constructed and maintained at such a level as to allow the bed of the river adjacent to the bridge (Work No. 6) to be dredged to a depth of twenty-five feet six inches below the level of Trinity high-water mark and so as to allow the bed of the river adjacent to the bridge (Work No. 2) to be dredged to a depth of twenty-one feet below the level of Trinity high-water mark and notwithstanding anything contained in the Port of London (Consolidation) Act 1920 the Port Authority shall not be liable for any damage to the said bridges not arising from negligence occasioned by or resulting from such dredging operations:

(10) During the construction of the said bridges the Councils shall make all such proper provisions as the Port Authority may reasonably require for preserving adequate access to the works and backwaters of riparian owners situate near or in proximity to either of the said bridges:

(11) The Councils shall bear and on demand pay the cost of any alterations to any moorings and mooring chains or any work of dredging

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which in the opinion of the Port Authority may be rendered necessary or desirable by reason of the construction of any works in connection with the said bridges:

(12) Notwithstanding anything in this Act or in the Acts incorporated therewith the compensation or consideration payable to the Port Authority by the Councils in respect of permanent or temporary works placed in the river or on or under the bed shores or banks thereof shall be assessed in accordance with the provisions of section 254 of the Port of London (Consolidation) Act 1920 or any statutory provision in lieu thereof for the time being in force and the Councils shall pay to the Port Authority a fair and reasonable consideration (to be assessed in manner aforesaid) for or in respect of any main pipe cable wire or other work or apparatus which may be at any time carried across the river by means of the said bridges with the consent of the Councils other than such as may be placed or used without the Councils being entitled to require any consideration therefor or as may be placed or used solely by the Councils for the purposes of any of their undertakings or in pursuance of any of their powers and duties The Councils shall give notice in writing to the Port Authority of the placing of any such main pipe cable wire or other work or apparatus so carried across the river if such payment as aforesaid is made:

(13) Nothing in this Act or in any Act incorporated therewith shall authorise the Councils in the construction of the works by this Act authorised or any of them or in the exercise of any powers of this Act to discharge or allow to escape either directly or indirectly into the river or its tributaries any offensive injurious or solid matter in suspension or otherwise or to prejudice or affect in any manner the powers of the Port Authority under sections 226 to 239 (inclusive) of the Port of London (Consolidation) Act 1920 or entitle the Councils to infringe any of the provisions of those sections or any requirements of the Port Authority thereunder:

(14) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the Port Authority would have been entitled if this section had not been enacted :

(15) If any difference shall arise between the Councils and the Port Authority as to any matter or thing affecting the plans and sections hereinbefore referred to or the mode of constructing the said works or as to anything to be done or not to be done under this section or otherwise arising under this section such difference shall be referred to and determined by an arbitrator to be agreed on between the parties or failing agreement appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Conservators of River Thames.

51. For the protection of the Conservators of the River Thames (in this section referred to as "the conservators") the following provisions shall notwithstanding anything contained in this Act or in the Acts incorporated herewith or in any other Act have effect unless otherwise agreed in writing between the conservators and the Councils (that is to say) :—

(1) In this section unless there be something in the subject or context repugnant to such construction the expression "the river" means the part of the river which is within the jurisdiction of the conservators and includes the bed banks and shores thereof and the towpath adjacent thereto the expression "the new bridge" means the bridge (Work No. 8) by this Act authorised the expression "the existing bridge" means the existing Hampton Court Bridge and the expression "water level" means a level of fifteen feet nine inches above Ordnance datum :

(2) Works Nos. 8 12 and 15 and all other works whether temporary or permanent by this Act authorised affecting the river shall be executed by the Councils according to plans elevations

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and sections approved in writing by the conservators and all such works and all works of maintenance affecting the river shall be executed to the reasonable satisfaction of the engineer of the conservators and the navigation of the river shall not be interfered with more than is absolutely necessary in the execution and maintenance of the works :

(3) The Councils shall give to the conservators at least one month's notice in writing before the commencement of any work affecting the river :

(4) (*a*) Throughout the period of construction of the temporary and permanent works in connection with the new bridge the Councils shall provide and maintain openings for the passage of vessels navigating the river of such widths between the piling and having such clear headways above water level as shall respectively reasonably be approved by the conservators;

(*b*) The said openings in such temporary works shall as far as possible be in alignment with the navigation openings in the existing bridge;

(*c*) No pile driver barge or other craft shall at any time except with the consent of the conservators be allowed to lie in or obstruct any part of the said openings;

(*d*) The owners and masters of vessels shall not be liable to make good any damage which may be caused to such temporary works except such as may arise from the wilful act or from the neglect or default of such owners or masters or their servants or agents :

(5) Notwithstanding anything contained in the section of this Act whereof the marginal note is " Power to deviate in construction of works " the Councils in constructing the new bridge shall not deviate from the lines or levels shown on the deposited plans and sections in such a manner as to lessen the headway or alter the span of any of the arches of the new bridge as shown on the said plans and sections :

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(6) All works affecting the river or the rivers Mole and Ember when commenced shall be proceeded with and completed as early as practicable and the Councils shall upon completion of the permanent works upon reasonable notice from the conservators so to do remove the whole and every part of any temporary works and materials for temporary works which may have been placed in the river or the said rivers Mole and Ember by the Councils and on their failing so to do the conservators may remove the same charging the Councils with the expense of so doing and the Councils shall forthwith repay to the conservators all expenses so incurred :

(7) The foundations of the new bridge shall be constructed and maintained at and the piles of the new bridge shall be driven to such a level as to allow the bed of the river around and near to the said foundations and piles to be dredged to a level of one foot nine inches above Ordnance datum without endangering the safety of the new bridge :

(8) All piles and other works (other than those forming part of the permanent new bridge) in the bed of the river shall be drawn from the river and not cut off :

(9) On the completion of the new bridge the Councils shall to the reasonable satisfaction of the conservators entirely remove the piers and every part of the existing bridge from the river at whatever depth the same may be and shall also dredge and remove all obstructions from the river bed over the site of the existing bridge to such depth as may be reasonably required by the conservators not being less than six point seventy-five feet above Ordnance datum in the centre of the river At least one month's notice in writing shall be given by the Councils to the conservators before commencing the demolition of the existing bridge :

(10) The Councils shall during the construction of the new bridge and any works over or upon the river and the taking down of the existing bridge and shall on the occasion of any future

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repair of the new bridge affecting the river hang out and exhibit at or near to such bridges and works every night from sunset to sunrise lights to be kept burning by and at the expense of the Councils and proper and sufficient for the navigation and safe guidance of vessels and the Councils shall also in like manner and at the like expense hang out and exhibit at or near to the said bridges and works every day from sunrise to sunset such signals as may be reasonably proper and sufficient for the navigation and safe guidance of vessels and such lights and signals or any of them as the case may be shall from time to time be altered by the Councils in such manner and be of such kind and number and be so placed and used as the conservators by writing under the hand of their secretary or other authorised officer shall approve and direct and in case the Councils fail to exhibit and keep burning the lights and exhibit the signals in accordance with the provisions of this section they shall for every such offence forfeit to the conservators a sum not exceeding ten pounds which may be recovered by the conservators in a summary manner in any court of competent jurisdiction:

(11) The Councils shall not (except so far as shall be necessary in the construction of the works authorised by this Act) take any gravel soil or other material from the river without the previous consent of the conservators signified in writing under the hand of their secretary:

(12) The Councils shall not without the previous consent of the conservators in writing under the hand of their secretary embank or encroach upon or interfere with any part of the river otherwise than according to plans elevations and sections reasonably approved by the conservators:

(13) Notwithstanding anything in section 88 of the Thames Conservancy Act 1894 it shall not be obligatory upon the conservators to give to the Councils notice before commencing to dredge cleanse scour or deepen any part of the river

under or in the vicinity of the new bridge to the depth of one foot nine inches above Ordnance datum :

(14) The Councils shall pay to the conservators the sum of ten pounds for every month or part of a month during which all or any temporary works in connection with the construction or maintenance of the new bridge or the taking down and removal of the existing bridge shall be or remain in on under or over the river or any adjacent land of the conservators to cover the expenses of the conservators in providing superintendence under this section :

(15) If during the construction of the new bridge the width of the channel of the river at or near the site thereof is so restricted as to render the navigation of the river difficult or dangerous in times of high water the Councils shall when called upon so to do by the conservators provide and keep constantly in attendance during the hours of daylight a tug for the purpose of assisting the passage of vessels through such part of the channel of the river :

(16) All works authorised by this Act including the exhibition of lights and signals as provided by this section shall be executed by the Councils at their sole risk and responsibility and the Councils shall indemnify the conservators against all actions proceedings claims and demands in respect of all or any damage which may at any time be occasioned to any person or persons or property by reason of the works and operations of the Councils and against all claims in respect of damage to any person or craft occasioned through any failure to remove any temporary works or materials for temporary works or to remove any part of the existing bridge and should it be necessary to stop the traffic on the river during the demolition of the existing bridge the Councils shall indemnify the conservators against any claims which may arise therefrom :

(17) If any difference shall arise under the provisions of this section between the Councils and the

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conservators such difference shall be referred to and determined by an arbitrator to be agreed upon or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

For protection of Richmond Main Sewerage Board.

52. Notwithstanding anything in this Act contained the following provisions for the protection of the Richmond Main Sewerage Board (in this section called "the board") shall unless otherwise agreed upon in writing between the Councils and the board apply and have effect (that is to say):—

(1) Where any of the works to be executed under or by virtue of this Act shall or may pass under over or by the side of or so as to interfere with any sewer or other work under the jurisdiction or control of the board (in this section referred to as "the sewers of the board") the Councils shall not commence such works so far as they pass over under or by the side of or interfere with the sewers of the board until they shall have given to the board at least one month's previous notice in writing of their intention to commence the same with plans and sections thereof as hereinafter defined and until the board shall have signified their approval of the same unless the board do not signify their approval disapproval or other directions within twenty-one days after service of the said plans and sections as aforesaid:

Provided that if the board disapprove the plans and sections or give any directions which the Councils do not accept the subject shall be determined by arbitration in manner hereinafter provided:

(2) The Councils shall comply with and conform to all reasonable directions of the board in the execution of the said works and shall provide by new altered or substituted works in such manner as the board shall reasonably require

for the proper protection of and for preventing injury or impediment to the sewers of the board by reason of the intended works or any part thereof :

(3) The Councils shall not commence the construction of so much of Work No. 6 by this Act authorised as will be situate over the board's sewer until they shall have altered the existing main sewer of the board leading from Barnes and Mortlake by constructing a new sewer of a similar diameter and corresponding invert levels to the said existing main sewer of materials reasonably approved by the board in the line and with the manholes and lampholes shown on the plan signed in duplicate by Alfred Dryland on behalf of the Councils and by William Fairley on behalf of the board or in such other line and with such manholes or lampholes as the board may approve :

(4) The said works so far as they pass over under or by the side of or interfere with the sewers of the board and all new altered or substituted works as aforesaid (including the alteration of the said main sewer of the board leading from Barnes and Mortlake) shall be executed under the superintendence (if the same be given) of the engineer or other officer of the board at the costs charges and expenses of the Councils and all costs charges and expenses which the board may be put to by reason of such works of the Councils shall be paid to the board by the Councils on demand and the proper professional charges of and in connection with the preparation or examination of plans or designs superintendence or otherwise shall be paid to the officer or officers of the board concerned by the Councils :

(5) When any new altered or substituted works as aforesaid (including the alteration of the said main sewer of the board leading from Barnes and Mortlake) or any works connected therewith shall be completed by or at the costs charges or expenses of the Councils under the provisions of this Act the same shall thereafter be as fully

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under the direction jurisdiction and control of the board as any of the sewers of the board now are :

(6) The plans and sections to be submitted to the board for the purposes of this section shall be detailed plans drawings sections and specifications describing the position and manner in which and the level at which the works are proposed to be constructed and shall describe the position of the sewers of the board within the limits of deviation shown on the deposited plans (for which purpose the board shall allow the Councils access to plans in their possession and to any of the sewers of the board in order to enable the Councils to obtain reliable information) and shall comprise detailed drawings of every alteration which the Councils may propose to make in any of the sewers of the board :

(7) The Councils shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to any of the sewers of the board and the board shall from time to time have power to recover the amount thereof from the Councils in any court of competent jurisdiction :

(8) The approval by the board of any plans or sections or the superintendence by the board of any work under the provisions of this section shall not exonerate the Councils from any liability or affect any claim for damages under this section or otherwise :

(9) Nothing in this Act contained shall empower the Councils to connect any drain or other work for the drainage of the works authorised by or vested in the Councils under this Act with any of the sewers of the board or with the sewers of any authority communicating directly or indirectly with the sewers of the board :

(10) If any difference shall arise under the provisions of this section between the Councils and the board such difference shall be referred to and determined by an arbitrator to be agreed upon

or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the Minister of Health and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

For protection of Southern Railway Company.

53. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Councils and the company apply and have effect (that is to say):—

(1) In this section "the signed plan" means the plan signed by William Percival Robinson on behalf of the Surrey Council and by George Ellson on behalf of the company and "the engineer" means the chief engineer of the company:

(2) (*a*) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Councils shall not without the previous consent in writing of the company under their common seal enter upon take or use any lands or property of the company other than—

(i) the lands coloured red on the signed plan;

(ii) the lands numbered on the deposited plans 10 12 and 35 in the urban district of East and West Molesey and 6 in the urban district of Esher and the Dittons;

(iii) such easements as may be required by the Councils for the purpose of reconstructing and maintaining the bridge carrying the Lower Mortlake Road Lower Richmond Road Manor Road and Sandycombe Road over the Kensington and Richmond railway of the company and of constructing and maintaining Work No. 10 Work No. 11 and Work No. 12;

and the company may convey and grant the said lands and easements to the Councils;

(*b*) Any land or easement to be sold or granted by the company to the Councils under the provisions of this section shall be sold or granted

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on such terms as (failing agreement) shall be determined under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 :

(3) Work No. 2 shall be constructed and maintained by the Councils so as not to endanger damage or injuriously affect the bridge and works connected therewith carrying the Windsor railway of the company over the river :

(4) In constructing Work No. 8 and Work No. 9 the Surrey Council shall to the reasonable satisfaction of the engineer execute such filling and other works as may be reasonably necessary to raise the level of the land coloured yellow on the signed plan to the level of the adjoining land forming the station yard of the company and so as to provide a means of access for vehicles between the roadway coloured blue on the signed plan and the said land coloured yellow at or near the position shown on the signed plan and the Surrey Council shall to the like satisfaction pave or make up and fence the said land when so raised and convey to the company the said land or such part thereof as does not belong to them for such consideration as may be agreed or determined by arbitration :

(5) (*a*) The Surrey Council shall carry the London and Southampton railway of the company over Work No. 10 where the same is intended to pass under the said railway by means of a steel girder bridge of such strength and design as may be reasonably required by the engineer and such bridge shall be constructed by the Surrey Council in accordance with the provisions of this section :

Provided that if the company give notice in writing to the Surrey Council within twenty-eight days after the submission of the plans sections specifications and particulars referred to in subsection (8) of this section that the company desire themselves to construct the said bridge they may and shall with all reasonable expedition construct the same in accordance

with the said plans sections specifications and particulars as approved by the engineer or settled by arbitration as hereinafter provided and the Surrey Council shall repay to the company the expense reasonably incurred by them in that behalf;

(*b*) The inclination of any descent of Work No. 10 where the same is intended to pass under the said railway of the company shall be so designed and constructed by the Surrey Council as to allow for the widening thereafter by the company of their said railway by an additional pair of rails on each side of such railway;

(*c*) All work in connection with the construction of the said bridge shall be executed by the Surrey Council in such a manner as will not (in the opinion of the engineer) require the imposition of a speed restriction on engines trains or traffic passing over the said railway of the company during the months of June July August and September in any year;

(*d*) The said bridge shall become the property of the company and shall be maintained by them as part of their undertaking and the Surrey Council shall upon the completion of the said bridge pay to the company such sum (if any) as may be agreed or failing agreement as may be determined by arbitration as hereinafter provided as represents the capitalised difference between the cost to the company of maintaining the bridge under the said railway of the company now existing in the position in which Work No. 10 is intended to pass under the said railway and the cost to the company of maintaining the said bridge to be constructed by the Surrey Council:

(6) (*a*) Before commencing Work No. 11 the Surrey Council shall give three months' notice in writing to the company of their intention so to do and if within that period the company by notice in writing so require the Surrey Council shall construct the bridge forming part of that work of sufficient span and headway to enable the

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company to widen their Hampton Court railway at any time by not exceeding two additional pairs of rails and the company shall on the completion of such construction in accordance with the said requirement pay to the Surrey Council the amount by which the cost incurred by the Surrey Council in carrying out such construction exceeds the cost which they would have incurred in constructing such bridge if the said requirement had not been made by the company;

(*b*) If the company give notice in writing to the Surrey Council within the period of three months referred to in paragraph (*a*) of this subsection that they desire themselves to construct the said bridge they may and shall with all reasonable expedition construct the same in accordance with the plans sections specifications and particulars to be approved by the engineer or settled by arbitration as hereinafter provided and the Surrey Council shall repay to the company on demand the reasonable expense incurred by them in that behalf less any amount to be paid by the company under paragraph (*a*) of this subsection:

(7) Work No. 12 shall be executed and maintained by the Surrey Council so as not to increase the danger or risk of damage to the railways and property of the company by flooding or otherwise:

(8) Before commencing the execution or construction of so much of any works by this Act authorised or required to be executed or constructed by the Councils in accordance with the provisions of this section as shall or may pass over or under or in any way affect the railways or property of the company or as may be within twenty yards thereof (which works are hereinafter referred to as "the said works") the Councils shall submit to the engineer for his reasonable approval plans sections specifications and particulars of the said works and of the stages by which it is proposed to carry out the same:

Provided that if the engineer does not signify his approval or disapproval or requirements within twenty-eight days after the submission to him of the said plans sections specifications and particulars he shall be deemed to have approved of the same The said works shall be executed only in accordance with such plans sections specifications and particulars as shall be approved as aforesaid or settled by arbitration as hereinafter provided and under the supervision if the same be given and to the reasonable satisfaction of the engineer:

(9) Before commencing the said works or any alteration renewal or (except in case of emergency) repair thereof the Councils shall give twenty-eight days' previous notice in writing to the engineer of their intention to commence the same and in case of emergency the Councils shall give the company the longest notice which they can reasonably give having regard to the urgency of the repairs to be carried out Such notice shall be accompanied by a sufficient description of the works to be executed and all such works shall be carried out only at such time as the engineer shall reasonably require and the construction or execution of the said works when commenced shall (except as in this section otherwise provided) proceed with all reasonable dispatch:

(10) Before the Councils commence the construction of the said works any temporary works which may in the opinion of the engineer be reasonably necessary to ensure the stability of the railways and property of the company shall be carried out by and at the cost of the Councils to the reasonable satisfaction of the engineer or the company may if they so elect themselves carry out such temporary works for the Councils and the reasonable cost thereof and any reasonable expense incurred by the company in connection therewith shall be repaid by the Councils to the company:

(11) The Councils shall bear and pay to the company the reasonable expenses incurred by them

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in the employment of a sufficient number of inspectors watchmen and signalmen for inspecting Works Nos. 10 11 and 12 authorised by this Act where they cross or affect the railways of the company and watching and signalling the railways and works of the company during the execution of such works and for preventing as far as may be interference obstruction danger and accident from any of the operations of the Councils and for insuring the company against claims in respect of such men under the Employers' Liability or Workmen's Compensation Acts or otherwise and the Councils shall at all times afford reasonable facilities to the engineer and to his assistants and inspectors for access to such works during their construction and shall also furnish him or them with all information he or they may reasonably require with regard to such works or the method of construction thereof:

(12) If by reason of the construction of the said works it shall become reasonably necessary within twelve months after the completion thereof to reconstruct add to alter or remove any signal cabin signal posts signal telegraph and telephone posts and wires permanent way fences or other works or apparatus belonging to or on or connected with the railways of the company or to substitute other works therefor the company may effect any such reconstruction addition alteration removal or substitution and the reasonable expense thereof shall be repaid to them by the Councils:

(13) Except as in this section otherwise provided the Councils shall at their own expense maintain so much of the said works as affects the railways works and property of the company in substantial repair and good order and condition to the reasonable satisfaction of the engineer and so as to leave undisturbed at all times the said railways works and property of the company and if and whenever the Councils fail so to do after fourteen days' notice in writing to be given by the company to the Councils or in case of emergency the company may make and

do in and upon as well the lands of the Councils as their own lands all such works and things as may be requisite and the amount of the expenditure reasonably incurred by the company in that behalf shall be repaid to them by the Councils:

(14) Notwithstanding anything in this Act contained the Councils shall be responsible for and make good to the company all costs charges losses damages and expenses which may be occasioned to the company or to any of the railways works or property of the company or to the traffic thereon by reason of the execution or failure of any of the works by this Act authorised or required to be executed by the Councils or of any act or omission of the Councils or of their contractors or of any person in the employ of either of them and the Councils shall effectually indemnify and hold harmless the company from and against all claims and demands upon or against them by reason of such execution or failure and of any such act or omission and without detracting from the generality of the foregoing provisions of this subsection the Councils shall be responsible for and make good to the company any additional expense or any loss which may be occasioned to or suffered by them in working engines trains or traffic over their London and Southampton railway during and in consequence of the construction by the Surrey Council of the bridge under that railway for the purpose of Work No. 10:

(15) The fact that any work or thing has been done in accordance with any plan section or specification approved by the engineer or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Councils from any liability for damage under the last preceding subsection or affect any claim of the company for injury to the railway or the traffic thereon save so far as the same may arise by reason of any such requirement:

(16) Except as in subsection (2) of this section otherwise provided any question which may arise

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between the Councils and the company under the provisions of this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of London and Home Counties Joint Electricity Authority and Richmond (Surrey) Electric Light and Power Company Limited.

54. For the protection of the London and Home Counties Joint Electricity Authority (in this section referred to as "the authority") and the Richmond (Surrey) Electric Light and Power Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Councils on the one hand and the authority or the company (as the case may be) on the other hand have effect (that is to say):—

(1) In constructing the bridges authorised by the section of this Act whereof the marginal note is "Power to Councils to execute works" the Councils shall comply with any requirements made by the Minister of Transport relative to the provision in such bridges respectively of accommodation for mains wires and other works for conveying electricity and for ducts for carrying any such mains wires or works:

(2) Nothing in this Part of this Act shall extend to or authorise any interference with any works of the authority or the company to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections.

For protection of Chiswick Electricity Supply Corporation Limited.

55. For the protection of the Chiswick Electricity Supply Corporation Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Middlesex Council and the company apply and have effect (that is to say):—

(1) In the exercise of the powers conferred by the section of this Act whereof the marginal note is "Power to Middlesex Council to execute works" the Middlesex Council as regards the

cables and ducts owned and laid by the company in the roads to be widened under the powers of the said section shall at their own expense provide and lay new ducts with drawing-in chambers and joint-boxes under one of the footpaths in such roads in lieu of the ducts drawing-in chambers and joint-boxes existing therein and where necessary shall lay across the roads the said new ducts at a proper and safe depth and shall join all the ducts so laid to the existing ducts in the side roads viz. Edensor Road Corney Road Paxton Road Church Street Hogarth Lane Devonshire Road and Mawson Lane All the new ducts shall be of the same number type and dimensions as the existing ducts and shall follow the routes indicated by green lines on the plan signed by Alfred Dryland on behalf of the Middlesex Council and by William Beedie Esson on behalf of the company (hereinafter in this section referred to as "the signed plan"):

(2) The Middlesex Council shall at their own expense provide and draw into the said ducts electric cables and shall joint up such cables complete using such of the existing cables as may be properly and safely usable in the existing ducts indicated by a red dotted line on the signed plan and shall connect the said cables with the existing cables in the said side roads:

(3) The work shall be carried out in such a manner that the continuity and safety of the supply of electricity are not interfered with and to the reasonable satisfaction and under the supervision of the engineer to the company if such supervision be given and the reasonable expense incurred by the company in such supervision shall be repaid to them by the Middlesex Council If any interruption in the supply of electricity shall take place and be due to the acts or defaults of the Middlesex Council or their contractors they shall pay compensation to the company for any loss or expense sustained or incurred by the company in respect thereof:

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(4) The existing ducts and any unused existing cables shall become the property of the Middlesex Council:

(5) If the company by notice in writing to the Middlesex Council within fourteen days after the receipt by them of notice of the intended commencement by the Middlesex Council of the protective works hereinbefore referred to so require the company may by their own engineer or workmen do and execute such protective works so far as they affect the apparatus of the company and the Middlesex Council shall on completion thereof pay to the company the reasonable expenses incurred by them in the execution of such protective works:

(6) Any dispute or difference arising between the Middlesex Council and the company or their engineer under the provisions of this section or touching anything to be done thereunder shall be referred to and settled by an engineer to be agreed upon by the Middlesex Council and the company or failing such agreement by such engineer as shall on the application of the Middlesex Council or of the company be named by the Minister of Transport and the expenses of such reference shall be borne as such engineer shall direct and the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Twickenham and Teddington Electric Supply Company Limited.

56. For the protection of the Twickenham and Teddington Electric Supply Company Limited (in this section called "the company") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed between the Councils and the company have effect (that is to say):—

(1) In this section—

"Apparatus" includes all mains lines pipes tubes cables wires boxes brackets or apparatus of the company;

"The existing bridge" means the existing bridge over the river known as "Hampton

Court Bridge" and includes the approaches thereto;

"The new bridge" means the new bridge (Work No. 8) by this Act authorised and includes the approaches thereto:

(2) The Councils shall not under the powers of this Act commence to take down and remove the existing bridge or stop up any portion thereof or execute any works which would or might interfere with any apparatus in the existing bridge or the access thereto by the company until the expiration of two months after service of notice by the Councils that the accommodation in the new bridge required by subsection (4) hereof has been provided by the Councils:

(3) Any apparatus removed from the existing bridge shall remain the property of the company:

(4) The Councils in carrying out the construction of the new bridge shall provide at the expense of the company in such parts thereof as they shall reasonably determine accommodation for any apparatus to be removed from the existing bridge and relaid by the company at its own expense in the new bridge or for any new apparatus to be laid in the new bridge by the company in substitution for the apparatus in the existing bridge and for additional mains of such number and capacity as the Councils may reasonably approve and the company shall at all reasonable times be entitled to lay down and to maintain renew repair and inspect any such substituted apparatus or new apparatus and any such additional mains and shall have all such rights of access at all such times as may be reasonably necessary for those purposes or any of them:

(5) Any difference which shall arise between the Councils and the company under the foregoing provisions of this section shall be referred to an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the Minister of Transport and the provisions

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of the Arbitration Act 1889 shall apply to the reference :

(6) Nothing in this Act shall extend to or authorise any interference with any works of the company to which the provisions of section 15 of the Electric Lighting Act 1882 apply (except such alteration of any apparatus in the existing bridge as is authorised by the section of this Act of which the marginal note is "Demolition " of Hampton Court Bridge and stopping up of " highways and waterways") in accordance with and subject to the provisions of that section and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 :

(7) Nothing in this section shall prejudice the rights of the Councils under sections 13 and 14 of the Twickenham and Teddington Electric Supply Company's Act 1906.

For protection of Metropolitan Water Board.

57. Notwithstanding anything contained in this Act the following provisions for the protection of the Metropolitan Water Board (in this section referred to as "the board") shall unless otherwise agreed in writing between the board on the one hand and the Councils or the Middlesex Council or the Surrey Council (as the case may be) on the other hand have effect (that is to say) :—

(1) The expression "the Council" where used in this section means—

(*a*) The Councils in relation to any works to be executed or powers to be exercised by the Councils ;

(*b*) The Middlesex Council in relation to any works to be executed or powers to be exercised by that council ; and

(*c*) The Surrey Council in relation to any works to be executed or powers to be exercised by that council :

(2) In constructing Works Nos. 2 6 and 8 authorised by this Act the Council shall provide in or under the footway on one side of the said works respectively such accommodation and support as shall be sufficient (in the case of each of the said Works Nos. 2 and 6) for three mains of the

board each with an internal diameter of twenty-four inches and (in the case of the said Work No. 8) for mains of the board having in all a carrying capacity equivalent to but not exceeding that of a pipe with an internal diameter of thirty-six inches and the board shall repay to the Council the additional cost (if any) incurred by the Council in making provision for such accommodation and support:

(3) Notwithstanding anything contained in the section of this Act of which the marginal note is "No mains or pipes to be laid on bridge except with consent of Councils" the board shall at all times after the construction of the said works or any of them have the same right of entering upon breaking up or interfering with the footways of the said works respectively for the purpose of inspecting repairing maintaining removing or renewing the said mains as they have in regard to their mains in a highway:

(4) In executing the Works Nos. 9 and 10 by this Act authorised the Council shall provide in all bridges carrying the same over any railway stream or watercourse accommodation and support for a main of the board having an internal diameter of thirty-six inches or mains having an aggregate equivalent capacity and the board shall repay to the Council the additional cost (if any) incurred by the Council in making provision for such accommodation and support:

(5) The accommodation and support referred to in subsections (2) and (4) of this section shall be provided and constructed in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the board or in case of difference between the board and the Council determined by arbitration as hereinafter provided Provided that if within one month after the receipt of any such plans sections and particulars the board shall not have intimated to the Council their disapproval thereof or made any requirement with respect thereto they shall be deemed to have approved the same:

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(6) The board shall be entitled at all times to use free of charge the accommodation for mains provided for by this section for the laying or placing therein of mains having a capacity or aggregate capacity not exceeding the maximum capacity hereinbefore specified with reference to the said accommodation :

(7) The Council shall in executing the Works Nos. 9 and 11 by this Act authorised construct and shall at all times thereafter maintain throughout the lengths of such parts (if any) of the said works as shall respectively be constructed at a height of six feet or upwards above the uppermost part of the thirty-six inch main and the culvert of the board laid under Summer Road subways of sufficient size for the accommodation of the said main and culvert and for admitting to such subways the employees of the board with pipes and materials for purposes of inspection maintenance repair removal and renewal of the said main and culvert together with proper and sufficient means of access to such subways for those purposes :

(8) The south-western approach to the new bridge comprised in Work No. 2 by this Act authorised shall be constructed by means of an arch over the forty-two inch main of the board extending from The Avenue to the entrance shaft of the tunnel of the board under the river near to the site of the said new bridge and over the four inch main of the board extending from The Avenue along Ranelagh Drive so as not to endanger the said mains and so as to provide reasonable access thereto :

(9) In connection with the execution by the Council of Work No. 1 by this Act authorised the board shall be at liberty to lay in the footway on the southern side of that work a four inch wash-out pipe commencing by a junction with the existing wash-out pipe of the board in Douglas Road near to the junction therewith of Brook Road and terminating at a point in the eastern bank of the river Crane adjoining the southern side of the bridge carrying the said Work No. 1 over

that river or in the south-eastern wing wall of the said bridge with a suitable valve and apparatus for discharging into the said river water from the said pipe Upon the completion of the laying of the said pipe and the placing of the said valve and apparatus the board may and shall abandon so much of the said existing wash-out pipe as is situate between the said river Crane and the point of commencement of the pipe to be laid pursuant to this subsection and the valve and apparatus at the termination of the said existing pipe in the eastern bank of the said river Crane :

(10) Notwithstanding the stopping up of part of Summer Road in the urban district of Esher and the Dittons under the powers of this Act the board shall continue to be entitled to exercise with reference to the said portion of the said road and the railway now crossing the same on the level the like rights of opening breaking up and interfering with the said portion of road and railway for inspecting maintaining repairing removing or renewing the existing mains pipes valves hydrants syphons plugs or other works or apparatus (all of which are in this section referred to as "apparatus") of the board laid therein or thereunder as they are now entitled to exercise :

(11) Notwithstanding the stopping up temporarily or otherwise of any street under the powers of this Act the board their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the board situate in or under any such street as they had immediately before the passing of this Act and shall be at liberty to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing such apparatus :

(12) (*a*) Not less than one month before commencing any of the works by this Act authorised in any street or road in or under which any apparatus of the board is situate the Council shall deliver to the board a plan section and description of such

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works describing the proposed manner of executing the same and showing the whole of the works proposed to be executed in connection therewith;

(*b*) The board may at any time within one month of the receipt of such plan section and description by notice in writing intimate to the Council their disapproval of the proposed manner of executing such works so far as they involve interference with the apparatus of the board or make any reasonable requirement with respect to such plan section or description and in particular they may require the Council to provide and lay down such works and apparatus as may be reasonably necessary and in cases in which it is reasonably necessary they may require the Council to remove raise sink or otherwise alter the position of any apparatus and support the same and to substitute temporarily or otherwise other apparatus in such manner as may be reasonably necessary and to lay or place under any apparatus cement concrete or other like substance:

Provided that if the board shall not within the last-mentioned period of one month give any such notice in writing to the Council as aforesaid they shall be deemed to have approved the plan section and description as submitted;

(*c*) The Council shall not construct such works as aforesaid except in accordance with the said plan section and description as approved by the board or settled by arbitration:

(13) If the exercise by the Council of the powers of this Part of this Act will endanger any of the apparatus of the board or impede the supply of water supplied by means thereof the Council shall at their own expense if so required by the board by notice in writing divert raise lower or alter the position of or support or lay or place cement concrete under such apparatus in such manner as the board may reasonably require and under the superintendence (if after reasonable notice in writing from the Council such

superintendence be given) of the engineer or other officer of the board or any person appointed by such engineer:

Provided that if the board at the time of giving such notice express their intention themselves to execute any such works as are referred to in this subsection which are agreed or determined to be necessary they may by their own engineer and workmen or contractors execute the same:

(14) The approach to the bridge (Work No. 2) by this Act authorised shall be so constructed as not to endanger or render less accessible the forty-two inch main of the board laid in The Avenue in the urban district of Heston and Isleworth:

(15) If in or in consequence of the exercise of any of the powers of this Part of this Act the carriageway of any street is widened so as to extend over any apparatus of the board which before such widening was situate under the footway or at the side of the street the board where it is reasonably necessary may relay such apparatus under the altered footway or at the side of the widened street or may lower such apparatus so as to provide adequate protection against vehicular traffic:

(16) If in the exercise of any of the powers of this Part of this Act the Council lower or raise the level of any street so as to leave over any apparatus of the board a covering of less than three feet or more than five feet the board may relay such apparatus at such depth that the covering over such apparatus will not be less than such minimum covering or more than such maximum covering or where the apparatus is situate in the carriageway of such street may divert the same under the footway of such street and lay the same at such depth as aforesaid:

(17) Notwithstanding any other provision of this Part of this Act no apparatus of the board shall be removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of water into or through

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any apparatus in any manner other than the board shall approve unless and until in any such case such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as may be reasonably necessary for continuing the supply of water shall have been first provided laid down and ready for use:

(18) In connection with the construction by the Council of Work No. 8 by this Act authorised the Council shall pay the cost either of making such alteration of the communication pipe from the main of the board in Creek Road to the Hampton Court Station of the Southern Railway Company as may be necessary or if it is found to be necessary of providing a substituted pipe therefor:

(19) The Council shall bear and pay to the board the amount of any expenses reasonably incurred by the board in connection with the removal or any alteration of any private communication pipes rendered necessary by reason or in consequence of the exercise of the powers of this Part of this Act and shall indemnify the board against all claims and demands by the owners of such communication pipes or the owners or occupiers of premises supplied by means thereof:

(20) All works to be executed or provided by the Council under this section in connection with any apparatus of the board shall subject as hereinafter provided be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Council such superintendence be given) of the engineer of the board:

(21) Not less than twenty-one days before commencing the construction of any such works as aforesaid the Council shall give to the board notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within fourteen days after the receipt of such notice the board shall give notice to the Council of their intention themselves to lay down any substituted apparatus or

to execute any other works to or in connection with any apparatus of the board as provided by this section it shall be lawful for the board instead of the Council to lay down such substituted apparatus or execute such works and the board shall thereupon lay down and execute the same with all reasonable dispatch :

(22) Where by reason or in consequence of the exercise of any of the powers of this Part of this Act any apparatus of the board is rendered derelict or unnecessary the Council shall pay to the board the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus is provided Such value shall in case of difference between the board and the Council be determined by arbitration in manner hereinafter provided :

(23) If in the exercise by the Council of any of the powers of this Part of this Act any damage to any apparatus or property of the board or any interruption in the supply of water by the board shall be caused the Council shall bear and pay the cost reasonably incurred by the board in making good such damage and shall make full compensation to the board for any loss sustained by them by reason of such interruption of supply and shall indemnify the board against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the board by reason or in consequence of any such damage or interruption :

(24) In the execution by the Council or the board of the lowering raising alteration or diversion of any apparatus of the board or of any work affecting any such apparatus such temporary support as the board may reasonably require shall be provided by the Council or the board (as the case may be) for preventing any damage to such apparatus :

(25) The board shall be at liberty to construct or provide temporary apparatus for preventing any interruption in the supply of water by means of any apparatus which may be interfered with

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or proposed to be interfered with in the execution (whether by themselves or by the Council) of any works authorised by this Act or to be executed pursuant to this section :

(26) The Council shall repay to the board the cost charges and expenses reasonably incurred by the board pursuant to subsection (9) (13) (15) (16) (17) (21) (24) or (25) of this section :

(27) The Council shall bear and pay the cost reasonably incurred by the board in the employment of watchmen and inspectors with reference to and during the execution by the Council of any works affecting or likely to affect any apparatus of the board :

(28) The expense of all repairs and renewals of any apparatus of the board or any works in connection therewith which may be rendered necessary by or in consequence of the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of any subsidence resulting from the works of the Council whether during the construction of such works or within twelve months after the completion thereof shall be borne by the Council and paid by them on demand to the board :

(29) If any difference shall arise between the Council and the board under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :

(30) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the board would have been entitled if this section had not been enacted.

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For protection of Gas Light and Coke Company.

58. Notwithstanding anything contained in this Act the following provisions for the protection of the Gas Light and Coke Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company on the one hand and the Councils or the Middlesex Council or the Surrey Council (as the case may be) on the other hand have effect (that is to say):—

(1) In this section—

The expression "the Council" means—

(*a*) The Councils in relation to any works to be executed or powers to be exercised by the Councils;

(*b*) The Middlesex Council in relation to any works to be executed or powers to be exercised by that council; and

(*c*) The Surrey Council in relation to any works to be executed or powers to be exercised by that council;

The expression "apparatus" means mains pipes valves stopcocks or other works or apparatus:

(2) (*a*) In constructing Works Nos. 2 and 6 authorised by this Act the Council shall provide in or under the footway on one side of the said works respectively such accommodation and support as shall be sufficient (in the case of each of the said works) for two mains of the company having respectively internal diameters of twenty-four inches and such accommodation and support shall be provided and constructed in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the company or in case of difference between the company and the Council determined by arbitration as hereinafter provided:

Provided that if within one month after the receipt of any such plans sections and particulars the company shall not have intimated to the Council their disapproval thereof or made any requirement with respect thereto they shall be deemed to have approved the same;

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(*b*) The company shall repay to the Council the additional cost (if any) incurred by the Council in making provision for such accommodation and support as aforesaid :

(3) The company shall be entitled at all times to use free of charge the accommodation for mains provided for by this section for the laying or placing therein of a main or mains having an internal diameter or internal diameters not exceeding the diameter hereinbefore specified :

(4) Notwithstanding anything contained in the section of this Act of which the marginal note is "No mains or pipes to be laid on bridge except with consent of Councils"—

(*a*) The company shall at all times after the construction of the said works or either of them have the right of entering upon breaking up or interfering with the footways of the said works respectively for the purpose of inspecting repairing maintaining removing or renewing the said mains; and

(*b*) The company shall have the same rights of inspecting repairing maintaining removing or renewing the two mains of the company now laid in the bridge transferred to the Council under Part II of this Act or either of those mains and for those purposes of opening and breaking up the carriageway of the said bridge as they now have by agreement with the Richmond Bridge Commissioners Provided that the agreement made between the said commissioners and the company dated the eleventh day of May nineteen hundred and twenty-six shall apply as if both the said mains were referred to therein :

(5) Notwithstanding the stopping up temporarily or otherwise of any street under the powers of this Act the company their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the company situate in or under any such street as they had immediately before the passing of this Act and shall be at liberty to execute and do all such works and things in

upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing such apparatus : A.D. 1928.

(6) (*a*) Not less than one month before commencing any of the works by this Act authorised in any street or road in or under which any apparatus of the company is situate the Council shall deliver to the company a plan section and description of such works describing the proposed manner of executing the same and showing the whole of the works proposed to be executed in connection therewith ;

(*b*) The company may at any time within one month of the receipt of such plan section and description by notice in writing intimate to the Council their disapproval of the proposed manner of executing such works so far as they involve interference with the apparatus of the company or make any reasonable requirement with respect to such plan section or description :

Provided that if the company shall not within the last mentioned period of one month give any such notice in writing to the Council as aforesaid they shall be deemed to have approved the plan section and description as submitted ;

(*c*) The Council shall not construct such works as aforesaid except in accordance with the said plan section and description as approved by the company or settled by arbitration :

(7) If the exercise by the Council of the powers of this Part of this Act will endanger any of the apparatus of the company or impede the supply of gas supplied by means thereof the Council shall at their own expense if so required by the company by notice in writing divert raise lower or alter the position of or support or lay or place cement concrete or other protective substance under or over such apparatus in such manner as the company may reasonably require and under the superintendence (if after reasonable notice in writing from the Council such superintendence be given) of the engineer or

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other officer of the company or any person appointed by such engineer:

Provided that if the company at the time of giving such notice express their intention themselves to execute any such works as are referred to in this subsection which are agreed or determined to be necessary they may by their own engineer and workmen or contractors execute the same:

(8) If in or in consequence of the exercise of any of the powers of this Part of this Act the carriageway of any street is widened so as to extend over any apparatus of the company which before such widening was situate under the footway or at the side of the street the company where it is reasonably necessary may relay such apparatus under the altered footway or at the side of the widened street or may lower such apparatus so as to provide adequate protection against vehicular traffic:

(9) If in the exercise of any of the powers of this Part of this Act the Council lower or raise the level of any street so as to leave over any apparatus of the company a covering of less than two feet or more than four feet the company may relay such apparatus at such depth that the covering over such apparatus will not be less than such minimum covering or more than such maximum covering or where the apparatus is situate in the carriageway of such street may divert the same under the footway of such street and lay the same at such depth as aforesaid:

(10) Notwithstanding any other provision of this Part of this Act no apparatus of the company shall be removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of gas into or through any apparatus in any manner other than the company shall approve unless and until such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as may be reasonably necessary for continuing

the supply of gas shall have been first provided laid down and ready for use:

(11) The Council shall bear and pay to the company the amount of any expense reasonably incurred by the company in connection with the removal or any alteration of any communication pipes rendered necessary by reason or in consequence of the exercise of the powers of this Part of this Act and shall indemnify the company against all claims and demands by the owners or occupiers of premises supplied by means thereof:

(12) All works to be executed or provided by the Council under this section in connection with any apparatus of the company shall subject as hereinafter provided be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Council such superintendence be given) of the engineer of the company:

(13) Not less than twenty-one days before commencing the construction of any such works as aforesaid the Council shall give to the company notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within fourteen days after the receipt of such notice the company shall give notice to the Council of their intention themselves to lay down any substituted apparatus or to execute any other works to or in connection with any apparatus of the company as provided by this section it shall be lawful for the company instead of the Council to lay down such substituted apparatus or execute such works and the company shall thereupon lay down and execute the same with all reasonable dispatch:

(14) Where by reason or in consequence of the exercise of any of the powers of this Part of this Act any apparatus of the company is rendered derelict or unnecessary the Council shall pay to the company the value of such apparatus so rendered derelict or unnecessary

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unless substituted apparatus is provided Such value shall in case of difference between the company and the Council be determined by arbitration in manner hereinafter provided:

(15) If in the exercise by the Council of any of the powers of this Act any damage to any apparatus or property of the company or any interruption in the supply of gas by the company shall be caused the Council shall bear and pay the cost reasonably incurred by the company in making good such damage and shall make full compensation to the company for any loss sustained by them by reason of such interruption of supply and shall indemnify the company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the company by reason or in consequence of any such damage or interruption:

(16) In the execution by the Council or the company of the lowering raising alteration or diversion of any apparatus of the company or of any work affecting any such apparatus such temporary support as the company may reasonably require shall be provided by the Council or the company (as the case may be) for preventing any damage to such apparatus:

(17) The company shall be at liberty to construct or provide temporary apparatus for preventing any interruption in the supply of gas by means of any apparatus which may be interfered with or proposed to be interfered with in the execution (whether by themselves or by the Council) of any works authorised by this Act or to be executed pursuant to this section:

(18) The Council shall repay to the company the expenses reasonably incurred by the company pursuant to subsection (7) (8) (9) (13) (16) or (17) of this section:

(19) The Council shall bear and pay the cost reasonably incurred by the company in the employment of watchmen and inspectors with reference to and during the execution by the Council of any

works affecting or likely to affect any apparatus of the company :

(20) The expense of all repairs or renewals of any apparatus of the company or of any works in connection therewith which may be rendered necessary by or in consequence of the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of any subsidence resulting from the works of the Council whether during the construction of such works or within twelve months after the completion thereof shall be borne by the Council and paid by them on demand to the company :

(21) If any difference or dispute shall arise between the Council and the company under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :

(22) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the company would have been entitled if this section had not been enacted.

For further protection of Gas Light and Coke Company.

59. For the further protection of the Gas Light and Coke Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Surrey Council have effect notwithstanding any other provision of this Act or anything shown on the deposited plans and sections (that is to say) :—

(1) The Surrey Council shall not acquire any greater or other portion of the properties of the

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company respectively numbered on the deposited plans 219 and 220 in the borough of Richmond than such parts of the said property numbered 219 as are respectively coloured red and yellow on the plan (in this section referred to as "the signed plan") signed by Sir Arthur Churchman the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan copies have respectively been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office House of Lords and with the Surrey Council and with the Company) Provided that nothing in this Act shall prejudice or affect the right of the Southern Railway Company to purchase under the powers conferred by the Southern Railway Act 1927 so much of the said property as is coloured yellow on the signed plan:

(2) (*a*) If the Surrey Council acquire the land coloured red on the signed plan (and whether or not they also acquire the land coloured yellow on the signed plan) they may purchase and the company shall if so required by the Surrey Council grant to them the easement or right of constructing the footway of Lower Richmond Road as widened under the powers of this Act over so much of the said property of the company as is coloured green on the signed plan and of placing not more than two pillars for the purpose of supporting such footway upon the said property of the company in positions reasonably approved by the company;

(*b*) The consideration for the said easement or right shall be such a sum of money as failing agreement shall be determined under the provisions of the Lands Clauses Acts as if such easement or right were lands within the meaning of those Acts:

(3) The Surrey Council shall contemporaneously with the widening of Lower Richmond Road so as to include any property acquired from the company construct a retaining wall faced with

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brickwork throughout the length of the line marked A B C on the signed plan and (if the Surrey Council acquire the land coloured yellow on the signed plan) also throughout the length of the line marked C D on the signed plan and for that purpose may make use of the existing retaining wall:

(4) The said footway and retaining wall shall be constructed in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the company and under the superintendence (if after reasonable notice in writing from the Surrey Council such superintendence be given) and to the reasonable satisfaction of the company:

(5) The Surrey Council shall at all times maintain the said footway and retaining wall in good and substantial repair to the reasonable satisfaction of the company and shall make full compensation to the company for any loss or damage which the company may sustain by reason or in consequence of the failure of the said footway and retaining wall or either of them or any neglect on the part of the Surrey Council to maintain the same as aforesaid and shall indemnify the company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the company by reason or in consequence of any such failure or neglect:

(6) The Surrey Council shall repay to the company the cost reasonably incurred by them in the superintendence of the construction of the said retaining wall and footway and in the employment of watchmen and inspectors with reference to and during such construction:

(7) If any difference shall arise between the company and the Surrey Council under the provisions of this section (except under subsection (2) thereof) such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them)

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by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For protection of Hampton Court Gas Company.

60. Notwithstanding anything contained in this Act the following provisions for the protection of the Hampton Court Gas Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the company on the one hand and the Councils or the Middlesex Council or the Surrey Council (as the case may be) on the other hand have effect (that is to say):—

(1) In this section—

The expression "the Council" means—

(*a*) The Councils in relation to any works to be executed or powers to be exercised by the Councils;

(*b*) The Middlesex Council in relation to any works to be executed or powers to be exercised by that council; and

(*c*) The Surrey Council in relation to any works to be executed or powers to be exercised by that council;

The expression "apparatus" means mains pipes valves stopcocks or other works or apparatus:

(2) (*a*) In constructing Work No. 8 authorised by this Act the Council shall provide in or under the footway on one side of the said work such accommodation and support as shall be sufficient for a main of the company having an internal diameter of not exceeding twenty-four inches and such accommodation and support shall be provided and constructed in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the company or in case of difference between the company and the Council determined by arbitration as hereinafter provided:

Provided that if within one month after the receipt of any such plans sections and particulars the company shall not have intimated

to the Council their disapproval thereof or made any requirement with respect thereto they shall be deemed to have approved the same;

(*b*) The company shall repay to the Council the additional cost (if any) incurred by the Council in making provision for such accommodation and support as aforesaid:

(3) The company shall make good all damage whatsoever and indemnify the Council against any expenses whatsoever incurred or suffered by them by reason of or incidental to or arising out of the laying or construction repair or maintenance of the said mains or the user thereof or leakage therefrom or other defects therein or otherwise howsoever:

(4) The company shall be entitled at all times to use free of charge the accommodation for mains provided for by this section for the laying or placing therein of a main or mains having an internal diameter or internal diameters not exceeding the diameter hereinbefore specified:

(5) Notwithstanding anything contained in the section of this Act of which the marginal note is "No mains or pipes to be laid on bridge except with consent of Councils" the company shall at all times after the construction of the said work have the right of entering upon breaking up or interfering with the footways of the said work for the purpose of inspecting repairing maintaining removing or renewing the said mains:

(6) Notwithstanding the stopping up temporarily or otherwise of any street under the powers of this Act the company their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the company situate in or under any such street as they had immediately before the passing of this Act and shall be at liberty to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing such apparatus:

(7) (*a*) Not less than one month before commencing any of the works by this Act authorised in any

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street or road in or under which any apparatus of the company is situate the Council shall deliver to the company a plan section and description of such works describing the proposed manner of executing the same and showing the whole of the works proposed to be executed in connection therewith;

(*b*) The company may at any time within one month of the receipt of such plan section and description by notice in writing intimate to the Council their disapproval of the proposed manner of executing such works so far as they involve interference with the apparatus of the company or make any reasonable requirement with respect to such plan section or description:

Provided that if the company shall not within the last mentioned period of one month give any such notice in writing to the Council as aforesaid they shall be deemed to have approved the plan section and description as submitted;

(*c*) The Council shall not construct such works as aforesaid except in accordance with the said plan section and description as approved by the company or settled by arbitration:

(8) If the exercise by the Council of the powers of this Part of this Act will endanger any of the apparatus of the company or impede the supply of gas supplied by means thereof the Council shall at their own expense if so required by the company by notice in writing divert raise lower or alter the position of or support or lay or place cement concrete or other protective substance under or over such apparatus in such manner as the company may reasonably require and under the superintendence (if after reasonable notice in writing from the Council such superintendence be given) of the engineer or other officer of the company or any person appointed by such engineer:

Provided that if the company at the time of giving such notice express their intention themselves to execute any such works as are referred to in this subsection which are agreed or determined to be necessary they may by their own

engineer and workmen or contractors execute the same :

(9) If in or in consequence of the exercise of any of the powers of this Part of this Act the carriageway of any street is widened so as to extend over any apparatus of the company which before such widening was situate under the footway or at the side of the street the company where it is reasonably necessary may relay such apparatus under the altered footway or at the side of the widened street or may lower such apparatus so as to provide adequate protection against vehicular traffic :

(10) If in the exercise of any of the powers of this Part of this Act the Council lower or raise the level of any street so as to leave over any apparatus of the company a covering of less than two feet or more than four feet the company in cases in which it shall be reasonably necessary to do so may relay such apparatus at such depth that the covering over such apparatus will not be less than such minimum covering or more than such maximum covering or where the apparatus is situate in the carriageway of such street may divert the same under the footway of such street and lay the same at such depth as aforesaid :

(11) Notwithstanding any other provision of this Part of this Act no apparatus of the company shall be removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of gas into or through any apparatus in any manner other than the company shall approve unless and until such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as may be reasonably necessary for continuing the supply of gas shall have been first provided laid down and ready for use :

(12) The Council shall bear and pay to the company the amount of any expense reasonably incurred by the company in connection with the removal or any alteration of any communication pipes rendered necessary by reason or in consequence

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of the exercise of the powers of this Part of this Act and shall indemnify the company against all claims and demands by the owners or occupiers of premises supplied by means thereof:

(13) All works to be executed or provided by the Council under this section in connection with any apparatus of the company shall subject as hereinafter provided be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Council such superintendence be given) of the engineer of the company:

(14) Not less than twenty-one days before commencing the construction of any work in connection with or affecting any apparatus of the company the Council shall give to the company notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within fourteen days after the receipt of such notice the company shall give notice to the Council of their intention themselves to lay down any substituted apparatus or to execute any other works to or in connection with any apparatus of the company as provided by this section it shall be lawful for the company instead of the Council to lay down such substituted apparatus or execute such works and the company shall thereupon lay down and execute such works with all reasonable dispatch:

(15) Where by reason or in consequence of the exercise of any of the powers of this Part of this Act any apparatus of the company is rendered derelict or unnecessary the Council shall pay to the company the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus is provided Such value shall in case of difference between the company and the Council be determined by arbitration in manner hereinafter provided:

(16) The Council shall make good all damage done by them to any existing apparatus or other property of the company in the execution of

the works by this Act authorised or in the provision of substituted apparatus or the execution of any other works required by this section and shall indemnify the company in respect of any actions claims or demands arising out of any interference with any such apparatus or property or with the private communication pipes of any person or persons supplied by the company :

(17) In the execution by the Council or the company of the lowering raising alteration or diversion of any apparatus of the company or of any work affecting any such apparatus such temporary support as the company may reasonably require shall be provided by the Council or the company (as the case may be) for preventing any damage to such apparatus :

(18) When it is reasonably necessary the company shall be at liberty to construct or provide temporary apparatus for preventing any interruption in the supply of gas by means of any apparatus which may be interfered with or proposed to be interfered with in the execution (whether by themselves or by the Council) of any works authorised by this Act or to be executed pursuant to this section :

(19) The Council shall repay to the company the expenses reasonably incurred by the company pursuant to subsection (8) (9) (10) (11) (14) (17) or (18) of this section :

(20) The Council shall bear and pay the cost reasonably incurred by the company in the employment of watchmen and inspectors with reference to and during the execution by the Council of any works affecting or likely to affect any apparatus of the company :

(21) The expense of all repairs or renewals of any apparatus of the company or of any works in connection therewith which may be rendered necessary by or in consequence of the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any of them or rendered

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necessary by reason of any subsidence resulting from the works of the Council whether during the construction of such works or within twelve months after the completion thereof shall be borne by the Council and paid by them on demand to the company:

(22) If any difference or dispute shall arise between the Council and the company under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of London United Tramways Limited.

61. For the protection of the London United Tramways Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Middlesex Council (in this section referred to as "the Council") have effect (that is to say):—

(1) Not less than one month before commencing any part of Work No. 1 by this Act authorised which may affect the tramway of the company in London Road in the borough of Twickenham or the rails poles overhead wires or other apparatus forming part of or connected with that tramway (which tramway rails poles overhead wires and apparatus are in this section referred to as and included in the expression "the tramway") or interfere with the traffic on the tramway the Council shall submit to the company plans sections and particulars describing the proposed manner of executing such work and the Council shall not interfere with the tramway otherwise than in accordance with such plans sections and particulars as may be agreed to by the company or as failing agreement may be settled by arbitration as hereinafter provided:

(2) All works to be executed by the Council in upon or in any way affecting the tramway shall be carried out under the superintendence (at the expense of the Council) and to the reasonable satisfaction of the engineer of the company:

(3) The company instead of the Council (if the company shall so desire) shall execute any work of alteration of or interference with the tramway and the cost reasonably incurred by them in so doing shall be repaid to the company by the Council:

(4) The Council shall pay the expense of the employment by the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for watching and signalling with reference to and during the construction of so much of the said Work No. 1 as affects or may affect in any way the tramway and for securing the safety of the public and of persons using the tramway but nothing in this subsection shall relieve the Council from liability for any accident which may be occasioned by or through the operations of the Council or their contractors agents or workmen:

(5) The Council shall indemnify the company against all claims and demands which may arise against the company for or in respect of accidents or injuries caused by or in consequence of the carrying out of the said Work No. 1:

(6) If by reason of any act or omission of the Council or of their contractors or any person employed by them respectively any loss expense or damage shall be incurred by or caused to the company (otherwise than by loss of traffic) such loss expense or damage shall be made good to the company by the Council and the Council shall pay all costs charges and expenses to which the company may be put or which the company may incur by reason of any such act or omission as aforesaid:

(7) If any difference shall arise under the provisions of this section between the Council and the company the same shall be referred to and determined by an arbitrator to be appointed

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by agreement between the parties or failing such agreement by the President of the Institution of Civil Engineers upon the application of either party after notice in writing to the other of them and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Mrs. E. K. Cole.

62. For the protection of Emily Katherine Cole or other the owner for the time being of the lands forming the Cole Park Estate in the parishes of Twickenham and Isleworth (in this section referred to as "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Middlesex Council apply and have effect (that is to say):—

(1) Notwithstanding anything shown on the deposited plans the Middlesex Council shall acquire only so much of the property numbered on the said plans for the borough of Twickenham 11 as is shown on a plan signed in duplicate by Alfred Dryland on behalf of the Middlesex Council and by D. Smith Oakley and Garrard on behalf of the owner:

(2) Where Work No. 1 is constructed on the said property numbered 11 the frontage to the said work shall be reserved to the owner and reasonable access shall at all times during the construction of the said work be afforded to the owner to and from the said property from and to the said work:

(3) Before commencing the construction of any part of Work No. 1 on the property of the owner the Middlesex Council shall serve notice to treat in respect of the whole of the property numbered on the deposited plans for the borough of Twickenham 13 and on the deposited plans for the urban district of Heston and Isleworth 13.

Crown rights.

63. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Councils to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners

of Works or of the Commissioners of Crown Lands without the consent in writing of such Commissioners on behalf of His Majesty first had and obtained for that purpose.

Sale of Crown lands.

64. The powers of selling and leasing Crown lands or any easements rights or privileges of any kind over or in relation to such lands given to the Commissioners of Crown Lands by the Crown Lands Act 1927 shall extend to enable the Commissioners of Crown Lands to sell or lease to the Council any lands whatsoever forming part of the hereditary possessions of the Crown or any easements rights or privileges of any kind over or in relation to such lands as may be required for any of the purposes of this Act notwithstanding that such lands or any part thereof may be under the management of the Commissioners of Works and any consideration to be paid by the Councils in respect of any sales or leases of any such lands as aforesaid or of any easements rights or privileges over or in relation to such lands shall be paid to the Commissioners of Crown Lands and carried to the account of the capital of the land revenues of the Crown Provided that the Commissioners of Crown Lands shall not sell or lease any land under the management of the Commissioners of Works and forming part of any royal forests parks or chases unless with the consent of His Majesty signified in writing under the Royal Sign Manual the Treasury shall so authorise.

PART V.

MIDDLESEX PROVISIONS.

Superannuation.

Interpretation of Part V.

65. In this Part of this Act words and expressions to which meanings were assigned by Part IV (Superannuation fund) of the Act of 1921 have the same respective meanings And—

"The Council" means the Middlesex Council; and

"The appointed day" means the thirty-first day of July nineteen hundred and twenty-seven.

War bonus.

66.—(1) Part IV of the Act of 1921 shall have effect as if the following words were omitted from the definition of "Salary or wages" namely "or part thereof which may be made a permanent addition to salary or wages"

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and "or part thereof which may be made a permanent addition to such net personal salary."

(2) The amendment of the Act of 1921 made by subsection (1) of this section shall be deemed to have been made on the appointed day for the purpose of determining—

(*a*) the amounts which should have been contributed by the officers and servants to the superannuation fund since the appointed day;

(*b*) the amount of the equivalent contribution to that fund which should have been made by the Council since the appointed day;

(*c*) the amount of the superannuation allowance to any officer or servant who after the appointed day became or hereafter becomes entitled thereto on resigning or otherwise ceasing to hold his office or employment; and

(*d*) the amount of any gratuity which the Council have granted since the appointed day or may hereafter grant under section 28 or section 49 of the Act of 1921.

(3) When any part of the period of five years mentioned in section 25 of the Act of 1921 for the purpose of determining the average amount of the salary or wages of an officer or servant or any part of the period of one year mentioned in sections 28 and 49 of that Act for the purpose of determining the maximum amount of any gratuity granted under those sections includes any period before the appointed day any war bonus paid to any such officer or servant during such period shall for such purpose be included in his salary or wages.

(4) Nothing in this section shall increase the superannuation allowance to an officer or servant who resigned or otherwise ceased to hold office on or before the appointed day.

(5) Any part of a superannuation allowance which is calculated by reference to a war bonus or other similar allowance shall be liable to variation in accordance with the rules for the time being in force with respect to superannuation allowances of members of His Majesty's civil service.

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Amendments of Act of 1921.

67. As from the appointed day Part IV of the Act of 1921 shall be deemed to have been further amended as follows:—

(1) Section 24 by the omission of paragraphs (i) (iii) and (iv) and of the words "or shall be "charged to a special fund which the Council may "if they so determine provide and maintain by a "charge which shall be as nearly as may be an "even annual charge on the county fund" and by the substitution for paragraph (ii) of the words—

"(ii) Any superannuation allowance or gratuity granted under either of the sections of this Act of which the respective marginal notes are 'This Part of Act not to apply in certain cases' and 'Gratuities'";

(2) Section 25 by the addition of the following at the end of the section "For the purposes of "this section any part of a year exceeding six "months shall be reckoned as a year";

(3) Section 27 by the insertion of the words "or pay to his wife or family out of that fund" after the words "superannuation fund";

(4) Section 28 by the substitution for the words "his own misconduct" of the words "in "consequence of any offence of a fraudulent "character or grave misconduct involving pecuni-"ary loss to the Council or his own";

(5) Section 29 by the substitution for the words "(fraud or misconduct not being alleged)" of the words "(no offence of a fraudulent character "nor any act of grave misconduct involving "pecuniary loss to the Council being alleged)";

(6) Section 33 by the omission of subsection (3);

(7) Section 35 by the omission of the words "after having completed ten years of such service and";

(8) Section 36 by the substitution for the words "in addition to any superannuation allowance under this Part of this Act and" of the words "and in addition to any superannuation allowance under this Part of this Act."

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Allowance for previous service.

68.—(1) Non-contributing service shall be reckoned for determining whether an officer or servant is entitled to a superannuation allowance under the Act of 1921 and in calculating the amount of such allowance in the case of any officer or servant who was in the service of the Council on the appointed day his allowance in respect of his non-contributing service shall be on the same scale as that in respect of his contributing service so that in respect of the service or aggregate service of any such officer or servant he shall be entitled to a superannuation allowance in accordance with the scale prescribed in section 25 (Scale of superannuation allowances) of the Act of 1921.

(2) (*a*) In calculating the amount of superannuation allowance in the case of any officer or servant who enters the service of the Council after the appointed day his allowance in respect of his non-contributing service shall be at the rate of one one-hundred and twentieth (or in any case in which the Council by special resolution so decide at such rate as the Council may determine not exceeding the rate of one-sixtieth) of the average amount of his salary or wages for the last five years of his service or aggregate service in respect of each year (not exceeding forty years) of his service or aggregate service and in reckoning the non-contributing service of any officer or servant any part of a year during which such officer or servant has served for more than six months shall be reckoned as a year.

(*b*) So much of any superannuation allowance granted to any officer or servant referred to in this subsection in respect of non-contributing service as exceeds the rate of one one-hundred and twentieth for each such year of such service shall not be charged to the superannuation fund but shall be paid out of the rate or revenue upon which the salary or wages of such officer or servant were chargeable.

(3) Section 34 (Allowance for previous service) of the Act of 1921 is hereby repealed.

Further provisions as to existing service.

69.—(1) Notwithstanding anything contained in the Act of 1921 every officer or servant in service on the appointed day including every officer or servant who on that day had attained the age of sixty-five years and whose period of service with the Council had been

extended under section 23 of the Act of 1921 shall as from the appointed day contribute to the superannuation fund at the rate prescribed by subsection (1) of section 33 of the Act of 1921 but this provision shall not apply—

(*a*) to any officer or servant who is referred to in section 43 of the Act of 1921; or

(*b*) to any officer or servant who—

(i) was over fifty-five years of age on the first day of January nineteen hundred and twenty-two; and

(ii) on attaining the age of sixty-five years had not or will not have completed ten years' service or aggregate service:

Provided that no officer or servant in service on the first day of January nineteen hundred and twenty-two and then over fifty-five years of age who within one month from the date of the passing of this Act by notice in writing given to the Council objects to contribute to the superannuation fund shall be required to make any such contribution and any superannuation allowance payable to an officer or servant so objecting shall notwithstanding anything contained in this Act be calculated at the rate of one one-hundred and twentieth of the average amount of his salary or wages during the last five years of his service excluding any service after attaining the age of sixty-five years.

(2) The superannuation allowance payable to any officer or servant who had attained the age of fifty-five years before the first day of January nineteen hundred and twenty-two and who does not give notice under this section objecting to contribute to the superannuation fund shall be calculated as if the whole of his service up to the age of sixty-five years were contributing service.

Further contribution to superannuation fund.

70.—(1) In addition to the sums to be carried to the superannuation fund under section 37 of the Act of 1921 there shall be transferred to that fund the balance standing at the date of the passing of this Act to the credit of any special fund created by the Council under Part IV of the Act of 1921.

(2) There shall also be carried and credited to the superannuation fund in each year such amount calculated

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as on the appointed day as the actuary appointed in accordance with section 38 of the Act of 1921 shall as soon as may be after the passing of this Act certify as necessary in order that the superannuation fund may be solvent to be calculated so as to cast as far as may be an even annual charge on the county fund.

Such amount shall be calculated so as to cast upon the Council an annual charge for a period of sixty years from the first day of January nineteen hundred and twenty-two.

(3) The amount to be carried to the superannuation fund in pursuance of subsection (2) of this section shall be paid out of the county fund.

(4) Where on the appointed day any superannuation allowance was payable out of the special fund referred to in subsection (1) of this section such allowance so long as it continues payable after such day shall be paid out of the superannuation fund.

Certain provisions of Friendly Societies Act 1896 made applicable.

71.—(1) The provisions of sections 56 to 61 of the Friendly Societies Act 1896 shall so far as they are applicable and with any necessary modifications extend and apply to the superannuation fund and to the contributors thereto and to the Council as if the superannuation fund were the funds of a registered society and the contributors to that fund were members of a registered society and the Council were the society and the trustees within the meaning of that Act.

(2) Section 45 (Application of Friendly Societies Act 1896) of the Act of 1921 is hereby repealed.

Construction of superannuation provisions.

72. The foregoing provisions of this Part of this Act shall be construed as one with Part IV of the Act of 1921.

Amendment of Act of 1925.

Extension of time for compulsory purchase of lands.

73. The period limited by section 7 (Period for compulsory purchase of lands) of the Act of 1925 for the compulsory purchase of lands required for the purposes of that Act is hereby extended until the first day of October nineteen hundred and thirty-one but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

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Extension of time for construction of tramways.

74. The period limited by section 17 (Period for completion of tramways) of the Act of 1925 for the completion of the tramways authorised by that Act is hereby extended until the first day of October nineteen hundred and thirty-three.

Amendment of section 33 of Act of 1925.

75.—(1) The Act of 1925 shall have effect as if section 33 (Frontage line) of that Act applied with respect to all roads for which the Council are for the time being the road authority as defined in section 32 of that Act and as if such roads were mentioned in the First Schedule to that Act.

(2) The said section 33 shall have effect as if the words "the road and" were inserted in subsection (3) thereof before the words "the road authority shall."

Amendment of section 44 of Act of 1925.

76.—(1) The provisions of section 44 (Acquisition of land for main and arterial roads) of the Act of 1925 (as amended by this section) shall extend and apply to any land which the Council may require in connection with or in consequence of the construction by them of any road and which is situate on either side and within two hundred and twenty yards from the middle of the site of such road.

(2) The words "as amended by section 3 of the Development and Road Improvement Funds Act 1910" in the said section 44 are hereby repealed.

(3) Provided that nothing in subsection (2) of the said section 44 of the Act of 1925 shall extend or apply to any land for the time being belonging to or vested in the urban district council of Brentford and Chiswick.

PART VI.

FINANCE AND MISCELLANEOUS.

Power to borrow.

77.—(1) The Councils (in addition to any other sums which they are authorised to raise) may borrow or raise money at interest for and in connection with the purposes hereinafter mentioned as follows:—

(*a*) The purchase of land under the powers of this Act and the payment of compensation payable thereunder the sums requisite;

(*b*) The construction of the works authorised by this Act such sums as the Councils think fit not

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exceeding as regards the Middlesex Council two hundred and eleven thousand seven hundred and eighty-nine pounds and as regards the Surrey Council two hundred and forty-five thousand two hundred and five pounds;

(*c*) The payment of the costs charges and expenses of and incidental to the preparing applying for and obtaining this Act the sums requisite.

(2) The Councils may also with the consent of the Minister of Health borrow such further money as may be necessary for any purposes of this Act.

(3) In calculating the amounts which the Councils may borrow under the Local Government Act 1888 or any other enactment the amounts borrowed under this Act shall not be reckoned but subject as aforesaid any money to be borrowed under this Act shall be borrowed under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 but the consent of the Minister of Health shall not be required to the borrowing or to the period of repayment of moneys borrowed under this section except as regards money borrowed under subsection (2) of this section.

(4) The Councils shall make provision for the repayment of any money borrowed by them respectively under this section within the following periods (namely) :—

(*a*) As regards money borrowed under subsection (1) of this section for the purposes (*a*) and (*b*) therein mentioned sixty years from the date or dates of borrowing;

(*b*) As regards money borrowed under the said subsection (1) for the purpose (*c*) therein mentioned five years from the date of the passing of this Act;

(*c*) As regards money borrowed with the consent of the Minister of Health such period as may be prescribed by him.

Return by Surrey Council with respect to repayment of debt.

78. Section 92 (Return to Minister of Health with respect to repayment of debt) of the Surrey County Council Act 1925 shall extend and apply to the provision made by the Surrey Council for the repayment of any loans raised by that Council for the purposes of this Act as if that section were with the necessary modifications re-enacted in this Act.

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Proceeds of sale of surplus lands.

79.—(1) So long as any lands remain to be acquired by either of the Councils under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Councils shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

(*a*) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;

(*b*) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Application of interest on sinking funds.

80.—(1) Where sums are set apart as a sinking fund for the purpose of paying off money borrowed by either of the Councils in the exercise of their powers under this Act or under any Act or any Order confirmed by or having effect as an Act of Parliament whether passed confirmed or made before or after the passing of this Act the interest received in any year from the investment of the sums so set apart shall instead of being accumulated in accordance with the provisions relating to such sinking fund form part of the revenue for that year of the fund or rate out of which the sums were set apart but the contribution to be made to the sinking fund out of such fund or rate shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at such rate that the accumulations would with the sums set apart be sufficient to pay off the moneys borrowed within the period sanctioned.

(2) This section shall come into operation on the first day of April nineteen hundred and twenty-nine and

A.D. 1928. for the purposes thereof the expression "sinking fund" includes any fund formed for the repayment of borrowed money or for the redemption and extinction or the purchase and extinction of stock.

Building lines in new roads.

81.—(1) At any time after the passing of this Act the Middlesex Council and the Surrey Council respectively may prescribe a building line for the purposes of any road in their county authorised by this Act to be made or widened in anticipation of the making or widening thereof and for this purpose the provisions of sections 34 and 35 of the Act of 1925 in the case of Middlesex and section 85 of the Surrey County Council Act 1925 in the case of Surrey shall apply with the necessary modifications.

(2) The Councils may when serving notice to treat upon the owner of and other persons interested in any lands required by them for the purpose of making or widening a road specify in such notice the building line in respect of such road upon any land to be retained by such owner or other person and in that case the provisions mentioned in subsection (1) of this section shall apply with the necessary modifications as if the building line so specified had been prescribed under those provisions but any compensation which is payable to him in consequence of such building line shall be determined by the same tribunal at the same time and subject to the same provisions as the compensation to be paid to him for his interest in the land taken by the Council by whom the notice is served.

Authentication and service of notices &c.

82.—(1) Where any notice or other document under this Act or under the Lands Clauses Acts as incorporated with this Act requires authentication by either of the Councils the signature of the clerk or other duly authorised officer of such Council shall be sufficient authentication.

(2) Notices and other documents required or authorised to be served or given by either of the Councils under this Act or under the Lands Clauses Acts as incorporated with this Act may be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person

on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises :

Provided that—

(*a*) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if served by post shall be served by registered post;

(*b*) in the case of a company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at its registered office or at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

Inquiries by Minister of Health.

83.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Councils shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

Inquiries by Minister of Transport.

84. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I. of the Board of Trade Arbitrations &c.

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Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Costs of Act.

85. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be borne by the Councils in accordance with the terms of the scheduled agreement and shall be paid out of their respective county funds or out of moneys to be borrowed under this Act.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

An Agreement made this eighteenth day of June nineteen hundred and twenty-eight between The County Council of the Administrative County of Middlesex (hereinafter referred to as "the Middlesex County Council") of the one part and The County Council of the Administrative County of Surrey (hereinafter referred to as "the Surrey County Council") of the other part.

WHEREAS the existing bridge across the river Thames from the shore thereof in the urban district of Hampton in the county of Middlesex to the opposite shore in the urban district of East and West Molesey in the county of Surrey commonly known and hereinafter referred to as "the Hampton Court Bridge" together with the approaches thereto is jointly vested in the parties hereto who are hereinafter collectively referred to as "the County Councils":

And whereas the County Councils being of opinion that it is expedient that a new bridge should be constructed with the necessary approaches to take the place of the Hampton Court Bridge and that when such new bridge has been completed and opened for traffic the Hampton Court Bridge should be demolished have instructed William Percival Robinson the Surrey county engineer to prepare designs for such new bridge and its approaches and such designs have accordingly been prepared:

And whereas the County Councils being of opinion that it is expedient that two new bridges should also be constructed across the said river Thames namely one from the shore thereof in the urban district of Chiswick in the county of Middlesex to the opposite shore in the urban district of Barnes in the county of Surrey which said bridge is hereinafter referred to as "the Chiswick Bridge" and the other from the shore in the urban district of Heston and Isleworth in the county of Middlesex to the opposite shore in the borough of Richmond in the county of Surrey which said bridge is hereinafter referred to as "the new Richmond Bridge" recently instructed Alfred Dryland the Middlesex county engineer to prepare designs for the construction of the said two bridges and such designs have accordingly been prepared:

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And whereas under and by virtue of the Richmond Bridge Act 1772 the existing Richmond Bridge together with the approaches thereto between Richmond in the county of Surrey and the opposite shore in the county of Middlesex is vested in certain commissioners appointed for the purposes of such Act who are hereinafter referred to as "the Richmond Commissioners":

And whereas the County Councils consider it expedient that the powers of the Richmond Commissioners together with the said existing Richmond Bridge and approaches and all other property and revenues vested in and belonging to such commissioners should be transferred to and be controlled by the County Councils Now it is hereby agreed between the County Councils as follows:—

1. The County Councils shall jointly apply for and endeavour to obtain in the session of 1928 an Act of Parliament empowering them to demolish the Hampton Court Bridge and for the construction of a new bridge in place thereof and also to acquire any necessary land and properties and to execute all necessary or convenient works in connection therewith and also to construct the Chiswick Bridge and the new Richmond Bridge and also to acquire any necessary land and properties and to execute all necessary or convenient works in connection therewith and also to transfer to the County Councils the existing Richmond Bridge and the powers rights property and revenue of the Richmond Commissioners The powers sought to be obtained by the Act shall include any necessary powers for the widening deviation or stopping up of any roads or rivers in either county and the power to borrow the money required for the works or for the purchase of land or for the payment of compensation upon the terms of repaying the same by instalments within a period not exceeding sixty years The county solicitor of Middlesex shall be the solicitor for the Bill and the parliamentary agents for the Middlesex County Council shall be the agents for the Bill.

2. The costs and expenses of and incidental to the said application (including the proper costs and expenses of any local authorities trustees or Bridge Commissioners supporting the Bill at the instance of the County Councils) so far as they are payable by the County Councils shall be borne by them in equal shares except as regards any costs or expenses caused by any opposition to the powers sought for the acquisition of land or the widening deviation or stopping up of roads or rivers in either county which excepted costs or expenses shall be borne exclusively by the County Council of the county in which such land or roads or rivers may be situate and except any costs occasioned by the insertion in the Bill of any special provisions not relating to the matters the subject of this agreement at the instance of either County Council and in no wise affecting the other County Council which costs shall be defrayed by the County Council at whose instance such provisions are inserted.

3. The new bridge at Hampton Court and the construction of the approaches thereto shall with all convenient speed be carried out in accordance with the designs so prepared and approved as hereinbefore recited subject to such modifications (if any) as shall from time to time be agreed upon by the joint committee hereinafter referred to and as soon as may be after the new bridge is completed and opened for traffic the existing bridge shall be demolished.

4. The cost of constructing the new Hampton Court Bridge the Chiswick Bridge and the new Richmond Bridge from and inclusive of the respective abutments thereof on the Middlesex side of the river to and inclusive of the respective abutments thereof on the Surrey side of the river and all other costs and expenses connected with the construction of the new Hampton Court Bridge the Chiswick Bridge and the new Richmond Bridge shall except as otherwise herein specifically provided be borne by the County Councils in moieties and the cost of demolishing the existing Hampton Court Bridge shall be similarly divided.

5. The cost of acquiring and constructing the approaches to all or any of the said new bridges and of demolishing altering stopping up or diverting the approaches and roads to the existing Hampton Court Bridge on the Middlesex side of the river shall be wholly borne as between the County Councils by the Middlesex County Council and the cost of acquiring and constructing the approaches to all or any of the said new bridges and of demolishing stopping up or diverting the approaches and roads to the existing Hampton Court Bridge on the Surrey side of the river shall be wholly borne as between the County Councils by the Surrey County Council.

6. Each County Council shall at its own expense provide any additional land on its own side of the river which may be required (whether permanently or temporarily) for or in connection with the construction of the said new bridges or the construction widening and improvement of the approaches thereto.

7. For the purpose of carrying out the works matters and things referred to in this agreement and of dealing with any matters relating thereto and subject to the provisions of the Local Government Act 1888 the joint committee referred to in clause 7 of the agreement in the Third Schedule of the Kingston-upon-Thames Bridge Act 1911 shall have the same powers and duties with regard thereto as are by the said agreement provided with respect to Kingston Bridge and clauses 7 and 8 of that agreement shall mutatis mutandis apply to and be deemed to be incorporated in this agreement.

8. The said Alfred Dryland or other the engineer for the time being of the Middlesex Council in connection with the construction of the Chiswick Bridge and the new Richmond Bridge and the construction of the approaches thereto and the said

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William Percival Robinson or other the engineer for the time being of the Surrey Council in connection with the construction of the new Hampton Court Bridge and of the approaches thereto and with the demolition of the existing bridge shall respectively have full power to determine from time to time during the progress of the works what sums ought to be paid on account by the County Councils jointly under clause 4 hereof and what sums ought to be paid on account by each County Council separately under clause 5 hereof and to determine finally upon the completion of the works what part of the total cost thereof ought to be borne by the County Councils jointly and by each of them separately under the same clauses respectively and every such determination shall be binding on each County Council And if before such final determination either of the County Councils shall have paid more than its due proportion of the total amount of the costs and expenses connected with the construction of all or any of the said new bridges and the approaches thereto or of the demolition of the existing Hampton Court Bridge the amount so paid in excess of such due proportion shall be a debt due to such County Council from the other County Council and such County Council shall be entitled to claim and recover from the other County Council the amount so paid in excess accordingly.

9. All charges fees expenses and disbursements shall be borne by the County Councils in equal moieties except that each of them shall (subject as provided by clause 2) pay its own costs and expenses in connection with the approaches of the said bridges and the provision of the necessary additional land and incidental thereto.

10. In the event of the existing Richmond Bridge being transferred to the County Councils such bridge shall vest in them jointly as a county bridge and each County Council shall bear thenceforth all the expenses of maintaining repairing and cleansing the same as is provided by clause 12 hereof with regard to the said new bridges so far as such expenses shall not be payable by the parish or other local authority or by the Port of London Authority or can be payable out of the revenues of the Richmond Commissioners.

11. From and after the transfer of the powers rights duties property and liability of the Richmond Commissioners the existing Richmond Bridge and the property and revenues appertaining or belonging thereto or to the said commissioners shall belong to and be vested in the County Councils in equal moieties and shall be managed in accordance with a scheme to be approved by the County Councils or in case of difference to be settled by arbitration as hereinafter provided.

12. From and after the opening for traffic of each of the respective new bridges each County Council shall bear all the expenses of maintaining repairing and cleansing the approaches

to each such bridge on its own side of the river and such part of such respective bridges as is situate on the same side of an imaginary line to be drawn centrally across the said respective bridges so far as the said expenses shall not be payable by the parish or other local authority or by the Conservators of the River Thames or the Port of London Authority.

13. If at any time hereafter any dispute difference or question shall arise between the County Councils as to the meaning or construction of this agreement or as to any act or thing to be made or done by either County Council in pursuance hereof or in regard to the rights or liabilities of either County Council hereunder the same shall be referred to the arbitration of one person to be appointed in default of agreement by the County Councils by the Minister of Transport.

14. This agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein which is not acceptable to either party such party may withdraw from this agreement (except as provided by clause 15) and the Bill for the said Act or so much thereof as relates to the carrying into effect of this agreement shall be withdrawn.

15. Clauses 1 2 and 13 of this agreement shall take effect in any event but the remaining clauses hereof shall only take effect to the extent to which the Act of Parliament referred to in clause 1 hereof shall apply.

In witness whereof the Middlesex County Council and the Surrey County Council have caused their respective common seals to be hereunto affixed the day and year first before written.

The common seal of the County Council of the administrative county of Middlesex was hereunto affixed in the presence of— } **L.S.**

C. PINKHAM
Chairman of the County Council.

E. S. W. HART
Clerk of the County Council.

The common seal of the County Council of the administrative county of Surrey was hereunto affixed in the presence of— } **L.S.**

EDWARD J. HOLLAND
Chairman of the Council.

DUDLEY AUKLAND
Clerk of the Council.

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SECOND SCHEDULE.

PROVISIONS OF ACT 1772 SAVED FROM REPEAL.

The bridge to be free from taxes.

IX. And be it further enacted, that the said bridge shall not be rated or assessed for or towards the payment of the land tax, or any other public or parochial rate or tax whatsoever.

Damage done by boats &c., to be made good by the owners.

XI. And for better preventing damage to the said bridge and the works thereof by persons navigating boats, barges, lighters, or other vessels on the said River Thames, be it further enacted, that the owner or owners of every boat, barge, lighter, or other vessel shall be responsible to the said Commissioners for the costs of making good any damage which shall be done to the said bridge, or any part thereof, by his or their boat, barge, lighter, or other vessel, or by the boatmen, bargemen, or other person or persons navigating the same, and may be sued accordingly by the said Commissioners in any court of record whatsoever.

Richmond ferry.

XVI. And whereas His Majesty, in right of His Crown is seised of the fee simple of the ferry for carriages, horses, and foot passengers over the River Thames between Richmond aforesaid and the opposite shore: And whereas His late Majesty King George the Second, by his Letters Patent, dated the twentieth day of February in the twenty-ninth year of his reign, did demise the said ferry, with all its rights and privileges, unto William Windham Esquire, for a certain term of twenty-one years, commencing from the twentieth day of December one thousand seven hundred and sixty-five, at the yearly rent of three pounds thirteen shillings and fourpence; and His present Majesty, by his Letters Patent, dated the first day of September one thousand seven hundred and sixty-seven, did demise the said ferry, with its rights and privileges, unto the said William Windham for a certain further term of eleven years and one half-year, to commence and be computed from the thirty-first day of December one thousand seven hundred and eighty-six, at the like yearly rent of three pounds thirteen shillings and fourpence, and which said Letters Patent, and the premises thereby granted, have been assigned unto, and are now vested in Henry Holland, gentleman, for all the remainder of the several terms by the said Letters Patent respectively demised as aforesaid: And whereas the profits of the said ferry will cease in consequence of a bridge being built over the River Thames as aforesaid: Be it therefore enacted, that it shall not be lawful for the said Commissioners to build the said bridge, or execute any of the powers aforesaid, until after obtaining a grant of the

The bridge not to be built until

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inheritance of the said ferry from His Majesty, His heirs or successors, according to the power hereinafter given for that purpose; and also unless they do or shall first, and before they shall begin to build the said bridge, and on or before the first day of June which will be in the year of our Lord one thousand seven hundred and seventy-eight, purchase all the estate, right, interest, and claim of the said Henry Holland, his executors, administrators, or assigns, of, in, and to the said ferry, with all its rights, privileges, and appurtenances; and in case the said Commissioners cannot agree with the said Henry Holland, his executors, administrators, or assigns, for the purchase of the said ferry, with all its rights and privileges as aforesaid, then and in such case it shall and may be lawful for the said parties to ascertain and try the value thereof in a feigned issue or issues, in His Majesty's Court of King's Bench or Common Pleas, to be tried before the Chief Justice, or any other of the judges of the said courts, by a special jury of the freeholders of the counties of Surrey and Middlesex, to be nominated in the usual manner of naming special juries, by the proper officer of the court wherein such issue shall be tried, out of the sheriff's books of the freeholders in the respective counties aforesaid fit to serve on special juries, and to be summoned in the usual manner of summoning special juries, by the sheriff for the trial of causes at nisi prius in the said Court of King's Bench and Common Pleas, one half of which said jury shall be summoned and returned by the sheriff of and out of the county of Surrey, and the other half of the said jury to be named as aforesaid shall be summoned and returned by the sheriff of the county of Middlesex; (that is to say,) twenty-four jurymen shall be named out of each county, whereof the plaintiffs shall strike out six and the defendants other six of the jurymen so to be named out of each county as aforesaid, and the residue of the said jury shall be summoned and impanelled, and return to try the issue to be joined as aforesaid; and if a sufficient number of jurymen so to be summoned, (that is to say,) six of the county of Middlesex and six of the county of Surrey, so as to make a full and competent jury of the jurymen to be summoned to try the issues aforesaid, shall not attend to try the same, then such and so many talesman shall be taken to make a full and complete jury, as the judge who shall try the issues shall think fit to order in that behalf; and to the end and purpose of trying the matters aforesaid, the said Henry Holland shall be plaintiff, and any five or more of the said Commissioners, acting under the authority hereby vested in them, shall be made defendants, in such manner as shall be agreed between the said parties, or as by the said Henry Holland, his executors, administrators, or assigns, or his or their counsel, shall be advised; and such issue or issues shall be settled by the court in which the same shall be tried, if the parties shall differ

the ferry be purchased by the Commissioners.

In case the Commissioners and Mr. Holland *cannot* agree, the value to be tried by a jury of Surrey and Middlesex.

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in settling thereof; which issue or issues, when so tried, if the same shall be to the satisfaction of the court, shall be final and conclusive upon all parties; and such sum and sums of money as the said jury shall, upon their oaths, find ought to be paid to the said Henry Holland, as a satisfaction for his right, title, interest, and claim in and to the said ferry, shall be indorsed upon the postea, and shall be paid to the said Henry Holland, with costs of the trial to be taxed; and the said Henry Holland and the said Commissioners shall each of them have their lawful challenges, and the court wherein such action shall be tried shall give judgment therein according to law, which judgment shall be recorded in the said court, and shall be finally binding and conclusive upon all parties; and in case the said Henry Holland, his executors, administrators, or assigns, shall refuse to commence an action in His Majesty's Court of King's Bench or Common Pleas within six months after notice shall be given to him or them by any five of the said Commissioners, by writing under their hands, signifying that they shall be willing to join in a feigned issue, to ascertain the value of the right and interest of the said Henry Holland, his executors, administrators, or assigns, of and in the said ferry, under and by virtue of the aforesaid Letters Patent, it shall and may be lawful for the said Commissioners, or any five or more of them, to summon a common jury to ascertain the value thereof, in such and the same manner as is hereinbefore provided for purchasing the estate and inheritance of the proprietors of houses and lands.

In case no action be brought in six months after notice, the Commissioners may summon a jury to ascertain the value.

His Majesty enabled to grant the inheritance of the ferry.

XVII. And be it further enacted, that it shall be lawful for His Majesty, His heirs or successors, at any time hereafter, by Letters Patent under the Great Seal, to grant the fee simple and inheritance of the said ferry at Richmond, together with the yearly rent now incident to the reversion thereof, unto the said Commissioners and their successors, at and under such yearly rent as is now payable to His Majesty, or such other yearly rent as His Majesty, His heirs or successors, shall think fit to reserve, any statute or law to the contrary thereof in anywise notwithstanding; and the yearly rent so to be reserved in the said Letters Patent shall be payable into the receipt of the Exchequer, and be carried to and made part of the general or aggregate fund established by an act of the first year of the reign of His late Majesty King George the First, and be applied to the same uses.

After obtaining a grant from His Majesty, &c. the ferry to be under the direction of the Commissioners.

XVIII. And be it further enacted, that after obtaining a grant of the inheritance from His Majesty, His heirs or successors, of the said ferry, and purchasing the estate and term of years of the said Henry Holland in manner aforesaid, the said ferry shall be carried on under the direction of the said Commissioners, or any five or more of them, until the building of the said bridge shall be completed and there shall be a passage over the same,

and afterwards the said ferry shall be discontinued, and the profits made thereof in the meantime shall be applied in the same manner as the tolls hereinafter mentioned are directed to be applied.

If the bridge shall receive damage an occasional ferry may be set up.

XX. And whereas the said bridge may receive such damage by tempests, or otherwise, that the passage may at times become dangerous or impracticable: Be it therefore further enacted, that in every such case the said Commissioners, or any five or more of them, may, and shall, at their discretion, set up a ferry across the said River Thames, at any place or places being as near to the said bridge as the repairing thereof will permit, and such ferry shall continue till the passage over the said bridge shall be rendered safe, and the same sums of money shall be payable for a passage by the said ferry as are hereinbefore directed to be paid as tolls for passage over the said bridge, and shall be levied and applied in the same manner.

Proviso.

XXI. Provided always nevertheless, that no landing-place, road, or passage from the said ferry shall at any time be made through, in, or upon the said meadow called Twickenham Park, or any part thereof, without the consent of the proprietor or proprietors of the same.

Commissioners writings to be free from stamp duty.

XXX. And be it further enacted, that no writing whatsoever under the hands and seals of the Commissioners of this Act, or signed by them, or under the hand and seal of or signed by any other person or persons, relative to the execution of this Act shall be chargeable with any stamp duty.

THIRD SCHEDULE.

DESCRIPTION OF PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN:

Area:	Numbers on deposited Plans.
Urban district of Barnes	7.
Urban district of East and West Molesey.	13 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 36 37 38 40 45 46 47 48 52 53 55 56 60 61 62 73 80 81 82 83 84 85 86 87 88 89 90 91 94 95 96 97 98 99 105 106 112 114 115 116 118 120.
Urban district of Esher and the Dittons.	4*c* 4*d* 8 9 17 19 20 36 37 40 42 43 45 54 55 58.
Borough of Richmond -	203 206 207 208 209 210 211 212 213 214 215 219 252.
Borough of Twickenham	1 6*b* 7 15 16 17 18 19 20 21 22 22*a* 23 24 25 26 27 27*a* 28 29 30 31 32 33 34 35 36 37 38 38*a* 39 40 41 42 43 44 45 46 46*a* 47 48 49 50 51 52 53 54 54*a* 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 115*a* 119 123 124 125 126 127 128 128*a* 129 130 131 132 133 134 135 139 140 141 142 143 144 145 146 147 148 149 150 151.
Urban district of Heston and Isleworth.	134 135.

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