

ELIZABETH II



1963 CHAPTER xxviii

An Act to authorise Joseph Crosfield & Sons Limited to construct a railway level crossing in the county borough of Warrington; and for other purposes.

[31st July 1963]

WHEREAS Joseph Crosfield & Sons Limited (hereinafter referred to as "the Company") is an existing company within the meaning of the Companies Act, 1948, and is a company limited by shares being first registered as a public company in the year eighteen hundred and ninety-six:

And whereas the business of the Company was commenced by Joseph Crosfield in the year eighteen hundred and fifteen and now consists primarily in the manufacture of soap and chemicals:

And whereas in the year nineteen hundred and nineteen the ordinary share capital of the Company was acquired by Unilever Limited:

And whereas the principal factory of the Company is at Bank Quay Works in the county borough of Warrington and the Company have recently undertaken a major scheme of reconstruction of the said works including the erection of a new building on the west side of a highway known as Factory Lane to provide for the whole of the Company's chemical production based on alkali:

And whereas there are a number of private railway siding connections to the several parts of the said works but there is no direct access by railway to the said new building and it would both conduce to the more efficient and economical operation of the said works and be of public and local advantage to provide a rail connection between the said new building and the railway system:

And whereas any such rail connection must necessarily cross Factory Lane and it is expedient that the Company should be authorised to construct a level crossing over Factory Lane as in this Act provided:

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

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

And whereas a plan and section showing the line and level of the work by this Act authorised, such plan showing also the lands which may be used under the powers of this Act and for the purposes of this Act together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the county borough of Warrington and such plan, section and book of reference are respectively referred to in this Act as the deposited plan, section and book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the *Factory Lane, Warrington (Level Crossing) Act 1963*.

Incorporation
of section 16
of Railways
Clauses
Consolidation
Act, 1845.

2. The provisions of section 16 of the *Railways Clauses Consolidation Act, 1845*, so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act.

Interpreta-
tion.

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

“the Company” means *Joseph Crosfield & Sons Limited*;

“ the corporation ” means the mayor, aldermen and burgesses of the county borough of Warrington;

“ Factory Lane ” means the highway of that name in the county borough of Warrington;

“ the level crossing ” means the level crossing authorised by section 4 (Construction of level crossing) of this Act;

“ the Minister ” means the Minister of Transport;

“ telegraphic line ” has the same meaning as in the Telegraph Act, 1878.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment including this Act.

4.—(1) Subject to the provisions of this Act, the Company may in the line and situation and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the level shown on the deposited section make, use and maintain in the county borough of Warrington a single line of railway across and on the level of Factory Lane at a point forty-three feet or thereabouts north of the centre line of the Garston to Timperley railway of the British Railways Board where it crosses Factory Lane.

Construction of level crossing.

(2) In constructing and maintaining the level crossing—

(a) the rails shall be constructed and thereafter maintained so that the upper surface is upon a level with the surface of the carriageway or footway of Factory Lane;

(b) the Company shall pave or otherwise make up to the satisfaction of the corporation the spaces between the rails and such further parts of the carriageway and footway of Factory Lane as extend for a distance of not less than three feet outside the outer line of rails on each side of the level crossing and thereafter shall maintain and keep the paving or other material laid in good repair and condition to the satisfaction of the corporation.

5. In the construction of the level crossing the company may deviate laterally from the line or situation thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the level of that diversion shown on the deposited section to any extent not exceeding one foot upwards or downwards.

Power to deviate.

6. For the purpose of constructing and maintaining the level crossing the Company may enter upon, open, break up and interfere with so much of the surface of Factory Lane as is within the limits of deviation.

Power to use surface of Factory Lane.

Regulation of
level crossing.

7.—(1) The Company shall not use or permit the use of the level crossing otherwise than in accordance with the following provisions of this section (that is to say):—

- (a) The Company shall erect and thereafter maintain in good repair to the satisfaction of the corporation sufficient gates across the end of the level crossing on each side of Factory Lane and such gates shall be of such dimensions and so constructed as when closed to fence in the railway and prevent cattle or horses passing along Factory Lane from entering upon the railway;
- (b) Such gates shall be closed and kept fastened when the level crossing is not in use or about to be used by the Company;
- (c) The Company shall provide, erect, maintain and operate at or near the level crossing and either on the carriageway or footway of Factory Lane or elsewhere such barriers, lights, traffic signs and other means as the Minister may from time to time direct for warning and regulating the road traffic coming from either direction when a train or engine or wagon is passing or about to pass over the level crossing and may for the purpose of such provision, erection or maintenance open or break up or otherwise interfere with Factory Lane;
- (d) The Company shall not at the said level crossing obstruct or hinder the traffic or persons passing along Factory Lane for longer than is reasonably necessary in taking any train or engine or wagon across Factory Lane;
- (e) The Company shall erect and at all times maintain at their own expense on or beside Factory Lane on each side of the level crossing a "Level Crossing" sign of the standard type approved by the Minister.

(2) Any traffic sign provided in pursuance of a direction given under paragraph (c) of the last preceding subsection shall be deemed to be a traffic sign lawfully placed on or near a road in accordance with the provisions of section 52 of the Road Traffic Act, 1960, and the direction may provide that the provisions of section 14 of the said Act of 1960 shall apply to that traffic sign:

Provided that nothing in this subsection shall impose on a highway authority any liability in respect of a traffic sign provided in pursuance of any such direction and in relation to any such traffic sign the said section 52 shall have effect as if for the references therein to a highway authority there were substituted references to the Company.

(3) If the Company shall fail to comply with any of the requirements of subsection (1) of this section they shall be liable on

summary conviction to a fine not exceeding twenty pounds and to a fine not exceeding five pounds for each day on which the offence is continued after conviction thereof.

(4) In this section—

“ the railway ” means the railway siding connecting the new building on the west side of Factory Lane with the existing railway sidings of the Company; and

“ traffic sign ” has the same meaning as in the Road Traffic Act, 1960.

8. The provisions of the code in Part II of the Public Utilities Street Works Act, 1950, shall apply and have effect in relation to works for the construction or maintenance of the level crossing under the powers of this Act or otherwise for the purposes of or in connection with those works as if—

Application of Part II of Public Utilities Street Works Act, 1950.

(a) such construction or maintenance were required for the purposes of a transport undertaking; and

(b) the Company were a transport authority.

9. For the purposes of the placing or maintenance of telegraphic lines under the powers conferred by the Telegraph Acts, 1863 to 1962, the level crossing shall be deemed a part of Factory Lane.

For protection of Postmaster General.

10. The Company on the one hand and the corporation on the other hand may enter into and carry into effect and renew or vary contracts, agreements or arrangements with respect to the maintenance and repair of the whole or any portion of that part of Factory Lane on which the level crossing is constructed and as to the proportion to be paid by either of them of the expense of such maintenance and repair or with respect to the carrying out by the corporation or the Company of any works involving interference with or alteration of the level crossing or the part of Factory Lane on which the same is laid.

Agreements between Company and corporation.

11. In the event of any sale or lease being made hereafter of the whole or any part of the undertaking of the Company the benefit of the rights conferred upon the Company by this Act subject to the obligations thereby imposed upon the Company may be included in such sale or lease.

Inclusion of level crossing in sale or lease of undertaking of Company.

12. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Saving for town and country planning.

13. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act shall be paid by the Company.

Costs of Act.

CH. xxviii *Factory Lane, Warrington (Level Crossing)*
Act 1963

Table of Statutes referred to in this Act

Short title	Session and chapter
Railways Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 20.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Companies Act, 1948	11 & 12 Geo. 6 c. 38.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.
Town and Country Planning Act, 1962 ...	10 & 11 Eliz. 2 c. 38.

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Factory Lane, Warrington (Level Crossing) Act 1963

CHAPTER xxviii

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