



CHAPTER ciii.

An Act for conferring further powers upon the London and North Western Railway Company in relation to their own undertaking and upon that Company and the Midland Railway Company in relation to their respective joint undertakings and upon the Shropshire Union Railways and Canal Company in relation to their undertaking and for other purposes. A.D. 1903.

[21st July 1903.]

WHILEAS it is expedient that the London and North Western Railway Company (in this Act called "the Company") should be empowered to acquire the lands and execute the works and exercise the other powers in this Act respectively mentioned :

And whereas it is expedient that the Shropshire Union Railways and Canal Company (in this Act called "the Shropshire Union Company") should be empowered to acquire the lands in this Act mentioned in that behalf :

And whereas plans and sections showing the respective lines and levels of the works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated and also books 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 clerks of the peace for the several counties within which those works will be constructed and those lands are situate which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that further powers should be conferred upon the Company in respect of their own undertaking

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A D. 1903. and upon the Company and the Midland Railway Company in connection with the Market Harborough Joint Station with respect to the sale or other disposal of lands acquired but which are not or eventually may not be required for the purposes of their undertaking :

And whereas the Company are partly owners and partly lessees under the Board of Trade of the old harbour at Holyhead and by the London and North Western Railway (Holyhead Old Harbour) Act 1873 were empowered to enlarge and improve the said harbour and to construct works in connection therewith and it is expedient that they should be empowered to purchase by agreement lands at and adjoining the said harbour for the purposes thereof :

And whereas it is expedient that the Company and the Shropshire Union Company respectively should be empowered to apply their funds to the purposes of this Act in which they are interested :

And whereas it is expedient that some of the powers and provisions of existing Acts relating to the Company should be altered amended extended and enlarged and that such further powers should be granted to the Company as are hereinafter mentioned :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say) :—

Short title.

1. This Act may be cited for all purposes as the London and North Western Railway Act 1903.

Incorporation of general Acts.

2. The Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 are (so far as applicable and except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Protection of gas and water mains of local authorities.

4. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were

mentioned in those sections in addition to "company or society" A.D. 1903.
Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

5. Subject to the provisions of this Act the Company may enter upon take use and appropriate for the purposes of their undertaking the lands hereinafter described or referred to delineated on the deposited plans and described in the deposited books of reference relating thereto and may execute the works and exercise the powers hereinafter mentioned and so far as such works are shown upon the deposited plans and sections in accordance with those plans and sections (that is to say):—

In the county of Middlesex—

Certain lands in the parish of Harrow Weald lying on the west side of and adjoining the Company's Stanmore Branch Railway and on the south side of and adjoining Kenton Lane :

In the county of Buckingham—

Certain lands in the parish of Water Eaton and in the parish of Bletchley in the urban district of Fenny Stratford lying on the east side of and adjoining the Company's London and Birmingham Railway and extending for a distance of six hundred and thirty yards or thereabouts southward from the road from Water Eaton to Bletchley :

In the county of Warwick—

Certain lands in the parish of Nuneaton in the urban district of Nuneaton and Chilvers Coton lying on the east side of and adjoining the Company's Trent Valley Railway and between points respectively two hundred and fifty yards or thereabouts and six hundred and fifty yards or thereabouts northward of Griff Lane ;

Certain lands in the parish of Nuneaton in the urban district of Nuneaton and Chilvers Coton lying on the north-east side of the Company's Trent Valley Railway at and near Nuneaton Station and between and adjoining the said railway the Midland Railway and Weddington Road ;

Certain other lands in the same parish and urban district lying on the northern side of and adjoining the Company's South Leicestershire Railway and between points respectively three hundred yards or thereabouts and seven hundred and fifty yards or thereabouts measured along

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the said railway in a south-easterly direction from Oaston Road :

And the Company may in the same parish and urban district—

(A) Make an additional archway or opening under Leicester Road on the east side of and adjoining the existing archway by which the Company's Trent Valley Railway passes under the said road ;

(B) Extend for a distance of twelve yards or thereabouts in an easterly direction the footpath subway which passes under the Company's railway at Oaston Road and may alter and divert the eastern approach to the said subway and stop up so much of the said road as extends for a distance of eleven yards or thereabouts from the said railway :

In the county of Leicester—

Certain lands in the parish and borough of Loughborough lying on the south side of and adjoining the Charnwood Forest Railway at and near Loughborough Station :

In the county of Worcester—

Certain lands in the parish and rural district of Yardley lying on the south side of and adjoining the Company's London and Birmingham Railway and between points respectively one hundred and twenty-five yards or thereabouts and four hundred and eighty yards or thereabouts east of the bridge carrying the public road over the said railway at Stechford Station :

In the county of Stafford—

Certain lands in the parish of Colton lying on the north-east side of and adjoining the Company's Trent Valley Railway and between points respectively one hundred yards or thereabouts and six hundred and fifty yards or thereabouts north-west of Rugeley Station ;

Certain lands in the parish of Sedgley in the urban district of Coseley lying on both sides of and adjoining the Company's Stour Valley Railway and extending for a distance of three hundred yards or thereabouts north-westward from the bridge carrying the said railway over the Birmingham Canal at the Bloomfield Basins :

In the county of Chester—

Certain lands in the parish of Blakenhall in the rural district of Nantwich lying on the south-west side of and adjoining the Company's Grand Junction Railway and on the south

side of and adjoining the road leading from Betley Road Station to Blakenhall ;

Certain lands in the parish of Warmingham in the rural district of Nantwich lying on the west side of and adjoining the Company's Grand Junction Railway and between points respectively seven hundred and seventy-five yards or thereabouts and one thousand two hundred and twenty-five yards or thereabouts north of the bridge carrying Parkers Road over that railway :

In the county of Lancaster—

Certain lands in the parish of Garston in the city and county borough of Liverpool lying on the south and east sides of and adjoining the Company's Garston Dock Branch Railway and property at and near Church Road Station and on the west side of and adjoining Church Road including the site and soil of so much of Railway Street as extends for a distance of five yards or thereabouts from its western extremity ;

And the Company may stop up the said portion of Railway Street and may extend for distances of ten yards or thereabouts on each side thereof the bridge carrying the Company's railways over Church Road ;

Also certain other lands in the same parish city and county borough lying on the south-east side of and adjoining King Street opposite its junction with Blackburne Street and forming part of the works of the Garston Tanning Company together with the site and soil of so much of King Street as extends for a distance of thirty yards or thereabouts from its southern extremity ;

And the Company may stop up the said portion of King Street ;

Certain lands in the parish and urban district of Newton-in-Makerfield lying on the south-east side of and adjoining the Company's Liverpool and Manchester Railway at the north-eastern end of the Earlestown Junction Station on that railway ;

Certain lands in the parish of Barton lying on the east side of and adjoining the Company's Lancaster and Carlisle Railway and between the viaduct over Barton Brook and the Barton and Broughton Station ;

Also certain other lands in the same parish lying on the east side of and adjoining the said railway at the said station ;

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Certain lands in the parish of Poulton Bare and Torrisholme and borough of Morecambe lying on the north side of and adjoining the Company's Morecambe Branch and between Bare Lane Station and a point two hundred and twenty yards or thereabouts east of the bridge carrying Lancaster Road Morecambe over the said railway;

Certain other lands in the same parish and borough lying on the south side of and adjoining the public road known as South Road which passes along the south side of the said Morecambe Branch and between points respectively seven hundred yards or thereabouts and nine hundred yards or thereabouts west of Bare Lane Station. And the Company may make a bridge over the said public road and the said branch at a point seven hundred and seventy yards or thereabouts west of the said station;

Certain lands in the parish and urban district of Carnforth lying on the west side of and adjoining the Company's Lancaster and Carlisle Railway at and near Carnforth Station:

In the county of Brecon—

They may in the parish and urban district of Brynmawr extend for a distance of eight yards or thereabouts in a southerly direction each of the bridges carrying the Company's Merthyr Tredegar and Abergavenny Railway over the two roads immediately west of Brynmawr Station.

For protection of Nuncaton and Chilvers Coton Urban District Council.

6. For the protection and benefit of the urban district council of Nuncaton and Chilvers Coton (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Company apply and have effect (that is to say):—

Oaston Road subway and the proposed extension—

- (1) The Company shall line the walls of the existing subway and of the extension thereof by this Act authorised with white glazed tiles above the height of two feet six inches from the floor level;
- (2) Two spaces for light shall be provided by the Company in the present subway of the full width thereof;
- (3) The extension of the existing subway by this Act authorised shall not be less than ten feet in width and of not less height than that of the present subway;
- (4) The existing subway and the extension subway shall be in a straight line and shall be lighted from sunset to

sunrise the light being arranged in such manner as to prevent as far as possible wilful damage to the same the Company bearing the cost of the same; A.D. 1903.

- (5) The width of the north-eastern approach to the subway by this Act authorised shall be not less than seven feet;
- (6) The existing and extended subway and both approaches to be paved by the Company to the reasonable satisfaction of the council. The Company to maintain and keep the subway and extension thereof in good and proper repair:

As to archway in the Leicester Road Bridge—

- (1) In the construction of the archway by this Act authorised the Company shall cause as little interference as possible with the traffic in Leicester Road and Trent Road and will at all times leave half the width of the said roads available for traffic;
- (2) The Company to properly watch and protect the work during construction and to reinstate the said roads on completion to the satisfaction of the council;
- (3) The Company to remove the existing sleeper fencing in Leicester Road on the south-west side of the bridge carrying that road over their railway and to substitute therefor a suitable boarded fence at least seven feet high;
- (4) The Company to extend the parapets of the bridge in a north-easterly direction over the proposed additional archway or opening and to replace the existing sleeper fencing by a suitable close boarded fence at least seven feet high such fence to extend for a distance of twenty-three yards in a south-easterly direction and for a distance of sixteen yards in a north-westerly direction from the north-eastern ends of such extended parapets.

In the event of any difference arising between the council and the Company respecting any of the matters aforesaid the same to be determined by an independent engineer to be appointed by the President for the time being of the Institution of Civil Engineers whose decision shall be final and binding on both parties.

7. Notwithstanding anything contained in this Act or shown upon the deposited plans the Garston Graving Dock and Shipbuilding Company Limited and Messrs. H. & C. Grayson Limited shall have the same right to pass along the portion of King Street to be stopped up and to cross on the level any rails or sidings to be laid over the same as they have at present over the existing rails or sidings adjoining that street at its southern end.

For protection of Garston Graving Dock and Shipbuilding Company and H. & C. Grayson Limited.

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For protection of corporation of Liverpool.

8. In constructing and maintaining the works by this Act authorised and in exercising any of the powers by this Act conferred upon the Company the Company shall unless the mayor aldermen and citizens of the city of Liverpool (in this section called "the corporation") otherwise consent by writing under their common seal observe perform and fulfil the following provisions stipulations and conditions (viz.) :—

- (1) In exercising the powers of this Act with reference to the bridge carrying the Company's railways over Church Road Garston the following provisions shall apply :—

The Company shall take down the present bridge and shall construct a new bridge over that road having one span of not less than fifty feet and a clear headway throughout of not less than sixteen feet above the level of the road Any land between the abutments of such bridge when constructed shall be thrown into the road so as to form part thereof ;

The foundations of the said new bridge shall be carried down to a sufficient depth to permit if the corporation should so require of the roadway being lowered at least two feet from the present road surface ;

The said bridge shall be so constructed and maintained as to prevent so far as practicable the dripping of water upon the road or footway thereunder and the Company shall at their own expense well and sufficiently light and keep lighted to the reasonable satisfaction of the corporation the understructure of such span where the railway crosses Church Road ;

The said bridge shall be of such description and in accordance with such plans and elevations as shall be reasonably approved by the corporation ;

The parapets or screens of the said bridge shall not be less than eight feet in height above the formation level of the railway and such parapets or screens shall be extended for such a distance beyond such bridge not exceeding ten feet on either side thereof as the corporation shall require ;

The side walls or abutments of the said new bridge shall be lined with white glazed or enamelled bricks to the reasonable approval of the corporation from a level two feet six inches above the surface of the road :

- (2) No advertisement boards or posters shall be placed on any elevation fronting any street without the approval of the corporation :
- (3) Notwithstanding anything contained in this Act the Company shall not permanently interfere with or in any way lessen any right or facility previously enjoyed by the corporation or any other person or persons claiming through them to pass along and over the road or street known as King Street and in over or through such part of King Street as is shown on the deposited plans to be stopped up and to cross on the level any rails or sidings to be laid over the same which they have at present over the existing rails or sidings adjoining that street at its southern end and nothing herein contained shall interfere with or lessen the rights powers and privileges of the corporation to maintain or renew any existing water main or sewer or to lay any water electric or other main sewer or drain through and under such road or street and under any lines of the Company made across the same and any additional expense incurred by the corporation by reason of the Company stopping up King Street or laying any railway lines across the same shall be defrayed by the Company :
- (4) Before the Company shall stop up appropriate or obstruct the traffic in any part of Railway Street or King Street they shall give notice to the corporation of their intention so to do and the corporation may at the expense of the Company remove such part of the paving and other materials as it is intended by the Company to remove and such materials shall remain the property of the corporation :
- (5) The Company shall provide sufficient appliances for the protection of the public at the level crossing in King Street and shall maintain and keep lighted between one hour after sunset and one hour before sunrise and at such other times as may be necessary for the protection of traffic proper and adequate lights as may be required by the Corporation :
- (6) If at any time hereafter it becomes in the opinion of the corporation necessary to obtain access to any existing or substituted sewer or drain which may in any way have been interfered with by the works of the Company the Company shall when requested by the corporation make and maintain such reasonable access to such sewer or drain as the corporation shall reasonably require and the corporation shall

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by their officers workmen and servants be at liberty at all reasonable times and so as not in any way to prejudicially interfere with the use and working of the railway to use such means of access for any purpose for which it may be necessary :

- (7) When by reason of the exercise of the powers of this Act it becomes in the opinion of the corporation necessary or desirable that any lands of the Company should be fenced off from any street or road fronting adjoining or abutting thereon the Company shall enclose such lands with walls or suitable fences to the reasonable satisfaction of the corporation :
- (8) In any case where any house or other building within the city of Liverpool shall have been wholly or in part demolished by the Company the Company shall to the satisfaction of the corporation build up or repair any adjoining house or other building or any portion of the demolished house or other building so as to prevent any unsightly appearance by reason of any such demolition :
- (9) The corporation their officials and assistants shall from time to time and at all reasonable times during the construction of the authorised works have full power to enter and inspect the progress and condition thereof to see that the provisions of this Act are complied with and the Company shall pay all reasonable costs incurred by the corporation in the supervision of the works during construction :
- (10) Whenever by this Act it is provided that anything may be done with the consent or approval of the corporation or shall not be done without such consent or approval such consent or approval shall not be unreasonably withheld and may be given subject to such reasonable conditions and provisions as the corporation may think fit to make and the giving of such consent or approval shall not prejudice any right of the corporation except as may be provided thereby or of any other body corporate or person to compensation under the provisions of this Act :
- (11) The Company shall pay to the corporation all sanitary and other municipal rates leviable by or payable to the corporation upon the respective assessments of any lands or property shown on the deposited plans or a proportion of such rates respectively from the time such lands or property

shall be acquired by the Company until the Company's works are completed and assessed to such rates and the amount of such rates payable by the Company shall be computed according to the assessment of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down : A.D. 1903.

- (12) If any difference shall arise between the Company and the corporation as to the true intent and meaning of this section or anything to be done or not to be done thereunder or as to the reasonableness or otherwise of any consents or refusal to give consents such difference shall be determined by an arbitrator to be appointed unless otherwise agreed upon on the application of the Company or the corporation by the Board of Trade.

9. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Morecambe (in this section called "the corporation") shall unless otherwise agreed in writing between the corporation and the Company have effect (that is to say) :— For protection of corporation of Morecambe.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections in constructing the bridge to be carried over South Road in the parish of Poulton Bare and Torrisholme the Company shall construct the same with a clear span over such road of forty feet between the abutments and a clear headway throughout of not less than fifteen feet and so as to leave the levels of the said road unaltered :
- (2) The bridge over South Road shall as far as practicable be made and maintained watertight and drip dry :
- (3) In constructing the bridge over South Road the Company shall not cause any unnecessary interruption of the passage or conduct of the traffic over or along South Road :
- (4) The bridge over South Road shall be so constructed and maintained as not to cause damage to the sewers gas or water mains or pipes electric mains cables and apparatus of the corporation or works in connection therewith :
- (5) The Company shall restore so much of the surface of South Road and the footpaths thereto as may be disturbed or in any way interfered with by the Company in the construction of the bridge over that road :

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- (6) The Company shall not permit the abutments or parapets of the bridge over the Company's Morecambe Branch and South Road to be used for the posting of bills or other advertising purposes except such as relate to the business of the Company.

Provisions as to footpaths on Wilmslow and Levenshulme Railway.

10. Subject to the provisions of this Act the Company may in connection with the Wilmslow and Levenshulme Railway authorised by the London and North Western Railway (New Railways) Act 1899 and now in course of construction exercise the powers following in the parish of Stockport Etchells in the urban district of Cheadle and Gatley in the county of Chester (that is to say):—

- (A) In lieu of constructing the bridge for carrying the footpath mentioned in paragraph A (1) of subsection (8) of section 18 of the said Act over the said railway they may divert the said footpath along the eastern side of the said railway to Finney Lane:
- (B) In lieu of constructing the bridge for carrying the footpath mentioned in paragraph B (2) of subsection (8) of section 18 of the said Act over the said railway they may divert the said footpath along the western side of the said railway to Gatley Road.

Power to deviate in construction of road works &c.

11. The Company may subject to any special provisions contained in this Act in constructing the works authorised by this Act deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said works shown on the deposited sections to any extent not exceeding two feet.

Footpaths &c. not to be stopped up till substituted footpaths &c. completed.

12. The Company shall not stop up any footpath or any portion of footpath by this Act authorised to be stopped up until they shall have completed and opened to the public the diversion of such footpath (if any) by this Act authorised to be made in lieu of the footpath so to be stopped up and shall have obtained the certificate of two justices that such footpath is duly completed in accordance with the provisions of this Act which certificate the justices shall give upon being satisfied that such footpath is so completed. Provided that the Company shall before applying to such justices for such certificate give seven days' notice in writing of their intention to apply for the same to the road authority of the district in which such footpath is situate :

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And the certificate of such justices together with the plan (if any) showing such stopping up and diversion as aforesaid shall as soon as conveniently may be after the making of the said certificate be lodged with the clerk of the peace of the county or borough in which such footpath or the diversion thereof is situated and shall at the quarter sessions which shall be holden in and for the said county or borough next after the expiration of four weeks from the day of the said certificate of the said justices having been lodged with the clerk of the peace as aforesaid be read by the said clerk of the peace in open court and the said certificate together with the plan as aforesaid shall be enrolled by the clerk of the peace amongst the records of the said court of quarter sessions.

13. Any footpath or portion of footpath to be diverted or altered under the authority of this Act shall when made and completed from time to time be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other footpaths of the same nature within the parishes in which such footpath or portion of footpath will be situate are from time to time liable to be repaired or maintained.

Provisions
as to repair
of footpaths.

14. All rights of way over or along the several roads streets courts passages thoroughfares or highways or portions thereof which shall under the provisions of this Act be diverted stopped up and discontinued shall be and the same are (except where by this Act otherwise provided) as from the diversion stopping up purchase or acquisition thereof respectively by this Act extinguished.

Extinguish-
ment of
rights of
way.

15. The site and soil of the several roads streets footpaths courts passages thoroughfares or highways or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

Vesting in
Company of
site and soil
of portions of
roads &c.
stopped up.

16. Subject to the provisions of this Act the Shropshire Union Company may enter upon take use and appropriate to the purposes of their undertaking the lands hereinafter described or referred to

Power to
Shropshire
Union Com-
pany to

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acquire books of reference relating thereto (that is to say) :—
lands.

Certain lands at Etruria in the parish and county borough of Hanley in the county of Stafford lying on the north-east side of and adjoining Etruria Vale Hanley between points respectively twenty-two yards or thereabouts and seventy-two yards or thereabouts north-west of the junction of that street and Sun Street :

Also certain other lands in the same parish and county borough lying on the south-west side of and adjoining Etruria Vale opposite the lands lastly hereinbefore described and extending from Etruria Vale to the Caldon Canal and known as the Shropshire Union Company's Wharf.

Period for compulsory purchase of lands.

17. The powers of the Company or the Shropshire Union Company (as the case may be) for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to owners to grant easements &c.

18. 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 Company or the Shropshire Union Company (as the case may be) 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 or under the powers 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.

Extension of time for purchase of lands under Act of 1900.

19. The powers conferred by the London and North Western Railway Act 1900 for the compulsory purchase of certain portions of the lands in the parish and metropolitan borough of Saint Pancras in the county of London which were by that Act authorised to be acquired by the Company (namely) :—

The lands in the said parish bounded by Drummond Street Seymour Street the road on the north-west side of Euston Square and Melton Street the lands in the same parish lying on the north-west side of and adjoining Drummond Street and on the south-west side of and adjoining Seymour Street at the junction of those streets and the lands in the same parish lying on the south-west side of and adjoining Melton Street and on the south-east side of and adjoining Drummond Street at the junction of those streets ;

are hereby extended and may be exercised by the Company during a period of two years from the sixth day of August one thousand nine hundred and three and after the expiration of that period shall cease.

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20. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company 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 Company 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:—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (2) 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 Company 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 Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property 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 Company have compulsory powers of purchase) can be so severed:

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- (4) If the tribunal determine that the portion of the scheduled property 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 Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company 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 :
- (5) If the tribunal determine that the portion of the scheduled property 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 arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company 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 :
- (7) If the tribunal determine that the portion of the scheduled property 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 Company 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 their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained 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. A.D. 1903.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

21.—(1) The Company shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any metropolitan borough or in the city of London (which boroughs and city are in this section referred to as "London") twenty or more houses or sites of houses or in any borough or other urban district outside London and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December next before the passing of this Act or of the former Act by which the purchase or acquisition was originally authorised were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions on displacing persons of labouring class.

(A) Shall have obtained the approval in the case of London of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December aforesaid or for such number of persons as the Secretary of State or the Local Government Board (as the case be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) The approval of the Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State or the Local Government Board (as the case may be) has or have approved of any such scheme he or they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as he or they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme or of any modifications of any scheme or subject to which he or they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State or the Local Government Board (as the case may be) out of the High Court.

(5) If the Company acquire or appropriate any house or site for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house or site which penalty shall be recoverable by the Secretary of State or the Local Government Board (as the case may be) by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of such purchase sections 176 (Regulations as to purchase of land) and 297 (As to Provisional Orders) of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act and as if (in the case of a scheme approved by the Secretary of State) the Secretary of State were substituted for the Local Government Board.

(7) The Company may on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he or they may see fit.

(8) All buildings erected or provided by the Company in London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in the county of London.

(9) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings outside London erected or provided by the Company for the purpose of any scheme under this section.

(10) The Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held by any persons appointed by him or them as inspectors which he or they may deem necessary in relation to any scheme under this section or to the carrying out thereof and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(11) The Company shall pay to the Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the

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(12) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(13) Any houses or sites of houses purchased or acquired by the Company for or in connection with any of the purposes of this Act or of any former Act extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act or of such former Act as the case may be and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State or the Local Government Board (as the case may be) under any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary of State or the Local Government Board (as the case may be) is or are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14) For the purposes of this section the expression "labouring class" means mechanics artificers labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. The expression "house" means any house or part of a house occupied as a separate dwelling and the expression "the Company" includes the Shropshire Union Company in respect of the powers by this Act conferred upon that Company.

22. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold or sell and dispose of any superfluous lands connected with the railways described or mentioned in the Second Schedule to this Act are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act Nothing in this section shall be deemed to apply to any lands in the city of Liverpool bounded by Lime Street Station and Hotel Skelthorne Street and Lime Street.

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Extending time for sale of certain superfluous lands of Company.

23. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company or the Midland Railway Company with which that Act is incorporated the period for and within which the Company and the Midland Railway Company may hold or sell and dispose of any superfluous lands connected with the Market Harborough Joint Station is hereby extended for a period of ten years from the passing of this Act.

Extending time for sale of superfluous lands of Company and Midland Railway Company.

24. The Company may purchase by agreement any lands or lands covered with water at and adjoining Holyhead Old Harbour belonging to the Crown or to the Board of Trade or any other Government department or any other body or person and may hold and use any such lands so purchased as part of and for the purposes of their undertaking and for improving and enlarging the harbour accommodation at or in connection with the Holyhead Old Harbour and the provisions of the London and North Western Railway (Holyhead Old Harbour) Act 1873 and of the several other Acts relating to the said harbour shall extend and apply to any lands so purchased as if the same formed part of the Holyhead Old Harbour of the Company.

Power to purchase lands at Holyhead Old Harbour by agreement.

25. The Company may apply to any of the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage by virtue of any Act relating to the Company already passed or to be passed in the present session of Parliament and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to Company to apply corporate funds to purposes of Act.

[Ch. ciii.] *London and North Western Railway Act, 1903.* [3 EDW. 7.]

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Shropshire
Union Com-
pany may
apply corpo-
rate funds.

26. The Shropshire Union Company may apply for or towards all or any of the purposes of this Act in which they are interested to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Provision
as to general
Railway
Acts.

27. Nothing in this Act contained shall exempt the Company or the Shropshire Union Company or the Midland Railway Company or their respective railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the said companies.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY ARE
 REQUIRED TO BE TAKEN.

Nos. on deposited Plans.	Parish or other Area.	Description of Property.
EXTENSION OF BRIDGE AND LANDS AT GARSTON.		
17	City and county borough of Liverpool.	Tannery yard and sidings.
18	” ” ”	Yard siding and telephone post and wires.
LANDS AT EARLESTOWN JUNCTION.		
1	Urban district of Newton-in-Makerfield.	Colliery railway and rough land.

SECOND SCHEDULE.

SUPERFLUOUS LANDS.

Aston Runcorn and Ditton Railway.
 Carnarvonshire Railway.
 Crewe and Shrewsbury Branch.
 Eccles Tyldesley and Wigan Railway and Leigh and Bedford Branch.
 Liverpool and Manchester Railway.
 Northampton and Market Harboro' Railway.
 Sutton Coldfield and Lichfield Railway.
 West Leigh Branches.

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