



CHAPTER XX.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the London Midland and Scottish Railway. A.D. 1931.
[29th April 1931.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63
Vict. c. 47.
16 & 17
Geo. 5. c. 18.

Be it therefore 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 :—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the London Midland and Scottish Railway Order Confirmation Act 1931. Short title.

A.D. 1931.

SCHEDULE.

LONDON MIDLAND AND SCOTTISH RAILWAY.

Provisional Order to authorise the London Midland and Scottish Railway Company to acquire lands in Scotland to extend the time for the completion of certain authorised works and for the purchase of lands and for other purposes.

WHEREAS it is expedient that the London Midland and Scottish Railway Company (hereinafter referred to as "the Company") should be authorised for the purposes of their undertaking to acquire the lands described in this Order :

And whereas it is expedient that the time for the completion of certain railways and works and for the compulsory purchase of certain lands by the Company should be extended :

And whereas it is expedient that the other powers contained in this Order should be conferred on the Company :

And whereas a plan of the lands which may be taken under the powers of this Order and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the sheriff clerk of the county of Ayr and are hereinafter referred to as the deposited plan and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

Short title.

1. This Order may be cited for all purposes as the London Midland and Scottish Railway Order 1931.

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2. The Lands Clauses Acts and Part II. (relating to extension of time) of the Railway Clauses Act 1863 as amended by any subsequent Act are except where and as expressly varied by this Order incorporated with this Order. A.D. 1931.
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Incorporation of Acts.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the expression "the Company" means the London Midland and Scottish Railway Company. Interpretation.

In the provisions of the Acts wholly or partially incorporated with this Order the following expressions have for the purposes of this Order the meanings hereinafter attributed to them (that is to say):—

The expressions "the Company" "the undertakers" and "the promoters of the undertaking" mean the Company;

The expression "the railway and works" in Part II. of the Railways Clauses Act 1863 incorporated with this Order means the railways and other works the time for the completion of which is hereby extended.

4. Subject to the provisions of this Order the Company may enter upon take and use for the purposes of their undertaking the lands hereinafter described and delineated on the deposited plan and described in the deposited book of reference (that is to say):— Power to Company to acquire certain lands.

In the county of Ayr—

Lands in the parish of Kirkoswald on the west side of and adjoining the Maidens and Dunure Light Railway of the Company bounded on the west and south by the Turnberry Hotel and lands of the Company and on the north by lands the property of the Marquess of Ailsa.

5. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plan or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and Errors and omissions in plan and book of reference may be

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corrected
by sheriff.

occupiers of the lands in question may apply to the sheriff of the county in which the said lands are situate for the correction thereof and if it appear to the sheriff that the omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and the decision of the sheriff in such matter shall be final. The certificate of the sheriff shall be deposited in the office of the sheriff clerk of the said county and a duplicate thereof shall also be deposited with the county clerk of the said county and such certificate and the duplicate respectively shall be kept by such sheriff clerk and county clerk along with the other documents to which it relates and thereupon the deposited plan and book of reference shall be deemed to be corrected in accordance with the certificate and the Company may enter upon purchase take and use any lands in accordance with such certificate.

Period for
compulsory
purchase of
lands.

6. The powers for the compulsory purchase of lands under this Order shall cease on the first day of October one thousand nine hundred and thirty-four.

Extending
period for
completion
of Railway
No. 3 under
Caledonian
Railway Act
1899.

7. The period now limited by the London Midland and Scottish Railway Order 1928 for the completion of Railway No. 3 authorised by the Caledonian Railway (General Powers) Act 1899 is hereby further extended until the first day of October one thousand nine hundred and thirty-four and the sections of the above Act which relate to the period for the completion of the said railway and to the penalties exigible in the event of the same not being completed within the period thereby limited for the completion thereof shall be read and construed as if the period for such completion referred to in those sections did not expire until the expiration of the extended period hereby limited.

Extending
period for
completion
of Railway
(Work
No. 1)
under Cale-
donian
Railway
Order 1907.

8. The period now limited by the London Midland and Scottish Railway Order 1928 for the completion of the Railway (Work No. 1) authorised by the Caledonian Railway Order 1907 is hereby further extended until the first day of October one thousand nine hundred and thirty-four and the sections of the said Order of 1907 which relate to the period for the completion of the said railway and to the penalties exigible in the event of the same not

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being completed within the period thereby limited for the completion thereof shall be read and construed as if the period for such completion did not expire until the expiration of the extended period hereby limited. A.D. 1931.

9. The period now limited by the London Midland and Scottish Railway Order 1928 for the completion of the bridge lengthening (Work No. 1) authorised by the Caledonian Railway Order 1910 is hereby further extended until the first day of October one thousand nine hundred and thirty-four.

Extending period for completion of bridge lengthening (Work No. 1) under Caledonian Railway Order 1910.

10. The period now limited by the London Midland and Scottish Railway Order 1928 for the completion of the bridge widening at Beattock authorised by the Caledonian Railway Order 1913 is hereby further extended until the first day of October one thousand nine hundred and thirty-four.

Extending period for completion of bridge widening under Caledonian Railway Order 1913.

11. The period now limited by the London Midland and Scottish Railway Order 1928 for the compulsory purchase of lands authorised to be acquired by section 4 of the said Order and therein numbered and described (2) in the parish of Rùtherglen and in the royal burgh of Rutherglen is hereby extended until the first day of October one thousand nine hundred and thirty-four but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

Extending period for compulsory purchase of certain lands under London Midland and Scottish Railway Order 1928.

12.—(1) The provisions of section 44 (Power to lease &c. lands) and of section 54 (Powers as to building on or over lands) of the London Midland and Scottish Railway Act 1924 shall extend and apply to any lands or premises in Scotland which have from time to time been acquired or held or which under the powers of this Order may hereafter be acquired or held by the Company.

Application of certain sections of London Midland and Scottish Railway Act 1924.

(2) In the application of the said sections to lands or premises in Scotland the dispositions thereby authorised shall include conveyances in consideration of feu duty.

13. The Company may apply towards the purposes of this Order to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Application of funds of Company.

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Provision as
to general
railway
Acts.

14. Nothing in this Order contained shall exempt the Company from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the passing of the Act confirming this Order 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 Company.

Costs of
Order.

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

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