



CHAPTER xii.

An Act to empower the London and North Eastern Railway Company to acquire additional lands to extend the time for the compulsory purchase of certain lands and for other purposes. A.D. 1933.
[18th May 1933.]

WHEREAS it is expedient that the London and North Eastern Railway Company (in this Act referred to as "the Company") should be empowered to acquire the lands in this Act described :

And whereas it is expedient that the period now limited for the compulsory purchase of certain lands by the Company should be extended as provided by this Act :

And whereas it is expedient that the Company should be empowered to apply their funds to the purposes of this Act and that the other powers in this Act mentioned should be conferred upon the Company :

And whereas a plan of the lands by this Act authorised to be acquired and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were deposited with the clerk of the county council of the county of Essex which plan and book of reference are in this Act respectively referred to as the deposited plan and book of reference :

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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 Eastern Railway Act 1933.

Interpreta-
tion.

2. In this Act 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 in relation to the relative subject matter the same respective meanings And—

“The Company” means the London and North Eastern Railway Company;

All distances and lengths stated in any description of works or lands shall be read and have effect as if the words “or thereabouts” were inserted after each such distance and length.

Incorporation of
general
Acts.

3. The following Acts and Part of Act so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

Provided that—

(1) any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party;

(2) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall

be under the common seal of the Company and shall be sufficient without the addition of the sureties mentioned in that section; A.D. 1933.
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Part II (relating to extension of time) of the Railways Clauses Act 1863.

4. Subject to the provisions of this Act the Company may for any purposes connected with or ancillary to their undertaking enter upon take use and appropriate all or any of the lands in the county of Essex hereinafter described or referred to and delineated on the deposited plan and described in the deposited book of reference (that is to say):— Power to Company to acquire lands.

Lands in the parish of South Weald in the rural district of Billericay on the south side of and adjoining the Company's London to Colchester main line extending from the west side of Kavanagh Road to a point 8 chains west of that road;

and the Company may in addition use the said lands for any of the purposes of section 68 of the Railways Clauses Consolidation Act 1845 as incorporated with the London and North Eastern Railway (Works) Act 1930.

5. The following provisions for the protection of the committee of visitors of the Essex and Colchester Mental Hospitals (in this section referred to as "the committee") shall apply and have effect except so far as may be otherwise agreed between the Company and the committee (that is to say):— For protection of Essex and Colchester committee of visitors.

(1) The Company shall to the reasonable satisfaction of the committee fence off any lands in the parish of South Weald acquired by them under this Act from all other lands belonging to the committee with a substantial post and wire fence or a wall such fence or wall to be of a height of not less than five feet and shall thereafter maintain such fence or wall to the like satisfaction:

(2) The Company shall to the reasonable satisfaction of the committee so far as may be reasonably necessary reconstruct in a suitable position to be reasonably selected by the committee any tennis courts belonging to the committee which

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will be interfered with or rendered less convenient by the acquisition of the said lands :

- (3) Any question arising between the Company and the committee under the provisions of this section shall be referred to and determined by a single arbitrator to be appointed by the President of the Chartered Surveyors Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

As to private rights of way over lands acquired compulsorily.

6. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement as modified by this Act.

Period for compulsory purchase of lands.

7. The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and thirty-six.

Power to certain owners to grant easements.

8. 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 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 or over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to enter upon property for survey and valuation.

9. The Company and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the said lands and premises 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 premises.

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10.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

Costs of arbitration in certain cases.

Provided that this subsection shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this subsection.

(2) Section 34 of the Lands Clauses Consolidation Act 1845 for the purposes of its application to this Act shall be read and have effect subject to the following proviso in all cases in which notice of the effect of such proviso accompanies any offer of purchase money and compensation made by the promoters (namely) :—

Provided that in the event of a party to whom a sum shall have been offered by the promoters

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at least ten days before the commencement of the hearing before the arbitrator failing within ten days of the making of the offer to notify the promoters in writing that he accepts the same all the costs and expenses of the promoters of and incidental to the arbitration incurred by them after the date of the offer shall in the event of his subsequently accepting such offer be borne by him including any fees and expenses of the arbitrator.

Compensation in case of recently altered buildings.

11. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and thirty-two if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands by the Company.

Power to Company to stop up footpaths.

12. The Company may stop up and discontinue the footpath and portions of footpaths hereinafter described (that is to say) :—

In the borough of Glossop in the county of Derby—

- (a) So much of the footpath crossing the Company's Manchester and Sheffield railway on the level $7\frac{1}{2}$ chains south-west of Park Road as lies between points respectively 1 chain north-west and $2\frac{1}{2}$ chains south-east of the centre of the said railway;
- (b) The footpath along the east side of the said railway extending from the said footpath to Park Road.

In the urban district of Bishop Auckland in the county of Durham— A.D. 1933.

- (a) So much of the footpath known as Kipper Lane leading from Cockton Hill to Etherley Lane as lies between Cockton Hill and a point $3\frac{3}{4}$ chains east of Etherley Lane;
- (b) So much of the footpath leading from Princes Street to the said Etherley Lane as lies between Princes Street and a point $6\frac{3}{4}$ chains south of Princes Street.

13. Where this Act authorises the stopping up of a footpath or portion thereof without providing a substitute such stopping up shall not take place except where the same is situate upon property of the Company without the consent of the owners lessees and occupiers of the houses and lands abutting on both sides thereof and from and after such stopping up all rights of way over or along the footpath or portion thereof authorised to be stopped up shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway appropriate and use for the purposes of their undertaking the site of the footpath or portion thereof so stopped up :

Stopping up
footpaths
without
providing
substitute.

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement as modified by this Act.

14. From and after the passing of this Act any rights of way now existing over or upon the level crossing over the Company's Colchester main line of railway in the county borough of East Ham in the county of Essex known as Aldersbrook Lane level crossing and situate half a mile south-west of the Company's Ilford station shall be and the same are hereby extinguished and the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the

As to level
crossing at
Ilford.

A.D. 1933. — Lands Clauses Acts with reference to the taking of lands otherwise than by agreement as modified by this Act.

Extension
of time for
compulsory
purchase of
lands.

15. The period now limited by the London and North Eastern Railway (Works) Act 1930 for the compulsory purchase by the Company of the lands required for the purposes of or in connection with railways Nos. 4 5 and 6 described in and authorised by that Act is hereby extended until the first day of October one thousand nine hundred and thirty-six but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

Application
of section 43
of Act of
1923 and
section 71
of Act of
1924.

16. The provisions of section 43 of the London and North Eastern Railway Act 1923 (which authorises the leasing &c. of lands and premises purchased or acquired by the Company and others prior to the passing or under the powers of that Act) and of section 71 of the London and North Eastern Railway Act 1924 (which authorises the building &c. on and over lands acquired or held by the Company under the powers of that Act or any previous Act) shall extend and apply to any lands or premises acquired under the powers of this Act.

Cycling on
private
footpaths
&c.

17.—(1) Any person who shall ride a bicycle tri-cycle motor-cycle or other similar machine or bring any handcart barrow or similar conveyance upon any footbridge footpath or causeway or through any subway belonging to the Company and made or set apart for the use or accommodation of pedestrians only shall on summary conviction be liable to a penalty not exceeding forty shillings.

(2) No person shall be subject to any penalty under this section unless it shall be proved to the satisfaction of the court before whom complaint is laid that public warning has been given to persons not to ride a bicycle tricycle motor-cycle or similar machine or bring any handcart barrow or similar conveyance upon any such footbridge footpath or causeway or through any such subway by notices painted on boards or printed on paper and pasted on boards or enamelled on metal or otherwise as the Company may think fit and clearly exhibited and that one or more of such notices has been affixed at the footbridge footpath causeway or subway where any

offence under this section is alleged to have been committed and such warning shall be renewed as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such warning is so placed and renewed.

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(3) For the purposes of this section "the Company" means and includes in addition to the Company any joint committee now or hereafter incorporated or constituted by Act of Parliament on which the Company may be represented and as regards any footpath causeway or subway now or hereafter belonging to the Company jointly with any other company or companies means and includes the Company and such other company or companies.

18. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 or any other Act the Company shall not be required to provide maintain and man lifeboats or rocket or other apparatus for the assistance and succour of vessels in distress or to provide or maintain any tide or weather gauge at any harbour dock or pier of the Company unless the Company shall be required so to do by direction of the Board of Trade under the hand of their secretary.

As to life-boats &c. at Company's docks.

19. The Company may from time to time out of any moneys in their hands not being moneys held on capital account subscribe for purchase or acquire shares stocks debentures or debenture stocks issued or created by any company having as its principal object the acquisition holding disposal and development of any estate or interest in lands buildings or property in the vicinity of a railway owned or worked by the Company either solely or jointly with any other company or owned or worked by any joint committee on which the Company is represented and the Company may advance moneys to such company on mortgage or on such other security as the Company may think fit.

Power to invest in land companies.

20. The Company may appropriate and apply to all or any of the purposes or objects of this Act being purposes to which capital is properly applicable any of the moneys which they have raised or are authorised to raise and which may not be required for any purpose to which they are made specially applicable.

Power to Company to apply funds.

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Provision as
to general
Railway
Acts.

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

Costs of
Act.

22. 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.

Printed by EYRE and SPOTTISWOODE LIMITED,

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Acts of Parliament.

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