

**CHAPTER vii.**

An Act to confirm the diversion and stopping up of certain footpaths and the purchase of certain lands by the Southern Railway Company to extend the time for the completion of certain works and the compulsory purchase of certain lands to confer further powers on the Company to confer further powers on the East Kent Light Railway Company and for other purposes. [18th July 1947.]

WHEREAS it is expedient that the stopping up and diversion of certain footpaths already completed by the Southern Railway Company (in this Act referred to as "the Company") should be sanctioned and confirmed:

And whereas it is expedient that the acquisition of certain lands already acquired by the Company in this Act described should be sanctioned and confirmed:

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

And whereas it is expedient that the powers of the Company relating to the provision of hotels should be enlarged as in this Act provided:

And whereas it is expedient that further powers should be conferred upon the East Kent Light Railway Company in relation to the retention sale and disposal of lands:

And whereas it is expedient that the other powers in this Act contained should be conferred upon the Company and that the other provisions in this Act contained should be enacted:

And whereas it is expedient that the Company should be empowered to apply their funds to the purposes of this Act and to the general purposes of their undertaking:

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 Southern Railway Act 1947.

Incorporation
of general Act.
26 & 27 Vict.
c. 92.

2. The provisions of Part II (relating to extension of time) of the Railways Clauses Act 1863 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.

Confirmation
of stopping up
and diversion
of portions of
footpaths.

3. The stopping up and diversion by the Company of the portions of the footpaths in this section described and the expenditure of money thereon are hereby sanctioned and confirmed and all public rights of way (if any) in over or along the portions of footpaths so stopped up shall be extinguished:—

In the county of Surrey—

So much of the footpath in the urban district of Egham leading from Rusham Farm to Rusham Road as crosses the Staines and Wokingham railway on the level:

In the county of Kent—

So much of the footpath in the parish of Cuxton in the rural district of Strood as crosses the Strood to Maidstone railway on the level at the south-western end of Cuxton station.

Confirmation
of purchase
of lands.

4. The Company may hold use and appropriate for the purposes of their undertaking the following lands which have already been acquired by them and the expenditure of money by the Company in or about the purchase or acquisition thereof is hereby sanctioned and confirmed:—

In the county of Devon—

Lands in the parish of Okehampton Hamlets in the rural district of Okehampton adjoining the southern side of the Meldon quarry of the Company bounded

on the west by the West Okement River and being the enclosure numbered 1664 and parts of the enclosures numbered 1661 1663 and 1748A on the 1/2500 Ordnance map Devonshire sheet LXXVII.11 (second edition of 1905).

5.—(1) The period now limited by the Southern Railway Act 1937 for the completion of the jetty and graving dock (No. 2) originally authorised by the Southern Railway Act 1927 is hereby extended until the first day of October one thousand nine hundred and fifty-seven and the said Act of 1927 shall be read and construed as if the period limited by this section for the completion of the said works had been the period limited by the said Act of 1927 for the completion of such works.

Extension of time for completion of works.
1 Edw. 8 & 1 Geo. 6. c. xxxii.
17 & 18 Geo. 5. c. xxiii.

(2) The period now limited by the Southern Railway (Extension of Time) Order 1944 for the completion of the Dover to Folkestone railway originally authorised by the Southern Railway Act 1934 is hereby extended until the first day of October one thousand nine hundred and fifty-two and the said Act of 1934 shall be read and construed as if the period limited by this section for the completion of the said railway had been the period limited by the said Act for the completion of such railway.

24 & 25 Geo. 5. c. xxxv.

6. The period now limited by the Southern Railway (Extension of Time) Order 1944 for the compulsory purchase of lands in this section referred to is hereby extended until the first day of October one thousand nine hundred and fifty but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised.

Extension of time for compulsory purchase of lands.

The said lands are—

(a) lands required for the purposes of or in connection with Widenings (No. 1) and (No. 8) authorised by the Southern Railway Act 1926;

16 & 17 Geo. 5. c. xcii.

(b) lands required for the purposes of or in connection with Widening (No. 10) authorised by the said Act of 1926 and numbered on the plans deposited in respect of the Bill for that Act 3 4 9 10 and 11 in the county borough of Bournemouth;

(c) lands required for the purposes of or in connection with the bridge lengthening and alteration in the urban district of Heston and Isleworth (now the borough of Heston and Isleworth) authorised by the Southern Railway Act 1929;

19 & 20 Geo. 5. c. xlvi.

1 & 2 Geo. 6.
c. lv.

- (d) lands required for the purposes of or in connection with the new road in the borough of Twickenham authorised by the Southern Railway Act 1938;
- (e) lands in the borough of Twickenham authorised to be acquired by the said Act of 1938 and described in section 10 (Power to acquire lands &c.) of that Act; and
- (f) lands in the parish of Okehampton Hamlets in the rural district of Okehampton authorised to be acquired by the said Act of 1938 and described in section 10 (Power to acquire lands &c.) of that Act.

Power to
provide and
maintain
hotels.

7.—(1) The Company may provide and maintain hotels and other like accommodation in any district in which a station on any railway owned or worked by them either solely or jointly with any other company is situate and may acquire by agreement and hold land for such purpose and appropriate therefor land already acquired and may furnish stock equip manage and conduct such hotels and accommodation and the business thereof and may subscribe to the funds of or advance money to any company body or person providing owning or leasing hotels in such districts.

(2) The Company shall not exercise the powers of this section (a) without the previous consent of the Minister of Transport with respect to any hotel or accommodation which is situate at a greater distance than five miles from any station on such railway or (b) within an area which is comprised within a circle having a radius of five miles from the statue of King Charles at Charing Cross except at or adjoining any station on such railway.

(3) Any provision in any public or local Act which exempts a railway or any property of a railway company from any of the provisions of such Act shall not apply to the construction of any hotel or other accommodation provided under the powers of this section.

Amendment
of Second
Schedule to
Act of 1924.
14 & 15 Geo. 5.
c. lxxvi.

8. The Second Schedule to the Southern Railway Act 1924 shall be read and have effect as if the references therein to the borough of Ashford and the urban district of Lancing were references respectively to the urban district of Ashford and the parish of Lancing in the rural district of Worthing.

Amendment of
section 11 of
Act of 1936.
26 Geo. 5. &
1 Edw. 8.
c. lxx.

9. Section 11 (Power to make works &c.) of the Southern Railway Act 1936 (so far as that section relates to the stopping up and discontinuance of portions of North Street in the urban district of Havant and Waterloo in the county of Southampton) shall be read and have effect as if in the section—

- (a) the words " for a distance of 40 yards " were inserted in lieu of the words " for a distance of 17 yards " ; and
- (b) the words " a footbridge (with sloped approaches thereto) over the railway on the western side of the level crossing at North Street " were inserted in lieu of the words " a footbridge over the railway at the level crossing at North Street."

10. Section 10 (Further works and powers) of the Southern Railway Act 1937 (so far as that section relates to the urban district of Bexley in the county of Kent) shall be read and have effect as if it had originally been enacted with the words " on the eastern side of the said crossing " in lieu of the words " on the western side of the said crossing " in the section. Amendment section 10 Act of 1937

11.—(1) The East Kent Light Railway Company shall have power and shall be deemed always to have had power on such terms and conditions as they think fit to sell exchange lease mortgage or otherwise dispose of any land vested in the said company or hereafter acquired by that company under the powers of any Act or Order from time to time relating to that company which is not at the time of such sale or other disposition being used for the purposes of the said company's undertaking whether or not such land has been previously so used or to retain hold and use such land. Power to E Kent Light Railway Company to hold or sell otherwise dispose of lands.

(2) On any sale or other disposition by the East Kent Light Railway Company under this section the other party thereto shall not be concerned or entitled to inquire whether or not the land is or is not being used for the purposes of the said company's undertaking.

(3) Sections 127 to 131 (inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any land which is now vested in the East Kent Light Railway Company. 8 & 9 Vict. c. 18.

(4) The net proceeds arising from the sale of any land under this section shall be applied only to purposes to which capital is properly applicable.

(5) Nothing in this section shall release the East Kent Light Railway Company or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the lands other than the restrictions imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and

effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

12. The Company may appropriate and apply to all or any of the purposes 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 are not required for the purposes to which they are made specially applicable.

13.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression "Town and Country Planning Acts" means—

(a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and

(b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

14. 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.

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