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Railway Act, 1880.



CHAPTER clx.

An Act to authorise the Pontypridd, Caerphilly, and Newport Railway Company to deviate a portion of their authorised railway near Pontypridd. [12th August 1880.] A.D. 1880.

WHEREAS by the Pontypridd, Caerphilly, and Newport Railway Act, 1878, (in this Act referred to as the Act of 1878,) the Pontypridd, Caerphilly, and Newport Railway Company (hereinafter called "the Company") were incorporated and empowered to make certain railways in the county of Glamorgan: 41 & 42 Vict.
c. ccxv.

And whereas it is expedient to authorise the Company to deviate a portion of one of the railways authorised by the Act of 1878:

And whereas plans and sections describing the line and levels of the railway authorised by this Act, 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 clerk of the peace for the county of Glamorgan, and are herein-after referred to as the deposited plans, sections, and books of reference:

And whereas the purposes aforesaid 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as the Pontypridd, Caerphilly, and Newport Railway Act, 1880. Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating Incorporation of
general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

[*Local.-160.*]

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A.D. 1880. — to construction of a railway) of the Railway Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the railway" means the railway by this Act authorised; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to
make
railway.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railway herein-before referred to and authorised by this Act is—

A railway, in the county of Glamorgan, five furlongs and one chain in length, commencing in the parish of Llantwit Vardre, by a junction with the Taff Vale Railway, at the point of junction with that railway shown on the plans deposited in respect of the Act of 1878, and terminating in the parish of Eglwysilan by a junction with the Railway (No. 1) authorised by the Act of 1878, at or about seven chains, measured along the centre line of such authorised railway in the direction of Caerphilly, from the point denoting four furlongs from the commencement of such authorised Railway (No. 1) as shown on the plans thereof deposited in respect of the Act of 1878 at the office in Cardiff of the clerk of the peace of the county of Glamorgan, in the month of November one thousand eight hundred and seventy-seven:

The railway shall be constructed as a double line from the junction with the Taff Vale Railway to the sidings into which the Taff Vale Railway Company are to deliver traffic, and no curve of a less radius than ten chains shall intervene between the said junction and sidings.

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5. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the eighth day of August one thousand eight hundred and eighty.

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 Period for compulsory purchase of lands.

6. For the purpose of enabling the Aberdare and Plymouth Company, Limited (herein-after referred to as "the Aberdare Company"), to obtain access from and to their works to and from the Taff Vale Railway the Company shall provide a junction between their existing siding and the railway by this Act authorised, at a point to be agreed between the engineer to the Company and the engineer to the Aberdare Company, and in case of difference as to the position of the junction the same shall be decided by the general manager of the Taff Vale Railway, such junction, when completed, with the signals and conveniences incident thereto, shall be maintained by the Aberdare Company under the regulation and control of the Company; but the Aberdare Company shall not be called upon to repay to the Company the expenses of the signalmen and other persons who may from time to time be appointed to protect and work the junction, nor shall they be liable to pay toll for the use of the portion of railway between such junction and the Taff Vale Railway.

Preservation of access from Aberdare and Plymouth works to Taff Vale Railway.

7. The Company shall, if required by the Aberdare Company for the purposes of their works, remove so much of the existing siding as may be situated to the northward of the railway by this Act authorised, and construct a corresponding length of siding for the use of the Aberdare Company on the south side of the railway, in such position between the tramway and the Taff Vale Railway, or in such other position on land to be provided by the Aberdare Company, as failing agreement may be determined by an arbitrator to be appointed on the request of either party by the President of the Institution of Civil Engineers; provided that if such siding shall be constructed on the land of the Taff Vale Railway Company the same shall be subject, as to removal and otherwise, to the same terms and conditions as the siding to be removed as aforesaid is now subject.

Aberdare Company may require siding to be substituted for portion of existing siding cut off by railway.

8. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts (Amendment Act), 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to

Power to take easements, &c. by agreement.

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Period for completion of works.

9. If the railway is not completed within three years from the eighth day of August one thousand eight hundred and eighty, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Railway and works to form part of Company's undertaking.

10. The railway by this Act authorised shall, for the purposes of tolls and charges, running powers, and all purposes whatsoever, be part of the railway of the Company, as if authorised by the Act of 1878, and referred to in the agreements in the schedule to that Act, and the lands and property from time to time acquired by the Company under this Act, and the railway and works herein-before described, shall be part of the undertaking and property of the Company, as if the Company had by the Act of 1878 been authorised to acquire, make, and maintain the same: Provided always, that Thomas Elliot Harrison, or other engineer acting under article 2 of the heads of agreement contained in the Schedule (A.) to the Act of 1878, shall decide whether any extra cost is imposed upon the Taff Vale Company in consequence of the deviation hereby authorised, and the amount of the extra cost, if any, so decided shall be added to the sum which the Taff Vale Company, are entitled to receive for freight on their own line to or from the junction with the railway by this Act authorised.

Company to abandon portion of line authorised by 41 & 42 Vict. c. cxxv. and repeal of sec. 21 of that Act.

11. The Company shall abandon the construction of so much of Railway No. 1, authorised by the Act of 1878, as will be rendered unnecessary by the construction of the railway in this Act described, and section 21 of the Act of 1878 (for protection of the Aberdare and Plymouth Company, Limited), relating to the portion of the said Railway No. 1 so to be abandoned, is by this Act repealed.

Compensation for damage to land by entry, &c. for purpose of railway abandoned.

12. The abandonment by the Company, under the authority of this Act, of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for

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such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1878. A.D. 1880.

13. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation to be made in respect of portion of railway abandoned.

14. The Company may apply to the purposes of this Act any of the moneys which they have raised, or have power to raise, by virtue of the Act of 1878, and which may not be required for the purposes to which they are by that Act made specially applicable. Power to apply funds to purposes of Act.

15. Nothing in this Act contained shall exempt the railways of the Company from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, 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. Provisions as to general Railway Acts.

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

