



CHAPTER lvi.

An Act to authorise the Mersey Railway Company to work the Traffic on their Railways by Electrical or other Motive Power and for other purposes. [2nd July 1896.] A.D. 1896.

WHEREAS by the Mersey Railway Act 1866 the Mersey Railway Company (herein-after called "the Company") were incorporated and were authorised to make a railway under the River Mersey to connect Liverpool with Birkenhead :

And whereas by various subsequent Acts the powers of the Company have been from time to time extended and further powers have been conferred upon them :

And whereas the Company have constructed and opened for public traffic various railways including the railway under the River Mersey connecting Liverpool with Birkenhead and have constructed works for the ventilation of the same and keeping the same free from water and the said railways and works or some part thereof could be more satisfactorily and economically worked by electrical or other motive power than by steam and it is expedient that the Company be authorised to so work the same accordingly :

And whereas for the purpose of working the railway by electricity or other motive power than steam and for providing a station and plant for generating electricity and the necessary engines rolling stock apparatus conveniences and appliances it is expedient that the Company be authorised to apply any capital they have raised or are already authorised to raise :

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 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 :—

A.D. 1896.

Short title.

1. This Act may be cited for all purposes as the Mersey Railway Act 1896.

Power to work railways &c. by electrical or other motive power.

2. The engines coaches waggons and other rolling stock and the pumps ventilating fans and other works and machinery of the Company may from and after the passing of this Act be worked by electrical or other motive power in addition to or in substitution for steam power.

Power to erect stations engines and machinery.

3. The Company may for the purposes of this Act on any lands belonging to or held by them erect and maintain all necessary and proper works buildings machinery and appliances for working their railways pumps ventilating fans and other machinery and works by electrical or other motive power Provided that no station for generating electrical power shall be made or constructed by the Company except on the lands described in the schedule to this Act.

Power to enter into agreement for supply of electricity.

4. It shall be lawful for the Company to enter into and carry into effect agreements with any other company body or persons authorised to supply electricity in any district in which any part of the railways and works of the Company are situate for the supply to the Company by such other company body or persons of electricity or electrical power for the working of the railways and works of the Company or any part thereof.

Power to sell engines &c. and apply proceeds.

5. It shall be lawful for the Company and the receivers and managers thereof from time to time to sell or otherwise dispose of locomotive engines rolling stock machinery and other apparatus belonging to the Company or any part thereof and which will not in their judgment be required by the Company if and when the railways and works of the Company or any part thereof are worked by electrical or other motive power (other than steam power) and to apply the proceeds of such sale or disposition in the purchase or hire of the necessary engines rolling stock apparatus conveniences and appliances for the working of such railways and works by electrical or such other motive power as aforesaid or to any other purpose for which capital is properly applicable.

For the protection of the Wirral Railway Company.

6.--(1) From and after the substitution under the powers of this Act of electrical traction for steam upon the Company's railway the Company shall during the continuance of the agreement of the fourteenth day of May one thousand eight hundred and ninety-four or in the event of its determination so long thereafter as the Railway Commissioners shall determine that the maintenance of a through passenger service between Liverpool Central Low Level Station and New Brighton and West Kirby is a reasonable facility

required for the public convenience join in maintaining a through passenger service between the aforesaid places by means of through carriages and the mode of conducting such service shall be agreed between the parties or failing agreement determined by the Railway Commissioners. And the Railway Commissioners for the purposes of determining such matters shall have the same powers as if such matters had been referred to their decision in manner provided by the Railway and Canal Traffic Acts 1873 and 1888.

(2) Any expenditure to be incurred in adapting Birkenhead Park Station for the working of traffic by electric traction shall be paid in advance to the Mersey and Wirral Joint Committee by the Company. The works to be executed and the amount of expenditure shall in case of difference be settled by an arbitrator appointed at the instance of either party by the Board of Trade and shall be executed under the control and superintendence of the committee's engineer.

(3) Any expenditure reasonably incurred by the Wirral Railway Company in protecting their electric signalling and other apparatus from disturbance or influence from the electricity transmitted by the Company shall be paid by the Company. The amount in case of difference shall be settled by an arbitrator appointed as aforesaid.

(4) The number and times of through trains the terms and conditions of working the same the payments and allowances to be made by either company to the other in respect of overplus mileage extra weight extra wear and tear of permanent way extra cost of haulage and lighting and extra wear and tear of carriage stock and other extraordinary conditions and any extra expenditure caused to the Wirral Company by the substitution of electrical for steam traction shall in case of difference be settled by an arbitrator appointed as aforesaid.

(5) Before the Company shall substitute electrical for steam traction the Company shall satisfy the Wirral Railway Company that the electrical traction to be provided will be of sufficient power to fulfil the obligations of sub-section 1 hereof and in case of difference the question shall be settled by an arbitrator appointed as aforesaid.

7. In the event of the railways and works of the Company being worked by electricity the following provisions shall have effect:—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the

For the
protection of
the Post-
master-
General.

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working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection. Provided that this sub-section shall not apply to any telegraphic line of the Postmaster-General now or hereafter laid down or placed by him on or along the railways of the Company :

(3) (a) Before any electric line is laid down or any act or work for working the said railways and works by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(b) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

(4) In the case of any telegraphic line of the Postmaster-General now or hereafter laid down or placed by him on or along the railways of the Company if the Company are put to any additional expense by reason of the obligations imposed on them by this section or by reason of any requirements of the Postmaster-General or of any direction of the arbitrator for preventing injurious affection to such telegraphic line or the currents therein such additional expense shall be borne in such

manner as may be agreed between the Postmaster-General and the Company or in case of difference may be determined by arbitration : A.D. 1896.

- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (9) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :

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For the protection of the London and North Western and Great Western Railway Companies.

Restrictions on the use of electric power.

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

8. Except with the previous consent in writing of the London and North Western and Great Western Railway Companies under their respective common seals none of the powers of this Act shall be exercised by the Company upon or over any portion of railway belonging to those companies.

9. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances:

(3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") and with any regulation which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Company using electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has

been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

- (5) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Company and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

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(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

Power to apply funds.

10. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which they have raised or are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Provision as to general Railway Acts.

11. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or 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.

Costs of Act.

12. 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 and may be paid out of the proceeds of the first debenture stock authorised by the Mersey Railway Act 1892 or out of any other moneys of the Company.

The SCHEDULE referred to in the foregoing Act.

LAND FOR STATION FOR GENERATING ELECTRIC POWER.

A piece of land in the township and borough of Birkenhead in the county of Chester situate on the west side of Shore Road and bounded on the north by the goods yard of the Cheshire Lines Committee on the east by the said Shore Road on the south partly by Hamilton Street and partly by the permanent ventilating and pumping machinery buildings of the Company and on the west by Canning Street.

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