



Railways Act 1921

1921 CHAPTER 55

PART V

LIGHT RAILWAYS.

68 Amendment of procedure for making light railway orders.

(1) Orders under the Light Railways Act, 1896, as amended by any subsequent enactment (which Act as so amended is in this Part of this Act referred to as "the principal Act") shall, instead of being made by the Light Railway Commissioners and confirmed by the Minister of Transport as successor to the Board of Trade in manner provided by the principal Act, be made by the Minister, and accordingly—

- (a) the powers of the Light Railway Commissioners shall be transferred to the Minister ;
- (b) the Minister on considering an application for an order shall take all such matters into consideration and do all such things as he, as successor of the Board of Trade, is under the principal Act required to take into consideration and do on submission of an order to him for confirmation ;

and the principal Act shall have effect as if for references to the Light Railway Commissioners there were substituted references to the Minister, and for references to the confirmation of orders by the Minister, as successor to the Board of Trade, there was substituted references to the making of orders by the Minister :

Provided that any limitation on the duration of the powers of the Light Railway Commissioners contained in the principal Act or in, any Act extending the duration of those powers shall not apply to the Minister.

(2) If the Minister is of opinion for any of the reasons mentioned in subsection (3) of section nine of the principal Act that the proposals of the promoters ought to be submitted to Parliament he may, if he thinks fit, make an order as a provisional order and submit the proposals to Parliament by bringing in a Bill for the confirmation of the order, and subsections (2) and (3) of section one of the Light Railways Act, 1912, shall apply with respect to such Bill.

Status: This is the original version (as it was originally enacted).

- (3) Where an application for an order under the principal Act has been made to the Light Railway-Commissioners before the passing of this Act, those Commissioners may, within the six months next after the passing of this Act, proceed with the application and submit to the Minister for confirmation any order made by them before the expiration of those six months, and in any such case the principal Act shall apply with respect to the order as if this section had not been passed, but at the end of the said six months the Light Railway Commissioners shall cease to hold office.

Save as aforesaid, any application for an order under the principal Act shall be proceeded with as if it had been made under the principal Act as amended by this section.

69 Provisions as to purchase of land.

Where an order made under the principal Act incorporates the Lands Clauses Acts, it may incorporate those Acts subject to any modifications contained in the order, being modifications of those Acts made or authorised to be made by the Development and Road Improvement Funds Act, 1909.

70 Government advances to light railways.

- (1) Where the Minister, with the approval of the Treasury, agrees to make an advance under section seventeen of the Ministry of Transport Act, 1919, for the purposes of a light railway to be authorised by an order under the principal Act, the order may make such provision with respect to the limitation of the assessment of the light railway to local rates as might under proviso (o) of subsection (1) of section five of the principal Act have been made by such an order had the Treasury agreed to make a special advance under the principal Act as a free grant, and that proviso shall apply accordingly,
- (2) The power of the Treasury under the principal Act to make advances to light railway companies shall cease, and sections four to six of the principal Act, except such of the provisions of section five as are applied by this section, are hereby repealed.

71 Power of councils to give guarantees.

- (1) The council of any county or borough or district may be authorised by an order under the principal Act to guarantee or to join with any council, person, or body of persons in guaranteeing the whole or any part of the interest or dividends on any loan or share capital of a light railway company for such period and on such terms and subject to such conditions as may be approved by the Minister after consultation with the Minister of Health:

Provided that the procedure laid down in the Borough Funds Acts, 1872 and 1903, shall apply when a council propose to give or join in giving such a guarantee in like manner as it applies when a council propose to incur expenditure in opposing a Bill in Parliament.

- (2) Any expenses incurred by the council in satisfying such guarantee shall be defrayed in like manner as expenses incurred by them with reference to an application for an order authorising a light railway under the principal Act.

- (3) Paragraphs (f), (g), and (h) of section eleven of the principal Act shall apply in respect of such guarantee as if the guarantee were an advance by the council.

72 Powers of charging by light railway companies.

- (1) Where the powers of a light railway company of making any charges are fixed by reference to the powers of charging of another railway company, and the powers of charging of that other railway company have been increased under directions issued by the Minister in pursuance of the powers conferred upon him by the Ministry of Transport Act, 1919, the powers of charging of the light railway company shall until the appointed day be, and shall be deemed to have been, proportionately increased.
- (2) On and after the appointed day, any light railway company whose railway connects (whether by means of a junction or of adjacent sidings) with the railway of an amalgamated company, or of a railway company to which a schedule of standard charges has been applied, shall be entitled make charges not exceeding those which such company is for the time being authorised to make, with this qualification that for the purpose of the calculation of mileage rates each mile of a light railway shall be treated as if it were one mile and a quarter.
- (3) The provisions of any light railway order conferring powers of charging shall have effect, subject to" the provisions of this section.
- (4) Part III. of this Act shall not apply to light railways except so far as it relates—
- (i) to the granting, variation, cancellation, and apportionment of through rates ;
 - (ii) the conditions of carriage of merchandise ;
 - (iii) the determination by the rates tribunal of questions that may be brought before them in respect of the matters mentioned in section twenty-eight of this Act :
- Provided that, where a light railway becomes part of the system of an amalgamated company, Part III of this Act shall apply thereto.
- (5) As from the appointed day, the powers of the Railway and Canal Commission under section fourteen of the Regulation of Railways Act, 1873, as extended by any other enactment and as applied to light railways, shall be exercisable by the rates tribunal instead of by the Railway and Canal Commission.

73 Amendment of ss.11 and 24 of principal Act.

- (1) An order made under the principal Act may contain a provision empowering a railway company to acquire the light railway to which the order relates, not being a railway of the nature of a tramway, and paragraph (1) of section eleven of the principal Act shall have effect accordingly as if in that paragraph after the words " railway " there were inserted the words " or, " except in the case of a railway of the nature of a " tramway, empowering a railway company to acquire " the railway."
- (2) Where, after the passing of this Act, an order is made under the principal Act authorising a light railway (other than a light railway of the nature of a tramway), an order amending that order may confer on a railway company power to acquire the light railway, notwithstanding that the owners of the light railway do not consent, and section twenty-four of the principal Act shall have effect accordingly.

Status: This is the original version (as it was originally enacted).

- (3) For the "purposes of this section, a light railway of the nature of a tramway means a light railway laid wholly or mainly along a public carriageway, and used wholly or mainly for the carriage of passengers.

74 Construction of Part V.

This Part of this Act shall be construed as one with the principal Act.