



Railways Clauses Act 1863

1863 CHAPTER 92

PART III

WORKING AGREEMENTS

22 Restrictions on Agreements between Companies.

Where Two or more Companies are authorized by a Special Act hereafter passed and incorporating this Part of this Act, to agree among themselves with respect to all or any of the following Purposes ; namely,—

The Maintenance and Management of the Railways of the Companies respectively, or any One or more of them, or any Part thereof respectively, and of the Works connected therewith respectively, or any of them ;

The Use and Working of the Railways or Railway, or of any Part thereof, and the Conveyance of Traffic thereon;

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of Traffic ;—

then and in every such Case the Authority so to agree, or the Agreement when entered into, shall not in any Manner affect any of the Tolls, Rates, or Charges which the Companies Parties thereto are from Time to Time respectively authorized to demand and receive from any Person or from any other Company; hut all such Persons and Companies shall, notwithstanding the Agreement, be entitled to the Use and Benefit of the Railways of the several Companies, Parties to the Agreement, on the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would be if such Authority had not been given or the Agreement had not been entered into.

23 Sanction of Shareholders to Agreements.

The Agreement shall not, save so far as its Terms and Conditions are authorized by The Railways Clauses Consolidation Act, 1845, or by the Railways Clauses Consolidation (*Scotland*) Act, 1845, as the Case may require, or by any other General Statute or Law from Time to Time in force with respect to the Companies Parties to the Agreement, have any Operation unless and until it is sanctioned by such Proportion of the Votes

Status: This is the original version (as it was originally enacted).

of the Shareholders and Stockholders entitled to vote in that Behalf at Meetings of the several Companies Parties thereto, present (personally or by proxy) at a General Meeting of each Company specially convened for the Purpose (in manner herein-after mentioned), as is prescribed in the Special Act, and if no Proportion is prescribed, then by Three Fifths of such Votes.

Every such Meeting shall be convened by Circular addressed to each such Shareholder and Stockholder, and served in the Manner prescribed by the Companies Clauses Consolidation Act, 1845, or The Companies Clauses Consolidation (*Scotland*) Act, 1845, as the Case may require, with respect to Notices requiring to be served by the Company upon the Shareholders, and also by Advertisement inserted once at least in each of Two consecutive Weeks in some Newspaper published or circulating in the County prescribed in the Special Act, and if no County is prescribed, then in the County in which the Head Office of the Company is situate, the last of such Advertisements to be published not less than Seven Days before the Meeting.

24 Public Notice of Intention to enter into such Agreement.

Before the Companies enter into the Agreement Notice of their Intention to do so shall be given by them or One of them, in a Form to be approved by the Board of Trade, inserted once at least in each of Three successive Weeks in some Newspaper published or circulated in the County prescribed in the Special Act, and if no County is prescribed, then in the County or One of the Counties in which each Railway to the Maintenance, Management, Use, or working whereof the proposed Agreement relates, or some Portion of that Railway, is situate; and the Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by the proposed Agreement, and desiring to object thereto, may bring the Objection before the Board of Trade.

25 Approval of Board of Trade.

The Agreement shall not have any Operation until it is approved by the Board of Trade; and the Board of Trade shall not approve the Agreement without being satisfied of its having received such Sanction of Meetings of the respective Companies as aforesaid.

26 Joint Committee for Purposes of Agreements.

The Companies Parties to the Agreement may, in accordance therewith and for the Purposes thereof, appoint a Joint Committee, composed of such Number of the Directors of each Company as the Companies think proper, and from Time to Time may vary and renew the Joint Committee as Occasion requires, and may regulate the Proceedings of the Joint Committee, and may delegate to the Joint Committee all such of the Powers of the Companies as the Companies think necessary for carrying into effect the Purposes of the Agreement; and the Joint Committee shall have and may exercise the Powers so from Time to Time delegated to them in like Manner as the same Powers might be had and exercised by the Companies respectively or their respective Directors.

27 Agreements between Companies may be modified by Board of Trade.

At the Expiration of the first or any subsequent Period of Ten Years after the making of the Agreement, the Board of Trade may, if they are of opinion that the Interests of

the Public are prejudicially affected thereby, cause the same to be revised ; and the Board of Trade may require the Companies Parties thereto to publish such Notices of any intended Revision of the Agreement as the Board of Trade may direct; and the Board of Trade may modify the Agreement in such Manner as may seem expedient' for the Protection of the Interests of the Public, and may declare the Modification to be Part of the Agreement, and the same shall be read and take effect accordingly.

28 Working Agreements between a Company and an Individual.

Where a Company is authorized by a Special Act hereafter passed, and incorporating this Part of this Act, to agree with a Person being the Proprietor of a Railway with respect to all or any of the Purposes specified in this Part of this Act, then and in every such Case the Provisions of this Part of this Act shall apply, *mutatis mutandis*, to the Company in relation to such Authority and to the Agreement entered into by virtue thereof.

29 Alteration of Agreement.

For the Purposes of this Part of this Act, any Alteration of an Agreement by the Parties thereto shall be deemed an Agreement.