



# Light Railways Act 1896

1896 CHAPTER 48 59 and 60 Vict

## 26 Application to Scotland.

This Act shall apply to Scotland with the following modifications:—

- (1) . . . . . <sup>F1</sup>
- (2) References to the council of any county, borough, or district, shall be construed as references [<sup>F2</sup>to a [<sup>F3</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];
- (3) “Arbiter” shall be substituted for “arbitrator”, and that arbiter shall be deemed to be a single arbiter within the meaning of the Lands Clauses Acts, and in lieu of the provisions of [<sup>F4</sup>the <sup>M1</sup>Arbitration Act 1950], the provisions of the Lands Clauses Acts with respect to an arbitration shall apply, except the provisions of the said Acts as to the expenses of the arbitration, in lieu of which the following provision shall have effect, namely, the expenses of the arbitration and incident thereto shall be in the discretion of the arbiter, who may direct to and by whom and in what manner those expenses, or any part thereof, shall be paid, and may tax or settle the amount of expenses to be so paid, or any part thereof, and may award expenses to be paid as between agent and client;
- (4) The Lord President of the Court of Session shall be substituted for the Lord Chancellor;
- (5) The money necessary to defray expenditure, not being capital expenditure incurred by a county council in pursuance of this Act, shall be raised by a rate . . . <sup>F5</sup> The money necessary to defray expenditure similarly incurred by a town council, <sup>F6</sup> . . . or burgh commissioners shall be raised by a rate . . . <sup>F5</sup> If the expenditure incurred is capital expenditure it shall be raised by borrowing . . . <sup>F5</sup> the rate chargeable for repayment of capital, including interest and expenses, being the same rate as is liable for maintenance as aforesaid;
- (6) The provisions relating to district councils shall apply to district committees or combinations of parish councils, subject to the following modifications:—
  - (a) A district committee shall not be entitled to make an application under section two hereof except with the consent of the county council given at a special or statutory meeting of the council, of which one month’s special notice, setting forth the purpose of the meeting, shall have been sent to each councillor:

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*Changes to legislation:* There are currently no known outstanding effects for the Light Railways Act 1896, Section 26. (See end of Document for details)

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- (b) A resolution to give such consent shall not be passed by the council unless two-thirds of the councillors present and voting at the special or statutory meeting concur in the resolution:
- (c) Nothing in this Act shall authorise a district committee to raise money by rate or loan, but any money necessary to defray expenditure, not being capital expenditure incurred by it in pursuance of this Act, shall be raised by the county council by a rate imposed along with but as a separate rate from the road rate; and any money necessary to defray capital expenditure shall be raised by the county council by borrowing in the manner authorised by the order, as in section sixteen hereof mentioned;
- (7) The expression “Clauses Acts” shall mean the Lands Clauses Acts, the <sup>M2</sup>Railway Clauses Consolidation (Scotland) Act 1845, the <sup>M3</sup>Companies Clauses Consolidation (Scotland) Act 1845, the <sup>M4</sup>Companies Clauses Act 1863, the <sup>M5</sup>Railways Clauses Act 1863, and the <sup>M6</sup>Companies Clauses Act 1869;
- (8) References to [<sup>F7</sup>the <sup>M7</sup>Local Government Act 1972] shall be construed as references to [<sup>F8</sup>the <sup>M8</sup>Local Government (Scotland) Act 1973];
- (9) ..... <sup>F1</sup>

#### Textual Amendments

- F1** S. 26(1)(9)(10) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. X**
- F2** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 18 para. 22**
- F3** Words in s. 26(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 8**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F4** Words substituted by virtue of Arbitration Act 1950 (c. 27), **s. 44(3)**
- F5** Words repealed by Local Government (Scotland) Act 1947 (c. 43), **Sch. 14**
- F6** Words in s. 26(5) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 1**
- F7** Words substituted by virtue of Local Government Act 1972 (c. 70), **s. 272(2)**
- F8** Words substituted by virtue of Local Government (Scotland) Act 1973 (c. 65), **s. 237(2)**

#### Marginal Citations

- M1** 1950 c.27.
- M2** 1845 c. 33.
- M3** 1845 c. 17.
- M4** 1863 c. 118.
- M5** 1863 c. 92.
- M6** 1869 c. 48.
- M7** 1972 c. 70.
- M8** 1973 c. 65.

**Changes to legislation:**

There are currently no known outstanding effects for the Light Railways Act 1896, Section 26.