



# Railway Companies Act 1867

## 1867 CHAPTER 127

### *Purchase of Lands*

#### **36 Amendment (as to Railway Companies) of Section 85 of 8 & 9 Vict. c.18.**

Where after the passing of this Act a Company exercise the Powers conferred on the Promoters of the Undertaking by Section Eighty-five of The Lands Clauses Consolidation Act, 1845, the following Provisions shall have Effect:

- (1) The Surveyor to be appointed as in that Section provided shall be appointed by the Board of Trade instead of by Two Justices, and all the Provisions of that Act relative to a Surveyor appointed by Two Justices shall apply to a Surveyor so appointed by the Board of Trade :
- (2) The Company shall give not less than Seven Lays Notice of their Intention to apply to the Board of Trade for the Appointment of a Surveyor to any Party interested in or entitled to sell and convey the Lands in question, and not consenting to the Entry of the Company:
- (3) The Valuation to be made by the Surveyor so appointed shall include the Amount of Compensation for all Damage and Injury to be sustained by reason of the Exercise of the Powers conferred by the said Section, as far as such Damage and Injury are capable of Estimation :
- (4) The Sureties to the Bond to be given by the Company under that Section shall, in case the Parties differ, instead of being approved of by Two Justices, be approved of by the Board of Trade, after hearing the Parties.

#### **37 Costs of Arbitrations as to Lands.**

Where, in *England*, under The Lands Clauses Consolidation Act, 1845, or any Act incorporating the same, a Question of disputed Compensation relating to Lands required to be purchased or taken by a Company is determined by Arbitration, the Costs of and incidental to the Arbitration and Award shall, if either Party so requires, be settled, as between the Parties, by One of the Masters of the Court of Queen's Bench.