



CHAPTER cxlviii.

An Act to extend the time for taking lands for the construction of certain tramways widenings and works authorised by the South Lancashire Tramways Acts 1900 and 1901 to abandon certain tramways authorised by the Act of 1900 and for other purposes. A.D. 1905.
[4th August 1905.]

WHEREAS the South Lancashire Tramways Company (in this Act called "the Company") were incorporated by the South Lancashire Tramways Act 1900 (hereinafter called "the Act of 1900") and were authorised to make and maintain certain tramways and street improvements in the county palatine of Lancaster and to raise capital for the purpose:

And whereas by the South Lancashire Tramways Act 1901 (hereinafter called "the Act of 1901") the Company were empowered to construct further tramways and improvements in connection with those authorised by the Act of 1900 and to raise the additional capital for the purpose:

And whereas by the South Lancashire Tramways Act 1903 (hereinafter called "the Act of 1903") the powers of the Company for purchasing land and completing the tramways authorised by the Acts of 1900 and 1901 were extended and the Company were authorised to construct certain other tramways and to raise further capital:

And whereas the principal tramways authorised by the said Acts have been constructed and opened for traffic but it has been found impossible for the Company to construct and complete the remainder and it is therefore expedient that the periods limited by the Acts of 1900 and 1901 as extended by the Act of 1903 for the taking of lands for the construction of such

A.D. 1905. — of the tramways as are not opened for traffic and for the street widenings and works described in those Acts should be further extended as by this Act provided and that certain other tramways authorised by the said Act of 1900 should be abandoned as hereinafter provided :

And whereas the objects aforesaid 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 King'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 (that is to say) :—

Short title
and construc-
tion.

1. This Act may be cited for all purposes as the South Lancashire Tramways Act 1905 and the Act of 1900 the Act of 1901 the Act of 1903 and this Act may be construed together as one Act and the four Acts may be jointly cited as "the South Lancashire Tramways Acts 1900 to 1905."

Incorpora-
tion of Lands
Clauses Acts.

2. The following Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts.

Extension of
periods for
taking of
lands for cer-
tain tram-
ways road
widenings
and works
authorised by
Acts of 1900
and 1901.

3. The periods limited for the compulsory purchase of lands authorised to be taken for the construction of the tramways road widenings and other works authorised by the Acts of 1900 and 1901 as extended by the Act of 1903 or such of them as have not already been constructed and completed within the time prescribed by those Acts are hereby extended and shall remain in force for a further period of one year from the date of the passing of this Act.

Tramways
and portions
of tramways
abandoned.

4. The Company shall abandon the construction of so much of Tramways Nos. 27 and 28 described in and authorised by the Act of 1900 as are situated in the borough of Leigh and also the whole of the tramways numbered 27A 27B and 27C in the same borough described in and authorised by the same Act and also so much of Tramway No. 19 described in and authorised by the same Act of 1900 as lies between the respective junctions of that tramway with Tramway No. 17 (described in and authorised by the same Act) in Atherton Road Hindley and with Tramway No. 1 (authorised by the Act of 1903) in Castle Hill Road Hindley.

5. The abandonment by the Company under the authority of this Act of any tramway or portion of any tramway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of tramway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1900.

A.D. 1905.
Compensation for damage to land by entry &c. for purposes of tramways abandoned.

6. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the tramways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of tramways abandoned.

7. Subject to the provisions of this Act and of section 73 of the Act of 1900 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court may at any time after the passing of this Act on application by the depositors referred to in section 72 of the Act of 1900 or the survivors or survivor of them or the executors or administrators of such survivor or by any other person entitled to the proportion of the deposit fund relating to the tramways by this Act abandoned amounting to one thousand four hundred and twenty-two pounds two and a half per centum consolidated stock referred to in section 72 of the Act of 1900 order that such proportion of the deposit fund and the interest or dividends thereon may be paid or transferred to the depositors or other person or persons entitled thereto or to any other persons or

Provision for repayment of balance of deposit fund.

[Ch. cxlviii.] *South Lancashire Tramways Act, 1905.* [5 EDW. 7.]

A.D. 1905. — person whom they or he may appoint in that behalf and upon such order being made such proportion of the said deposit fund and the interest or dividends thereon shall be paid or transferred to such persons or person accordingly.

For protec-
tion of Post-
master-
General.

8. If any of the works authorised by any of the Company's Acts involve the removal or alteration of any post office letter box the Company shall not remove or alter such box but shall give notice to the Postmaster-General of the removal or alteration required and the Postmaster-General shall remove or alter the box as he may think fit and the Company shall pay to the Postmaster-General all expenses incurred by him in relation to such removal or alteration.

Provision as
to general
Tramway
Acts.

9. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares or charges authorised to be taken by the Company.

Costs of Act.

10. 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.

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