

**CHAPTER xxiii.**

An Act to enable the Cheshire Lines Committee to acquire additional lands to extend the time for the sale of superfluous lands and for other purposes.

A.D. 1908.

[18th June 1908.]

WHEREAS by the Cheshire Lines Act 1867 the Cheshire Lines Committee (hereinafter called "the Committee") were incorporated and all the powers authorities and rights by the Manchester Sheffield and Lincolnshire Railway (New Lines) Act 1866 vested in the Great Northern Railway Company the Manchester Sheffield and Lincolnshire Railway Company (now the Great Central Railway Company) and the Midland Railway Company (in that Act called "the three companies") are now exercised in their behalf by the Committee and the railway of the Committee has been extended and enlarged from time to time under the authority of Parliament:

And whereas it is expedient that the Committee should be authorised to acquire for the purposes of their undertaking the lands hereinafter described in the county of Lancaster:

And whereas it is expedient that the time now limited for the compulsory purchase of lands required for the railways at Toxteth Park in the city of Liverpool authorised by the Cheshire Lines Act 1903 and for the completion of the said railways should be extended as in this Act provided:

And whereas it is expedient that further provision should be made with respect to the sale of the superfluous lands of the Committee:

And whereas plans of the lands by this Act authorised to be taken compulsorily with a book of reference thereto containing the names of the owners and lessees or reputed owners and

A.D. 1908. lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Lancaster and are hereinafter respectively referred to as the deposited plans and book of reference :

And whereas the purposes of this Act 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 :—

Short title. 1. This Act may be cited as the Cheshire Lines Act 1908.

Incorporation of Acts. 2. The Lands Clauses Acts ;
The Railways Clauses Consolidation Act 1845 ; and
Part II. (relating to extension of time) of the Railways Clauses Act 1863 ;

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act the expression "the Committee" means the Cheshire Lines Committee.

Power to Committee to acquire additional lands. 4. Subject to the provisions of this Act the Committee may enter upon take use and appropriate and may hold for the purposes of or connected with their undertaking the lands following or some of them delineated on the deposited plans and described in the book of reference (that is to say) :—

In the county of Lancaster—

Certain lands in the township of Toxteth Park in the city and county borough of Liverpool lying on the east side of and adjoining Sefton Street and situate between Parliament Street Derryhouse Street and Stanhope Street ;

Certain lands in the parish and urban district of Stretford lying on the south side of and adjoining the Committee's railway from Liverpool to Manchester and situate between Park Road and Moss Road :

And the Committee may hold and use for the purposes of their undertaking such of those lands as have already been purchased by or on behalf of the Committee and the same shall be deemed to be lands acquired under the powers of this Act. A.D. 1908.

5. The following provisions shall have effect for the protection of the mayor aldermen and citizens of the city of Liverpool (hereinafter called "the corporation") unless otherwise agreed upon between the Committee and the corporation (that is to say):—

For protection of corporation of Liverpool.

(1) Whenever by the appropriation or destruction of property by this Act authorised any water mains or pipes laid for the supply of such property (except pipes inside such property) are rendered unnecessary the Committee shall pay the corporation the cost of laying an equivalent length of water mains or pipes and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as reasonably estimated by the water engineer of the corporation and the water mains and pipes so rendered unnecessary shall be the property of the Committee and may be taken up and disposed of by them:

(2) The Committee shall pay to the corporation all sanitary and other municipal rates leviable or payable to the corporation under the respective assessments of any lands or property in the city shown on the deposited plans or a proportion of such rates respectively from the time such lands or property shall become untenanted until the Committee's works are completed and assessed to such rates and the amount of such rates payable by the Committee shall be computed according to the assessments of such lands or property in force at the time of such lands or property becoming untenanted as aforesaid notwithstanding that the buildings thereon or forming part thereof may have been taken down. Provided that if the assessments of the said lands or property shall after the passing of this Act become reduced through any action of the Committee they shall until the works are completed as aforesaid make good to the corporation the difference between the rates payable on such reduced assessments and the rates payable on the assessments in force at the date of the passing of this Act:

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(3) If the Committee shall on any of the lands within the city of Liverpool by this Act authorised to be acquired abutting on a public street require to make any doors or openings at or under which any vehicles shall stand for the purpose of delivering in at the said doors or openings or receiving out from the same any goods or merchandise for conveyance by their railways or for delivery in Liverpool they shall before constructing any such doors or openings into the said street make provision that carts or other vehicles loading or unloading thereat or waiting to receive or deliver goods shall stand completely clear of the roadway and footpath of such street and the Committee shall not allow any such carts or vehicles to be loaded or unloaded except when standing clear of the said street and so as to cause no obstruction to the footway or carriageway of the street:

(4) If any difference shall arise between the Committee and the corporation under the preceding subsection of this section such difference shall be referred to an arbitrator to be appointed in case of difference by the President of the Institution of Surveyors and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of urban district council of Stretford.

6. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions unless otherwise agreed between the Committee and the urban district council of Stretford (hereinafter referred to as "the council") shall have effect:—

(1) The Committee shall give to the council not less than four calendar months' notice before the service by the Committee on the owners of the land numbered 1 on the deposited plans of notice to treat for the purchase thereof and if before the service by the Committee of such notice to treat the council shall have acquired or agreed to acquire the portion of the said land which the council are by the Stretford Light Railways Order 1906 authorised to acquire for the purposes of the said Order and shall have agreed or shall thereupon agree with the Committee to execute the widening of Park Road on the said

portion of land within twelve months thereafter then the Committee shall not acquire the said portion of land: A.D. 1908.

(2) In the event of the council acquiring the said portion of land or executing the said widening the Committee shall in respect of the said lands numbered 1 on the deposited plans be entitled to the frontage and right of access to Park Road:

(3) Any expense to which the council may be reasonably put in making good any damage or injury to any roads sewers or other property of the council caused by or in consequence of any interference by the Committee with the watercourse shown upon the said deposited plans and known as Longford Brook shall be payable by the Committee on demand.

7. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated. For protection of gas and water mains of local authorities.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Committee any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

9. The owners of the lands hereinbefore described in the urban district of Stretford authorised to be taken by the Committee may sell and convey the same to the Committee in consideration of an annual charge or chief rent notwithstanding Limited owners of lands in Stretford may sell on chief rent.

A.D. 1908. that the said owners are not subject to disability within the meaning of section 2 of the Lands Clauses Consolidation Acts Amendment Act 1860.

Period for compulsory purchase of lands.

10. The powers of the Committee for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Application of funds.

11. The Committee may apply to the purposes of this Act to which capital is properly applicable any moneys under their control or at their disposal.

Extension of time for purchase of lands for railways at Toxteth Park Liverpool and for completion of works.

12. The time limited by section 17 of the Cheshire Lines Act 1903 as extended by section 59 of the Great Northern Railway Act 1906 for the compulsory purchase of lands for the railways in the township of Toxteth Park in the county borough of Liverpool described in and authorised by the said Act of 1903 and the time limited by section 21 of the said Act of 1903 for the completion of the said railways are hereby extended for a period of three years from the twenty-first day of July one thousand nine hundred and eight.

If the said railways be not completed within the said period of three years then on the expiration of that period the powers of the said Act of 1903 and this Act respectively granted to the Committee for making and completing the same shall cease except as to so much thereof as shall then be completed.

Extending time for sale of superfluous lands.

13. The Committee may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Committee with which that Act is incorporated retain and hold any lands belonging to them which have not yet been applied to the purposes of the Committee or sold or disposed of by them for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Committee or as the Committee may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act But the Committee shall at the expiration of such respective periods of ten years and two years sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking as superfluous lands.

14. Nothing in this Act contained shall exempt the Committee or the railways of the Committee from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies 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 and charges or of the rates for small parcels which the Committee are authorised to take.

A.D. 1908.

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Provision as
to general
Railway
Acts.

15. 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 Committee.

Costs of Act.

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