



CHAPTER lvi.

An Act to empower the London Midland and Scottish Railway Company to provide air transport services and for other purposes. A.D. 1929.

[10th May 1929.]

WHEREAS it is expedient that the London Midland and Scottish Railway Company (in this Act referred to as "the Company") should be empowered to provide transport services by air and to apply their funds for the purposes of this Act :

And whereas the objects of this Act cannot be attained 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) :—

1. This Act may be cited as the London Midland and Scottish Railway (Air Transport) Act 1929. Short title.

2. The Company may provide own work and use aircraft and by means thereof may convey passengers and passengers' luggage parcels and merchandise but no air transport service provided by the Company shall include— Power to provide air transport services.

(a) a service which extends beyond the continent and islands of Europe; or

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(b) a service which extends eastward of the twentieth degree of longitude east of Greenwich; or

(c) (except as otherwise provided by this Act) a service to or from any aerodrome within the United Kingdom which is not situate either (i) in a district to which access is afforded by the railway system of the Company or of a railway committee on which the Company is represented or (ii) in the metropolitan police district.

Power to
provide
aerodromes
&c.

3.—(1) The Company may establish maintain work and use aerodromes with all proper or convenient hangars garages repair shops buildings refreshment rooms offices roads apparatus and equipment connected therewith and may carry on in connection therewith any subsidiary business certified by the Air Council to be ancillary to the carrying on of an aerodrome Provided that no aerodrome shall be established by the Company within the United Kingdom except with the consent of the Air Council and subject to such conditions as the Air Council may prescribe which conditions may include a requirement that the aerodrome shall be available for use by aircraft other than aircraft used in connection with air transport services provided by the Company.

(2) (a) When making application to the Air Council under subsection (1) of this section for their consent to the establishment of an aerodrome the Company shall at the same time give notice thereof to the council of the county and of any city county or metropolitan borough burgh or urban district in which the proposed aerodrome or any part thereof would be situate and to the council of any city county borough burgh or urban district who have established an aerodrome and any part of whose city borough burgh or district is within five miles of the site of the proposed aerodrome.

(b) The Company shall also give to the council of any county city county or metropolitan borough burgh or urban district any part of which is within five miles of the site of the proposed aerodrome and to any county city county or metropolitan borough burgh or urban district council that may be affected by the establishment of the aerodrome such information with reference to the application as they may reasonably require.

(c) The Company shall also publish notice of any such application affecting England or Wales in the London Gazette and of any such application affecting Scotland in the Edinburgh Gazette and of any such application affecting Northern Ireland in the Belfast Gazette and of every such application in a newspaper circulating in the district in which the proposed aerodrome would be situate. A.D. 1929.
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(d) Any council referred to in paragraph (a) or (b) of this subsection and any other authority body or person that may be affected by any such application may make representations with reference thereto to the Air Council and the Air Council shall consider such representations.

(3) The Air Council shall hold a local inquiry in reference to any application made to them under this section and any local authority by whom representations have been made shall be entitled to be heard at any such inquiry.

(4) The Company may for the purposes of this Act purchase by agreement take on lease and hold lands and buildings and the Lands Clauses Acts (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement) are so far as applicable hereby incorporated with this Act.

4. The Company shall not manufacture or apply their funds directly or indirectly to the manufacture of aircraft or aircraft engines or any part or parts thereof respectively. Restriction on manufacture of aircraft &c.

5. The Company may demand and take in respect of traffic conveyed services rendered and facilities afforded in pursuance of this Act such reasonable fares rates and charges as they may think fit Provided that the charges to be made in respect of the use of any aerodrome established by the Company within the United Kingdom shall be subject to the approval of the Secretary of State for Air. Fares rates and charges.

6. The power conferred on a railway company by the Railways Clauses Consolidation Act 1845 to make byelaws subject to disallowance by the Minister of Transport shall include power to the Company to make byelaws for maintaining order in and for regulating Byelaws.

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A.D. 1929. the use of any premises held by the Company in connection with any aerodrome except that as regards the confirmation and allowance of such byelaws the Secretary of State for Air shall be substituted for the Minister of Transport.

Conveyance
of mails.

7.—(1) The Company shall if and when required by the Postmaster-General perform all such reasonable services in regard to the conveyance of mails (with or without officers of the Post Office in charge thereof) by the Company's aircraft or any of them as the Postmaster-General shall from time to time require.

(2) The remuneration for any services performed in pursuance of this section shall be such as may be from time to time determined by agreement between the Postmaster-General and the Company or in default of agreement by the Railway and Canal Commission who in all proceedings relating to any matter of difference referred to them under this section shall have the same powers as if it had been a matter referred to them in pursuance of the Railway and Canal Traffic Acts 1873 and 1888 or any Act amending the same.

Working
agreements
&c.

8.—(1) The Company on the one hand and any other railway company for the time being empowered to provide air transport services on the other hand may enter into and carry into effect agreements for the provision by the Company of any air transport services which the contracting parties or any of them are empowered to provide.

(2) The Company on the one hand and any company body or person providing air transport services or accommodation therefor on the other hand may enter into and carry into effect agreements for the provision owning working user management and maintenance by the contracting parties or any of them of any aircraft lands aerodromes depôts buildings sheds and property provided or used in connection with any air transport services which the Company are empowered to provide.

(3) Any agreement made under this section may provide for the supply by the contracting parties or any of them under and during the continuance of such agreement of aircraft and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants.

(4) In order to provide or facilitate the provision of funds for the establishment or maintenance of air transport services under an agreement made in pursuance of subsection (2) of this section the Company may (i) contribute any moneys which may be necessary (ii) hold stock shares and securities of any of the contracting parties and (iii) guarantee the dividends or interest on stock shares and securities of any of such parties. A.D. 1929. —

9. The provision owning working and use of aircraft and the establishment maintenance working and use of aerodromes and any subsidiary business carried on by the Company in pursuance of this Act and the provision of funds the holding of stock shares and securities and the payment of moneys under any guarantee under or in pursuance of this Act shall be deemed to form an ancillary or subsidiary business carried on by the Company within the meaning of subsection (6) of section 59 of the Railways Act 1921. Air transport services &c. to be ancillary business.

10. If the Secretary of State for Air is at any time of opinion that the interests of the public as regards the development of air transport or otherwise are prejudicially affected by the exercise of the powers of this Act he may give to the Company notice in writing thereof and of the reasons upon which that opinion is founded and may direct a public inquiry to be held at which all parties whom he considers entitled to be heard shall be given an opportunity of being heard. If after such inquiry the said Secretary of State shall still be of the said opinion and the Company shall not within such period as he may direct make provision to his satisfaction for the protection of the interests of the public then the said Secretary of State shall report to both Houses of Parliament. Provision in case of exercise of powers of Act being in opinion of Secretary of State against public interest.

11.—(1) The accounts to be rendered by the Company under the Railway Companies (Accounts and Returns) Act 1911 shall include particulars— Accounts and statistics.

(a) of receipts and expenditure of the Company in respect of the provision owning working and use of aircraft and the establishment maintenance working and use of aerodromes and any subsidiary business carried on by them in pursuance of this Act;

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(b) of the amount of any funds provided and stock shares and securities held by the Company under or in pursuance of the section of this Act of which the marginal note is "Working agreements &c." and of the revenue arising from any funds so provided and stock shares and securities so held; and

(c) of moneys paid by the Company under any guarantee under the said section.

(2) The Company shall also prepare and furnish annually to the Minister of Transport in such form as he may prescribe a statement of account relating to the ancillary or subsidiary business established under this Act and shall include therein an account of the net revenue resulting from such business and of the capital employed therein.

(3) The said particulars and statement of account shall be compiled in such manner as may be determined under the provisions of section 77 of the Railways Act 1921 and that section (other than subsection (2) thereof) shall apply to such particulars and statement of account and to the Company in respect thereof.

(4) The Company shall compile and render to the Minister of Transport the statistics and returns set out in the schedule to this Act subject to such variations thereof as may from time to time be agreed between the said Minister and the Company or as may be determined by the said Minister after reference to and considering the report thereon by the committee referred to in subsection (1) of the said section 77 and subsection (3) of that section shall apply to such statistics and returns and to the Company in respect thereof.

Application
of funds.

12. The Company may apply their funds to the purposes of this Act and may appropriate and apply to such purposes being purposes to which capital is properly applicable any of the moneys which they have raised or are authorised to raise and which may not be required for any purpose to which they are by any existing Act made specially applicable.

Saving for
existing
Acts &c.

13.—(1) Nothing in this Act shall exempt the Company from the provisions of any Act of Parliament passed or to be passed or of any order byelaw regulation

or scheme made or to be made thereunder nor shall any exemption in favour of a railway company from the provisions of any such Act of Parliament order byelaw regulation or scheme apply to any building erected or provided by the Company under the powers of this Act or to the drainage of any such building or of any land used for the purposes of any such building. A.D. 1929.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section nothing in this Act shall affect the operation of the Air Navigation Act 1920 or any Act amending replacing or consolidating the same or the powers of the Air Council and the Secretary of State for Air.

14.—(1) In respect of the exercise of any powers or duties conferred on the Secretary of State for Air or the Minister of Transport or the giving by them respectively of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the said Secretary of State or the said Minister as the case may be were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Secretary of State for Air or of the Minister of Transport as the case may be” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.” Inquiries by Secretary of State and Minister of Transport.

(2) The provisions of section 20 of the Ministry of Transport Act 1919 shall apply to all inquiries held or to be held by the said Secretary of State or the said Minister under this Act as if the said Secretary of State were referred to therein in addition to the said Minister and as if such inquiries were held for the purposes of that Act.

15. The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under Works below high-water mark not to be constructed without consent of Board of Trade.

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A.D. 1929. — such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Crown
rights.

16. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of
Act.

17. All costs charges and expenses of and incidental 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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The SCHEDULE referred to in the
foregoing Act.

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STATISTICS AND RETURNS.

Passenger Services :—

- | | | | | | | | |
|---|---|---|---|---|---|---|-----------|
| (1) Number of craft classified according to | | | | | | | |
| type | - | - | - | - | - | - | Annually. |
| (2) Craft miles | - | - | - | - | - | - | Monthly. |
| (3) Passenger journeys and receipts | - | - | | | | | Monthly. |

Goods Services :—

- | | | | | | | | |
|-----------------------|---|---|---|---|---|---|-----------|
| (1) Number of craft | - | - | - | - | - | - | Annually. |
| (2) Craft miles | - | - | - | - | - | - | Monthly. |
| (3) Tons and receipts | - | - | - | - | - | - | Monthly. |

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