



CHAPTER ix.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the London Midland and Scottish Railway. A.D. 1929.
[26th July 1929.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63
Vict. c. 47.
16 & 17
Geo. 5. c. 18.

Be it therefore 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 :—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the London Midland and Scottish Railway Order Confirmation Act 1929. Short title.

A.D. 1929.

SCHEDULE.

LONDON MIDLAND AND SCOTTISH RAILWAY.

Provisional Order to confer additional powers upon the London Midland and Scottish Railway Company to make byelaws in relation to their docks and canals to extend the time for the completion of certain authorised works and for the purchase of lands and for other purposes.

WHEREAS the London Midland and Scottish Railway Company (in this Order referred to as "the Company") is the owner of harbours docks and piers and of canals and it is expedient that there should be conferred upon the Company powers to make uniform byelaws and regulations applicable to all their harbours docks and piers and to all their canals :

And whereas it is expedient that the time now limited for the completion of certain railways and works and the compulsory purchase of certain lands by the Company should be extended :

And whereas it is expedient that the other powers contained in this Order should be conferred upon the Company :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows:—

Short title. 1. This Order may be cited for all purposes as the London Midland and Scottish Railway Order 1929.

Incorporation of Acts. 2. The Lands Clauses Acts and Part II. (relating to extension of time) of the Railways Clauses Act 1863 as amended by any subsequent Act are incorporated with and form part of this Order.

3.—(1) Notwithstanding anything in any Act or Order relating to the harbours docks or piers in Scotland owned leased or managed by the Company sections 83 84 86 87 88 89 90 and 92 of the Harbours Docks and Piers Clauses Act 1847 are incorporated in this Order and shall be applicable to and shall apply to such harbours docks or piers as if such harbours docks or piers had been originally authorised to be constructed or improved by this Order.

A.D. 1929.
 —
 Application
 of certain
 sections of
 Harbours
 Docks and
 Piers
 Clauses Act
 1847.

(2) For the purpose of the incorporation of the sections of the Harbours Docks and Piers Clauses Act 1847 the expression "the special Act" in that Act shall mean this Order and the expression "the harbour dock or pier" shall mean each of the harbours docks or piers owned leased or managed by the Company and the works connected therewith authorised by the Acts or Orders relating thereto respectively at the passing of the Act confirming this Order to be constructed or improved and the expression "the prescribed limits" shall in respect of each such harbour dock or pier mean the prescribed limits set out in the Acts or Orders relating to the same.

(3) Any byelaws which may from time to time be made by the Company in exercise of the powers in that behalf conferred on them by section 83 of the Harbours Docks and Piers Clauses Act 1847 may apply to all or any one or more of the harbours docks or piers owned leased or managed by the Company in Scotland as may be prescribed in such byelaws.

(4) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport and that allowance and confirmation shall be sufficient for all purposes. Provided that in the case of any byelaws which the said Minister in consultation with the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the said Minister and the allowance and confirmation of any such byelaws by the said Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section.

(5) Upon the coming into operation of any byelaws made under the powers of this Order at any harbour dock or pier all other powers of making byelaws which

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Canal
byelaws.

4.—(1) Notwithstanding anything in any Act or Order relating to the canals of the Company in Scotland the Company may from time to time make such byelaws as they shall think fit for all or any of the following purposes (that is to say) :—

For regulating the use of the canal and the premises of the Company;

For regulating the several powers vested in the lock master;

For regulating the admission of vessels into or near the canal and their removal out of and from the same and for the good order government navigation and movement of such vessels whilst on or near the canal;

For regulating the manner in which any vessel entering the canal and whilst on the canal shall be dismantled;

For determining the description and size and construction of vessels that may be used on the canal or on specified parts thereof and the means by which and the conditions on which such vessels may be navigated and used;

For regulating the quantity of goods which each vessel whilst on or near the canal shall have on board and the manner in which the same shall be stowed or carried;

For prohibiting or subjecting to conditions and restrictions the conveyance of any goods which might endanger the safety of the canal or the premises of the Company;

For regulating the shipping and unshipping landing warehousing stowing depositing or removing of all goods on the canal and the premises of the Company;

For regulating the hours during which the gates or entrances or outlets to the canal shall be opened

and the hours during which vessels may navigate the canal; A.D. 1929.

For regulating the duties and conduct of all persons as well the servants of the Company as others not being officers or other persons employed by the Commissioners of Customs and Excise who shall be on the canal and the premises of the Company;

For regulating requiring or prohibiting the use of fires and lights on the canal and the premises of the Company and on or within any vessel being on or near the canal;

For preventing damage or injury to the canal or the premises of the Company or to any vessel or goods on the canal or the premises of the Company;

For regulating the use of cranes weighing machines weights or measures belonging to the Company and the duties and conduct of all weighers and meters employed by the Company.

(2) Such byelaws may apply to all or any one or more of the canals of the Company in Scotland or to such parts thereof as the Company may prescribe and may provide for imposing a penalty not exceeding five pounds for the breach or non-observance of any of the byelaws which may be recovered in manner directed by the Summary Jurisdiction (Scotland) Act 1908.

(3) In this section unless the context otherwise requires—

The expression “canal” includes any lock towpath wharf dock pier jetty and work in or at which vessels do or can ship or unship goods or passengers and any other area whether land or water which belongs to or is under the control of the Company as owners or lessees of the canal;

The expression “goods” includes wares and merchandise of every description ballast and all articles in respect of which rates or duties are payable to the Company or which may be carried free on the canal;

The expression “vessel” includes any ship boat or raft or any other description of vessel whether used in navigation or not.

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Exemption
of vessels
in His
Majesty's
service &c.
from
control.

5.—(1) Nothing in this Order contained shall extend to charge with rates or duties or to regulate or subject to any control any vessel belonging to or employed in the service of His Majesty His heirs and successors or any member of the royal family or in the service of the Customs and Excise or of the Corporation of Trinity House of Deptford Strond or the Commissioners of Northern Lights using the harbour dock or pier and not conveying goods for hire or any packet boat or Post Office packet being a packet boat or Post Office packet as defined under the provisions of any Act relating to the Post Office or any Post Office bag of letters conveyed by any such packet boat or packet or by any other vessel whatsoever or any of the officers or persons employed in the service of the Admiralty Ordnance Customs Excise or Post Office or their baggage or any vessel or goods being under seizure by the officers of revenue or any naval victualling or ordnance stores or other stores or goods for the service of or being the property of His Majesty or any troops landed upon or delivered or disembarked from any of the quays of the harbour dock or pier or their baggage Provided always that if any person claim and take the benefit of any such exemption as aforesaid without being entitled thereto he shall for every such offence be liable to a penalty not exceeding ten pounds.

(2) Nothing in this Order or any Act incorporated herewith contained shall extend to alienate defeat vary lessen abrogate or prejudice any estate right title interest prerogative royalty jurisdiction or authority of or appertaining to the King's most Excellent Majesty His heirs or successors nor to abridge vary or abrogate any of the powers or authorities by law vested in the Lords of the Admiralty or in the Commissioners of Customs and Excise Commissioners of Woods and Forests Commissioners of Crown Lands and Commissioners of Works in relation to the possessions and land revenues of His Majesty in right of His crown or otherwise howsoever.

Extension of
time for com-
pletion of rail-
ways authorised
by Highland
Railway (Addi-
tional Powers)
Act 1897.

6. The period now limited by the Highland Railway Order 1922 for the completion of Railways Nos. 1 2 and 3 authorised by section 4 of the Highland Railway (Additional Powers) Act 1897 is hereby further extended until the first day of October one thousand nine hundred and thirty-two and on the expiration of that period

those powers shall cease except for so much of those railways as shall then have been completed. A.D. 1929.

7. The periods now limited by the London Midland and Scottish Railway Order 1926 for the compulsory purchase of the lands in this section referred to are hereby extended until the first day of October one thousand nine hundred and thirty-two but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised (that is to say) :—

Extension of time for compulsory purchase of certain lands.

- (a) Lands authorised to be acquired by section 9 of the Glasgow and South Western Railway Order 1918 and therein numbered and described (6) in the parish of Monkton and Prestwick and partly in the burgh of Prestwick and (7) in the last-mentioned parish and burgh;
- (b) Lands authorised to be acquired by section 6 of the Caledonian Railway Order 1907 and therein numbered and described (11) in the parishes of Stirling and St. Ninians and partly in the royal burgh of Stirling;
- (c) Lands authorised to be acquired by section 5 of the Caledonian Railway Order 1910 and therein numbered and described (1) and (2) in the parish of Govan and city and royal burgh of Glasgow (3) in the parish of Rutherglen and royal burgh of Rutherglen and (4) in the parish of Rutherglen;
- (d) Lands authorised to be acquired by section 5 of the Caledonian Railway Order 1913 and therein numbered and described (1) in the parish of Kirkpatrick Juxta;
- (e) Lands authorised to be acquired by section 6 of the Caledonian Railway Order 1922 and therein numbered and described (8) (a) in the parish of Cambuslang;
- (f) Lands authorised to be acquired by section 4 of the London Midland and Scottish Railway Order 1924 and therein numbered and described (3) in the parish of Glenbervie.

8. The Company may appropriate and apply to all or any of the purposes of this Order and for or towards the general purposes of their undertaking being in each

Power to Company to apply funds.

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A.D. 1929. case purposes to which capital is properly applicable any
— of the moneys which they have raised or are authorised
to raise and which are not required for the purposes
to which they are made specially applicable.

Provision as
to general
Railway
Acts.

9. Nothing in this Order contained shall exempt
the Company 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 passing of the Act confirming this Order
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 authorised
to be taken by the Company.

Costs of
Order.

10. All costs charges and expenses of and incident
to the preparing for obtaining and confirming this Order
or otherwise in relation thereto shall be paid by the
Company.

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