

[21 & 22 GEO. 5.] *Public Works* [Ch. lxxv.]
Facilities Scheme (Great Western Railway) (No. 1)
Confirmation Act, 1931.



CHAPTER lxxv.

An Act to confirm a Scheme made by the Minister of Transport under the Public Works Facilities Act 1930 relating to the Great Western Railway Company. A.D. 1931.
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[31st July 1931.]

WHEREAS under the provisions of the Public Works Facilities Act 1930 the Minister of Transport has made a Scheme which needs confirmation by Parliament : 20 & 21
Geo. 5. c. 50.

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 Scheme of the Minister of Transport which is set out in the schedule to this Act as amended is hereby confirmed and shall have full validity and force. Scheme in schedule confirmed.

2. This Act may be cited as the Public Works Facilities Scheme (Great Western Railway) (No. 1) Confirmation Act 1931. Short title.

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SCHEDULE.

Scheme under the Public Works Facilities Act 1930 authorising the Great Western Railway Company to construct a widening of their main line of railway at Challow in the County of Berks and for other purposes.

WHEREAS the Great Western Railway Company are desirous of providing constructing and carrying out the works described in this Scheme;

And whereas the powers contained in this Scheme are required by the Company for the purpose of enabling them to execute those works or are incidental or consequential provisions necessary for giving full effect to the Scheme;

And whereas the Minister of Transport is satisfied—

- (a) that the works will materially contribute to the relief of unemployment; and
- (b) that the relief to unemployment will be materially expedited by reason of the powers being conferred by this Scheme instead of by a local Act; and
- (c) that the powers conferred by this Scheme are such as are customarily conferred on statutory undertakers by local Acts; and
- (d) that the powers so conferred will not enable the Company to undertake functions of a different nature from those already within their statutory powers:

Now therefore the Minister of Transport in pursuance of the powers given to him by section one of the Public Works Facilities Act 1930 and of all other powers enabling him in that behalf hereby makes the following Scheme:—

Power to
execute
works.

1. Subject to the provisions of this Scheme the Great Western Railway Company (hereinafter referred to as "the Company") are hereby authorised to make and maintain the work hereinafter described with all proper works and conveniences connected therewith in the lines and according to the levels shown on the plan and section relating thereto deposited with the clerk of the county council of the county of Berks and to enter upon take and use such of the lands delineated on the said plan and described in the book of reference relating

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thereto and deposited therewith as may be required for those purposes or for providing accommodation for persons of the working class who may be displaced in executing the powers of this Scheme Provided that nothing herein shall authorise the compulsory acquisition of land which is the property of any local authority or has been acquired by any statutory undertakers for the purposes of their undertaking.

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The work hereinbefore referred to and authorised by this Scheme is—

A widening 5 furlongs 6 chains or thereabouts in length of the Company's main line of railway wholly in the county of Berks commencing in the parish of Childrey in the rural district of Wantage at a point about 23½ chains west of Challow station and terminating in the parish of West Challow in the rural district of Wantage at a point about 26½ chains east of that station.

2. Subject to any necessary adaptations the provisions of— Incorporation of Acts.

- (a) the Lands Clauses Acts (except section 92 of the Lands Clauses Consolidation Act 1845);
- (b) the Railways Clauses Consolidation Act 1845; and
- (c) Part I (relating to the construction of a railway) of the Railways Clauses Act 1863;

as amended by any subsequent Act are hereby incorporated in this Scheme and the provisions of those Acts and parts of an Act shall apply accordingly.

For the purpose of such incorporation the expression "special Act" in the said Acts shall be construed to mean this Scheme and the expressions "the undertaking" and "the promoters of the undertaking" in the Lands Clauses Acts shall be construed to mean "the Company's undertaking" and "the Company" respectively:

Provided that in lieu of section 92 of the Lands Clauses Consolidation Act 1845 the following provisions shall have effect:—

No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the tribunal to whom the question of disputed compensation shall be submitted determines that in the case of a house building or

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manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determines it may award compensation in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell that part of the house manufactory park or garden.

Power of entry on land.

3. In respect of any land which the Company are authorised by this Scheme to purchase compulsorily the Company may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Interpretation.

4. In this Scheme 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.

Protection of gas and water mains of local authorities.

5. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Scheme extend and apply to the water and gas mains pipes and apparatus of any local authority or water board and shall be construed as if "local authority" and "water board" 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 or water board to which their revenues in respect of water or gas (as the case may be) are appropriated.

Power to deviate.

6. In making the work by this Scheme authorised the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan and vertically from the levels shown on the deposited section to any extent not exceeding five feet upwards and five feet downwards or to such further extent as they may find necessary or convenient and as may be sanctioned by the Minister of Transport.

Inclination of road.

7. In altering for the purposes of this Scheme the road next hereinafter mentioned the company may make the same of

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any inclination not steeper than the inclination hereinafter mentioned in connection therewith (that is to say):— A.D. 1931.

No. on deposited plan.	Area.	Description of road.	Intended inclination.
WIDENING OF MAIN LINE OF RAILWAY.			
7	Parish of West Challow.	Public	1 in 17 on both sides.

8. The Company may make the roadway over the bridge by which the following road will be carried over the said widening of such width between the fences thereof as the Company think fit not being less than the width hereinafter mentioned in connection therewith (that is to say):—

No. on deposited plan.	Area.	Description of roadway.	Width of roadway.
7	Parish of West Challow.	Public	20 feet.

9.—(1) The Company may divert the footpath numbered on the deposited plan 5 in the parish of West Challow in the manner shown upon the deposited plan or as otherwise provided by this Scheme and subject to the provisions of this Scheme may stop up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the new portion of footpath as shown on the said plan. Power to divert footpath.

(2) The portion of the existing footpath for which the new portion of footpath is in substitution shall not be stopped up until such new portion of footpath is completed to the satisfaction of the highway authority and is open for public use or in case of difference between the Company and the highway authority until two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use.

(3) Before applying to the justices for their certificate the Company shall give to the highway authority of the district in which the existing footpath is situate seven days' notice in writing of their intention to apply for the same.

(4) As from the completion to the satisfaction of the highway authority of the new footpath or as from the date of the said certificate as the case may be all rights of way over or along the portion of the existing footpath authorised to be stopped up shall be extinguished and the Company may subject to the

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A.D. 1931. provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of footpath stopped up as far as the same is bounded on both sides by lands of the Company :

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Rates and charges.

10. For the purposes of tolls fares rates and charges and for all other purposes the said widening of railway by this Scheme authorised shall form part of the Company's main line of railway.

Company not liable to repair surface of road the level of which is not permanently altered.

11. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the said work by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or highway or approaches is permanently altered so as to increase the gradient thereof :

Provided that nothing in this section shall relieve the Company from any liability which they were under immediately before the making of this Scheme for the maintenance of the surface of any such road or highway or approaches.

As to private rights of way over lands taken compulsorily.

12. All private rights of way over any lands which are under the powers of this Scheme authorised to be acquired compulsorily shall as from the date of their acquisition be extinguished if the Company shall so determine and give notice in writing of such their determination to the owner of any right of way referred to therein. Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to owners to grant easements.

13. 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 Scheme grant to the Company 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 any of the purposes of this Scheme to be executed by them in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges 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.

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14. In settling any question of disputed purchase money or compensation payable under this Scheme by the Company the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of October one thousand nine hundred and thirty if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Scheme.

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 Compensation in case of recently altered buildings acquired by Company.

15. The provisions of section 46 (Powers as to building on or over lands &c. of Company) of the Great Western Railway (Additional Powers) Act 1923 and of section 66 (As to private street expenses in certain cases) of the Great Western Railway (Additional Powers) Act 1924 and of section 54 (Power to Company &c. to lease or dispose of lands) of the Great Western Railway Act 1929 shall extend and apply to any lands acquired by the Company under the powers of this Scheme.

Application of certain sections of Acts of 1923 1924 and 1929.

16. When confirmed by Parliament this Scheme shall for the purposes of the Telegraph Act 1878 be deemed to be an Order confirmed by an Act of Parliament.

Application of provisions of Telegraph Act 1878.

17. The Company may apply to all or any of the purposes of this Scheme to which capital is properly applicable any moneys from time to time raised by them and which are not by any of the Acts or other enactments relating to the Company made applicable to any special purpose or which being so made applicable are not required for the special purpose.

Power to apply funds to purposes of Scheme.

18. Nothing in this Scheme contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the commencement of this Scheme 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.

Provisions as to general Railway Acts.

19. This Scheme may be cited as the Great Western Railway Scheme (No. 1) 1931.

Short title.

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