

[21 & 22 GEO. 5.]      *Public Works*      [Ch. lxvi.]  
*Facilities Scheme (Great Western Railway) (No. 2)*  
*Confirmation Act, 1931.*



## CHAPTER lxvi.

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.  
—  
[31st July 1931.]

**W**HEREAS 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 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. 2) 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 Bristol and South Wales Union Railway between Filton Junction and Stapleton Road in the county of Gloucester and for other purposes.*

WHEREAS the Great Western Railway Company (in this Scheme referred to as "the Company") are desirous of providing constructing and carrying out the work 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 such work 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 work 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 1 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 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 to the county council of the county of Gloucester and to enter upon take and use such of the lands delineated on the said plan and described in the book of reference relating thereto and deposited therewith as may be required for those purposes



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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. A.D. 1931.

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

A widening 2 miles 5 furlongs 8·5 chains or thereabouts in length of the Company's Bristol and South Wales Union Railway wholly in the county of Gloucester commencing in the parish and city and county borough of Bristol at a point about 2 chains north-west of the bridge carrying that railway over Wee Lane and terminating in the parish of Filton in the rural district of Chipping Sodbury at or near Filton Junction 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 part 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 manufactory such part as is proposed to be taken can be taken without material detriment to the house

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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 building manufactory park or garden.

Interpretation.

3. 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.

Power of entry on land.

4. 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.

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.

Height and span of bridge.

7. The Company may make the arch of the bridge for carrying the said widening of railway over the road next hereinafter mentioned of any height and span not less than the height



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and span hereinafter mentioned in connection therewith (that is to say) :— A.D. 1931.

No. on deposited plan.	Area.	Description of road.	Span.	Height.
7	Parish of Filton	Public	20 feet	14 feet

8. The Company may divert the footpaths referred to in the next following table 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 each existing footpath as will be rendered unnecessary by the new portion of footpath so shown on the said plan (that is to say) :—

Area.	Number of footpath on deposited plan.
Parish and city and county borough of Bristol	{ 23 1 and 40
Parish of Stoke Gifford - - - -	1 and 2

9. Where this Scheme authorises the diversion of a footpath or the making of a new footpath and the stopping up of an existing footpath or portion thereof such stopping up shall not take place until such new footpath is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new footpath has been completed to their satisfaction and is open for public use.

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

As from the completion to the satisfaction of the road 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 existing footpath or portions authorised to be stopped up shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway appropriate and use for the purposes of their undertaking the site of the footpath or portion thereof 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

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Further provision as to repair of footpaths.

10. Any footpath or portion of footpath made diverted or altered under the authority of this Scheme (except the stone iron or other structure carrying any such footpath over the railway or property of the Company which structure shall unless otherwise agreed be maintained by and at the expense of the Company) shall when made and completed unless otherwise agreed be maintained by and at the expense of the body or persons liable to maintain footpaths of the same nature and in the same parish and district or borough as the footpath or portion of footpath in question.

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protection of Bristol Corporation.

11. For the protection of the lord mayor aldermen and burgesses of the city of Bristol (in this section referred to as "the corporation" and "the city" respectively) the following provisions shall notwithstanding any other provision of this Scheme or anything shown on the deposited plan and section unless otherwise agreed in writing between the corporation and the Company apply and have effect (that is to say) :—

- (1) The Company may by agreement purchase and the corporation may sell the lands or property belonging or leased to the corporation shown by a red colour on the plan marked "A" signed by Raymond Carpmael on behalf of the Company and by Lessel Stephen McKenzie on behalf of the corporation :
- (2) At least twenty-one days before commencing the widening of the bridges referred to in subsections (3) and (4) of this section the Company shall give to the corporation notice in writing of their intention so to do and at any time within that period the corporation may give to the Company notice of their desire that the clear width between the parapets of such bridges or either of them shall be increased and in that event the provisions of subsections (3) to (8) (inclusive) of this section shall have effect :
- (3) If the corporation shall give to the Company the notice referred to in subsection (2) of this section with reference to the bridge carrying the road numbered on the deposited plan 48 in the city over the Bristol and South Wales Union Railway of the Company (in this section referred to as "the existing railway") the Company shall reconstruct that bridge so that the same as reconstructed shall have a clear width throughout its length of fifty feet between the parapets thereof :

Upon the completion of the reconstruction of the said bridge in accordance with the provisions of this



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subsection the corporation shall repay to the Company thirty-seven fiftieths of (1) the cost reasonably incurred by the Company in carrying out such reconstruction and the works in connection therewith and (2) the capitalised cost of the maintenance and renewal of the bridge as reconstructed :

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- (4) If the corporation shall give to the Company the notice referred to in subsection (2) of this section in reference to the bridge carrying the road numbered on the deposited plan 54 in the city over the existing railway the Company shall reconstruct that bridge so that the same as reconstructed shall have a clear width throughout its length of forty feet between the parapets thereof :

Upon the completion of the reconstruction of the said bridge in accordance with the provisions of this subsection the corporation shall repay to the Company twenty-seven fortieths of (1) the cost reasonably incurred by the Company in carrying out such reconstruction and the works in connection therewith and (2) the capitalised cost of the maintenance and renewal of the bridge as reconstructed :

- (5) Upon the completion of the reconstruction of the bridges referred to in subsections (3) and (4) of this section or either of those bridges pursuant to the provisions of those subsections or one of them the corporation shall at their own expense construct the roadway or roadways thereon and shall thereafter be solely responsible for the maintenance of such roadway or roadways :
- (6) Upon the commencement of the reconstruction of the bridges respectively referred to in subsections (3) and (4) of this section or either of those bridges the Company shall grant to the corporation free of cost an easement over the lands belonging to the Company at each end of such bridge or of each of such bridges (as the case may be) in such position and of such extent as to enable the corporation to construct approaches to such bridge or bridges having a width between the fences or parapets thereof equal to the width between the parapets of such bridge or bridges as reconstructed and to provide space for the construction or erection of the abutments of such bridge or bridges and of embankments walls fences or parapets on each side of the approaches to such bridge or bridges :

In connection with any widening by the corporation of the western approach to the bridge referred to in subsection (3) of this section the corporation shall

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alter the gradient of the roadway forming a junction with the northern side of the said approach to such extent as may be necessary in consequence of such widening :

- (7) In consideration of the payment to be made by the corporation to the Company pursuant to subsections (3) and (4) of this section or either of those subsections the Company shall at all times after the date or respective dates of the completion of the reconstruction or widening of the bridge or bridges in respect of which such payment is made be solely responsible for the maintenance repair and renewal of the said bridge or bridges and bear the whole cost thereof :
- (8) (a) Before commencing to execute any of the works referred to in subsections (3) and (4) of this section the Company shall submit to the corporation for their reasonable approval detailed plans sections and specifications showing the alignment and levels of the said works and a description of the proposed mode of executing such works and if the corporation shall within fourteen days from the receipt by them of any such plans sections and descriptions in writing intimate to the Company any objection to the said plans sections specifications and descriptions so submitted or make any requirement with respect thereto with which the Company shall be unwilling to comply the matter in difference shall be determined by arbitration as hereinafter provided ;
- (b) The said works shall not be executed otherwise than in accordance with the plans sections specifications and descriptions relating thereto as approved by the corporation or (in case of difference) settled by arbitration and shall be executed to the reasonable satisfaction of the corporation :
- (9) The Company shall straighten the footpath numbered on the deposited plan 3 in the city in the manner shown by red lines on the said plan marked " A " :
- (10) In diverting the footpath numbered on the deposited plan 23 in the city the Company shall construct the diverted portion thereof with a width throughout its length of six feet :
- (11) In the construction of the widening of the bridge carrying the said railway over the footpath numbered on the deposited plan 26 in the city the Company shall provide between the existing and widened portions of the said bridge a light space of not less than six feet



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in width extending throughout the whole length between the abutments of the said bridge and the abutments of the widened portion of the bridge shall be faced with buff coloured bricks up to the level of the springing of the arch : A.D. 1931.

(12) (a) In the construction of the widening of the railway by this scheme authorised the Company shall at their own expense lay down two sewers each having an internal diameter of twelve inches (the pipes for forming such sewers to be provided by and at the expense of the corporation) under the existing railway in the positions shown on the plan marked "B" signed as aforesaid and between the points marked "X" and "X" on that plan and at such levels and depths and in accordance with a specification to be reasonably approved by the corporation and the corporation shall be entitled free of charge to lay down pipes on each side of the existing railway to the full extent of the property of the Company to connect with the sewers to be laid down by the Company under this subsection ;

(b) The said sewers and pipes when laid down shall be the property of and shall be maintained repaired and renewed by the corporation and may be used by them in conjunction with any other sewers or pipes for the time being connected therewith ;

(c) At all reasonable times after the laying down of the said sewers and pipes the corporation shall be entitled to have access thereto for such maintenance repair and renewal as aforesaid and shall be responsible for and indemnify the Company against all claims demands proceedings costs damages and expenses which may be made or taken against the Company or which the Company may incur arising out of or in consequence of such maintenance repair or renewal :

(13) (a) The Company shall at their own expense construct and at all times thereafter maintain to the reasonable satisfaction of the corporation a footbridge for the use of the public over the existing railway in the position shown on the said plan marked "B" such footbridge having a width of not less than six feet between the parapets thereof and having convenient steps at the western end thereof and a proper approach thereto at the eastern end thereof ;

(b) The Company shall construct for the use of the public the footpaths shown in red on the said plan marked "B" and the corporation so far as they lawfully can consent to the stopping up (at any time after the completion of such footpaths and of the

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bridge referred to in paragraph (a) of this subsection) of the footpaths crossing the existing railway between the properties respectively numbered on the deposited plan 39 and 40 and 42 and 43 in the city so far as the same are situate between the fences of the existing railway:

(14) The Company shall not stop up divert alter or otherwise interfere with the footpath numbered on the deposited plan 31 in the city:

(15) (a) Not less than fourteen days before commencing any work under the powers of this Scheme which will or may involve interference with or in any way affect any stream or watercourse flowing under or by the side of the existing railway or any culvert constructed thereunder or any sewer drain electric cable pipe wire or apparatus of the corporation the Company shall deliver to the corporation a plan section and detailed particulars of such work describing the proposed manner of executing the same;

(b) At any time within seven days after the receipt of such plan section and particulars the corporation may by notice in writing to the Company intimate their disapproval of the proposed manner of executing such work so far as it involves interference with or might endanger such stream watercourse culvert sewer drain cable pipe wire or apparatus or make any reasonable requirements with respect to such plan section or particulars Provided that if the corporation shall not within the said period of seven days give any such notice in writing to the Company as aforesaid they shall be deemed to have approved the plan section and particulars as submitted;

(c) Any difference between the corporation and the Company under this subsection shall be determined by arbitration as hereinafter provided;

(d) The Company shall not execute any such work as is referred to in this subsection except in accordance with the said plan section and particulars as so approved by the corporation or settled by arbitration as aforesaid and (subject thereto) shall execute such works under the superintendence (if after reasonable notice from the Company such superintendence shall be given) and to the reasonable satisfaction of the corporation:

(16) The Company shall make good all damage done by them to any such stream watercourse culvert sewer drain electric cable pipe wire or apparatus of the corpora-



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tion as aforesaid in the exercise of the powers of this Scheme and shall indemnify the corporation against all claims demands proceedings costs damages and expenses which may be made or taken against the corporation or which the corporation may incur by reason of any such damage or of any interference with any such stream watercourse culvert sewer drain electric cable pipe wire or apparatus as aforesaid resulting from the exercise of the said powers:

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(17) Nothing in this section contained shall prejudice alter or affect the rights of the Company or the corporation under any agreement between them relating to any of the works referred to in this section and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply:

(18) If any difference shall arise between the corporation and the Company under this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

12. 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 railway which is to be so widened.

Rates and charges.

13. 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:

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

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.

14. 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

As to private rights of way over lands taken compulsorily.



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Power to owners to grant easements.

15. 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 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.

Compensation in case of recently altered buildings acquired by Company.

16. 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.

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

17. 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.

Power to apply funds to purposes of Scheme.

18. 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.

Provisions as to general Railway Acts.

19. 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



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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.      A.D. 1931.  
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20. 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.

21. This Scheme may be cited as the Great Western Railway Scheme (No. 2) 1931.      Short title.

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