



CHAPTER xxxiii.

An Act to empower the London Midland and Scottish Railway Company to acquire lands and for other purposes. [18th July 1933.] A.D. 1933.

WHEREAS it is expedient that the London Midland and Scottish Railway Company (in this Act referred to as "the Company") should be empowered to acquire certain lands in this Act described :

And whereas it is expedient to sanction and confirm the acquisition by the Company and by the Company and the Great Western Railway Company jointly of the lands in this Act in that behalf mentioned and to authorise the Company and the Great Western Railway Company to hold and use the same for the purposes of and as part of their undertakings :

And whereas it is expedient that the period now limited for the purchase of certain lands by the Company should be extended :

And whereas it is expedient that Widnes Dock constructed under powers contained in the Act 11 Georgii IV. cap. lxi. and Railway (No. 4) authorised by the Leek Caldon Low and Hartington Light Railways Order 1898 and now vested in the Company should be abandoned :

And whereas it is expedient that the Company should be empowered to apply their funds to the purposes of this Act and for the general purposes of their undertaking and that the other powers in this Act mentioned should be conferred :

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— And whereas plans of the lands which may be taken under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the county councils and town clerks of the several boroughs and county boroughs respectively within which the said lands are situate which plans and book of reference are in this Act respectively referred to as the deposited plans and book of reference :

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 :—

Short title.

1. This Act may be cited for all purposes as the London Midland and Scottish Railway Act 1933.

Interpre-
tation.

2. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in relation to the relative subject-matter the same respective meanings And—

“ the Company ” means the London Midland and Scottish Railway Company ;

all distances and lengths stated in any description shall be read and have effect as if the words “ or thereabouts ” were inserted after each such distance and length.

Incorpora-
tion of
general
Acts.

3. The following Acts and Part of an Act so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts (except sections 127 to 131 inclusive of the Lands Clauses Consolidation Act 1845) :

Provided that notwithstanding anything contained in the Lands Clauses Consolidation

Act 1845 any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party;

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Part II (relating to extension of time) of the Railways Clauses Act 1863.

4. Subject to the provisions of this Act the Company may for any purposes connected with or ancillary to their undertaking enter upon take use and appropriate all or any of the lands hereinafter described or referred to and delineated on the deposited plans and described in the deposited book of reference relating thereto and in connection therewith the Company may exercise the powers hereinafter mentioned (that is to say):—

Power to
acquire
lands.

In the city and county borough of Birmingham—

- (a) Lands on the south side of and adjoining the Soho Handsworth and Perry Barr railway of the Company extending from a point two hundred and forty-five yards north-east of Wood Lane measured along the Company's boundary to a point twenty-four yards measured in a north-easterly direction along the said boundary from the said point;
- (b) Lands on the south side of and adjoining the said railway extending from a point four hundred and eighty yards north-east of Wood Lane measured along the Company's boundary to a point forty-three yards measured in a south-easterly direction along the said boundary from the said point;
- (c) Lands extending in a north-westerly direction from the entrance road to the coal depôt of the Cannock Chase Colliery Company in Wellington Road to a point one hundred and ten yards west of the said entrance road and seventy yards south-west of the boundary of the said railway.

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Lands in the urban district of Carnforth on the north-west side of and adjoining the Lancaster to Carlisle railway of the Company extending from a point ten yards north-east of the bridge carrying the Ulverston to Wennington railway of the Company over the said Lancaster to Carlisle railway measured along the Company's boundary to a point two hundred and thirty yards measured in a north-easterly direction along the said Company's boundary from the said point.

In the county of Essex—

Lands in the urban district of Hornchurch on the north side of and adjoining the Barking to Upminster railway of the Company extending from Hornchurch Road for a distance of four hundred and sixty yards measured in a westerly direction along the Company's boundary.

In the borough of Evesham in the county of Worcester—

Lands on the south side of and adjoining the Gloucester to Birmingham railway of the Company extending from a point thirty-one yards west of Briar Close Lane to a point one hundred and eighty yards measured in a north-westerly direction along the said railway from the said point.

In the county of Lincoln (Parts of Kesteven)—

Lands in the parish of North Witham in the rural district of West Kesteven on the north side of and adjoining the South Witham to Bourne railway of the Company extending from a point four hundred and eighteen yards east of Ermine Street measured along the Company's boundary to a point sixty yards measured in an easterly direction along the said boundary from the said point.

In the metropolitan borough of St. Pancras in the A.D. 1933.
county of London—

- (a) Lands bounded on the north by No. 46 Seymour Street and No. 5 Little Drummond Street on the east by Little Drummond Street on the south by Drummond Street and on the west by Seymour Street;
- (b) Lands bounded on the north by Lancing Street on the east by No. 13 Lancing Street on the south by Wellesley Street and by the yard adjoining Wellesley Buildings and on the west by Seymour Street;
- (c) Lands bounded on the north by Wellesley Street on the east by No. 1 Grafton Place and the yard adjoining Wellesley Buildings on the south by Grafton Place and on the west by Seymour Street.

5.—(1) So far as relates to all property acquired by the Company under this Act in the borough of St. Pancras section 133 (Land tax and poor's rate to be made good) of the Lands Clauses Consolidation Act 1845 shall be read and applied as though for the references therein to the poor's rate were substituted references to the general rate and as though the amount required to be made good by the Company were one-half of the deficiency in the several assessments to the general rate and as if any buildings to be erected on such property were the works referred to in the said section.

For protection of St. Pancras Borough Council.

(2) The assessments on which any payment made by the Company under the said section 133 is based shall be inserted in the valuation list and any such payment shall be taken into account for the purpose of ascertaining the proceeds of any rate.

6. Notwithstanding anything contained in this Act the Company shall not without the consent in writing of the St. Pancras House Improvement Society Limited acquire any of the properties numbered on the deposited plans 6 to 12 inclusive in the metropolitan borough of St. Pancras.

For protection of St. Pancras House Improvement Society Limited.

7. The powers granted by this Act for the compulsory purchase of lands shall cease on the first day of October one thousand nine hundred and thirty-six.

Period for compulsory purchase of lands.

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Power to
stop up
road and
footpath
and divert
footpath.

8. Subject to the provisions of this Act the Company may exercise the powers hereinafter mentioned (that is to say) :—

In the city and county borough of Nottingham—

The Company may stop up and discontinue so much of Nuthall Road which crosses on the level the Nottingham to Mansfield railway of the Company as lies between the Company's fences.

In the county borough of St. Helens—

The Company may stop up and discontinue the footpath leading in a southerly direction from Watson Street along the towpath of the abandoned arm of the St. Helens canal from the commencement of the said footpath in Watson Street to the termination of the said arm two hundred and forty-seven yards south of Watson Street.

In the borough of Buxton in the county of Derby—

The Company may stop up and discontinue so much of the footpath leading from Browledge Road to St. Peter's Church as lies between a point eighty-seven yards east of the footbridge over the Stockport to Matlock railway of the Company and the point where the said footpath crosses Nun Brook and may make a new footpath from the commencement of the stopping up aforesaid along the Company's boundary in a south-easterly direction to Nun Brook and thence in a south-westerly direction to join the said footpath to be stopped up where it crosses Nun Brook.

For protec-
tion of
Nottingham
Corporation.

9. Notwithstanding anything contained in this Act the following provisions for the protection of the lord mayor aldermen and citizens of the city of Nottingham and county of the same city (in this section referred to as "the corporation" and "the city" respectively) shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say) :—

(1) The Company shall at all times maintain across the Nottingham to Mansfield railway of the Company at Nuthall Road in the city a foot-bridge for the use of foot passengers using Nuthall Road in the city :

- (2) On and after the stopping up of the level crossing of the said Nottingham to Mansfield railway over Nuthall Road in the city by this Act authorised the corporation shall be entitled to a perpetual easement to maintain the sewers and drains and water gas and electricity mains pipes and other apparatus of the corporation situate in and under the said level crossing and to repair alter take up relay and renew the same respectively from time to time and to lay down and maintain and from time to time repair alter take up relay and renew any additional sewers drains water gas or electricity mains pipes and other apparatus in and under the said railway in the same and as full a manner as if the said level crossing had not been stopped up :
- (3) The corporation for the purpose of exercising the said powers shall be entitled to full rights of access over the part of the said railway of the Company occupying the site of the said level crossing :
- (4) Any difference which may arise between the Company and the corporation under this section shall be referred to and determined by a single arbitrator to be agreed upon by the Company and the corporation or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof shall apply to any such reference.

10. Where this Act authorises the stopping up of a road or footpath or portion thereof without providing a substitute such stopping up shall not take place except where the same is situate upon property of the Company without the consent of the owners lessees and occupiers of the houses and lands on both sides thereof and from and after such stopping up all rights of way over or along the road or footpath or portion 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

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Stopping up roads and foot-paths without providing substitute.

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A.D. 1933. railway appropriate and use for the purposes of their undertaking the site of the road or footpath or portion thereof so stopped up :

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.

Stopping
up roads or
footpaths
in case of
diversion.

11. Where this Act authorises the diversion of a road or footpath or the making of a new road or footpath and the stopping up of an existing road or footpath or portion thereof such stopping up shall not take place until such new road or 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 road or 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 road or 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 road or footpath or as from the date of the said certificate as the case may be all rights of way over or along the existing road or 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 road or 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 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.

12. Any road or footpath or portion of road or footpath made diverted or altered under the authority of this Act (except the stone iron or other structure carrying any such road or 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 and unless otherwise agreed be maintained by and at the expense of the body or persons liable to maintain roads or footpaths of the same nature and in the same parish and district or borough as the road or footpath or portion of road or footpath in question.

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Further provision as to repair of roads and footpaths.

13. All private rights of way over any lands which may under the powers of this Act be acquired compulsorily shall as from the date of their acquisition be extinguished. 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.

As to private rights of way over lands taken compulsorily.

14. 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 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 the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to certain owners to grant easements.

15. The Company and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the said lands and premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and premises.

Power to enter upon property for survey and valuation.

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Costs of
arbitration
in certain
cases.

16.—(1) The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof should be borne by the claimant Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this subsection shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this subsection.

(2) If the Company shall make an offer of purchase money and compensation at least ten days before the commencement of the hearing before the tribunal and the claimant fails within ten days from the making of the offer to notify the Company in writing that he accepts the same all the costs and expenses of the Company of and incidental to the arbitration including any fees and expenses of the arbitrator incurred by them after the date of the offer shall in the event of the claimant subsequently accepting such offer be borne by him Provided that this subsection shall be applicable only in cases where the offer contained a notice of the effect of this subsection.

17. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and thirty-two if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands.

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Compensation in case of recently altered buildings.

18. The Company may enter into and carry into effect agreements with the parties having the charge management or control of the roads streets footpaths or highways or any of them portions whereof shall under the provisions of this Act be altered or stopped up with reference to the construction or contribution towards the costs of such alteration or of any new road street footpath or highway to be substituted therefor and with reference to any other matters relating thereto and if so agreed the Company may delegate to such parties as aforesaid the power of constructing and maintaining all or any of such alterations or new roads streets footpaths or highways in which they may be interested including the structure of any bridge over or under any railway and any expenses incurred by a local authority under and for any of the purposes of this section shall be deemed to be expenses incurred in the execution and under and for the purposes of the Public Health Act 1875 and any expenses incurred by a county council under this section for a purpose to which capital is properly applicable shall be deemed to be and be defrayed as expenses incurred by the county council in exercise of their powers as a highway authority and the enactments relating to such expenses including the provisions thereof as to borrowing shall apply accordingly.

Power to make agreements with local authorities &c.

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As to private street expenses in certain cases.

19.—(1) The Company shall be deemed not to be an owner or occupier for the purposes of section 150 of the Public Health Act 1875 in respect of any land acquired or used by the Company under or in pursuance of the powers or for the purposes of this Act (a) upon which any street as defined by the Public Health Acts and not being a highway repairable by the inhabitants at large shall wholly or partially front adjoin or abut and (b) which shall at the time of the laying out of such street be used by the Company solely as a part of their lines of railway or sidings stations or works and shall have no direct communication with such street.

(2) The expenses incurred by any urban authority under the powers of the said section which but for this provision the Company would be liable to pay shall be repaid to the urban authority by the owners of the premises fronting adjoining or abutting on the said street other than the Company and in such proportions as shall be settled by the surveyor of the urban authority.

(3) In the event of the Company subsequently making a communication with such street they shall notwithstanding such repayment as last aforesaid pay to the urban authority the expenses which but for the foregoing provision the Company would in the first instance have been liable to pay.

(4) The urban authority shall divide among the owners for the time being other than the Company the amount so paid by the Company to the urban authority less the costs and expenses attendant upon such division in such proportion as shall be settled by the said surveyor whose decision shall be final and conclusive.

(5) This section shall not apply to any street existing at the passing of this Act.

Confirmation of purchase of lands by the Company.

20. The Company may hold use and appropriate for the general purposes of their undertaking the following lands and premises which have already been acquired by them and the purchase or acquisition

thereof is hereby sanctioned and confirmed (that is A.D. 1933.
to say) :—

In the county of Chester—

Lands in the parish of Stanthorne in the rural district of Nantwich on both sides of and adjoining the Trent and Mersey canal of the Company near Flint Mill Bridge.

In the county borough of Stockport—

Lands adjoining Spring Road and the road called Brinksway leading from Cheadle to Stockport.

In the county of Derby—

Lands in the parish and urban district of Alfreton on the south-west side of and adjoining the Butterley to Pye Bridge railway of the Company and between that railway and Butterley Park reservoir;

Lands in the parish of Linton in the rural district of Repton on the south-west side of and adjoining the Gresley to Moira railway of the Company and fronting on the road called "The Drift."

In the county of Essex—

Lands in the parish of Cranham in the rural district of Romford on the north side of and adjoining the London Tilbury and Southend railway of the Company and fronting upon Front Lane.

In the county borough of Southend-on-Sea—

Lands and premises known as Nos. 62 63 64 and 65 High Street Leigh-on-Sea on the south side of and adjoining the London Tilbury and Southend railway of the Company.

In the metropolitan borough of St. Pancras in the County of London—

Lands bounded on the north side by Drummond Street on the west side by Seymour Street and on the south side by Lancing Street.

In the county of Stafford—

Land in the parish of Trentham in the rural district of Stone on the east side of and adjoining the Trent and Mersey canal of the Company;

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Land in the parish of Cheddleton in the rural district of Cheadle on the west side of and adjoining the Trent and Mersey canal of the Company.

In the county borough of Stoke-on-Trent—

Lands at Sideway near Whieldon Road on the west side of and adjoining the Trent and Mersey canal of the Company.

For protection of London County Council and St. Pancras Borough Council.

21. For the protection of the London County Council (in this section referred to as “the county council”) and the mayor aldermen and councillors of the metropolitan borough of St. Pancras (in this section referred to as “the St. Pancras Council”) the following provisions shall have effect unless otherwise agreed in writing between the county council (as respects subsections (2) (3) and (4) and paragraph (a) of subsection (5) of this section) or the county council and the St. Pancras Council (as respects paragraphs (b) and (c) of the said subsection (5)) on the one hand and the Company on the other hand (that is to say) :—

- (1) Nothing in this Act shall exempt the Company or any building structure or erection erected or constructed or to be erected or constructed on any land acquired under or the purchase of which is confirmed by this Act from the provisions of the London Building Act 1930 or any Act amending or extending that Act or any byelaws and regulations in force thereunder (subject to any special exemptions in favour of railway companies therein contained but without prejudice to the express provisions of the following subsections of this section or to the provisions of the section of this Act of which the marginal note is “Power to provide and maintain hotels”) :
- (2) As respects any lands in the administrative county of London (in this section referred to as “the county”) acquired under or the purchase of which is confirmed by this Act it shall not be lawful for the Company without the consent of the county council to encroach on any part of the surface of any street or footway or to erect or maintain any building or structure beyond

the general line of buildings in any street part of street place or row of houses : A.D. 1933.

- (3) The Company shall not where any house or building in the county has been wholly or partly demolished by them leave any adjoining structure or any portion of a partly demolished structure in an unsightly condition for a longer period than is reasonably necessary :
- (4) The Company shall not affix or exhibit or permit to be affixed or exhibited within view of any public street or open space in the county upon any part of the lands in the county acquired under or the purchase of which is confirmed by this Act or upon any building hoarding or structure erected thereon any placards or advertisements except such as have been approved in writing by the county council and if any such placard or advertisement is affixed or exhibited without that approval the county council and their authorised officers may remove it but this provision shall not prevent the Company from exhibiting on the outside of any station or other building of the Company placards giving any information to the public as to the business of the Company :
- (5) (a) If the Company demolish the houses and buildings on—
 - (i) the lands in the metropolitan borough of St. Pancras referred to in the section of this Act of which the marginal note is “ Confirmation of purchase of lands by the Company ” ;
 - (ii) the lands numbered on the deposited plans 1 to 5 inclusive and 33 to 40 inclusive in the said borough (when such last-mentioned lands shall have been acquired by them) ; and
 - (iii) the lands in the said borough on the south-west side of so much of Seymour Street as lies between Drummond Street and Euston Square ;

or on any part (consisting of a complete block bounded on the north-west and south-east by public streets) of the lands referred to under the

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foregoing sub-paragraphs (ii) and (iii) they shall on the completion of the demolition without payment surrender to the county council (for the purpose of increasing the present width of Seymour Street to sixty feet as shown by the red lines upon the signed plan (hereinafter defined)) the lands on the north-east and south-west sides of Seymour Street which are shown by red colour on the signed plan to the extent to which those lands form part of the site of houses and buildings so demolished or of the curtilage of any such house or building or of any street adjoining such site;

(b) The Company shall as soon as reasonably practicable after the surrender of such lands carry out the said widening including the making up of the roadway and footpaths and all incidental works at their own cost and in all respects to the reasonable satisfaction of the St. Pancras Council and as from the date of the completion of such making up the lands so surrendered shall be deemed to form part of the highway of Seymour Street and as such shall be maintained repaired cleansed and lighted by the St. Pancras Council. Provided that the Company shall be at liberty in connection with any buildings to be erected by them on any land adjoining Seymour Street as so widened to construct such vaults or cellars as they may deem necessary under the footpath of that street provided that such vaults or cellars comply with the byelaws and regulations of the St. Pancras Council relating thereto that a space of not less than two feet six inches shall be left between the crown of such vaults or cellars and the new pavement level and that the outside of the walls of such vaults or cellars shall in no case extend beyond a point eight feet in front of the building line of Seymour Street as so widened or such greater extent (if any) as may have been agreed with the St. Pancras Council. Provided also that the Company shall first submit to the chief engineer of the county council plans of the proposed vaults or cellars and shall not commence the construction thereof

until the said chief engineer has signified in writing his approval of such plans; A.D. 1933.

(c) As from the date of the completion of the widening of Seymour Street on the north-eastern and south-western sides thereof between Drummond Street and Grafton Place to the extent indicated by the red lines shown upon the signed plan paragraph (2) of section 28 (For the protection of the Vestry of St. Pancras) of the London and North Western Railway Act 1900 shall be read and have effect as if the reference in that paragraph to the widening of Seymour Street were omitted therefrom and except as expressly provided in this subsection nothing in this Act shall be deemed to vary or diminish the protection for the St. Pancras Council contained in the said section 28;

(d) In this section "the signed plan" means the plan which has been signed in triplicate by the Right Honourable the Earl of Iveagh the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which one copy has been deposited in the Committee and Private Bill Office of the House of Commons one copy in the Parliament Office of the House of Lords and one copy with the county council.

22. The Company and the Great Western Railway Company jointly may hold use and appropriate for the general purposes of their undertakings the following lands and premises which have already been acquired by them and the purchase or acquisition thereof is hereby sanctioned and confirmed (that is to say):—

In the county borough of Wallasey—

Lands on the south side of and adjoining the Wirral railway of the Company bounded by Gorsey Lane and Dock Road.

Confirma-
tion of
purchase of
lands by
Company
and Great
Western
Railway
Company.

23.—(1) The Company may abandon and discontinue the maintenance and use of the dock known as Widnes Dock together with the lock and entrance channel at the south end thereof (all of which are in this Act referred to as "the abandoned dock") and the Company may appropriate for the general purposes of their

Power to
abandon
Widnes
Dock.

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(2) Subject to the provisions of this Act all the powers and obligations conferred or imposed on the Company with respect to or in connection with the abandoned dock shall cease.

(3) Not later than one month before closing the abandoned dock the Company shall give notice of the date of closing by placing placards fixed at conspicuous spots on the abandoned dock and at such other spots near the abandoned dock as they may deem most convenient for persons interested therein and by advertisement in a newspaper or newspapers circulating in the borough of Widnes.

(4) The purchase money arising from sales of land under the provisions of this section shall be applied only to purposes to which capital is properly applicable.

Abatement
of work
abandoned
or decayed.

24.—(1) The Company shall not fill in the abandoned dock until they shall have effectively stopped up to the reasonable satisfaction of the acting conservator of the river Mersey the entrance channel to the abandoned dock so as to prevent any interference with the navigation in or the regime of the river Mersey owing to the filling in of the abandoned dock.

(2) If the river wall of the abandoned dock is suffered to fall into decay and is in such a condition as to interfere or cause reasonable apprehension that the same may interfere with the right of navigation in the river Mersey the acting conservator of the river Mersey may serve notice requiring the Company to carry out such works as may be specified in the notice to prevent such interference.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade or the Minister of Transport or the acting conservator of the river Mersey acting on his behalf may execute the works required to be done by the notice at the expense of the Company and the amount of such expense 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.

25.—(1) Subject to the provisions of this Act and notwithstanding anything contained in articles of agreement dated the twenty-fifth day of May one thousand nine hundred and three and made between Henry Torrens Anstruther and Henry William Forster two of the Lords Commissioners of His Majesty's Treasury of the first part the Leek and Manifold Valley Light Railway Company of the second part and the North Staffordshire Railway Company of the third part the Company may abandon and discontinue the maintenance and use of Railway (No. 4) authorised by the Leek Caldon Low and Hartington Light Railways Order 1898 and may remove the rails and other works forming the said railway to be abandoned and notwithstanding anything contained in the Lands Clauses Acts the Company may sell lease or otherwise dispose of or may retain hold and use for the purposes of its undertaking the site and soil of any part of the said railway so abandoned as aforesaid.

A.D. 1933.

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Abandonment of certain railway.

(2) The purchase money arising from sales of land under the provisions of this section shall be applied only to purposes to which capital is properly applicable.

26. Notwithstanding anything contained in this Act the Company shall continue liable to maintain any bridges roads conduits drains retaining walls tunnels fences and accommodation works which they are now liable to maintain in connection with the railway authorised to be abandoned by the section of this Act of which the marginal note is "Abandonment of certain railway" unless and until otherwise agreed with the local or road authority concerned or the body or person for the accommodation or benefit of whose lands any such works have been constructed or maintained.

For protection of local and road authorities and adjoining owners.

27.—(1) The Company and the local and road authorities of any area in which are situate any part of the railway authorised to be abandoned by the section of this Act of which the marginal note is "Abandonment of certain railway" and any body or person being the owner lessee or occupier or otherwise interested in any land adjoining or near thereto may enter into and carry into effect agreements with reference to the removal construction alteration maintenance and repair by the contracting parties or any of them of embankments cuttings bridges roads conduits drains retaining walls

Agreements with authorities and owners as to works.

[Ch. xxxiii.] *London Midland* [23 & 24 GEO. 5.]
and Scottish Railway Act, 1933.

A.D. 1933. tunnels fences and accommodation works in over under or adjoining the said railway and as to contributions by such authorities bodies and persons towards the cost thereof and any such agreement may provide for the transfer to and vesting in the Company or any such authority body or person of any such works or the liability for the maintenance thereof.

(2) The making of any such contribution by a local or road authority shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such authority they may incur expenditure and any such authority may raise in like manner as money may be raised under the provisions of any such general Act the moneys necessary for the purpose of any such contribution as aforesaid.

(3) If any work executed by a local or road authority in pursuance of any agreement made under the provisions of this section involves an alteration of a telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration as if such local or road authority were "undertakers" within the meaning of the said Act.

Extension
of time for
compulsory
purchase of
lands.

28. The periods now limited by the London Midland and Scottish Railway (No. 1) Act 1930 (in this section referred to as "the Act of 1930") 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-six 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) :—

(a) Lands authorised to be acquired by section 5 of the Act of 1930 for the purpose of widening No. 2 by that Act authorised :

(b) Lands authorised to be acquired by section 27 of the Act of 1930—

(i) in the urban district of Wilmslow in the county of Chester ;

(ii) in the urban districts of Alderley Edge and Wilmslow in the county of Chester ;

(iii) in the county borough of West Bromwich in the county of Stafford; A.D. 1933.

(iv) in the urban district of Oldbury in the county of Worcester.

29.—(1) The Company may provide and maintain hotels and other like accommodation in any district in which a station on any railway owned or worked by them either solely or jointly with any other company is situate and acquire by agreement and hold land for such purpose and appropriate therefor land already acquired and may furnish stock equip manage and conduct such hotels and accommodation and the business thereof and may subscribe to the funds of or advance money to any company body or person providing owning or leasing hotels in such districts. Power to provide and maintain hotels.

(2) The Company shall not exercise the powers of this section (a) without the previous consent of the Minister of Transport with respect to any hotel or accommodation which is situate at a greater distance than five miles from any station on such railway or (b) within an area which is comprised within a circle having a radius of five miles from the statue of King Charles at Charing Cross except at or adjoining any station on such railway.

(3) Any provision in any public or local Act or in any scheme made under the Town and Country Planning Act 1932 or the Town and Country Planning (Scotland) Act 1932 or any Act replaced or repealed by either of such Acts or any Act amending the same respectively which exempts a railway or any property of a railway company from any of the provisions of such Act or scheme shall not apply to the construction of any hotel or other accommodation provided under the powers of this section.

30. The Company may from time to time out of any moneys in their hands not being moneys held on capital account subscribe for purchase or acquire shares stocks debentures or debenture stocks issued or created by any company (having as its principal object the acquisition holding disposal and development of any estate or interest in lands buildings or property in the vicinity of a railway owned or worked by the Company either solely or jointly with any other company or owned or worked by any joint committee on which the Power to invest in land companies.

[Ch. xxxiii.] *London Midland* [23 & 24 GEO. 5.]
and Scottish Railway Act, 1933.

A.D. 1933. — Company is represented) and the Company may advance moneys to such company on mortgage or on such other security as the Company may think fit.

Power to hold sell or otherwise dispose of lands.

31.—(1) The Company shall have power and shall be deemed always to have had power on such terms and conditions as they think fit to sell exchange lease mortgage or otherwise dispose of any land vested in the Company or hereafter acquired by the Company under the powers of this or any previous Act which is not at the time of such sale or other disposition being used for the purposes of the Company's undertaking whether or not such land has been previously so used or to retain hold and use such land.

(2) On any sale or other disposition by the Company under this section the other party thereto shall not be concerned or entitled to inquire whether or not the land is or is not being used for the purposes of the Company's undertaking.

(3) Sections 127 to 131 (inclusive) of the Lands Clauses Consolidation Act 1845 shall not apply to any land which is now vested in the Company or is hereafter acquired by the Company under the powers of this or any previous Act.

(4) The provisions of this section shall extend and apply to the Company and any other company in respect of land vested in them jointly and to any joint committee incorporated or constituted by Act of Parliament on which the Company may be represented in respect of land vested in such joint committee.

(5) The purchase money arising from sales of land under the provisions of this section shall be applied only to purposes to which capital is properly applicable.

(6) Section 44 of the London Midland and Scottish Railway Act 1924 is hereby repealed.

Application of section 54 of London Midland and Scottish Railway Act 1924.

32. The provisions of section 54 (Power as to building on or over lands) of the London Midland and Scottish Railway Act 1924 shall extend and apply to any lands or premises which have from time to time been acquired or held or which under the powers of this Act may hereafter be acquired or held by the Company and the expression "the Company" shall have the same meaning in the application of the said section to this Act.

[23 & 24 GEO. 5.] *London Midland* [Ch. xxxiii.]
and Scottish Railway Act, 1933.

33. The Company may appropriate and apply to all or any of the purposes of this Act and for or towards the general purposes of their undertaking being in each 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. A.D. 1933.
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Power to
Company
to apply
funds.

34. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery
of demands.

35. Nothing in this Act 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 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 authorised to be taken by the Company. Provision
as to general
Railway
Acts.

36. This Act shall not extend to Northern Ireland. Extent of
Act.

37. 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 Company. Costs of
Act.

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