

[24 & 25 GEO. 5.] *London Midland and Scottish Railway Order Confirmation Act, 1934.* [Ch. lxx.]



## CHAPTER lxx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to the London Midland and Scottish Railway. [25th July 1934.]

A.D. 1934.

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament :

62 & 63 Vict.  
c. 47.  
23 & 24  
Geo. 5. c. 37.  
16 & 17  
Geo. 5. c. 18.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed.

Confirmation  
of Order in  
schedule.

2. This Act may be cited as the London Midland and Scottish Railway Order Confirmation Act 1934.

Short title.

A.D. 1934.

SCHEDULE.

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LONDON MIDLAND AND SCOTTISH RAILWAY.

*Provisional Order to authorise the London Midland and Scottish Railway Company to acquire lands in Scotland to extend the time for the completion of certain authorised railways and works and for the purchase of lands and for other purposes.*

WHEREAS it is expedient that the London Midland and Scottish Railway Company (hereinafter referred to as "the Company") should be authorised for the purposes of their undertaking to acquire the lands described in this Order :

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

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

And whereas plans of the lands which may be taken under the powers of this Order and a book of reference 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 sheriff clerk of the county of Lanark and are hereinafter referred to as the deposited plans and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 :

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

Short title.

1. This Order may be cited for all purposes as the London Midland and Scottish Railway Order 1934.

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

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Incorporation of Acts.

3. In this Order 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 the same respective meanings and the expression "the Company" means the London Midland and Scottish Railway Company.

Interpretation.

In the provisions of the Acts wholly or partially incorporated with this Order the following expressions have for the purposes of this Order the meanings hereinafter attributed to them (that is to say):—

The expressions "the Company" "the undertakers" and "the promoters of the undertaking" mean the Company;

The expression "the railway and works" in Part II of the Railways Clauses Act 1863 incorporated with this Order means the railways and other works the time for the completion of which is hereby extended.

4. Subject to the provisions of this Order the Company may enter upon take and use for the purposes of their undertaking the lands hereinafter described and delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to Company to acquire lands.

In the county of Lanark—

Lands in the parish of Hamilton within the area of the district council of the Fourth District on the north-east side of and adjoining the Hamilton and Strathaven branch railway of the Company about eight hundred yards north-westwards from the Meikle Earnock station of the Company;

Lands in the parish of Bothwell within the area of the district council of the Sixth District on the south side of the Wishaw deviation branch railway of the Company extending from a point about two hundred and ninety-six

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yards south-eastwards from the level crossing at the east end of Holytown station for a distance of three hundred and fifty yards in a southerly direction along the Carfin colliery railway.

Errors and omissions in plans and book of reference may be corrected by sheriff.

5. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county in which the said lands are situate for the correction thereof and if it appear to the sheriff that the omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and the decision of the sheriff in such matter shall be final The certificate of the sheriff shall be deposited in the office of the sheriff clerk of the said county and a duplicate thereof shall also be deposited with the clerk to the district council of the said county in which the lands affected thereby are situate and such certificate and the duplicate respectively shall be kept by such sheriff clerk and clerk to the district council along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Company may enter upon take and use any lands in accordance with such certificate.

Period for compulsory purchase of lands.

6. The powers for the compulsory purchase of lands under this Order shall cease on the first day of October one thousand nine hundred and thirty-seven.

Extending period for completion of railway No. 3 under Caledonian Railway (General Powers) Act 1899.

7. The period now limited by the London Midland and Scottish Railway Order 1931 for the completion of railway No. 3 authorised by the Caledonian Railway (General Powers) Act 1899 is hereby further extended until the first day of October one thousand nine hundred and thirty-seven and the sections of the above Act which relate to the period for the completion of the said railway and to the penalties exigible in the

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event of the same not being completed within the period thereby limited for the completion thereof shall be read and construed as if the period for such completion referred to in those sections did not expire until the expiration of the extended period hereby limited. A.D. 1934.

8. The period now limited by the London Midland and Scottish Railway Order 1931 for the completion of the railway (Work No. 1) authorised by the Caledonian Railway Order 1907 is hereby further extended until the first day of October one thousand nine hundred and thirty-seven and the sections of the said Order of 1907 which relate to the period for the completion of the said railway and to the penalties exigible in the event of the same not being completed within the period thereby limited for the completion thereof shall be read and construed as if the period for such completion did not expire until the expiration of the extended period hereby limited. Extending period for completion of railway (Work No. 1) under Caledonian Railway Order 1907.

9. The period now limited by the London Midland and Scottish Railway Order 1931 for the completion of the bridge lengthening (Work No. 1) authorised by the Caledonian Railway Order 1910 is hereby further extended until the first day of October one thousand nine hundred and thirty-seven. Extending period for completion of bridge lengthening (Work No. 1) under Caledonian Railway Order 1910.

10. The period now limited by the London Midland and Scottish Railway Order 1931 for the completion of the bridge widening at Beattock authorised by the Caledonian Railway Order 1913 is hereby further extended until the first day of October one thousand nine hundred and thirty-seven. Extending period for completion of bridge widening under Caledonian Railway Order 1913.

11. The period now limited by the London Midland and Scottish Railway Order 1931 for the compulsory purchase of lands authorised to be acquired by section 4 of the London Midland and Scottish Railway Order 1928 and therein numbered and described (2) in the parish of Rutherglen and in the royal burgh of Rutherglen is hereby extended until the first day of October one thousand nine hundred and thirty-seven but on that date the powers for such compulsory purchase shall cease except so far as such powers shall then have been exercised. Extending period for compulsory purchase of certain lands under London Midland and Scottish Railway Order 1928.

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Application of  
certain sections  
of London  
Midland and  
Scottish Railway  
Act 1924 and  
London Midland  
and Scottish  
Railway Order  
1933.

12.—(1) The provisions of section 54 (Powers as to building on or over lands) of the London Midland and Scottish Railway Act 1924 shall extend and apply to any lands in Scotland which may be acquired or held by the Company under the powers of this Order.

(2) The provisions of section 7 (Power to sell &c. or hold land) of the London Midland and Scottish Railway Order 1933 shall extend and apply to any land in Scotland which may be acquired or held by the Company under the powers of this Order.

Application  
of funds of  
Company.

13. The Company may apply towards the purposes of this Order to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Provision as  
to general  
Railway  
Acts.

14. Nothing in this Order contained shall exempt the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing of the Act confirming this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of  
Order.

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

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