



CHAPTER xvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the London Midland and Scottish Railway.

[22nd October 1942.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament :

26 Geo. 5. &
1 Edw. 8.
c. 52.

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 1942.

Short title.

SCHEDULE.

LONDON MIDLAND AND SCOTTISH RAILWAY.

Provisional Order to vary certain provisions of the Caledonian Railway (Grangemouth Harbour) Act 1876 and the Caledonian Railway Order 1910 and for other purposes.

39 & 40 Vict.
c. xlvi.

WHEREAS by the Caledonian Railway (Grangemouth Harbour) Act 1876 the Caledonian Railway Company were authorised to make a wet dock and other works at the harbour of Grangemouth and to dredge deepen and improve the navigation of the river Carron which formed the entrance to the said harbour :

And whereas the said wet dock and other works have been constructed :

And whereas the time limited for the exercise of the powers to dredge deepen and improve the said navigation has been extended from time to time and it is expedient that the limitation on the exercise of such powers should be repealed :

10 Edw. 7.
& 1 Geo. 5.
c. lxii.

And whereas by the Caledonian Railway Order 1910 the Caledonian Railway Company were authorised to abandon and discontinue the Glenbuck and Spireslack to Muirkirk branch railways but were required to maintain certain of the railway works and to re-open the said branch railways for traffic at the request of the owners of the minerals or stone in the adjoining lands in the event of the working of such minerals or stone :

And whereas no such request has been made and it is expedient that the obligation to maintain the said works and re-open the said branch railways should be repealed :

And whereas it is expedient that the level crossing in the parish of Rescobie in the county of Angus known as Wiel Staves level crossing of the Forfar to Arbroath railway of the London Midland and Scottish Railway Company (hereinafter referred to as "the Company") should be stopped up :

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936 :

5 & 6 GEO. 6. *London Midland and Scottish Railway Order Confirmation Act, 1942.* **Ch. xvii.**

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

1. This Order may be cited for all purposes as the London Midland and Scottish Railway Order 1942. Short title.

2. The Lands Clauses Acts and the Railways Clauses Consolidation (Scotland) Act 1845 are incorporated with this Order. Incorporation of Acts.
8 & 9 Vict. c. 33.

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 incorporated herewith have the same respective meanings and the expression "the Company" means the London Midland and Scottish Railway Company. Interpretation.

- 4.—(1) Section 4 (Power to make wet dock and other works) of the Caledonian Railway (Grangemouth Harbour) Act 1876 from the words "entrance cut" in Work Number (8) to the end of the section is hereby repealed. Amendment of Caledonian Railway (Grangemouth Harbour) Act 1876.

- (2) The Company may dredge deepen and improve the navigation of the river Carron so that the navigable channel thereof shall be of the depth of not less than twenty-five feet at high water of spring tides from the termination of the Entrance Cut (Work Number (6)) authorised by the said section to the river or Firth of Forth.

5. The following provisions of the Caledonian Railway Order 1910 are hereby repealed:— Repeal of provisions of Caledonian Railway Order 1910.
 - The proviso to section 24 (Abandonment of Glenbuck and Spireslack to Muirkirk branch railways);
 - Section 25 (For protection of adjoining owners and occupiers);
 - Section 26 (For protection of Earl of Home).

6. Subject to the provisions of this Order the Company may stop up and discontinue as a carriage way so much of the road leading from the road from Forfar to Arbroath to the road from Forfar to Montrose in the parish of Rescobie in the county of Angus known as Wiel Staves level crossing as lies between the fences of the Forfar to Arbroath railway of the Company. Stopping up Wiel Staves level crossing.

7. Where this Order 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 situated upon the property of the Company without the consent of the owners lessees and occupiers of the houses and lands on both sides thereof 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 (Scotland) 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 so stopped up: Stopping up roads and footpaths without providing substitute.

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.

Provision as to
general railway
Acts.

8. Nothing contained in this Order 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.

9. 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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