



CHAPTER cxxxv.

An Act to authorise Agreements between the Barry Dock and Railways Company Alexandra (Newport and South Wales) Docks and Railway Company Brecon and Merthyr Tydfil Junction Neath and Brecon Pontypridd Caerphilly and Newport Swansea and Mumbles Cambrian Wrexham and Ellesmere Wrexham Mold and Connah's Quay Manchester Sheffield and Lincolnshire Cheshire Lines Committee Wirral Seacombe Hoylake and Deeside Mersey Liverpool Southport and Preston Junction Southport and Cheshire Lines Extension West Lancashire and Blackpool Railway Companies or some of them for the purpose of Through Traffic ; to authorise the appointment of a Joint Committee ; and for other purposes.

A.D. 1889.

[12th August 1889.]

WHEREAS the Welsh railways mentioned in the first section of the schedule to this Act with a total mileage of four hundred miles or thereabouts in extent from Newport Cardiff Neath Merthyr Tydfil Swansea and other ports and places in South Wales to the River Dee in North Wales form together with the railways mentioned in the second section of the said schedule one continuous line of railway communication connecting the above-mentioned towns and ports in South Wales with North Wales Chester Birkenhead Liverpool Manchester and other important ports cities and towns and generally with the manufacturing districts of the North of England :

And whereas the railways mentioned in the schedule hereto are at the present time worked by independent companies as distinct undertakings and have not been managed worked or developed so as to afford to the public the accommodation in respect of through traffic which they are capable of affording if effective provision were

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A.D. 1889. — made for the speedy mutual adjustment of through rates and the forwarding of such through traffic over and upon the said railways :

And whereas it is expedient and will contribute greatly to the public convenience and to the welfare of the said several companies that the provisions hereinafter contained should be made for the use of the said several undertakings continuously as though they were one undertaking and that they should for the purposes of through traffic be placed under the management of a joint committee to be appointed as hereinafter directed :

And whereas the above objects cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 (that is to say) :

Short title. 1. This Act may be cited as the *Welsh Railways Through Traffic Act 1889*.

Interpreta-
tion. 2. For the purposes of this Act the expression "through traffic" shall mean and include all the traffic of every description (whether passengers goods animals minerals or other merchandize) conveyed or consigned to or from any station on any railway belonging to worked or leased by one of the United Companies as such companies are hereinafter defined from or to any station on such railway of any other of the United Companies and also all traffic of the like description in the forwarding of which two or more of the companies mentioned in the schedule hereto are concerned or interested :

The expression "station" means and includes all sidings junctions wharves or docks and all other places at from or to which any rate or other charge in respect of the conveyance of traffic is charged and made.

Agreement
authorised
for working
through
traffic. 3. The companies named in the schedule hereto or any two or more of them may with the consent of a majority of three-fourths in number and value of their shareholders respectively present in person or by proxy at any meeting specially convened with notice of the object make and enter into an agreement for the forwarding with all needful facilities by means of through booking through rates through carriages and waggons or otherwise of through traffic passing or intended to pass over the railways of the companies parties to such agreement under the management of a joint committee to be called "the *Welsh Railways Through Traffic Joint*

Committee" to be appointed in manner hereinafter provided by such companies (in this Act referred to as "the United Companies"):

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Provided always that at any time and from time to time after such an agreement as aforesaid shall have been entered into any other of the companies named in the said schedule may in like manner with the consent of their shareholders enter into agreement with the Joint Committee for the like purposes and they shall thereupon be deemed to be one of the United Companies with the same powers rights and privileges and subject to the same liabilities and conditions in all respects as the companies then and theretofore forming the United Companies.

4. When and so soon as any such agreement shall have been entered into the directors of any of the United Companies working their own lines the mileage of whose railway exceeds one hundred miles shall nominate and appoint in writing under the hand of their chairman or secretary two persons and the directors of any other of the United Companies (other than the Mersey Railway Company) working their own lines shall in like manner nominate and appoint one person to represent them upon the said Joint Committee. If the Mersey Railway Company become one of the United Companies they shall be entitled to nominate and appoint two persons to represent them upon the said Joint Committee. The persons so nominated by the several companies shall form the said Welsh Railways Through Traffic Joint Committee (hereinafter referred to as "the Joint Committee") and shall remain in office until they respectively die resign or are removed by the directors by whom they were nominated and their places shall be filled or they may be re-appointed by the same means by which the original appointments were made:

Establishment of Joint Committee.

Provided that any person representing a company ceasing to work its own line shall cease to be a member of the Joint Committee.

5. Any one of the United Companies may from time to time in like manner at their pleasure remove the member or members of the Joint Committee so appointed by them respectively and may in like manner respectively fill up the vacancies occurring among such members by removal death or resignation.

As to vacancies in Joint Committee.

6. Any member of the Joint Committee may at any time resign his office as such member at any meeting of the Joint Committee or by writing addressed to the chairman for the time being of the Joint Committee and the directors of the company represented by the member so resigning shall as soon as may be appoint a member of the Joint Committee to supply his place.

Resignation of members of Joint Committee.

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Acts of
Joint Com-
mittee not
to be in-
validated.

7. No act of the Joint Committee shall be invalid or illegal by reason only of any irregularity in the appointment of any member of the Joint Committee.

Joint Com-
mittee to
appoint
chairman &c.

8. The Joint Committee shall at their first meeting and thereafter at the first meeting in each year appoint a chairman to hold office for the year next succeeding and at all meetings of the Joint Committee the chairman or in his absence some member of the Joint Committee chosen by the members present shall preside.

Quorum of
Joint Com-
mittee.

9. The quorum at all meetings of the Joint Committee from time to time shall be any number not less than one-third of the whole number constituting the Joint Committee for the time being.

Question to
be decided
by majority
of votes or
by casting
vote of
chairman.

10. Subject as in this Act provided with reference to the decision of questions in difference by arbitration all questions arising at a meeting of the Joint Committee shall be decided by a majority of the members present at the meeting and in the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

Providing
for expenses
of Joint
Committee.

11. The expense of carrying on the business of the Joint Committee shall be defrayed by the United Companies in such proportions as the Joint Committee shall agree on or the standing arbitrator hereinafter mentioned shall determine and the amount payable by each company shall be stated in a minute of the Joint Committee together with the time and place of payment:

Copies of every such minute signed by the chairman of the meeting at which such minute was made and by the secretary of the Joint Committee or by the arbitrator and secretary shall be sent to the secretaries of the United Companies ;

The United Companies shall at the time so fixed in the minute pay to the bankers or treasurer of the Joint Committee the amount specified in the minute and such amount shall be deemed debts due from the companies respectively to the Joint Committee from the day fixed for the payment thereof until the same shall be discharged ;

If any of the United Companies shall make default in such payment the same company shall be charged by the Joint Committee and shall pay to the Joint Committee interest at the rate of ten per centum per annum upon the amount due from the same company to be calculated from the day fixed for the payment until the day when the same is paid ;

The Joint Committee may by action in the name of their secretary recover from any company in default all sum or sums due

together with interest thereon as aforesaid and it shall be sufficient in any such action to produce the minute book containing the minute on which the claim is founded and to prove that a copy of the said minute duly authenticated was sent to the secretary addressed at the principal office of the company in default and that the sum mentioned in the said minute has not been paid.

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12. There shall be a standing arbitrator to determine questions arising between the representatives of the United Companies on the Joint Committee.

Standing arbitrator.

13. The first standing arbitrator shall be Sir Theodore Martin K.C.B. who shall subject to the provisions of this Act continue in office for one year from his appointment and each of his successors appointed as in this Act provided shall continue in office for one year from the time of his appointment unless in any case the office is sooner vacated by death incapacity to act resignation removal absence from the United Kingdom or otherwise.

First standing arbitrator.

14. On a vacancy happening in the office of standing arbitrator by expiration of term of office death incapacity to act resignation removal absence from the United Kingdom or otherwise the Joint Committee shall failing agreement as soon as possible submit to the President of the Board of Trade the names of the persons proposed by any member or members of the Joint Committee to be appointed as standing arbitrator and from among those persons the President of the Board of Trade shall select one person to be the standing arbitrator and the first or any succeeding arbitrator going out of office otherwise than by removal shall be capable of re-appointment.

Appointment of succeeding standing arbitrators.

15. If any difference arises at a meeting of the Joint Committee then on the request of the representative or representatives of any one of the United Companies present at such meeting delivered to the secretary of the Joint Committee within ten days after such meeting the same shall be referred to the standing arbitrator.

References to standing arbitrator.

16. The decision of the standing arbitrator shall in all cases be final and binding on the Joint Committee and on the United Companies.

Decisions to be final.

17. The standing arbitrator for the time being shall nevertheless on the request of the Joint Committee or of the board of directors of any one of the United Companies review any previous decision

Review of decisions.

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A.D. 1889. — of himself or of any former standing arbitrator but any alteration of any such decision shall have a prospective operation only and shall not affect anything done or suffered under the decision reviewed.

Appointment
of officers.

18. The Joint Committee may appoint remunerate and at their pleasure remove such officers clerks and servants as they may deem needful for the purposes for which they are constituted and they shall cause proper books to be kept in which shall be entered the minutes of all proceedings at every meeting of such Joint Committee.

Functions
of Joint
Committee.

19. The Joint Committee or the standing arbitrator as the case may be shall determine—

- (1) The fixing in case of difference between or objection by any of the United Companies of any proposed through rates tolls terminal and other charges for or in respect of through traffic as defined by this Act ;
- (2) The apportionment of the moneys arising from the through rates and other rates tolls terminal and other charges received or receivable by any of the United Companies in respect of through traffic and in such apportionment the Joint Committee or the standing arbitrator as the case may be shall take into consideration all the circumstances of the case including any special expenses incurred in respect of the construction maintenance or working of the route or any part of the route as well as any special charges which any of the United Companies may be entitled to make in respect thereof ;
- (3) The facilities to be afforded and the arrangements to be made so as to provide for and in every way facilitate the conduct and development of through traffic by the United Companies or any of them ;
- (4) The rules and regulations with respect to the purposes aforesaid so as to provide that the several undertakings of the United Companies shall be used for the purposes of through traffic in all respects as conveniently as though they were one undertaking and under one management and so as to ensure the forwarding and delivery of the through traffic with the utmost despatch.

Saving free
competition
to and from
ports of
Cardiff
Newport
Penarth and
Barry.

20. It shall not be in the power of the Joint Committee to make any arrangements or to do any act or thing by which free competition to and from the ports or docks of Cardiff Newport Penarth and Barry or any of them may or shall be in any way interfered with or obstructed :

Nor shall the Joint Committee fix or regulate any dock rates or charges at any docks or harbours belonging to or controlled by any of the United Companies.

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21. If the Pontypridd Caerphilly and Newport Railway Company and the Alexandra (Newport and South Wales) Docks and Railway Company or either of them shall at any time hereafter give notice to the Joint Committee of their desire to enter into the Welsh Railways Through Traffic Arrangements Union and shall be so authorised by a majority of three-fourths in number and value of the shareholders of the said companies respectively present in person or by proxy at meetings specially convened with notice of the object then subject to the provisions of this Act the said company or companies shall thereupon become and be deemed to be a member or members as the case may be of the United Companies and this Act shall be read and construed as if the expression "the United Companies" included the said company or companies.

Application of provisions to other companies.

22. Nothing in this Act contained shall as between the London and North-Western Railway Company and the Cambrian Railways Company in any manner take away prejudice or affect the rights powers or privileges of the London and North-Western Railway Company under and by virtue of a certain agreement dated the twenty-second day of February one thousand eight hundred and seventy-seven and made between the London and North-Western Railway Company of the one part and the Cambrian Railways Company of the other part in pursuance of powers granted by the Oswestry and Newtown and other Railway Companies (Arrangements) Act 1864 and the Cambrian Railways Act 1864 so far as such agreement is in accordance with the powers so granted and is for the time being valid and subsisting neither shall anything in this Act contained authorise the Joint Committee to do any act or thing which shall in any wise be inconsistent with or in contravention of the provisions and conditions of the said agreement.

Saving agreement between the London and North-Western and Cambrian Railways Companies of 22nd February 1877.

23. Nothing in this Act contained shall be construed to authorise the respective boards of the United Companies to raise create or expend any capital in excess of the amount authorised by the statutory powers of the respective companies or to attach or give to any capital to be hereafter raised or expended any preferential rights other than are authorised by such statutory powers.

Restriction as to raising of capital.

24. Nothing in this Act contained shall exempt the United Companies or their railways or the Joint Committee from the

Provision as to general railway Acts.

A.D. 1889. — provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future Session of Parliament or from any further revision or alteration under the authority of Parliament of the maximum rates of fares and charges or the rates for small parcels authorised to be charged by the United Companies.

Expenses of Act.

25. 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 companies by whom this Act has been promoted.

SCHEDULE.

FIRST SECTION.

The Barry Dock and Railways Company.
The Brecon and Merthyr Tydfil Junction Railway Company.
The Neath and Brecon Railway Company.
The Swansea and Mumbles Railway Company Limited.
The Cambrian Railways Company.
The Wrexham and Ellesmere Railway Company.
The Wrexham Mold and Connah's Quay Railway Company.

SECOND SECTION.

The Manchester Sheffield and Lincolnshire Railway Company.
The Cheshire Lines Committee.
The Wirral Railway Company.
The Seacombe Hoylake and Deeside Railway Company.
The Mersey Railway Company.
The Liverpool Southport and Preston Junction Railway Company.
The Southport and Cheshire Lines Extension Railway Company.
The West Lancashire Railway Company.
The Blackpool Railway Company.

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