



CHAPTER clxxxii.

An Act to empower the Midland and Great Northern Railways Joint Committee to construct a Railway at Great Yarmouth and other works and to acquire lands and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS it is expedient that the Midland and Great Northern Railways Joint Committee (in this Act called "the Committee") should be empowered to construct the new railway and other works and to exercise the other powers in this Act mentioned and also to acquire retain hold and use additional lands for the purposes of this Act and for other purposes connected with their undertaking:

And whereas plans and sections showing the lines and levels of the railway and other works by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also books 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 peace for the several counties within which the said railway and other works will be made or are situate and the said lands are situate and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

And whereas it is expedient that the time limited by the Midland Railway Act 1892 for the completion of the railway at Sutton Bridge and the time limited by the Midland Railway Act 1894 for the completion of the Mundesley Branch should be extended:

And whereas it is expedient that the Midland Railway Company (in this Act called "the Midland Company") and the Great Northern Railway Company (in this Act called "the Great Northern Company") should respectively be empowered to apply their funds to the purposes of this Act:

A.D. 1897. And whereas the objects of this Act 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:—

Short title. 1. This Act may be cited for all purposes as the Midland and Great Northern Railways Joint Committee Act 1897.

Incorporation of general Acts. 2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863.

Interpretation. 3. In this Act 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: The expression "the railway" means the new railway by this Act authorised:

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to Committee to make new railway &c. 4. Subject to the provisions of this Act the Committee may make and maintain in the lines and according to the levels shown on the deposited plans and sections thereof respectively the railway and works hereinafter described with all proper approaches stations sidings works and conveniences connected therewith and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto respectively as may be required for those purposes:

The railway and works hereinbefore referred to and authorised by this Act are—

A railway to be called the Great Yarmouth and Lowestoft Railway one mile and six furlongs in length commencing in

the parish of Great Yarmouth in the county of Norfolk by a junction with the Union Line of the Committee and terminating in the parish of Gorleston in the county of Norfolk at or near the western fence of the Great Eastern Railway Company's Railway from Great Yarmouth to Beccles : A.D. 1897.

A widening one furlong in length of the railway of the Committee from Sutton Bridge to King's Lynn situate wholly in the parish of South Lynn in the county of Norfolk between points respectively six chains or thereabouts in a north-westerly direction and four chains or thereabouts in a south-easterly direction from the booking-office at South Lynn Station.

5. The railway and widening shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the undertaking of the Committee as if the same had been part of the Eastern and Midlands Railway at the date of the passing of the Railway Rates and Charges No. 11 (London Tilbury and Southend Railway &c.) Order Confirmation Act 1892 and shall for all other purposes be part of the undertaking of the Committee as if they had been vested in the Committee by the Midland and Great Northern Railway Companies (Eastern and Midlands Railway) Act 1893. Rates and charges for railway.

6. The Committee shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Committee shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Committee and the amount of such costs and charges shall be a debt due from the Committee to the Crown and shall be recoverable accordingly with costs. Works below high water mark not to be commenced without consent of Board of Trade.

7. The following provisions shall apply with respect to the bridge or viaduct for carrying the railway over the river Yare For protection of Great Yar-

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 mouth Port
 and Haven
 Commis-
 sioners
 Provisions
 as to bridge
 over Brey-
 don Water.

or Breydon Water within the Haven of Great Yarmouth which railway the Committee are by this Act authorised to construct:—

- (1.) The bridge or viaduct shall be completed within three years from the commencement of any works connected therewith:
- (2.) The bridge or viaduct shall be a girder bridge or viaduct with two opening spans over the deep water channel of the said river Yare or Breydon Water providing a waterway each of a clear width of sixty feet at the least on the square and the pivot for working the said opening spans shall be placed on the main pier of the said bridge or viaduct. The under side of the girders of the said bridge or viaduct shall be at least fourteen feet above high water of ordinary spring tides at the site of the said bridge or viaduct and the foundations of the said bridge or viaduct shall be laid deep enough and be so constructed as to admit of the said river Yare or Breydon Water being deepened at any future time by the Great Yarmouth Port and Haven Commissioners (hereinafter in this Act called "the commissioners") with safety to the said bridge or viaduct:
- (3.) The opening spans of the said bridge or viaduct shall be opened and shut by hydraulic or other machinery approved by the engineers of the commissioners and the said bridge or viaduct and the opening spans thereof shall also be provided with such appliances for the convenience of vessels boats and barges passing the same as the commissioners shall from time to time reasonably require:
- (4.) The said bridge or viaduct and the works connected therewith shall be constructed according to a plan elevation and cross sections to be approved by the engineers of the commissioners and such plan elevation and cross sections shall be submitted to and approved by those engineers before the commencement of the said bridge or viaduct and works and when the said plan elevation and cross sections shall have been approved the said bridge or viaduct and works shall be proceeded with in such order and in such sections as shall be directed or approved in writing by such engineers. The said plan elevation and cross sections are to provide for the construction of fixed spans of girder work and not a solid embankment across the foreshore between high and low water mark of ordinary spring tides at the northern end of the said bridge or viaduct. The positions of the piers of the said bridge or viaduct in the waterway as also the widths of the fixed spans or openings throughout that portion of the said bridge or viaduct other than the two opening spans above referred to shall be such as the engineers of the commissioners shall first approve. The clear headway

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between high water of ordinary spring tides and the under side of the girders of the said fixed spans shall correspond with that previously described with respect to the said opening spans. The said plan elevation and cross sections shall also provide for the construction of permanent timber fendering on each side of the two opening spans of a length at least equal to that of the swing girders of such spans. The said fendering to be fitted with such mooring bollards or holdfasts as may be considered necessary by the engineers of the commissioners. After the said bridge or viaduct and works connected therewith have been constructed in accordance with this sub-section it shall not be lawful for the Committee at any time to alter or extend the same without the consent in writing of the commissioners. But nothing in this Act shall relieve the Committee from or impose upon the commissioners any liability or responsibility for or in connection with the design or construction of the said bridge or viaduct or any works connected therewith :

- (5.) The Committee shall at all times maintain and keep the said bridge or viaduct and works and appliances connected therewith in good and sufficient repair and condition to the satisfaction of the commissioners :
- (6.) The officers of and any persons authorised in that behalf by the commissioners shall at all reasonable times have free access to the said bridge or viaduct and works connected therewith as well during as after the construction thereof with authority to inspect the workmanship and materials thereof and the state of repair in which the same are kept :
- (7.) During the construction of the said bridge or viaduct and works connected therewith the Committee shall exhibit thereat or near thereto and thereafter so long as the Board of Trade may require shall likewise maintain exhibit and keep burning at the expense of the Committee every night from sunset to sunrise such proper and sufficient lights for the navigation and safe guidance of vessels as the Board of Trade may require :
- (8.) The Committee shall at all times make up maintain and keep in repair to the satisfaction of the commissioners the foreshores and banks of the said river Yare or Breydon Water on both sides thereof where disturbed interfered with or injuriously affected by the said bridge or viaduct or the works connected therewith :
- (9.) During the construction of the said bridge or viaduct and works connected therewith the Committee shall keep the

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navigation of the said river Yare or Breydon Water at and about the said bridge or viaduct free and clear so that vessels navigating in and upon the said river Yare or Breydon Water may have sufficient and convenient room to navigate and pass thereon and for that purpose shall amongst other things provide and maintain two clear temporary navigable channels each of fifty feet at the least in width and in no case shall the temporary piling or other conveniences necessary for the construction of the said bridge or viaduct and the works connected therewith project into the waterway along the sides of the cylinders or piers for the fixed spans to a greater extent than five feet without the sanction of the engineers of the commissioners. The Committee shall also provide and maintain such temporary piling or fendering on either side of the said two opening spans of the said bridge or viaduct as shall be required or approved by the engineers of the commissioners for the safety or convenience of the navigation during the construction of the said bridge or viaduct and the works connected therewith. Such temporary piling and fendering shall be removed by and at the expense of the Committee so soon as the works and operations of the Committee affecting the said river Yare or Breydon Water are completed and the bed of the same left free from obstruction :

(10.) The commissioners may under any powers for the time being enabling them in that behalf and whether before the commencement of any works or operations of the Committee affecting the said river Yare or Breydon Water or during or after the execution and completion of the same set up and erect on either side of the channel or waterway of the said river Yare or Breydon Water within the distance of two hundred yards as well above as below the said bridge or viaduct such mooring piles and posts and warping buoys and of such number as the commissioners in their discretion think necessary or convenient for navigation and the cost of setting up and erecting and from time to time repairing renewing and replacing such mooring piles and posts and warping buoys shall be repaid to the commissioners by the Committee and in default of payment may be recovered by the commissioners from the Committee in any court of competent jurisdiction :

(11.) The Committee shall be directly responsible for all or any damage to the channel foreshores or banks of the said river Yare or Breydon Water within three hundred yards above and below the said bridge or viaduct or to any vessel

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boat or barge navigating the said river Yare or Breydon Water within those limits and for all or any liabilities resulting therefrom during the execution of any works of the Committee affecting the said river Yare or Breydon Water unless such damages or liabilities arise from or are caused by the act or default of other persons the onus of proof whereof shall be upon the Committee and shall indemnify the commissioners and the owners of such vessel boat or barge as the case may be against any such damages and liabilities :

(12.) It shall not be lawful for the Committee or any person acting under them at any time (unless in case of unavoidable injury to the said bridge or viaduct) to keep the opening spans of the said bridge or viaduct closed so as to detain any vessel barge or boat navigating the said river Yare or Breydon Water and every such vessel barge or boat shall be entitled to pass through the bridge free of charge at all times without striking or lowering its mast or funnel and the said bridge or viaduct shall be open at all times when required for the passage of any such vessel barge or boat and all railway traffic shall at all times when necessary be stopped until such vessel barge or boat shall have passed through the said bridge or viaduct and in case the Committee or any person acting under them shall detain any such vessel barge or boat contrary to the provisions of this enactment the Committee or person so offending shall in every such case be liable to a penalty not exceeding twenty pounds to be recovered in summary manner before any court of summary jurisdiction but nothing in this Act shall prevent any person from recovering from such Committee or person any damages which he may sustain by reason of any such detention as aforesaid :

(13.) The Committee shall appoint and at all times employ at their own expense some fit person to be the superintendent of the said bridge or viaduct and such superintendent shall at all times open the said bridge or viaduct when required for the passage of any vessel barge or boat through the same and shall at all times use due care and diligence that no obstruction or delay shall be occasioned to the passage of any vessel barge or boat through the said bridge or viaduct and in case such superintendent shall fail to open the said bridge or viaduct when required or cause any obstruction or delay to the passage of any vessel barge or boat he shall be liable to a penalty not exceeding twenty pounds to be recovered in a summary manner before any court of summary jurisdiction :

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(14.) Subject to the other provisions of this Act the Committee shall not in constructing and maintaining the said bridge or viaduct in anywise impede the navigation of the said river Yare or Breydon Water or the entrance to the river Bure adjacent thereto or the free flow of the tidal or drainage waters through the same respectively or between the piers of the said bridge or viaduct or execute any works which shall at any time hereafter have any prejudicial effect on the navigation of or drainage by the said river Yare or Breydon Water or the entrance to the river Bure and if the Committee shall impede the navigation or the free flow of the tidal or drainage waters or diminish the sectional area of the channel or waterway of the said river Yare or Breydon Water or the entrance of the said river Bure or execute any works which shall at any time hereafter have any such prejudicial effect as aforesaid it shall be lawful for the commissioners to abate and remove the works occasioning such impediment diminution or prejudicial effect and to recover the costs and expenses of such abatement and removal from the Committee and the Committee shall be liable for any loss or damage resulting from any breach of this enactment:

(15.) The Committee and the commissioners may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

For protection of
Great Yarmouth Port
and Haven
Commissioners
Provisions
as to bridge
over river
Bure.

8. The following provisions shall apply with respect to the bridge for carrying the said railway over the river Bure within the Haven of Great Yarmouth which railway the Committee are by this Act authorised to construct:—

(1.) The bridge shall be completed within two years from the commencement of any works connected therewith:

(2.) The bridge shall be a girder bridge of three spans one of which shall have an opening of at least one hundred and twenty feet clear width measured along the centre line of the railway the centre of which shall correspond with the centre line of the waterway of the said river The height or clear distance between the surface of the said river at high water of ordinary spring tides at the site of the said bridge and the under side of the girders of the same shall not at any part be less than fifteen feet The foundations of the bridge shall be laid deep enough and be so constructed as to admit of the said river being deepened at any future time by the commissioners with safety to the bridge:

- (3.) The bridge and the works connected therewith shall be constructed according to a plan elevation and cross sections to be approved by the engineers of the commissioners and such plan elevation and cross sections shall be submitted to and approved by those engineers before the commencement of the bridge and works and when the said plan elevation and cross sections shall have been approved the bridge and works shall be proceeded with in such order and in such sections as shall be directed or approved in writing by such engineers. After the bridge or works have been constructed in accordance with this sub-section it shall not be lawful for the Committee at any time to alter or extend the same without the consent in writing of the commissioners. But nothing in this Act shall relieve the Committee from or impose upon the commissioners any liability or responsibility for or in connection with the design or construction of the bridge or any works connected therewith : A.D. 1897.
- (4.) The Committee shall at all times maintain and keep the bridge and works connected therewith in good and sufficient repair and condition to the satisfaction of the commissioners :
- (5.) The engineers of the commissioners shall at all reasonable times have free access to the bridge and works connected therewith during the construction thereof :
- (6.) During the construction of the bridge and works connected therewith the Committee shall exhibit thereat or near thereto and keep burning at their own expense every night from sunset to sunrise such proper and sufficient lights for the navigation and safe guidance of vessels as the Board of Trade may require :
- (7.) The Committee shall at all times maintain to the satisfaction of the commissioners the bed of the river and foreshores where disturbed interfered with or injuriously affected by the said bridge or the works connected therewith :
- (8.) During the construction of the bridge and works connected therewith the Committee shall keep the navigation of the said river at and about the said bridge or the site thereof free and clear so that vessels navigating in and upon the same may have sufficient and convenient room to navigate and pass thereon and shall also provide and maintain such temporary piling and fendering as shall be required and approved by the engineers of the commissioners for the safety or convenience of the navigation. Such temporary piling and fendering shall be removed by and at the expense of the Committee so soon as

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the works and operations of the Committee affecting the river are completed :

- (9.) The Committee shall be directly responsible for all or any damages to the channel and foreshores of the said river within one hundred yards above and below the bridge or to any vessel boat or barge navigating the said river within those limits and for all or any liabilities resulting therefrom during the execution of any works of the Committee affecting the said river unless such damages or liabilities arise from or are caused by the act or default of other persons the onus of proof whereof shall be upon the Committee and shall indemnify the commissioners and the owners of such vessel boat or barge as the case may be against any such damages and liabilities :
- (10.) Subject to the other provisions of this Act the Committee shall not in constructing and maintaining the said bridge in anywise impede the navigation of the said river or the free flow of the tidal or drainage waters through the same or execute any works which shall at any time hereafter have any prejudicial effect on the navigation of or drainage by the said river and if the Committee shall impede the navigation or the free flow of the tidal or drainage waters or diminish the sectional area of the waterway of the said river or execute any works which shall at any time hereafter have any such prejudicial effect as aforesaid it shall be lawful for the commissioners to abate and remove the works occasioning such impediment diminution or prejudicial effect and to recover the costs and expenses of such abatement and removal from the Committee and the Committee shall be liable for any loss or damage resulting from any breach of this enactment :
- (11.) If at any time hereafter either of the existing bridges crossing the river Bure and known respectively as "Vauxhall railway bridge" and "the suspension bridge" are converted into bridges with opening spans then the Committee if requested in writing by the commissioners to do so are to convert the bridge crossing the said river by this section authorised to be constructed into a bridge possessing an opening span or spans according to a plan elevation and cross sections to be first approved by the engineers of the commissioners Provided always that in the event of the said bridge being converted into a bridge possessing an opening span or spans all the provisions of the next preceding section with respect to the construction working and maintaining of the bridge or viaduct crossing the river Yare or Breydon Water

as aforesaid shall so far as the same are applicable apply to the bridge crossing the said river Bure to the same extent in all respects as if such provisions were re-enacted with and formed part of this section: A.D. 1897.

(12.) The Committee and the commissioners may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

9. If any difference arise between the Committee and the commissioners with respect to anything done or to be done under or prohibited by this Act either with regard to the bridge or viaduct across the river Yare or Breydon Water or the bridge across the river Bure the same (unless otherwise expressly provided for by this Act) shall at the request of any party be determined by a single arbitrator to be appointed by the president of the Institution of Civil Engineers and the costs of the arbitration and award shall be in the discretion of the arbitrator. Provision as to arbitration.

10. In the execution of the works and exercise of the powers in the borough of Great Yarmouth by this Act authorised the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Great Yarmouth (in this section called "the corporation") shall have effect (that is to say) :— For protection of corporation of Great Yarmouth.

(1.) In the construction altering improving enlarging and maintenance of the works authorised by this Act where they will cross over under or adjoin or in any way affect the streets roads sewers sea-water mains electric lines or works land or property now or hereafter belonging to or under the control of the corporation the same shall be done under the superintendence and to the satisfaction of the borough surveyor of the corporation and only according to such plans and in such manner as shall be submitted to and reasonably approved of by him in writing:

(2.) In the exercise of the powers of this Act the Committee shall cause as little injury as may be to the streets roads sewers sea-water mains electric lines and works land and property now or hereafter belonging to or under the control of the corporation and so as to cause no interruption of the traffic over such streets or roads or of the user of such sewers mains lines or works land or property and the Committee shall pay compensation to the corporation for all damage and injury loss and expenses whatsoever as well immediate as consequential which the corporation may sustain or be

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put to by reason of the exercise of the said powers or any of them :

- (3.) When the surface of any street or road has been interfered with or disturbed by the Committee in constructing the works or exercising the powers by this Act authorised the Committee shall well and sufficiently and to the satisfaction of the corporation restore the surface of the street so interfered with or disturbed and shall keep the same in efficient repair for one year from such restoration :
- (4.) Whenever it may be necessary to intercept or interfere with any existing sewer or drain the Committee shall before intercepting or interfering with such existing sewer or drain construct according to a plan to be approved by the corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Committee with such sewer or drain and in such manner as shall be approved by the corporation :
- (5.) Whenever the sea-water mains pipes or apparatus or the electric lines or works of the corporation shall be severed or interfered with in the execution of any of the powers of this Act and whenever by reason of any works of the Committee it is necessary for maintaining the supply of sea-water or electrical energy to lay additional mains pipes lines or works such additional mains pipes lines or works shall previous to the severance or interference be laid by the corporation at the expense of the Committee :
- (6.) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any additional cost in altering any existing sewer drain sea-water main pipe or apparatus or electric line or work the Committee shall repay to the corporation such additional cost :
- (7.) If by reason of the execution of any of the powers of this Act any increased length of sewer drain sea-water main or pipe electric line or work or any additional apparatus shall become necessary the same shall be constructed and laid by the corporation at the expense of the Committee :
- (8.) The level of any road street or river embankment over which the railways shall be carried shall not be interfered with without the previous consent in writing of the corporation :

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- (9.) All bridges carrying the railways over streets or roads shall be so constructed as to give a clear width between the fences and abutments of not less than forty feet with a headway of not less than sixteen feet except in the case of the roadways along the east and west banks of the Bure respectively over which bridges of twenty feet span on the east side and thirty feet span on the west side between the abutments respectively shall be placed with a clear headway in each case of not less than thirteen feet :
- (10.) The Committee shall construct a close screen not less than five feet six inches in height (except with the consent of the corporation) for a sufficient distance along the boundary of the railway where the same abuts upon or crosses any street and shall enclose with a sufficient fence to the reasonable approval of the corporation the land of the Committee not required for railway purposes where the same shall abut upon any road or street :
- (11.) In constructing the bridge for carrying the railway over the river Bure the Committee shall leave sufficient space thereunder on the left bank of that river for the construction of a quay and towpath not less than five feet in width and the Committee shall prior to the construction of such bridge pay to the corporation the sum of five hundred pounds towards the expense of constructing a quay and towpath from the northern end of the existing yacht quay of the corporation to a point twenty yards north of the said bridge and shall give to the corporation all reasonable facilities for the construction and maintenance thereof :
- (12.) The Committee will if required grant to the corporation at any time after the construction of the bridge for carrying the railway across the river Bure the right to construct lay down and maintain a water main along such bridge for supplying with water the parish of Runham Vauxhall all such works to be executed at the cost of the corporation and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer to the Committee :
- (13.) The corporation and the Committee may enter into and carry into effect agreements for any variation in the work to be done under this section or in the mode of executing the same :
- (14.) Any difference which may arise between the corporation and the Committee as to the true intent and meaning of any of

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the provisions of this section or as to the mode of giving effect thereto shall be determined by arbitration.

For protection of
Great
Yarmouth
Waterworks
Company.

11. For the protection of the Great Yarmouth Waterworks Company (in this section called "the water company") and of their mains works and property the following provisions shall apply and have effect:—

(A.) The Joint Committee shall before commencing any works which would in any manner interfere with any main pipe or work of the water company give to the water company fourteen days' notice in writing of their intention so to do:

(B.) All works in any manner affecting the mains and pipes of the water company shall be constructed made completed and maintained at the expense of the Joint Committee in a good substantial and workmanlike manner and to the reasonable satisfaction of the engineer for the time being of the water company and according to plans and specifications to be previously reasonably approved of by him.

For protection of
Great
Eastern
Railway
Company.

12. The following provisions for the protection of the Great Eastern Railway Company (in this section called "the Great Eastern Company") shall unless otherwise agreed between the company and the Committee apply and have effect (that is to say):—

(1.) The Committee shall not without in every case the previous consent of the Great Eastern Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work from time to time belonging to that company except only so far as shall be necessary for the purpose of making and maintaining the railway as the same is according to this Act to be constructed:

(2.) With respect to any land of the Great Eastern Company which the Committee is by this Act authorised to use enter upon or interfere with the Committee shall not purchase or take the same but the Committee may purchase and take and the Great Eastern Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Committee might purchase and take the same. The price or compensation to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:

(3.) The crossing of the railway over the Great Eastern Company's Yarmouth and Reedham Line shall be effected at such points within the limits of deviation shown on the deposited

plans and in such manner and according to such mode of construction as shall be reasonably approved of by the principal engineer of the Great Eastern Company (hereinafter called "the principal engineer") or in case of difference as shall be determined by arbitration as hereinafter provided : A.D. 1897.

- (4.) The bridge or viaduct carrying the railway over the Great Eastern Company's Yarmouth and Reedham Line shall be constructed with a span or opening of not less than seventy-four feet measured on the square and the Committee shall prior to and during the construction of the said bridge or viaduct adopt such precautions and erect and maintain such permanent or temporary structures for the protection of the Great Eastern Company's said railway and for the safety of the traffic thereon as shall be specified or required in writing by the principal engineer or in case of difference as shall be determined by arbitration as hereinafter provided :
- (5.) If by reason of the construction of the railway it shall become necessary to add to or alter the signal or signals upon the said Yarmouth and Reedham Line of the Great Eastern Company the same shall be so added to or altered by that company and the reasonable expense thereof shall on demand be repaid to them by the Committee :
- (6.) The railway where the same will be made across or will otherwise interfere with any railway siding or other work belonging to the Great Eastern Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be previously approved by the principal engineer who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer of the Committee shall (subject as aforesaid) be determined by arbitration in manner hereinafter provided :
- (7.) The Committee shall take all possible precautions in the execution of their works to prevent any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of any railway siding or other work belonging to the Great Eastern Company :
- (8.) The Committee shall bear and on demand pay to the Great Eastern Company the expense of the employment by that company during the execution of any work affecting any railway siding or other work of that company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the

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Committee and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Committee or their contractors or any person in the employ of the Committee or of their contractors with reference thereto or otherwise :

(9.) If by reason of the execution of any of the works or any proceedings of the Committee or the failure of any such works or any act or omission of the Committee or of their contractors or of any person in the employ of the Committee or of their contractors or otherwise any railway siding or other work of the Great Eastern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Committee at their own expense or in the event of their failing so to do then the Great Eastern Company may make good the same and recover the expense thereof against the Committee in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other work of the Great Eastern Company by reason of any of the matters or causes aforesaid the Committee shall pay to the Great Eastern Company all costs and expenses to which that company may be put as well as full compensation to be recoverable in any court of competent jurisdiction :

(10.) The Committee shall at all times maintain the viaduct bridges or other works by which the railway is carried over the Yarmouth and Reedham Line of the Great Eastern Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer And if and whenever the Committee fail so to do the Great Eastern Company may make and do in and upon as well the lands of the Committee as their own lands all such works and things as the Great Eastern Company reasonably think requisite in that behalf and the sum from time to time certified by the principal engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Committee and in default of full repayment may be recovered in any court of competent jurisdiction :

(11.) If any difference shall arise between the Committee and the Great Eastern Company as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall be determined by arbitration in the manner provided by the Railway Companies Arbitration Act 1859.

Period for
completion
of railway.

13. If the railway is not completed within the period of five years from the passing of this Act then on the expiration of that

period the powers by this Act granted to the Committee for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. A.D. 1897.

14. If the Committee fail within the period limited by this Act to complete the railway the Midland Company and the Great Northern Company shall be liable jointly and severally to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the same is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway : Imposing penalty unless railway opened within time limited.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 :

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided :

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Committee was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

15. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Committee by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit : Application of penalty.

A.D. 1897.

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Committee is insolvent or the railway or any part thereof has been abandoned be paid to such receiver or be applied in the discretion of the court as part of the assets of the Committee for the benefit of the creditors thereof and subject to such application shall be repaid to the Committee.

Power to
acquire
lands for
general
purposes.

16. Subject to the provisions of this Act the Committee in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate to the purposes of their undertaking all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto (that is to say) :—

In the county of Norfolk—

Lands in the parishes of Cromer and Runton lying on each side of and adjoining the railway of the Committee from Cromer to Sheringham near to and adjoining the Cromer station thereon :

Lands in the parish of South Lynn lying on the north and south sides of and adjoining the railway of the Committee from Sutton Bridge to King's Lynn east and west of and near to the South Lynn Station thereon :

In the county of Cambridge—

Lands in the parish of Leverington lying on the east side of and adjoining the Wisbech goods yard on the railway of the Committee from Wisbech to Lynn.

For pro-
tection of
Cromer Hall
estate.

17. If in the exercise of the powers of this Act the Committee shall acquire any lands forming part of the Cromer Hall estate situate on the north or south sides of the railway from Cromer to Sheringham they shall make due provision (maintaining and if necessary extending the existing bridges) for affording access between the portions of the said estate situate on the north and south sides of the said railway with reasonable regard to its development as a building estate The nature and extent of such provision shall be determined in case of difference by a surveyor to be nominated for that purpose by the council of the Surveyors' Institution.

18. Subject to the provisions of this Act the Committee may stop up and discontinue and extinguish all rights of way over so much of the public footpath in the parish of Spalding in the parts of Holland in the county of Lincoln as now crosses on the level the railways and property of the Committee and of the Great Northern and Great Eastern Joint Committee and of the Great Northern Company and known as the Green Lane level crossing Provided that the powers of this section shall not be exercised until the Committee shall have constructed and opened for public use a footbridge over the said railways in substitution for the said level crossing.

A.D. 1897.

Power to stop up footpath.

19. The site and soil of the portion of footpath by this Act authorised to be stopped up and discontinued and the fee-simple and inheritance thereof (except where by this Act otherwise provided) if the Committee are or if and when under the powers of this Act or of any other Act relating to the Committee already passed they become the owners of the lands on both sides thereof shall from the time of the stopping-up thereof respectively but subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway be wholly and absolutely vested in the Committee for the purposes of their undertaking.

As to vesting of site and soil of portion of footpath stopped up.

20. Subject to the provisions of this Act all rights of way over and along the portions of highways which may under the provisions of this Act be stopped up and discontinued and over and along any of the lands which may under those provisions be acquired by compulsion shall be and the same are as from the stopping-up or discontinuance of the said portions of highways or the purchase or acquisition of the said lands hereby extinguished.

Extinguishment of rights of way &c.

21. The powers granted by this Act for the compulsory purchase of lands houses and buildings shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

22. 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 Committee 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 lands and the provisions of the said Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

Power to owners to grant easements &c.

A.D. 1897.

Restrictions
on displacing
persons of
labouring
class.

23.—(1.) The Committee shall not under the powers of this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Committee—

(A.) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Committee acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing

in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom : A.D. 1897.

Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Committee may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Committee for the purposes of any scheme under this section in the same manner in all respects as if the Committee were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Committee may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Committee in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or

A.D. 1897. provided by the Committee for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Committee shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Committee and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Committee shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Extension
of time for
construction

24. The period limited by the Midland Railway Act 1892 for the completion of the railway at Sutton Bridge by that Act authorised

is hereby extended for a period of three years from the twenty-
 eighth day of June one thousand eight hundred and ninety-seven. A.D. 1897.

If the railway at Sutton Bridge be not completed within the said
 period of three years then on the expiration of that period the
 powers for making and completing the same or otherwise in relation
 thereto shall cease except as to so much thereof as shall then be
 completed.

of railway
 at Sutton
 Bridge.

25. The period now limited by the Midland Railway Act 1894
 for the completion of the Mundesley Branch is hereby extended for
 a period of three years from the twenty-eighth day of June one
 thousand eight hundred and ninety-seven and sections 32 and 33 of
 the Midland and Great Northern Railway Companies (Eastern and
 Midlands Railway) Act 1893 and section 45 of the Midland Railway
 Act 1894 shall be read and construed as if the period by this Act
 limited for the completion thereof had been the period limited by
 the said Act of 1891.

Extension
 of time for
 construction
 of Mun-
 desley
 Branch.

If the Mundesley Branch be not completed within the said period
 of three years then on the expiration of that period the powers by
 this Act granted to the Committee for making and completing the
 same respectively or otherwise relating thereto shall cease except as
 to so much thereof respectively as shall then be completed.

26. The Midland Company and the Great Northern Company
 respectively may apply for or towards all or any of the purposes of
 this Act to which capital is properly applicable any sums of money
 which they have already raised or are authorised to raise by any
 other Act of this or any previous session and which are not required
 for the purposes to which they are by such Act made specially
 applicable.

Companies
 may apply
 corporate
 funds.

27. Nothing contained in this Act shall authorise the Committee
 to take use or in any manner interfere with any portion of the shore
 or bed of the sea or of any river channel creek bay or estuary or any
 right in respect thereof belonging to the Queen's most Excellent
 Majesty in right of Her Crown and under the management of the
 Board of Trade without the previous consent in writing of the
 Board of Trade on behalf of Her Majesty (which consent the Board
 of Trade may give) neither shall anything in this Act contained
 extend to take away prejudice diminish or alter any of the estates
 rights privileges powers or authorities vested in or enjoyed or
 exerciseable by the Queen's Majesty.

Saving
 rights of
 the Crown
 in the
 foreshore.

28. Nothing contained in this Act or to be done under the
 authority thereof shall in any manner affect the title to any of the
 subjects or any rights powers or authorities mentioned in or

Saving
 rights of
 Crown
 under Crown
 Lands Act.

[Ch. clxxxii.] *Midland and Great Northern* [60 & 61 VICT.]
Railways Joint Committee Act, 1897.

A.D. 1897. reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Provision as
to general
Railway
Acts.

29. Nothing in this Act contained shall exempt the Midland Company or the Great Northern Company or their respective railways from the provisions of any general Act relating to railways or the better or 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 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 said Companies respectively.

Costs of
Act.

30. 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 Midland Company and the Great Northern Company in equal shares.

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