



# Light Railways Act 1912

## 1912 CHAPTER 19

An Act to continue and amend the Light Railways Act, 1896. [13th December 1912]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### **1 Power of Board of Trade to submit order to Parliament**

- (1) If any order under the Light Railways Act, 1896 (in this Act referred to as the principal Act), is not confirmed by the Board of Trade on the ground that the proposals of the promoters ought to be submitted to Parliament in pursuance of subsection (3) of section nine of the principal Act, the Board may, if they think fit, submit the proposals to Parliament by bringing in a Bill for the confirmation of the Order.
- (2) If, while a Bill confirming any such Order is pending in either House of Parliament, a petition is presented against the Order, the Bill, so far as it relates to the Order, may be referred to a Select Committee, or, if the two Houses of Parliament think fit so to order, to a Joint Committee of both Houses, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.
- (3) On bringing in a Bill under this section for the confirmation of an Order, the Board of Trade shall make a special report to Parliament with respect to the Order.

### **2 Extension of limit on amount available for special advances**

The sum of seven hundred and fifty thousand pounds shall be substituted in section six of the principal Act for two hundred and fifty thousand pounds as the limit of the amount which may be expended for the purpose of special advances under that Act,

### **3 Reference to Light Railway Commissioners of applications for advances under the Development and Road Improvement Funds Act, 1900**

In the case of an application for an advance under Part I. of the Development and Road Improvement Funds Act, 1909, for the purpose of a light railway in Great Britain by any body or person other than a Government Department, the Light Railway Commissioners shall, for the purposes of section four of that Act, be taken to be the Government department concerned, and accordingly the application shall be sent by the Treasury under that section to the Light Railway Commissioners, to be by them referred, together with their report thereon, to the Development Commissioners.

### **4 Power to modify section 92 of 8 & 9 Vict. c.18, or as respects Scotland, section 90 of 8 & 9 Vict. c.19**

Notwithstanding anything contained in section eleven of the principal Act, provision may be made by an order under the principal Act for varying section ninety-two of the Lands Clauses Consolidation Act, 1845, or section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, as incorporated in the order in such a manner as to provide for the taking of part only of a house, building, or manufactory, except where it is shown to the authority to whom the question of disputed compensation is submitted that that part cannot be severed from the remainder of the " property without material detriment thereto, but no such provision shall be made unless the Light Railway Commissioners are satisfied that special notice of the proposal to acquire part only of the house, building, or manufactory has been given under paragraph (b) of subsection (2) of section seven of the principal Act to the owner/lessee, and occupier of the house, building, or manufactory.

### **5 Miscellaneous amendments of principal Act**

- (1) The requirement contained in paragraph (b) of subsection (2) of section three of the principal Act that the expenditure of a council shall in a certain case be limited by the order shall be amended by the substitution of the words " such amount as the Board of Trade think fit under the circumstances, " for the words " such amount as will, in the opinion " of the Board of Trade, bear due proportion to the benefit which may be expected to accrue to their area from the construction or working of the railway."
- (2) There shall be substituted for the words " a railway company existing at the time will construct and work the railway " if an advance is made by the Treasury under this section " in subsection (1) of section five of the principal Act, the words " a railway company working railways, open for traffic has entered into an undertaking, subject to an advance being " made by the Treasury under this section, to work the light " railway when constructed."
- (3) The following paragraphs shall be substituted for paragraphs (c) and (d) of section eleven of the principal Act:—
  - “(c) giving the necessary powers for constructing and working the railway and any works incidental thereto, including power to make agreements with any railway or other company, or any authority, person, or body of persons, for the purpose ; and
  - (d) giving any railway or any other company or 'any authority, person, or body of persons any power required for carrying the order into effect; and”

- (4) In subsection (1) of section sixteen of the principal Act a reference to an application for an order under that Act shall include a reference to an intended application for such an order, and a reference to parishes shall include a reference to parts of parishes.
- (5) It is hereby declared that the fixed period referred to in subsection (4) of section sixteen of the principal Act need not be a period fixed by the order, but may be a period fixed as occasion requires by the Board of Trade or- other Government Department.
- (6) Notwithstanding anything in section sixteen of the principal Act, any expenses incurred by the council of a borough with reference to the application for a light railway order, or in pursuance of such an order, may be made payable either out of the borough fund or rate, or as expenses incurred in the execution of the Public Health Acts as the order may prescribe.

## **6 Amendment of section 24 of principal Act as to amending orders**

Where a light railway order authorising the construction of a light railway on public roads empowers any local authority to acquire the railway, and an application is made under the principal Act by any local or road authorities in whose area any part of the railway is situate for an order amending the original order, the amending order may, notwithstanding anything in proviso (c) of section twenty-four of the principal Act, determine or vary the authorities by whom the railway may be acquired, and may provide for the maintenance, management, and working of the railway when acquired under the order, and may make such further provisions as are necessary for giving full effect to the order :

Provided that the provisions of the original order relating to the period within which the right of acquiring the railway must be exercised, and to the basis on which the purchase money is to be assessed, shall not be altered by the amending order without the consent of the owners of the railway.

## **7 Winding-up of the light railway company on sale of undertaking**

Where, on the application of any company incorporated by an order under the principal Act, it is shown to the satisfaction of the Board of Trade, either by statutory declaration or such other evidence as the Board consider sufficient, that the company have, owing to the sale of their undertaking or otherwise, ceased to be in a position to carry out the objects for which they were incorporated, the Board of Trade may, if they think fit, by order declare that the company shall be wound up, and on any such order being made the provisions of the Companies (Consolidation) Act, 1908, shall apply as if the company were a company within the meaning of that Act, and had resolved by special resolution that the company be wound up voluntarily.

## **8 Light Railway Commissioners as arbitrators**

- (1) Any matter which, under any light railway order, whether made before or after the passing of this Act, is to be determined by arbitration, shall be determined by the Light Railway Commissioners as arbitrators, if the parties make a joint application to the Commissioners for the purpose, and, where under any such order the Board of Trade have power to appoint an arbitrator for the determination of any matter, the Board of Trade may, with the consent of the parties, appoint the Light Railway Commissioners to be arbitrators.

- (2) Where the Light Railway Commissioners act as arbitrators under this section, whether in pursuance of an agreement between the parties or of an appointment by the Board of Trade, the Board of Trade Arbitrations, Sec, Act, 1874, shall apply as if the Light Railway Commissioners were appointed arbitrators by the Board of Trade in pursuance of a special Act, and the Arbitration Act, 1889, shall apply for the purpose of the determination of the matter by the Light Railway Commissioners as, if the arbitration were pursuant to a submission.

## **9 Arbitration**

- (1) Subject to the special provisions of this Act with respect to the Light Railway Commissioners acting as arbitrators, any matter which under any light railway order, made after the passing of this Act, is to be determined by arbitration shall, subject to any special provisions of the order, be determined by the Board of Trade, or, if the Board of Trade think fit, by a single arbitrator appointed by them.
- (2) The Board of Trade Arbitrations, &c, Act, 1874, shall apply with reference to the determination by the Board of any matter referred to them, and to the appointment of an arbitrator, as if this Act or the light railway order were a special Act within the meaning of section four of the said Board of Trade Arbitrations, &c, Act, 1874.
- (3) The Arbitration Act, 1889, shall apply for the purpose of the determination of any matter by an arbitrator appointed by the Board of Trade as if the arbitration were pursuant to a submission.

## **10 Continuance of powers of Light Railway Commissioners**

The powers of the Light Railway Commissioners under the principal Act shall continue for five years after the date of the passing of this Act.

## **11 Short title**

This Act may be cited as the Light Railways Act, 1912, and shall be read as one with the principal Act, and the principal Act and this Act may be cited together as the Light Railways Acts, 1896 and 1912.