CHAPTER ccxxvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Airdrie and Coatbridge Tramways. [14th August 1903.] A.D. 1903.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Airdrie and Coatbridge Tramways Order Confirmation Act 1903.

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SCHEDULE.

AIRDRIE AND COATBRIDGE TRAMWAYS.

Provisional Order to extend the time limited for the completion of the tramways and works authorised by the Airdrie and Coatbridge Tramways Act 1900 *and for other purposes.*

WHEREAS by the Airdrie and Coatbridge Tramways Act 1900 (hereinafter called "the Act of 1900") the Airdrie and Coatbridge Tramways Company (hereinafter called "the Company") were incorporated and were empowered subject to the provisions of that Act to construct and maintain the tramways in the burgh of Airdrie in the county of Lanark therein described:

And whereas by the Coatbridge Tramways Order 1901 (hereinafter called "the Order of 1901") the Company were empowered to construct and maintain the tramways in the burgh of Coatbridge in the said county of Lanark therein described:

And whereas by the Act of 1900 the time for the completion of the tramways thereby authorised was limited to three years from the passing of that Act which received the Royal Assent on the 30th day of July 1900 and it is expedient that the time so limited be extended:

And whereas it is expedient that the Company should be authorised to purchase compulsorily the lands hereinafter described and that the other powers in this Order contained should be conferred upon the Company:

And whereas plans showing the lands which may be taken compulsorily under the powers of this Order and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the principal sheriff clerk for the county of Lanark and are in this Order respectively referred to as the deposited plans and book of reference:

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

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

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Short title.

1. This Order may be cited as the Airdrie and Coatbridge Tramways Order 1903.

Incorporation of Acts.

2. The Lands Clauses Acts are except where expressly varied by this Order incorporated with and form part of this Order.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Extension of time for completion of tramways and works authorised by Act of 1900.

4. The period limited by the Act of 1900 for the completion of the tramways and works thereby authorised is hereby extended as to Tramway No. 4 until the 9th day of February 1904 and as to Tramway No. 5 for a period of three years from the 30th day of July 1903.

Power to take lands.

5. Subject to the provisions of this Order the Company may enter upon take hold and use the following lands shown on the deposited plans and described in the deposited book of reference (that is to say) :—

A plot of land in the burgh of Coatbridge and parish of Old Monkland together with the footpath thereto adjoining containing 3 roods and 4 poles or thereabouts in area and situate on the northern side of Main Street and extending between points respectively 157 yards and 234 yards or thereabouts measured in an easterly direction from Jackson Street.

And the Company may on such lands erect maintain and use such car sheds workshops buildings and other works and conveniences as may be necessary or convenient for the purposes of their undertaking but nothing in this Order shall authorise the Company to construct on such lands any station for generating electrical energy.

Correction of errors &c. in deposited plans and book of reference.

6. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county of Lanark for the correction thereof and if it appear to the sheriff that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and shall in such certificate state the particulars of the omission

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and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the principal sheriff clerk for the said county and a duplicate thereof shall also be deposited with the town clerk of the burgh of Coatbridge and such certificate and duplicate respectively shall be kept by such principal sheriff clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take hold and use the lands in accordance with such certificate as if such omission mis-statement or wrong description had not been made.

Period for compulsory purchase of lands.

7. The powers of the Company for the compulsory purchase of lands under this Order shall cease after the expiration of three years from the passing of the Act confirming this Order.

Restriction on displacing persons of labouring class.

8.—(1) The Company shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the 15th day of April last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said 15th day of April but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" includes mechanics artisans 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 such persons who may be residing with them.

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Owners may be required to sell parts only of certain properties.

9. And whereas in the exercise of the powers of this Order it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes for which the same are required and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owner or owners of and any other persons interested in the properties numbered on the deposited plans 1 and 2 in the burgh of Coatbridge whereof portion only is required for the purposes of this Order may if such portion can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such property without material detriment thereto be required to sell and convey to the Company the portion only of the property so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by any owner or owners thereof and other parties interested therein by severance or otherwise.

Power to place posts wires &c.

10. Subject to the provisions of this Order and as regards the burgh of Coatbridge subject to the reasonable approval of the provost magistrates and councillors of that burgh and as regards the burgh of Airdrie subject to the provisions of section 12 of the Act of 1900 in so far as the same are applicable and as if the works by this section authorised were expressly mentioned in subsection (4) thereof the Company may place and maintain in under or over any street road footpath or place within the burghs of Airdrie and Coatbridge in which the tramways of the Company or any of them are or is laid such posts tubes wires and other apparatus as may be necessary or convenient for working the tramways of the Company by electrical power or for providing access to or in connection with any depôt or works of the Company or any generating station from which electrical energy shall be supplied for the purpose of working the tramways of the Company Provided that the Company shall not fix any wires or other apparatus to any house or building without the consent of the owner of such house or building or attach any such posts tubes wires or other apparatus to any bridge or property of the Caledonian Railway Company without the consent of or otherwise than in a manner approved by that company and nothing in this Order shall authorise

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any interference with any electric lines and works to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Apparatus used for electrical power to be deemed part of tramway.

11. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of electrical power in connection with their tramways were parts of the tramway.

For protection of Postmaster-General.

12. Section 67 (For protection of Postmaster-General) of the Act of 1900 shall apply to the works authorised by this Order and is hereby amended as follows :—

(A) Subsection (3) thereof shall be read as if the words within brackets "or the laying of lines crossing the lines of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point" were omitted and such words shall be deemed to be omitted from the said subsection.

(B) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section :—

If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the Engineer-in-Chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such Engineer-in-Chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations.

Amendment of section 30 of Act of 1900.

13. Section 30 of the Act of 1900 shall be read and have effect as if "twenty shares" had been inserted therein instead of "thirty shares."

Provision as to general Tramway Acts.

14. Nothing in this Order contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken in respect of such tramways.

Costs of Order.

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

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