

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. CV.

An Act for constituting Commissioners of Railways. [28th *August* 1846.]

WHEREAS by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act for regulating Railways;* and by another Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and by another Act passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes relating to Railways;* and by Two other Acts passed in the last Session of Parliament, for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways, respectively, and by sundry Local Acts of Parliament, certain Powers with respect to Railways are vested in the Lords of the Committee of Her Majesty's most Honourable Privy Council for Trade and Foreign Plantations; but it is expedient that a separate Department be constituted for these Purposes, and for other Purposes relating to Railways: 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

3 & 4 Vict. c. 97.
5 & 6 Vict. c. 55.
7 & 8 Vict. c. 85.
8 & 9 Vict. cc. 20. 33.

Her Majesty empowered to appoint Commissioners of Railways, One of whom to be President, and from Time to Time remove them.

and by the Authority of the same, That it shall be lawful for Her Majesty, by Warrant under the Royal Sign Manual, to appoint any Number, not more than Five Persons, to be Commissioners of Railways, and from Time to Time, at Her Pleasure, to remove all or any of the said Commissioners, and to appoint others in their Stead, and to appoint One of the said Commissioners to be their President; and any Two of the said Commissioners shall be competent to act in the Execution of the Powers vested in them by this Act; and upon any Vacancy in the Number of the said Commissioners, it shall be lawful for the surviving or continuing Commissioners, not being less than Two, to act, and their Acts shall be as valid as if no such Vacancy had occurred; and every such Appointment or new Appointment, and also the Day on which the said Commissioners shall begin to act in execution of this Act, shall be published in the *London Gazette*.

Power of Board of Trade transferred to Commissioners.

II. And be it enacted, That from and after the Day which shall be so specified in the *London Gazette* as the Day on which the said Commissioners shall begin to act in execution of this Act, all the Powers, Rights, and Authority now vested in or exercised by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations by virtue of the recited Acts, or by any other Act of Parliament, or otherwise howsoever, with respect to any Railway or intended Railway, shall be transferred to and vested in and exercised by the Commissioners of Railways, as fully as if they had been named in the said several Acts of Parliament instead of the Lords of the said Committee; and all Provisions of the said Acts shall be deemed to apply to the said Commissioners instead of the Lords of the said Committee; and all Proceedings now pending before the Lords of the said Committee, or carried on under their Authority, shall be continued and carried on by and before the said Commissioners, who shall have and exercise the same Powers, Rights, and Authority in respect of all such Proceedings as if they had been originally commenced before the said Commissioners.

An Office to be provided, under the Direction of the Treasury.

III. And be it enacted, That an Office shall be provided in *London* or *Westminster*, under the Directions of the Commissioners of Her Majesty's Treasury, for the Use of the Commissioners appointed under this Act, at or to which all Notices and other Documents shall be given or sent which are now by Law required to be given or sent at or to the Office of the Lords of the said Committee.

Documents sealed by Commissioners to be Evidence.

IV. And be it enacted, That the Commissioners of Railways shall cause a Seal to be made for the Purposes of their Commission, and all Orders and other Documents proceeding from the said Commissioners, and purporting to be sealed or stamped with the Seal of the said Commissioners, and signed by Two or more of the said Commissioners, shall be received as Evidence of the same respectively in all Courts and before all Justices and others, without any further Proof thereof.

Commissioners to appoint a Secretary,

V. And be it enacted, That the said Commissioners may appoint and at their Pleasure remove a Secretary and so many other Officers

and Servants as to them, subject to the Approval of the Commissioners of Her Majesty's Treasury, shall appear necessary for carrying on the Business of the said Commission. Officers, &c. subject to Approval of Treasury.

VI. And be it enacted, That the President and Two other Commissioners, and the Secretary, Officers, and Servants of the said Commissioners, shall be paid by such Salaries as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, not exceeding the Sum of Two thousand Pounds in the Case of the President, and the Sum of One thousand five hundred Pounds in the Case of either of the Two other paid Commissioners, and in the Case of the Secretary and other Officers and Servants of the said Commission, such fit Salaries as shall be from Time to Time appointed, with due Reference to their several Stations and the Duties they will have to perform. Payment of Salaries to Commissioners, Officers, and Servants.

VII. And be it enacted, That the Office of the said President shall not be deemed such an Office as shall render him incapable of being elected or of sitting or voting as a Member of the Commons House of Parliament, or as shall avoid his Election if returned, or render him liable to any Penalty for sitting or voting in Parliament. President not disqualified to sit in Parliament.

VIII. And be it declared and enacted, That the Office of any other of the said Commissioners who shall not be entitled to receive a Salary by reason of his Appointment to such Office, shall not be deemed such an Office as shall render him incapable of being elected or of sitting or voting as a Member of the Commons House of Parliament, or as shall avoid his Election if returned, or render him liable to any Penalty for so sitting or voting; and if any such unpaid Commissioner shall be a Member of the House of Commons at the Time of his Appointment, his Acceptance of such Appointment shall not avoid his Election or vacate his Seat in Parliament; and for the Purpose of distinguishing which Commissioners are qualified to sit in Parliament under this Act, the Warrant appointing any such Commissioner shall specify that he will not be entitled, by virtue of such Appointment, to receive any Salary or Remuneration whatsoever. Unpaid Commissioners not disqualified to sit in Parliament.

IX. And whereas in some Cases Railway Companies have exceeded the Powers given to them under the Acts constituting them, or have otherwise acted contrary to the Provisions of the said Acts, or of the general Acts for regulating Railways; be it enacted, That it shall be the Duty of the said Commissioners to prevent any such unlawful Proceedings, by the Exercise of any Powers now vested in the Lords of the said Committee. Commissioners to exercise Powers now vested in the Board of Trade.

X. And be it enacted, That it shall be the Duty of the said Commissioners to examine and report to Her Majesty and both Houses of Parliament upon any Subject relating to any Railway, or proposed Railway, which shall be specially referred to them for their Opinion by Her Majesty, or by either House of Parliament; and in the Case of any Application to Parliament for any Act for making or maintaining any Railway, it shall be their Duty, if so directed by Her Majesty Commissioners to report to Her Majesty and both Houses of Parliament upon any Case specially re-

ferred to them, Majesty or by the Authority of either House of Parliament, to inquire and report, on local Inspection or otherwise,—

Firstly, Whether there are any Lines or Schemes competing with the proposed Railway:

Secondly, Whether by such Bill it is proposed to take Powers for uniting with such Railway, or proposed Railway, any other Railway or Canal, or to purchase or lease any Railway, Canal, Dock, Road, or other public Work, Undertaking, or Easement:

Thirdly, Whether by such Bill it is proposed to constitute any Branch Railway, or any other Work in connexion with the proposed Railway:

Fourthly, Whether any Plans, Maps, and Sections of any such proposed Railway which, pursuant to any Order of either House of Parliament, shall have been deposited in their Office, are correct, and if not, in what Particulars and how far they are incorrect, and whether or not, in the Opinion of the Commissioners, such Errors as they shall find are material to the Object for which such Plans and Sections are required.

Commissioners empowered to inspect and survey proposed Railways. 4 & 5 Vict. c. 30.

XI. And be it enacted, That for the Purposes aforesaid the said Commissioners shall be empowered, by themselves, or by such Inspectors as they shall appoint for that Purpose, to inspect and survey any proposed Line of Railway, and for the Purposes of any such Survey they and their Inspectors shall have all the Powers which under an Act passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize and facilitate the Completion of a Survey of* Great Britain, Berwick-upon-Tweed, *and the* Isle of Man, any Officers or Persons appointed by or acting under the Orders of the Master General and Board of Ordnance have for the Purpose of making and carrying on any Survey authorized by the last-recited Act; and all the Provisions of the last-recited Act in anywise relating to any such Survey shall be deemed to apply, so far as they are applicable, to any Survey which may be directed by the said Commissioners under this Act, provided that all Allowances and Payments made under this Act of the same Kind as those which by the last-recited Act are to be paid out of the Aids granted by Parliament to Her Majesty on account of the Board of Ordnance, and also all other Expences incurred by the Commissioners in making such Survey and Inspection, shall be paid by the Provisional Committee or Directors or other Persons who shall be the Promoters of the said intended Railway; and in case of Nonpayment of the same in any Case, the Amount of such Allowances, Payments, and Expences shall be deemed a Specialty Debt due to Her Majesty from such Committee Men, Directors, and other Persons, and each of them severally, and shall be sued for and recovered accordingly.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1846.