

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Cap. cviii.

An Act to provide for the Leasing of the *Banbridge, Lisburn, and Belfast* Railway to the *Ulster* Railway Company. [30th *June* 1862.]

WHEREAS by "The *Banbridge, Lisburn, and Belfast* Railway Act, 1858," the *Banbridge, Lisburn, and Belfast* Railway Company (in this Act called "The *Banbridge and Lisburn* Company") were incorporated, and authorized to make a Railway from the Town of *Banbridge* to join the *Ulster* Railway at or near *Lisburn*, and also a short Line of Railway at *Banbridge* to the Line of the *Banbridge Junction* Railway: And whereas by "The *Banbridge, Lisburn, and Belfast and Ulster* Railway Act, 1860," the *Banbridge and Lisburn* Company were authorized to make Deviations in the Railways authorized by the first-recited Act; and it was also provided by the said Act now in recital, that the *Ulster* Railway Company (in this Act called "The *Ulster* Company") should subscribe towards and acquire Shares in the Undertaking of the *Banbridge and Lisburn* Company to the Extent of Twenty-five thousand Pounds, and that Sum has been subscribed and those Shares have been acquired accordingly: And whereas the Railways of the *Banbridge and Lisburn* Company might be worked with greater Economy and Convenience to the Public if the same were entirely under the Management and Control of the *Ulster* Company, and the said

21 & 22 Vict. c. xlvi.

23 & 24 Vict. c. vi.

Companies have agreed, subject to the Approval of Parliament, that the said Railways should be leased to the *Ulster* Company, and it is expedient that Provision should be made for carrying such Agreement into effect; but for that Purpose the Authority of Parliament is necessary: 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Banbridge, Lisburn, and Belfast* Railway (Leasing) Act, 1862."

The Banbridge and Lisburn Company to grant and the Ulster Company to accept a Lease.

2. Within Nine Months after the passing of this Act the *Banbridge and Lisburn* Company may and shall grant, and the *Ulster* Company may and shall accept, a Lease of the Railways, Undertaking, Rights, Powers, and Privileges of the *Banbridge and Lisburn* Company.

Term of Lease.

3. The Term of the Lease to be granted by the *Banbridge and Lisburn* Company to the *Ulster* Company shall be Twenty-one Years, and upon the Expiration of the said Term the *Ulster* Company may, if they think fit, require the *Banbridge and Lisburn* Company to renew the Lease for a further Term of Ten Years: Provided always, that if the *Banbridge and Lisburn* Company shall at any Time during a Period of Fourteen Months immediately preceding the Expiration of the said Term of Twenty-one Years, by Writing under their Common Seal, or under the Hand of their Secretary, require the *Ulster* Company to signify to them, the *Banbridge and Lisburn* Company, whether they, the *Ulster* Company, intend to require the said Lease to be renewed, the *Ulster* Company shall and they are hereby required, within Two Months after the Receipt of such Requisition, to signify to the *Banbridge and Lisburn* Company, by Writing under the Common Seal of the *Ulster* Company, or under the Hand of their Secretary, whether they, the *Ulster* Company, intend to require a Renewal of the said Lease for such further Term as aforesaid; and if the *Ulster* Company shall signify their Intention to require such Renewal, they shall afterwards be bound to take a Renewal of the said Lease for such Term as aforesaid; but if the *Ulster* Company shall fail to signify their Intention to require such Renewal in manner aforesaid within Two Months after the Receipt of such Requisition from the *Banbridge* Company, the *Ulster* Company shall not be entitled to require a Renewal of the said Lease.

Considerations and Conditions of Lease.

4. The Considerations for such Lease shall be such annual or other Rents or such Share of the gross or net Earnings of the demised Property, or both, or such other Considerations, and subject to such Provisions, as may be agreed upon between the said Companies, or if they

they shall not agree then as shall be determined by Two Arbitrators, One of whom shall be appointed by each Company, or if the Arbitrators shall not agree then as shall be determined by an Umpire to be appointed by the Arbitrators, or if the Arbitrators shall not agree as to the Appointment of an Umpire then as shall be determined by an Umpire to be appointed by the Board of Trade.

Consideration for any renewed Lease.

5. The Consideration for any such renewed Lease, and the Terms and Conditions thereof, shall be such as shall within One Year before the Expiration of the said Lease for Twenty-one Years be agreed upon between the said Companies, or be determined by Arbitration and Umpirage in manner aforesaid.

Lease to be subject to the approval of the Board of Trade.

6. The Lease or any Renewal thereof shall not be operative until the same has been approved by the Board of Trade, but when approved by that Board the Lease or renewed Lease shall entitle the *Ulster* Company during the Term therein granted to the full and free Use and Enjoyment of the Railways, Undertaking, Works, and Premises thereby demised: Provided always, that the Lease or renewed Lease shall be and shall be held and enjoyed subject to all the Powers, Restrictions, Regulations, and Provisions of the recited Acts and of this Act, or any of them, or any Acts referred to therein or incorporated therewith.

Restrictions as to Lease or renewed Lease.

7. No Lease or any renewed Lease granted under the Authority of this Act shall in any Manner alter, affect, increase, or diminish any of the Tolls, Fares, Rates, or Charges which the Companies, Parties thereto, are from Time to Time respectively authorized to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Lease or renewed Lease, be entitled to the Use and Benefit of the Railways thereby demised on the same Terms and Conditions, and on Payment of the same Tolls, Fares, Rates, and Charges, as they would be if the Lease or renewed Lease were not granted.

During continuance of Lease only One Short Distance Charge to be made as for Four entire Miles.

8. During the Continuance of any such Lease or renewed Lease Articles or Persons conveyed continuously for a less Distance than Four Miles partly upon the Railway demised and partly upon the *Ulster* Railway shall only be charged once as for Four entire Miles, in the same Manner as if the Railway demised had formed Part of the *Ulster* Railway, anything in the Acts relating to the Companies, Parties to such Lease or renewed Lease, or either of them, to the contrary notwithstanding, and no other Short Distance Charge shall be made in respect of both or either of the said Railways in respect of Articles or Persons so conveyed.

9. Nothing

Railways not exempt from Provisions of present and future General Acts.

9. Nothing in this Act contained shall be deemed or construed to exempt the Undertakings of the said Companies from the Provisions of any General Act relating to Railways or Railway Companies now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels and of the maximum Rates of Fares and Charges authorized to be taken by the said Companies respectively.

Expenses of Act.

10. All the Costs, Charges, and Expenses of and incident to the passing of this Act shall be paid by the *Ulster* Company and by the *Banbridge and Lisburn* Company in Moieties.

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