CHAPTER lxxix.

An Act to explain section 23 of the Barry Dock and Railways Act 1888 and for other purposes. [20th July 1894.]

A.D. 1894.

WHEREAS the Barry Railway Company (herein-after called "the Company") applied to Parliament in the year 1888 for an Act authorising them to exercise running powers over the portions of the Taff Vale Railway situate to the northward of the junction of the Company's railway therewith authorised by the Barry Dock and Railways Act 1884: 47 & 48 Vict. c. cclvii.

And whereas in pursuance of the said application the Barry Dock and Railways Act 1888 was passed under which it was provided (section 23) that the Taff Vale Railway Company should "punctually "and regularly forward and afford all reasonable facilities for goods "and mineral traffic destined for or coming from the undertaking of "the Company from or to Treforest or any place northward thereof "at rates per mile not greater than the lowest rate which shall for the "time being be charged by the Taff Vale Railway Company for like "traffic to or from the docks at Cardiff Penarth or Barry and shall "deliver all such traffic into and take the same from the Company's "sidings as regards all traffic coming from or destined for Hafod or "any place westward thereof at Hafod and as regards other traffic "at Treforest without any terminal or other charge in respect thereof "but with such bonus (if any) in respect of traffic exchanged at Hafod "as in default of agreement between the Taff Vale Railway Company "and the Company shall be from time to time determined on the "application of either of them by the Railway Commissioners "sitting as arbitrators having regard to all the circumstances of the "case and to the following proviso Provided that where any such "traffic shall be carried on the Taff Vale Railway for a less distance "than four miles the Taff Vale Railway Company shall be entitled "to charge in respect of such traffic as if it were carried on their "railway for a distance of four miles and the Company shall in all 51 & 52 Vict. c. clxxxii.

A.D. 1894.

" respects be placed on at least as favourable a footing as any other " company with regard to traffic exchanged with the Taff Vale " Railway Company " :

And whereas it was also provided by the said section as follows :—

" The Taff Vale Railway Company shall not (except with the " consent of the Company under their common seal) use the railway " authorised by the Cardiff Penarth and Cadoxton-juxta-Barry " Junction Railway Act 1885 for mineral traffic other than local " traffic :

" If at any time on application made by the Company to the " Railway Commissioners sitting as arbitrators the said Com- " missioners shall decide that the Taff Vale Railway Company have " failed to give any of the facilities herein provided for and shall " not within reasonable time after notice have remedied such failure " or if the Taff Vale Railway Company use the Cardiff Penarth " and Barry Railway contrary to the provisions of this Act or in " case the Cardiff Penarth and Barry Junction Railways Company " shall use or permit to be used their railway for the conveyance " of mineral traffic other than for local traffic then the Company " may run over and use with their engines carriages and waggons " and officers and servants whether in charge of any engines or " trains or for other purposes and for the purposes of their traffic " of every description the railways and stations following (that is " to say) :—

" So much of the railways belonging to or leased or worked " by the Taff Vale Railway Company as is situate to the " northward or westward of the termination of Railway " No. 7 authorised by the Act of 1884 ;

" Together with all stations on the said portions of railway and " all roads platforms points signals water water-engines " engine-sheds standing room for engines booking and other " offices sidings junctions machinery works and conveniences " of or connected with the said portions of railway and " stations :

" Provided always that if and whenever the Company shall " exercise the running powers by this section conferred the " Taff Vale Railway Company shall during the period of such " exercise be relieved and discharged from any obligation " under this section to deliver traffic to the Company at " Hafod or Treforest and from any restrictions as to the use " of the Cardiff Penarth and Barry Railway " :

And whereas the Bill for the said Act of 1888 promoted by the Company was supported by a large number of persons interested in

the coal trade of South Wales and it was assumed on behalf of the Company and the said persons that the enactment contained in the said section 23 was one which could be enforced by the persons paying the rates mentioned in the said section in respect of the conveyance of their traffic:

And whereas it has been decided by the Court of Appeal that the provisions of the said section are not operative for the benefit of the public and can be enforced only as between the two railway companies:

And whereas it is expedient in the public interest that the meaning of the said section should be declared as in this Act set forth:

And whereas the object aforesaid cannot be accomplished 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 (that is to say):—

Short title

1. This Act may be cited as the Barry Dock and Railways Act 1888 (Amendment) Act 1894.

Explaining section 23 of Act of 1888.

2. The obligations imposed on the Taff Vale Railway Company under the said section 23 to forward and afford reasonable facilities for goods and traffic at rates and in manner therein specified shall henceforth and so long as the running powers mentioned in the said section 23 are not exercised be deemed to be obligations for the benefit of the public as well as for the benefit of the Company and may be enforced in any court of competent jurisdiction by any consignor or consignee of traffic to which the said section relates Provided always that this section shall not have any retrospective effect.

Costs of Act.

3. All the 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 Company.

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