CHAPTER lxxxiv.

An Act to enable the Barry Railway Company to construct a railway in the county of Glamorgan and for other purposes. [7th August 1912.]

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WHEREAS it is expedient that the Barry Railway Company (herein-after referred to as "the Company") should be authorised to construct the railway described in this Act:

And whereas the Company require additional capital for the purposes of their undertaking and it is expedient that powers should be conferred upon the Company to raise additional capital as in this Act contained:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas plans and sections showing the line and levels of the railway authorised by this Act and the lands in or through which the same may be made or which may be taken for the purposes thereof and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and 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 (that is to say):—

1. This Act may be cited as the Barry Railway Act 1912. Short title.

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Incorporation of general Acts.

2. The following Acts and part of an Act are (except where the same are inconsistent with or expressly varied by this Act) incorporated with and form part of this Act namely:—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

Part I. (Construction of a Railway) of the Railways Clauses Act 1863.

Extending certain provisions of Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the Special Act by all parties interested;

and also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by any subsequent Act shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

The expression "the Company" means the Barry Railway Company;

The expression "the railway" means the railway and the works connected therewith by this Act authorised.

Power to make railway.

5. Subject to the provisions of this Act the Company may make in the line and according to the levels shown on the deposited plans and sections the railway in the county of Glamorgan herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes The railway hereinbefore referred to and authorised by this Act is—

A railway (2 miles 1 furlong 8 chains or thereabouts in length) commencing in the parish of Barry by a junction with the Railway No. 6 described in and authorised by the Barry Railway Act 1897 at a point 34 chains or thereabouts north-eastward of the north-eastern corner of Barry Dock No. 2 and 9 chains or thereabouts south-eastward of the Station Hotel Cadoxton-juxta-Barry and terminating in the said parish near the bridge over the Cadoxton Brook nearest to the eastern breakwater of the Company.

Power to deviate.

6. In making the railway the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or downwards or to such further extent as the Company may find necessary or convenient and as may be sanctioned by the Board of Trade.

Company not liable to repair surface of road gradient of which is not increased.

7. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway by a bridge or bridges unless the levels of such road or public highway shall be permanently altered so as to increase the gradient of any part thereof.

Protection of gas and water mains of local authorities.

8. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company" or "society" Provided that any penalties

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recovered under the said section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

Railway to form part of undertaking of Company.

9. The railway and the works connected therewith shall for the purposes of tolls rates and charges and all other purposes be part of the undertaking of the Company.

Period for completion of railway.

10. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Penalty on Company if railway not completed.

11. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion

thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

For protection of Llandaff and Dinas Powis Rural District Council.

13. For the protection of the Llandaff and Dinas Powis Rural District Council (in this section called "the council") the following provisions shall notwithstanding anything in this Act contained or shown on the deposited plans and sections unless otherwise agreed between the Company and the council apply and have effect (that is to say):—

No portion of the railway by this Act authorised or the embankment carrying the same shall be constructed in the rural district of Llandaff and Dinas Powis within thirty feet from the centre of (1) the road leading from the Cardiff main road to Sully Village and (2) the road leading from Sully Village past Hayes Farm to the docks of the Company.

Owners may be required to sell parts only of certain lands and buildings.

14. And whereas in the construction of the railway or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in the properties or either of them whereof the whole or part is described in the schedule to this Act and whereof

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a portion is only required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of the scheduled properties or either of them the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken

by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

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The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Lands for extra-ordinary purposes.

15. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but nothing in this Act or in that Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Power to grant easements &c. by agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

17. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

As to private rights of way.

18. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to lease lands &c.

19. And whereas lands have from time to time been purchased or acquired by the Company adjoining or near to railways or stations belonging to the Company but such lands are not immediately and may not hereafter be required for the purposes of the undertaking of the Company and it is expedient that further powers should be conferred upon the Company with respect to such lands Therefore notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the Company shall not be required to sell or dispose of

any such lands but may retain hold or use or may lease or otherwise dispose of the same:

Provided that nothing in this section or done by the Company thereunder shall alter or affect the operation as regards any such lands as aforesaid within the urban district of Barry of any statutory provisions byelaws or regulations which the Barry Urban District Council would have been entitled to enforce if this section had not been enacted:

Provided also that the Company shall not be entitled without the consent in writing of the Barry Urban District Council (which consent shall not be unreasonably withheld) to supply water or gas or any other means of lighting to any of the dwelling-houses at Cadoxton belonging to the Company or to any other dwelling-house hereafter erected by the Company on any such lands as aforesaid.

Application of Arbitration Act 1889.

20. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Company may apply their funds towards purposes of Act and may raise additional capital.

21. The Company may apply towards the construction of the railway or other the purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and may subject to the provisions of Part II. of the Companies Clauses Act 1863 and in addition to the said moneys raise for the purposes of this Act and for other purposes of and connected with their undertaking any additional capital not exceeding in the whole forty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or instead of issuing ordinary stock by the issue of equal nominal amounts of preferred converted ordinary stock and deferred converted ordinary stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares not to vest until one-fifth part paid up.

22. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share is paid in respect thereof.

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Votes of holders of undivided ordinary stock.

23. The holders of undivided ordinary stock shall have the same right of voting as if they had converted their respective holdings into preferred converted ordinary stock and deferred converted ordinary stock and had continued to hold the same.

As to votes of proprietors of new shares or stock.

24. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall subject to the provisions of this Act be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference shares or stock.

Power to borrow.

25. The Company may in respect of the additional capital of forty-five thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any sum not exceeding in the whole fifteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one-half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

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Appointment of receiver.

26. Section 12 of the Barry Railway Act 1910 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

27. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 44 of the Barry Dock and Railways Act 1884.

Former mortgages to have priority.

28. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Application of moneys.

29. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the general purposes of the Company to which capital is properly applicable and not otherwise.

Receipt in case of persons not sui juris.

30. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Interest not to be paid on calls paid up.

31. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

32. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter

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in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

33. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

34. All 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.

The SCHEDULE referred to in the foregoing Act.

HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PARTS ONLY MAY BE TAKEN.

Parish.	Numbers on deposited Plans.
Saint Andrew's Major - - - - -	1
Sully - - - - - - -	10

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