

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. XXVIII.

An Act to empower Canal Companies and the Commissioners of Navigable Rivers to vary their Tolls, Rates, and Charges on different Parts of their Navigations. [30th *June* 1845.]

WHEREAS by divers Acts of Parliament various Canal Companies and the Commissioners or Trustees of several Navigable Rivers have been authorized and empowered to levy and receive certain Tolls, Rates, and Charges for the Use of their respective Canals and Navigations, which Tolls, Rates, and Charges are for the most part required to be levied at one uniform Rate *per* Ton or *per* Mile throughout the entire Length of the said Navigations and Rivers respectively, without regard to any Difference of Circumstances which may exist in reference thereto: And whereas by an Act of Parliament passed in this present Session, called "The Railways Clauses Consolidation Act, 1845," Powers have been given to Railway Companies to vary the Tolls, Rates, and Charges upon Railways, so as to accommodate them to the

Circumstances of the Traffic thereon: And whereas greater Competition for the public Advantage would be obtained if Canal Companies and the Commissioners or Trustees of Navigable Rivers which have already been or may hereafter be from Time to Time incorporated or established, or which are regulated under the Authority of Parliament, were to have the like Powers granted to them in respect of their several Canals and Navigations and other Works connected therewith; but such beneficial Purposes cannot be effected without the Authority of Parliament: Be it therefore 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, That from and after the passing of this Act, and subject to the Provisions and Limitations herein contained, it shall be lawful for the Company of Proprietors of any Canal, or for the Undertakers, Commissioners, or Trustees of any Navigation or navigable River, already or hereafter to be established or incorporated or which is regulated under the Authority of Parliament, or for their respective Lessees, Committees, Directors, or Managers, or their Superintendents, or other Agents by them severally authorized, in such Manner as may be required by their respective Acts of Incorporation or for regulating such Canals or Navigations, from Time to Time to alter or vary the Tolls, Rates, and Duties granted to them, or by them respectively authorized to be levied and received for the Use of their several Canals or Navigations, or any Branches therefrom, or any Railways or Tramways connected therewith, and made under the Authority of such Canal or Navigation Acts respectively, either upon the whole or upon or for any particular Portion or Portions of such Canals, Navigations, Branches, Railways, or Tramways, according to local Circumstances, or the Quantity of Traffic or otherwise, as they shall think fit, and also from Time to Time to lower or reduce, and again to raise or advance, such Tolls, Rates, and Duties, and also any Tolls or Charges by them respectively authorized to be levied and received for any Haulage, Trackage, or other Power supplied by them, either upon the whole or upon any particular Portion or Portions of their said several Canals, Navigations, Branches, Railways, and Tramways, as to such Companies, Commissioners, Trustees, or Lessees, or their Committees, Directors, Managers, or Superintendents respectively, shall seem fit, any thing in the several Acts of Incorporation, or for regulating any such Canals or Navigations, contained to the contrary notwithstanding: Provided always, that in no Case shall the Tolls, Rates, Duties, and Charges to be at any Time levied or made by any such Companies, Commissioners, Trustees, or Lessees, for the Use of any such Canals, Navigations, Branches, Railways, or Tramways, or for the Supply of any such Haulage, Trackage, or other Power, exceed the Amount which they are by their said several Acts respectively authorized to levy or receive.

Canal Companies authorized to vary their Tolls or Rates on different Portions of their Canals;

and also, from Time to Time, to reduce and again advance their Tolls or Rates.

II. Provided

Tolls to be charged equally to all Persons under the like Circumstances.

II. Provided always, and be it enacted, That all Tolls, Rates, and Duties for the Use of any such Canals, Navigations, Branches, Railways, or Tramways shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Boats, Barges, and other Vessels of a like Description passing along or using the same Portion of the said Canal, Navigation, Branches, Railways, or Tramways respectively, and upon all Goods, Animals, Articles, and Things of a like Description, and conveyed or propelled in a like Boat, Barge, or other Vessel passing along or using the same Portion of the said Canal, Navigation, Branches, Railways, or Tramways, under the like Circumstances; and that all Tolls and Charges for Haulage or Trackage or other Power, to be supplied by any such Company, Commissioners, Trustees, or Lessees, shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Goods, Animals, Articles, and Things of a like Description, and conveyed in a like Boat or Vessel, drawn or propelled by a like Power, and passing along or using the same Portion of any such Canal, Navigation, Branches, Railways, or Tramways, under the like Circumstances; and no Reduction or Advance in any Tolls or Charges for the Use of any such Canal, Navigation, Branches, Railways, or Tramways, or for the Supply of any Haulage, Trackage, or other Power by the said Companies, Commissioners, Trustees, or Lessees, shall be made, either directly or indirectly, in favour of or against any particular Company or Person passing along or using the same Portion of such Canal, Navigation, Branches, Railways, or Tramways.

Act not to apply to existing Companies until a Meeting of Shareholders have determined thereupon, nor in other Cases until approved by Trustees or Proprietors, and Notices thereof duly published.

III. Provided always, and be it enacted, That this Act shall not apply to any Canal or Navigation the Property wherein is vested in Shareholders until a Meeting of the Shareholders thereof shall have been duly convened, in such Manner as Meetings are by their respective Acts of Incorporation or Settlement required to be called, or are usually called, and it shall have been determined, by a Majority of Two Thirds of the Votes of the Shareholders in such Meeting assembled, either in Person or by Proxy (where by such Acts of Incorporation or Settlement voting by Proxy is allowed), to adopt the Powers hereby granted, and where such Navigations are vested in Commissioners or Trustees, without any Body of Shareholders or Proprietors, until a Special Meeting of such Commissioners or Trustees shall have been duly convened in such Manner as Special Meetings are by the respective Acts for regulating such Navigations required to be called, or are usually called, and it shall have been determined by a Majority of such Commissioners or Trustees in such Meeting assembled to adopt the Powers by this Act granted, or to any Canal or Navigation the Property wherein is vested in One or more Owner or Owners, Proprietor or Proprietors, unless the Owner or Owners, Proprietor or Proprietors thereof shall determine to adopt the

the Powers and Provisions hereby granted, nor in either Case until public Notice of such Determination and Intention shall have been inserted in the *London Gazette* in respect of Canals or Navigations in *England* or *Wales*, in the *Edinburgh Gazette* in respect of Canals or Navigations in *Scotland*, and in the *Dublin Gazette* in respect of Canals or Navigations in *Ireland*, and in some Newspaper circulating in the County or Counties wherein such Canal or Navigation, or some Part thereof, shall pass, One Month at the least previously to the Exercise of such Powers, whereupon, or immediately after the Expiration of such Notice, every such Company, and all such Commissioners, Trustees, or Lessees, Owners and Proprietors, or their respective Committees, Directors, or Managers, or their Agents by them duly authorized in manner aforesaid, may from Time to Time put in force and exercise the said Powers or any of them in the Manner by this Act authorized.

Saving Rights specifically reserved to Canal Companies and others by existing Acts of Parliament.

IV. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to deprive any Canal or Navigation Company, or the Commissioners, Trustees, Undertakers, or Proprietors of any Canal, River, or Navigation, or the Owners, Lessees, or Occupiers of any Lands, Collieries, Quarries, or other Hereditaments adjoining or near to any of such Canals or Navigations, or the Overseers or Surveyors of the Roads of any Parish, Township, or Hamlet through which any such Canal or Navigation may pass, of any Powers, Rights, Privileges, Exemptions, or Advantages specifically and expressly secured to them by any existing Act of Parliament: Provided also, that where by any Canal or Navigation Act or Acts now passed the Tolls, Rates, or Duties (whether Tolls *per* Mile or Tolls in gross) upon any Description of Goods, Animals, Articles, or Things, or upon any Boats, Barges, or other Vessels which shall be navigated, carried, or conveyed along any Canal or Navigation, or any Portion thereof, and which shall pass into, out of, or along any such Canal or Navigation, or any Portion thereof, from, into, or along any other Canal or Navigation, Canals or Navigations, adjoining or communicating therewith, or any Portion thereof, or from or to the Junction or Junctions with any such adjoining or communicating Canal or Navigation, Canals or Navigations, are or shall be specially fixed, determined, or limited, either absolutely, or with reference to the Tolls, Rates, or Duties to be levied or received from Time to Time on Goods, Animals, Articles, or Things, Boats, Barges, or other Vessels passing into, out of, or along such Canal or Navigation, or any Portion or Portions thereof respectively, from, into, or along any other adjoining or communicating Canal or Navigation, Canals or Navigations, or from or to the Junction or Junctions with such other adjoining or communicating Canal or Navigation, Canals or Navigations; or where in any such Act or Acts any special Enactment or Provision shall have been inserted for securing a rateable Reduction or Advance of the respective

tive Tolls, Rates, or Duties to be levied or received from Time to Time on Goods, Animals, Articles, or Things, Boats, Barges, or other Vessels, or on Goods, Animals, Articles, or Things of the same Description, passing over, along, into, or from any Canal or Navigation, or several and distinct Portions of any Canal or Navigation, into or along Two or more adjoining or communicating Canals or Navigations, or from or to the respective Junctions of Two or more adjoining or communicating Canals or Navigations, no Alteration or Variation of the Tolls, Rates, and Duties so specially fixed, determined, or limited, or any or either of them, other than such Alterations or Variations as are respectively authorized to be made under the several Acts for regulating such Canals or Navigations, shall be made under the Authority of this Act without the previous Consent in Writing of the Proprietors, Trustees, Undertakers, or Commissioners of the Canal or Navigation, or of all the several Canals or Navigations, who are expressly mentioned in such special Enactments or Provisions, or of the Committee, Directors, or Managers of the Company, Trustees, Undertakers, or Commissioners, or respective Companies, Trustees, Undertakers, or Commissioners of such Canal or Navigation, Canals or Navigations, which Consents such Companies, Trustees, Undertakers, and Commissioners, or their respective Committees, Directors, or Managers, are hereby authorized to give, either under their Common Seals respectively, or under the Hand of their respective Clerks or Secretaries, although any such Companies, Trustees, or Undertakers so consenting may not have adopted the other Powers of this Act.

Canal Companies subject to a Limitation of Profits not to raise their Dues so as to exceed the Maximum of Profits.

V. Provided also, and be it enacted, That where in any Canal or Navigation Act there shall have been inserted any special Provision, which shall be still in force and unrepealed, whereby the Amount of the annual Dividends, Interest, or Profits to be shared or divided amongst the Proprietors or Shareholders of such Canal or Navigation shall have been limited not to exceed a certain Per-centage or Amount, and the Maximum of such Per-centage or Amount shall have been attained at the Time of the passing of this Act, it shall not be lawful for the Company of Proprietors, Trustees, or Undertakers of any such Canal or Navigation to avail themselves of any of the Powers of this Act for the Purpose of raising or increasing the Tonnage Rates, Tolls, or Duties which on the First Day of *January* immediately before the passing of this Act were charged or levied upon any Boats, Barges, or other Vessels carried upon or passing along such Canal or Navigation, or any Part thereof.

Nothing herein to exempt any Canal, &c. from any general Act.

VI. And be it enacted, That nothing herein contained shall be construed to exempt any Canal or Navigation Company who shall adopt the Powers of this Act from the Operation of any general Act regulating

regulating the Manner of charging Tolls and other Charges upon Canals and Navigations in respect of Passengers, Goods, Animals, Articles, and Things of a like Description, which may be passed in the course of any future Session of Parliament.

Act may be amended, &c.

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

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