CHAPTER lxxxiv.

An Act to constitute as a separate undertaking certain railways of the Sheffield and Midland Railway Companies' Joint Committee and certain other railways authorised to be constructed by the Great Central and Midland Railway Companies jointly and for other purposes. [22nd July 1904.]

A.D. 1904.

WHEREAS by the Manchester and Stockport Railway Act 1866 (hereinafter referred to as "the Act of 1866") certain railways were authorised by Parliament and by the Manchester Sheffield and Lincolnshire Railway and Midland Railway Companies' (Joint Lines) Act 1869 (hereinafter referred to as "the Act of 1869") the powers conferred by the Act of 1866 were vested in the Manchester Sheffield and Lincolnshire and the Midland Railway Companies (hereinafter called "the two companies") jointly and by the same Act a Joint Committee representing the two companies was appointed with power to exercise all the powers authorities and rights of the two companies under that Act and to have the direction of their joint property:

And whereas by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1872 (hereinafter referred to as "the Act of 1872") the Joint Committee so appointed was incorporated by the name of the Sheffield and Midland Railway Companies' Committee for the purpose of the exercise of the powers and performance of the duties for the time being belonging to the existing Joint Committee and by section 36 of the same Act all property and rights of or to which the said existing Joint Committee or any person on their behalf were possessed or entitled

A.D. 1904.

at law or in equity at the passing of the said Act were vested in the Committee as so incorporated and by the same Act powers were granted to the said Committee with respect to the construction and maintenance of the works authorised by the Act of 1869 and the management working and control of the undertaking thereby vested in them:

And whereas by various other Acts the Sheffield and Midland Railway Companies' Committee and the two companies respectively were authorised to construct and have constructed various railways the particulars of which are stated in Part I. of the Schedule to this Act:

And whereas by the Great Central and Midland Railway Companies' (Railways in South Yorkshire) Act 1902 (hereinafter referred to as "the Act of 1902") the powers conferred on the Shireoaks Laughton and Maltby Railway Company by the Shireoaks Laughton and Maltby Railway Act 1901 (hereinafter referred to as "the Act of 1901") were transferred to and vested in the two companies jointly and it was provided that the moneys required for the construction of the railways authorised by the Acts of 1901 and 1902 respectively should be provided by the two companies in equal proportions and they were also by the Act of 1902 authorised to make and maintain a deviation of a portion of the railways authorised by the Act of 1901 and also a railway near Doncaster:

And whereas by the South Yorkshire Joint Railway Act 1903 the powers to construct the said railway near Doncaster and a portion of the railway authorised by the Act of 1901 were transferred to and vested in the South Yorkshire Joint Line Committee and the term Shireoaks and Laughton Railway (where hereinafter used) refers to the remaining portions of that railway now being constructed by the two companies and described in Part II. of the Schedule to this Act:

And whereas by the Act of 1902 the two companies were empowered by resolution of their respective boards of directors to delegate the powers of constructing maintaining and working the Shireoaks and Laughton Railway to the Sheffield and Midland Railway Companies' Committee and it is expedient that the powers of the two companies with respect to that railway including the power to raise capital as hereinafter provided should be transferred to and vested in the said Committee as reconstituted under this Act:

A.D. 1904.

And whereas the construction by a Joint Committee of the railways described in Part I. of the Schedule to this Act has been convenient and economical but the working thereof has hitherto been conducted by one or other of the two companies under arrangements made by them and the Joint Committee possess no working stock and it is expedient that the administration and working of the railways by this Act vested in the Joint Committee should be controlled by the two companies and with that object that the Joint Committee should be authorised to grant a lease of the joint undertaking to the two companies as hereinafter provided:

And whereas moneys amounting in all to the sum of one million seven hundred and three thousand seven hundred and seventy-three pounds have from time to time been spent in equal proportions by the two companies in the construction of the railways authorised as aforesaid and described in Part I. of the Schedule to this Act and it is computed that the moneys required for the completion of the Shireoaks and Laughton Railway will amount to the sum of two hundred and ninety-six thousand two hundred and twenty-seven pounds:

And whereas it is expedient that the name of the Joint Committee should be changed from "The Sheffield and Midland Railway Companies' Committee" to "The Great Central and Midland Joint Committee":

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:—

Short title.

1. This Act may be cited as the Great Central and Midland Railway Companies Act 1904.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 so far as the provisions thereof are applicable for the purposes of this Act to the Joint Committee who shall in the application and exercise of the said provisions be regarded as a company and Part IV. (Change of name) of the Companies Clauses Act 1863 and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are incorporated with and form part of this Act.

A.D. 1904.

Interpretation.

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

The expression "the Joint Committee" means the existing Sheffield and Midland Railway Companies' Committee under the new name of the Great Central and Midland Joint Committee;

The expression "the joint undertaking" means the undertaking by this Act vested in the Joint Committee;

"The two companies" means the Great Central and the Midland Railway Companies.

Change of name of Joint Committee.

4. The title of the Joint Committee constituted under the Manchester Sheffield and Lincolnshire Railway Company and Midland Railway Company (Joint Lines) Act 1869 and incorporated by the Act of 1872 shall henceforth be the Great Central and Midland Joint Committee.

Provisions as to joint undertaking.

5. The railways specified in the Schedule to this Act are hereby united and consolidated into one undertaking and constituted for the purposes of this Act as and by the name of "The Great Central and Midland Railway" and on the passing of this Act all the rights powers privileges and authorities of the two companies in relation to the said railways are hereby transferred to and vested in and may be exercised by the Joint Committee subject to the provisions of the several Acts of Parliament relating thereto respectively so far as the same are applicable to and not inconsistent with the provisions of this Act and subject also to any contracts obligations or liabilities incurred with reference thereto by the two companies or either of them and the said Acts in so far as the same relate to the railways by the said Acts authorised to be constructed by the two companies as aforesaid shall have effect as if the Joint Committee had been named therein instead of the two companies or either of them and the said railways may and shall subject to the provisions of this Act be held by the Joint Committee as one undertaking.

Joint Committee to grant a lease of joint undertaking.

6. The Joint Committee shall grant and the two companies shall take a lease for a term of not less than two hundred years of the joint undertaking to the two companies as joint tenants in consideration of a yearly rent payable by equal instalments

half yearly of seventy thousand pounds being equal to interest at the rate of three pounds ten shillings per centum per annum upon the sum of two million pounds sterling being the amount of the sums contributed as aforesaid by the two companies for the purposes of the joint undertaking and of the estimated cost of the Shireoaks and Laughton Railway The said rent shall form and be a first charge upon the net revenues from time to time accruing in respect of the said joint undertaking and the two companies shall jointly and severally and as between themselves in equal moieties be bound to make good as part of the working expenses of their respective undertakings any deficiency which may arise in any half year in the revenues available for the payment of the said rent.

Power to Joint Committee to create stock.

7. With a view to restoring to the general capital funds of the two companies the moneys expended and to be expended by them as aforesaid for the purposes of the joint undertaking the Joint Committee shall create and issue a stock to be called "Great Central and Midland guaranteed stock" to an amount not exceeding two million pounds bearing interest at the rate of three pounds ten shillings per centum per annum upon the security of the guaranteed rent payable to them as aforesaid by the two companies as the consideration for the said lease and the said rent shall be applied by the Joint Committee in discharging and paying such interest accordingly Such stock may be issued as a whole or in instalments.

Proceeds of stock to be paid to two companies.

8. The sums of money from time to time coming into the hands of the Joint Committee by virtue of the creation and issue of the said stock shall so far as the same shall not be required for the construction of the Shireoaks and Laughton Railway and unless the two companies shall otherwise agree be paid over in equal proportions to the two companies respectively and shall by them be applied to the general purposes of their respective undertakings to which capital is applicable.

Actions &c. with respect to joint undertakings.

9. All actions suits indictments and other proceedings at law or in equity which might before the passing of this Act have been brought and prosecuted by or against either of the two companies may as regards any act or default of the Joint Committee in relation to the separate undertaking or any part thereof or the execution of this Act be brought and prosecuted by or against the Joint Committee which for those purposes shall

A.D. 1904.

be deemed to be a railway company and any summons demand writ notice or other proceeding at law or in equity or otherwise relating in any manner to the said undertaking or to any act or default of the Joint Committee shall if served on the secretary of the Joint Committee or if left at the principal office of the Joint Committee or of either of the two companies be valid and effectual.

Extension of time for purchase of lands.

10. The time limited by section 28 of the Shireoaks Laughton and Maltby Railway Act 1901 for the compulsory purchase of lands required for the construction of the railways authorised by and described in section 5 of that Act except as to so much of the Railway No. 1 as was authorised to be abandoned by the Great Central and Midland Railway Companies (Railways in South Yorkshire) Act 1902 and the time limited by section 16 of the Great Central and Midland Railway Companies (Railways in South Yorkshire) Act 1902 for the compulsory purchase of the lands required for the construction of the deviation and new railway authorised by and described in section 5 of that Act are hereby extended until the thirty-first day of July one thousand nine hundred and six and at the expiration of that period the powers of the two companies for the compulsory purchase of those lands shall cease.

Provision as to general Railway Acts.

11. Nothing in this Act contained shall exempt the Joint Committee or the railways of the joint undertaking from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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 authorised by this Act.

Costs of Act.

12. 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 Joint Committee.

The SCHEDULE referred to in the foregoing Act.

The Undertaking of the Joint Committee.

Part I.

The railways between Ashbury's Junction (Openshaw) and Brinnington Junction and between Reddish Junction and Romiley Junction as constructed under the powers of the Manchester and Stockport Railway Act 1866 as amended by subsequent Acts.

The railways between Hyde Junction (Dukinfield) and Marple as constructed under the powers of the Manchester Sheffield and Lincolnshire (Newton and Compstall Line) Act 1858 as amended by subsequent Acts.

The Marple New Mills and Hayfield Junction Railway as constructed under the powers of the Marple New Mills and Hayfield Junction Railway Act 1860 as amended by subsequent Acts.

The railway between Romiley Junction and Bredbury Junction as constructed under the powers of the Manchester Sheffield and Lincolnshire Railway and Midland Railway Companies (Joint Lines) Act 1869.

Railways at and near Widnes as constructed under the powers of the Widnes Railway Certificate 1873 the Railways Provisional Certificate Confirmation Act 1873 the Sheffield and Midland Railway Companies' Committee Act 1875 and the Midland Railway (Additional Powers) Act 1878.

Part II.

The Shireoaks and Laughton Railway (now in course of construction between Shireoaks and Laughton) authorised by the Shireoaks Laughton and Maltby Railway Act 1901 as amended by the Great Central and Midland Railway Companies (Railways in South Yorkshire) Act 1902 and the South Yorkshire Joint Railway Act 1903.

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