CHAPTER xxxiv.

An Act to confer further powers on the Great North of Scotland Railway Company. [18th June 1894.]

A.D. 1894.

WHEREAS by the Great North of Scotland Railway (Various Powers) Act 1893 (in this Act called "the Act of 1893") the Great North of Scotland Railway Company (in this Act called "the Company") were authorised to construct the railway from Ellon to Boddam described in the said Act and it is expedient that the Company should be authorised to make a deviation of that railway:

56 & 57 Vict. c. cci.

And whereas plans and sections showing the lines and levels of the railway and works authorised by this Act and the lands required or which may be taken for the purposes thereof and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the sheriff clerk for the county of Aberdeen and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

And whereas the objects 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 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:—

Short title.

1. This Act may be cited for all purposes as the Great North of Scotland Railway Act 1894.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. of the Railways Clauses Act 1863 (relating to the construction of a railway) are subject to the

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provisions of and except where varied by this Act incorporated with and form part of this Act.

Interpretation.

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

Power to make deviation railway.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway 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 on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

A railway (2 miles 1 furlong 2·15 chains or thereabouts in length) situate wholly in the parish of Cruden in the county of Aberdeen commencing at or near the point 9 miles 2 furlongs 5 chains from the commencement of the railway from Ellon to Boddam authorised by the Act of 1893 as shown on the deposited plans referred to in that Act and terminating at or near the point shown on the said last-mentioned deposited plans as 11 miles 2 furlongs 5 chains from the commencement of the said railway:

The railway by this Act authorised being a deviation of or in substitution for so much of the railway from Ellon to Boddam authorised by the Act of 1893 as would have been situate between the points of commencement and termination of the railway by this Act authorised.

Inclination of roads.

5. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Roads.	Intended Inclination.
7A	Cruden	Public	1 in 15.
27A	Cruden	Public	1 in 18.

Span of bridges.

6. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of

any spans not less than the spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Roads.	Span.
7A	Cruden - -	Public - -	20 feet.
18A.	Cruden - -	Public - -	20 feet.
27A	Cruden - -	Public - -	20 feet.
47A	Cruden - -	Public - -	20 feet.

Extending certain sections of Act of 1893 to this Act.

7. The following sections of the Act of 1893 viz. :—

No. of Section.	Marginal Note.
9	Power to divert roads as shown on deposited plans.
11	Power to take easements &c. by agreement.
12	Agreements with limited owners.
13	Restrictions on displacing persons of labouring class.
15	Period for compulsory purchase of lands.
16	Penalty imposed unless the line is opened within the time limited.
17	Application of penalty towards compensating parties injured.
18	Period for completion of railway.
19	Lands for extraordinary purposes.

shall extend and apply to the railway by this Act authorised as if it formed part of the railway authorised by the Act of 1893.

Company to abandon portion of Railway authorised by Act of 1893.

8. The Company shall abandon the portion of railway for which the deviation railway by this Act authorised is substituted.

Compensation for damage to land by entry &c.

9. The abandonment by the Company under the authority of this Act of the said portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Act of 1893.

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Compensation to be made in respect of altered portion of railway.

10. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said portion of railway the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Tolls.

11. The deviation railway and works which the Company are by this Act authorised to make shall subject to the provisions of this Act be in respect of tolls rates and charges and in all other respects comprised in the undertaking of the Company.

Company may apply corporate funds to purposes of Act.

12. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Provision as to general railway Acts.

13. 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.

14. 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.

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