CHAPTER ccv.

An Act to revive the powers and extend the time limited by the Highland Railway (New Lines) Act 1890 for the completion of Railway No. 2 authorised by that Act.

[7th August 1896.]

WHEREAS by the Highland Railway (New Lines) Act 1890 (herein-after called "the Act of 1890") the Highland Railway Company (herein-after called "the Company") were authorised to construct inter alia the Railway No. 2 in that Act described (herein-after called "Railway No. 2") and to acquire lands for that purpose:

And whereas the Company have given notice to treat for the purchase of and have fenced off the greater portion of the lands required for Railway No. 2 but the powers for the construction and the time for the completion and opening thereof limited by the Act of 1890 expired on the fourth day of July one thousand eight hundred and ninety-five and it is expedient that such powers should be revived and extended:

And whereas plans and sections of Railway No. 2 which are identical with those deposited with the principal sheriff clerk for the county of Inverness with reference to the Act of 1890 showing the lines and levels of that railway and also a book of reference to those plans were duly deposited with the principal sheriff clerk for the county of Inverness in the month of November one thousand eight hundred and ninety-five and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act 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

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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 Highland Railway Act 1896.

Incorporation of part of Railways Clauses Act 1863.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Act of 1890" means the Highland Railway (New Lines) Act 1890 the expression "the Company" means the Highland Railway Company the expression "Railway No. 2" means the Railway No. 2 authorised by the Act of 1890 the powers to construct which are by this Act revived and extended.

Reviving and extending time for completing Railway No. 2 authorised by Act of 1890.

4. The powers for the construction of Railway No. 2 and the period for the completion and opening of the same for the public conveyance of passengers limited by the Act of 1890 are hereby respectively revived and extended to the fourth day of July one thousand eight hundred and ninety-nine and the Act of 1890 shall be read and construed as if the period therein limited for the completion and opening of Railway No. 2 was the fourth day of July one thousand eight hundred and ninety-nine and sections 10 and 11 of the Act of 1890 shall be read and construed as if the period by this Act limited for the completion of Railway No. 2 had been the period limited by that Act except that no part of the penalty incurred in respect of Railway No. 2 under those sections shall be applied for by the Solicitor to the Treasury or be forfeited to Her Majesty but any sum or sums of money to be recovered by way of penalty under the said section 10 shall (subject to the application thereof in payment of compensation or for the benefit of creditors as provided in the said section 11) be repaid to the Company.

If railway not opened within extended period powers to cease.

5. If Railway No. 2 is not completed within the period limited by this Act then on the expiration of that period the powers for making and completing the same and otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

For the protection of the War Department.

6. For the protection of the property of Her Majesty's Principal Secretary of State for the War Department for the time being (herein-after called "the Principal Secretary") the following provisions shall have effect:—

(A) Before commencing the construction of any works upon the property of the Principal Secretary numbered 64 65 66 67 68

69 70 71 72 73 74 75 76 77 78 79 80 and 81 on the deposited plans and in the deposited book of reference in the parish of Ardersier the Company shall furnish detailed plans and sections showing the mode and position in which the works are intended to be constructed for the approval of the Principal Secretary and it shall not be lawful for the Company to construct any erection or work of any kind whatsoever upon the said property or make any alteration on the said property or the accesses thereto until the plans and sections shall have been approved in writing by the said Principal Secretary :

(b) Before commencing any of the works referred to in the preceding subsection the Company shall remove the straw store on the property numbered 73 and weighing machine and shelter on the property numbered 72 on the deposited plans and in the deposited book of reference in the parish of Ardersier and re-erect the same on a site and in the manner to be approved by the Principal Secretary in writing :

(c) The Company shall not acquire or appropriate for the purposes of the before-mentioned works the ditch at Fort George or any portion of the road numbered 58 and 70 on the deposited plans and in the deposited book of reference in the parish of Ardersier without the consent in writing of the Principal Secretary.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

7. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in the Principal Secretary for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any lands premises soil or water or any right in respect thereof vested in or exercised by the Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Provision as to general Railway Acts.

8. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or 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

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or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Expenses of Act.

9. 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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