CHAPTER 48.

An Act to facilitate the Construction of Light Railways in Great Britain. [14th August 1896.]

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:

Establishment of Light Railway Commission.

1.—(1.) For the purpose of facilitating the construction and working of light railways in Great Britain, there shall be established a commission, consisting of three commissioners, to be styled the Light Railway Commissioners, and to be appointed by the President of the Board of Trade.

(2.) It shall be the duty of the Light Railway Commissioners to carry this Act into effect, and to offer, so far as they are able, every facility for considering and maturing proposals to construct light railways.

(3.) If a vacancy occurs in the office of any of the Light Railway Commissioners by reason of death, resignation, incapacity, or otherwise, the President of the Board of Trade may appoint some other person to fill the vacancy, and so from time to time as occasion may require.

(4.) There shall be paid to one of the Commissioners such salary, not exceeding one thousand pounds a year, as the Treasury may direct.

(5.) The Board of Trade may, with the consent of the Treasury as to number and remuneration, appoint and employ such number of officers and persons as they think necessary for the purpose of the execution of the duties of the Light Railway Commissioners under this Act, and may remove any officer or person so appointed or employed.

(6.) The said salary and remuneration, and all expenses of the Light Railway Commissioners incurred with the sanction of the Treasury in the execution of this Act shall, except so far as provision is made for their payment by or under this Act, be paid out of moneys provided by Parliament.

(7.) The Commissioners may act by any two of their number.

(8.) The powers of the Light Railway Commissioners shall, unless continued by Parliament, cease on the thirty-first day of December one thousand nine hundred and one.

Application for orders authorising light railways.

2. An application for an order authorising a light railway under this Act shall be made to the Light Railway Commissioners, and may be made—

(*a*) by the council of any county, borough, or district, through any part of which the proposed railway is to pass; or

(*b*) by any individual, corporation, or company; or
(*c*) jointly by any such councils, individuals, corporations, or companies.

Powers of local authorities under order.

3.—(1.) The council of any county, borough, or district, may if authorised by an order under this Act—
(*a*) undertake themselves to construct and work, or to contract for the construction or working of, the light railway authorised;
(*b*) advance to a light railway company, either by way of loan or as part of the share capital of the company, or partly in one way and partly in the other, any amount authorised by the order;
(*c*) join any other council or any person or body of persons in doing any of the things above mentioned; and
(*d*) do any such other act incidental to any of the things above mentioned as may be authorised by the order.

(2.) Provided that—
(*a*) an order authorising a council to undertake to construct and work or to contract for the construction or working of a light railway, or to advance money to a light railway company, shall not be made except on an application by the council made in pursuance of a special resolution passed in manner directed by the First Schedule to this Act; and
(*b*) a council shall not construct or work or contract for the construction or working of any light railway wholly or partly outside their area, or advance any money for the purpose of any such railway, except jointly with the council of the outside area, or on proof to the satisfaction of the Board of Trade that such construction, working, or advance is expedient in the interests of the area of the first-mentioned council, and in the event of their being authorised so to do their expenditure shall be so limited by the order as not to exceed such amount as will, in the opinion of the Board of Trade, bear due proportion to the benefit which may be expected to accrue to their area from the construction or working of the railway.

Loans by Treasury.

4.—(1.) Where the council of any county, borough, or district, have advanced or agreed to advance any sum to a light railway company, the Treasury may also agree to make an advance to the company by lending them any sum not exceeding one quarter of the total amount required for the purpose of the light railway, and not exceeding the amount for the time being advanced by the council.

Provided that the Treasury shall not advance money to a light railway company under this section, unless at least one-half of the total amount required for the purpose of the light railway is provided by means of share capital, and at least one-half of that share capital has been subscribed and paid up by persons other than local authorities.

(2.) Any loan under this section shall bear interest at such rate not less than three pounds two shillings and sixpence per centum

per annum as the Treasury may from time to time authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer, and shall be advanced on such conditions as the Treasury determine.

(3.) Where the Treasury advance money to a light railway company under this section, and the advance by the council to the company is made in whole or part by means of a loan, the loan by the Treasury under this section shall rank pari passu with the loan by the council.

Special advances by Treasury.

5.—(1.) Where it is certified to the Treasury by the Board of Agriculture that the making of any light railway under this Act would benefit agriculture in any district, or by the Board of Trade that by the making of any such railway a necessary means of communication would be established between a fishing harbour or fishing village and a market, or that such railway is necessary for the development of or maintenance of some definite industry, but that owing to the exceptional circumstances of the district the railway would not be constructed without special assistance from the State, and the Treasury are satisfied that a railway company existing at the time will construct and work the railway if an advance is made by the Treasury under this section, the Treasury may, subject to the limitation of this Act as to the amount to be expended for the purpose of special advances, agree that the railway be aided out of public money by a special advance under this section.

Provided that—

(*a*) the Treasury shall not make any such special advance unless they are satisfied that landowners, local authorities, and other persons locally interested have by the free grant of land or otherwise given all reasonable assistance and facilities in their power for the construction of the railway; and

(*b*) a special advance shall not in any case exceed such portion not exceeding one half of the total amount required for the construction of the railway as may be prescribed by rules to be made by the Treasury under this Act; and

(*c*) where the Treasury agree to make any such special advance as a free grant, the order authorising the railway may make provision as regards any parish that, during a period not exceeding ten years to be fixed by the order, so much of the railway as is in that parish shall not be assessed to any local rate at a higher value than that at which the land occupied by the railway would have been assessed if it had remained in the condition in which it was immediately before it was acquired for the purpose of the railway, but before such provision is made in any order the local and rating authorities of every such parish shall be informed of the intention to insert such provision, and shall be entitled to be heard. The order may authorise the Board of Trade to extend any such period.

(2.) A special advance under this section may be a free grant or a loan or partly a free grant and partly a loan.

(3.) Any free grant or loan for a special advance under this section shall be made on such conditions and at such rate of interest as the Treasury direct.

Limitation on amount of advance and provision of money by National Debt Commissioners.

6.—(1.) The total amount advanced by the Treasury under this Act shall not at any one time exceed one million pounds, of which a sum not exceeding two hundred and fifty thousand pounds may be expended for the purpose of special advances under this Act.

(2.) The National Debt Commissioners may lend to the Treasury, and the Treasury may borrow from the National Debt Commissioners, such money as may be required for the purpose of advances by the Treasury under this Act, on such terms as to interest, sinking fund, and period of repayment (not exceeding thirty years from the date of the loan) as may be agreed on between the National Debt Commissioners and the Treasury.

(3.) The sums so lent by the National Debt Commissioners shall be repaid out of money provided by Parliament for the purpose, and if and so far as that money is insufficient shall be charged on, and payable out of, the Consolidated Fund, or the growing produce thereof.

Consideration of application by Light Railway Commissioners.

7.—(1.) Where an application for authorising a light railway under this Act is made to the Light Railway Commissioners, those Commissioners shall, in the first instance, satisfy themselves that all reasonable steps have been taken for consulting the local authorities, including road authorities, through whose areas the railway is intended to pass, and the owners and occupiers of the land it is proposed to take, and for giving public notice of the application, and shall also themselves by local inquiry and such other means as they think necessary possess themselves of all such information as they may consider material or useful for determining the expediency of granting the application.

(2.) The applicants shall satisfy the Commissioners that they have—

(*a*) published once at least in each of two consecutive weeks, in some newspaper circulating in the area or some part of the area through which the light railway is to pass, an advertisement describing shortly the land proposed to be taken and the purpose for which it is proposed to be taken, naming a place where a plan of the proposed works and the lands to be taken, and a book of reference to the plan, may be seen at all reasonable hours, and stating the quantity of land required; and

(*b*) served notice in the prescribed manner on every reputed owner, lessee, and occupier of any land intended to be taken, describing in each case the land intended to be taken, and inquiring whether the person so served assents to or dissents from the taking of his land, and requesting him to state any objections he may have to his land being taken.

The plan and book of reference shall be in the prescribed form, and for the purposes of this section the expression "prescribed" shall mean prescribed by rules made under this Act.

(3.) The Commissioners shall before deciding on an application give full opportunity for any objections to the application to be laid before them, and shall consider all such objections, whether made formally or informally.

(4.) If after consideration the Commissioners think that the application should be granted, they shall settle any draft order submitted to them by the applicants for authorising the railway, and see that all such matters (including provisions for the safety of the public and particulars of the land proposed to be taken) are inserted therein, as they think necessary for the proper construction and working of the railway.

(5.) The order of the Light Railway Commissioners shall be provisional only, and shall have no effect until confirmed by the Board of Trade in manner provided by this Act.

(6.) Where an application for a light railway has been refused by the Light Railway Commissioners, the applicants, if the council of any county, borough, or district, may appeal against such refusal to the Board of Trade, who may, at any time if they think fit, remit the application or any portion thereof to the said Commissioners for further consideration with or without special instructions.

Submission of order to Board of Trade for confirmation.

8.—(1.) The Commissioners shall submit any order made by them under this Act to the Board of Trade for confirmation, accompanied by such particulars and plans as may be required by the Board, and shall also make and lay before the Board with the order a report stating the objections which have been made to the application, and the manner in which they have been dealt with, and any other matters in reference to the order which the Commissioners may think fit to insert in the report.

(2.) The Board of Trade shall give public notice of any order so submitted to them in such manner as they think best for giving information thereof to persons interested, and shall also state in the notice that any objections to the confirmation of the order must be lodged with the Board and the date by which those objections must be lodged.

Consideration of order by Board of Trade.

9.—(1.) The Board of Trade shall consider any order submitted to them under this Act for confirmation with special reference to—

(*a*) the expediency of requiring the proposals to be submitted to Parliament; and

(*b*) the safety of the public; and

(*c*) any objection lodged with them in accordance with this Act.

(2.) The Light Railway Commissioners shall, so far as they are able, give to the Board of Trade any information or assistance which may be required by the Board for the purpose of considering any order submitted to them or any objection thereto.

(3.) If the Board of Trade on such consideration are of opinion that by reason of the magnitude of the proposed undertaking, or of the effect thereof on the undertaking of any railway company existing at the time, or for any other special reason relating to the undertaking, the proposals of the promoters ought to be submitted to Parliament, they shall not confirm the order.

(4.) The Board of Trade shall modify the provisions of the order for ensuring the safety of the public in such manner as they consider requisite or expedient.

(5.) If any objection to the order is lodged with the Board of Trade and not withdrawn, the Board of Trade shall consider the objection and give to those by whom it is made an opportunity of being heard, and if after consideration they decide that the objection should be upheld, the Board shall not confirm the order, or shall modify the order so as to remove the objection.

(6.) The Board of Trade may, at any time, if they think fit, remit the order to the Light Railway Commissioners for further consideration, or may themselves hold or institute a local inquiry, and hear all parties interested.

Confirmation of order by Board of Trade.

10. The Board of Trade may confirm the order with or without modifications as the case may require, and an order so confirmed shall have effect as if enacted by Parliament, and shall be conclusive evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of the order have been complied with.

Provisions which may be made by the order.

11. An order under this Act may contain provisions consistent with this Act for all or any of the following purposes :—

(*a*) the incorporation, subject to such exceptions and variations as may be mentioned in the order, of all or any of the provisions of the Clauses Acts as defined by this Act. Provided that where it appears to the Board of Trade that variations of the Lands Clauses Acts are required by the special circumstances of the case, the Board of Trade shall make a special report to Parliament on the subject, and that nothing in this section shall authorise any variation of the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement; and

(*b*) the application, if and so far as may be considered necessary, of any of the enactments mentioned in the Second Schedule to this Act (being enactments imposing obligations on railway companies with respect to the safety of the public and other matters); and

(*c*) giving the necessary powers for constructing and working the railway, including power to make agreements with railway and other companies for the purpose; and

(*d*) giving any railway company any power required for carrying the order into effect; and

(*e*) the constitution as a body corporate of a company for the purpose of carrying out the objects of the order; and

(*f*) the representation on the managing body of the railway of any council who advance, or agree to advance, any money for the purpose of the railway; and

(*g*) authorising a council to advance or borrow money for the purposes of the railway and limiting the amount to be so advanced or borrowed, and regulating the terms on which any money is to be so advanced or borrowed; and

(*h*) the manner in which the profits are to be divided, where an advance is made by a council to a light railway company as part of the share capital of the company; and

(*i*) the proper audit of the accounts of the managing body of the railway where the managing body is not a local authority and the time within which the railway must be constructed; and

(*j*) fixing the maximum rates and charges for traffic; and

(*k*) in the case of a new company, requiring the company to make a deposit, and providing for the time of making and the application of the deposit; and

(*l*) empowering any local authority to acquire the railway; and

(*m*) any other matters, whether similar to the above or not, which may be considered ancillary to the objects of the order or expedient for carrying those objects into effect.

Application of general Railway Acts.

12.—(1.) The Clauses Acts, as defined by this Act, and the enactments mentioned in the Second Schedule to this Act, shall not apply to a light railway authorised under this Act except so far as they are incorporated or applied by the order authorising the railway.

(2.) Subject to the foregoing provisions of this Act and to any special provisions contained in the order authorising the railway, the general enactments relating to railways shall apply to a light railway under this Act in like manner as they apply to any other railway; and for the purposes of those enactments, and of the Clauses Acts so far as they are incorporated or applied by the order authorising the railway, the light railway company shall be deemed a railway company, and the order under this Act a special Act, and any provision thereof a special enactment. Provided that a light railway shall not be deemed to be a railway within the meaning of the Railway Passenger Duty Act, 1842, and that no duties shall hereafter be levied in respect of passengers conveyed on a light railway constructed under this Act in respect of the conveyance of such passengers upon such railway.

5 & 6 Vict. c. 79.

Mode of settling purchase money and compensation for taking of land.

13.—(1.) Where any order under this Act incorporates the Lands Clauses Acts, any matter which under those Acts may be determined by the verdict of a jury, by arbitration, or by two justices, shall for the purposes of the order be referred to and determined by a single arbitrator appointed by the parties, or if the parties do not concur in the appointment of a single arbitrator then by the Board of Trade, and the provisions of this Act shall apply with respect to the determination of any such matter in lieu of those of the Lands Clauses Acts relating thereto. Provided that in determining the amount of compensation, the arbitrator shall have regard to the extent to which the remaining and contiguous lands

and hereditaments belonging to the same proprietor may be benefited by the proposed light railway.

(2.) The Board of Trade may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on any such arbitration, and may, by such rules, limit the cases in which the costs of council are to be allowed.

52 & 53 Vict. c. 49.

(3.) The Arbitration Act, 1889, shall apply to any arbitration under this section.

Payment of purchase money or compensation.

14. Any order under this Act may, notwithstanding anything in the Lands Clauses Acts, authorise the payment to trustees of any purchase money or compensation not exceeding five hundred pounds.

Provisions as to Board of Trade.

37 & 38 Vict. c. 40.

15.—(1.) If the Board of Trade hold a local inquiry for the purposes of this Act, Part I. of the Board of Trade Arbitrations, &c. Act, 1874, shall apply to any inquiry so held as if—

(*a*) the inquiry was held on an application made in pursuance of a special Act; and

(*b*) the parties making the application for the order authorising the light railway, and in the case of an inquiry held with reference to an objection made to any such application the persons making the objection in addition, were parties to the application within the meaning of section three of the Act.

(2.) The Board of Trade may make such rules as they think necessary for regulating the procedure under this Act, whether before the Board of Trade or before the Light Railway Commissioners, and any other matters which they may think expedient to regulate by rule for the purpose of carrying this Act into effect.

(3.) There shall be charged in respect of proceedings under this Act before the Board of Trade or the Light Railway Commissioners such fees as may be fixed by the Treasury on the recommendation of the Board of Trade.

(4.) Any expenses of the Board of Trade under this Act shall, except so far as provision is made for their payment by or under this Act, be defrayed out of moneys provided by Parliament.

(5.) The Board of Trade shall present to Parliament annually a report of their proceedings and of the proceedings of the Light Railway Commissioners under this Act.

Expenses of local authorities.

16.—(1.) The council of any county, borough, or district may pay any expenses incurred by them and allowed by the Light Railway Commissioners with reference to any application for an order authorising a light railway under this Act, in the case of a county council as general expenses, in the case of a borough council out of the borough fund or rate, and in the case of a district council other than a borough council as general expenses under the Public Health Acts.

Provided that any expenses incurred by a county council under this Act may be declared by the order authorising the railway or, in the event of an unsuccessful application for such an order, by the Light Railway Commissioners, to be exclusively chargeable on certain parishes only in the county, and those expenses shall be

levied accordingly as expenses for a special county purpose under the Local Government Act, 1888.

(2.) Where the council of any county, borough, or district are authorised to expend any money by an order authorising a light railway under this Act, they may raise the money required,— 51 & 52 Vict. c. 41.

(*a*) if the expenditure is capital expenditure, by borrowing in manner authorised by the order; and

(*b*) if the expenditure is not capital expenditure, as if it was on account of the expenses of an application under this Act.

(3.) The Board of Trade may from time to time on the application of any council extend, subject to the limitations of this Act, the limit of the amount which the council are authorised by an order under this Act to borrow, or to advance to a light railway company, and the limit so extended shall be substituted for the limit fixed by the order.

(4.) Where an order under this Act authorises any council to borrow for the purposes of a light railway, suitable provision shall be made in the order for requiring the replacement of the money borrowed within a fixed period not exceeding sixty years, either by means of a sinking fund or otherwise.

(5.) Any profits made by a council in respect of a light railway shall be applied in aid of the rate out of which the expenses of the council in respect of the light railway are payable.

(6.) Where a rate is levied for meeting any expenditure under this Act, the demand note for the rate shall state, in a form prescribed by the Local Government Board, the proportion of the rate levied for that expenditure.

Joint committees.

17.—(1.) The councils of any county, borough, or district, may appoint a joint committee for the purpose of any application for an order authorising a light railway under this Act, or for the joint construction or working of a light railway, or for any other purpose in connexion with such a railway for which it is convenient that those councils should combine.

(2.) The provisions of the Local Government Act, 1888, or of the Local Government Act, 1894, as the case may be, with respect to joint committees, shall apply to any joint committee appointed for the purpose of this Act by any councils who could appoint a joint committee under those Acts, but where the councils have no power under those Acts to appoint a joint committee the provisions in the Third Schedule to this Act shall apply. 51 & 52 Vict. c. 41. 56 & 57 Vict. c. 73.

Working of ordinary railway as light railway.

18. Where a company have power to construct or work a railway, they may be authorised by an order under this Act to construct and work or to work the railway or any part of it as a light railway under this Act.

Power of owners to grant land or advance money for a light railway.

19.—(1.) Where any person has power, either by statute or otherwise, to sell and convey any land for the purpose of any works of a light railway, he may, with the sanction of the Board of Agriculture given under this section, convey the land for that purpose either without payment of any purchase money or compensation or at a price less than the real value, and may so convey it free from all incumbrances thereon.

27 & 28 Vict. c. 114.

(2.) Whenever any person who is a landowner within the meaning of the Improvement of Land Act, 1864, contributes any money for the purpose of any works of a light railway, the amount so contributed may, with the sanction of the Board of Agriculture given under this section, be charged on the land of the landowner improved by the works in the same manner and with the like effect as in the case of a charge under that Act.

(3.) The Board of Agriculture shall not give their sanction under this section unless they are satisfied that the works for which the land is conveyed or the money is contributed will effect a permanent increase in the value of the land held by the same title or of other land of the same landowner exceeding, in the case of a conveyance of land, that which is, in the opinion of the Board of Agriculture, the real value of the land conveyed or the difference between that value and the price, as the case may be, and in the case of a contribution of money the amount contributed: Provided also, that if the land proposed to be conveyed is subject to incumbrances, the Board of Agriculture, before giving their sanction under this section, shall cause notice to be given to the incumbrancers, and shall consider the objections, if any, raised by them.

Power to grant Crown lands.

20. The Commissioners of Woods shall, on behalf of Her Majesty, have the like powers to convey Crown lands as are by this Act conferred upon persons having power, either by statute or otherwise, to sell and convey lands, except that in the case of Crown lands the sanction of the Treasury shall be substituted for the sanction of the Board of Agriculture.

Provision as to commons.

21.—(1.) No land being part of any common, and no easement over or affecting any common, shall be purchased, taken, or acquired under this Act without the consent of the Board of Agriculture, and the Board shall not give their consent unless they are satisfied that, regard being had to all the circumstances of the case, such purchase, taking, or acquisition is necessary, that the exercise of the powers conferred by the order authorising the railway will not cause any greater injury to the common than is necessary, and that all proper steps have been taken in the interest of the commoners and of the public to add other land to the common (where this can be done) in lieu of the land taken, and where a common is divided to secure convenient access from one part of the common to the other.

(2.) The expression "common" in this section shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, any metropolitan common within the meaning of the Metropolitan Commons Acts, 1866 to 1878, and any town or village green.

Preservation of scenery and objects of historical interest.

22. If any objection to any application for authorising a light railway is made to the Light Railway Commissioners, or if any objection to any draft order is made to the Board of Trade on the ground that the proposed undertaking will destroy or injure any building or other object of historical interest, or will injuriously affect any natural scenery, the Commissioners and the Board of Trade respectively shall consider any such objection, and give to

those by whom it is made a proper opportunity of being heard in support of it.

Junctions with existing railways.

23. Any junction of a light railway authorised under this Act with any existing railway shall so far as is in the opinion of the Board of Trade reasonably practicable avoid interference with lines of rails used for passenger traffic.

Amendment of order.

24. An order authorising a light railway under this Act may be altered or added to by an amending order made in like manner and subject to the like provisions as the original order.

Provided that—

(*a*) the amending order may be made on the application of any authority or person; and

(*b*) the Board of Trade, in considering the expediency of requiring the proposals for amending the order to be submitted to Parliament, shall have regard to the scope and provisions of the original order; and

(*c*) the amending order shall not confer any power to acquire the railway except with the consent of the owners of the railway.

Provision as to telegraphs. 41 & 42 Vict. c. 76.

25. The definition of "Act of Parliament" in the Telegraph Act, 1878, shall include an order authorising a light railway under this Act.

Application to Scotland.

26. This Act shall apply to Scotland with the following modifications:—

(1.) In section five of this Act the expression "Secretary for Scotland" shall be substituted for the expressions "Board of Agriculture" and "Board of Trade" respectively, occurring in that section;

(2.) References to the council of any county, borough, or district, shall be construed as references to the county council of any county, or the town council, or where there is no town council the police commissioners, of any burgh, or the commissioners of any police burgh, or the district committee of any district under the Local Government (Scotland) Act, 1889; or in any county where there is no district committee any two or more parish councils may combine; 52 & 53 Vict. c. 50.

(3.) "Arbiter" shall be substituted for "arbitrator," and that arbiter shall be deemed to be a single arbiter within the meaning of the Lands Clauses Acts, and in lieu of the provisions of the Arbitration Act, 1889, the provisions of the Lands Clauses Acts with respect to an arbitration shall apply, except the provisions of the said Acts as to the expenses of the arbitration, in lieu of which the following provision shall have effect, namely, the expenses of the arbitration and incident thereto shall be in the discretion of the arbiter, who may direct to and by whom and in what manner those expenses, or any part thereof, shall be paid, and may tax or settle the amount of expenses to be so paid, or any part thereof, and may award expenses to be paid as between agent and client;

(4.) The Lord President of the Court of Session shall be substituted for the Lord Chancellor;

(5.) The money necessary to defray expenditure, not being capital expenditure incurred by a county council in pursuance of this Act, shall be raised by a rate imposed along with but as a separate rate from the rate for maintenance of roads (herein-after referred to as "the road rate") leviable under the Roads and Bridges (Scotland) Act, 1878, upon lands and heritages within the county, or the district, or the parish, as the case may be. The money necessary to defray expenditure similarly incurred by a town council, or police commissioners, or burgh commissioners shall be raised by a rate imposed along with but as a separate rate from the police assessment or burgh general assessment, as the case may be. If the expenditure incurred is capital expenditure it shall be raised by borrowing in the manner authorised by the order, the rate chargeable for repayment of capital, including interest and expenses, being the same rate as is liable for maintenance as aforesaid;

41 & 42 Vict. c. 51.

(6.) The provisions relating to district councils shall apply to district committees or combinations of parish councils, subject to the following modifications:—

(*a.*) A district committee shall not be entitled to make an application under section two hereof except with the consent of the county council given at a special or statutory meeting of the council, of which one month's special notice, setting forth the purpose of the meeting, shall have been sent to each councillor:

(*b.*) A resolution to give such consent shall not be passed by the council unless two-thirds of the councillors present and voting at the special or statutory meeting concur in the resolution:

(*c.*) Nothing in this Act shall authorise a district committee to raise money by rate or loan, but any money necessary to defray expenditure, not being capital expenditure incurred by it in pursuance of this Act, shall be raised by the county council by a rate imposed along with but as a separate rate from the road rate; and any money necessary to defray capital expenditure shall be raised by the county council by borrowing in the manner authorised by the order, as in section sixteen hereof mentioned:

(7.) The expression "Clauses Acts" shall mean the Lands Clauses Acts, the Railway Clauses Consolidation (Scotland) Act, 1845, the Companies Clauses Consolidation (Scotland) Act, 1845, the Companies Clauses Act, 1863, the Railways Clauses Act, 1863, and the Companies Clauses Act, 1869;

(8.) References to the Local Government Act, 1888, and the Local Government Act, 1894, shall be construed as references to the Local Government (Scotland) Act, 1889, and the Local Government (Scotland) Act, 1894;

52 & 53 Vict. c. 50.
57 & 58 Vict. c. 58.

(9.) In order to carry out in Scotland the provisions contained in sub-section (1) (*c*) of section five of this Act, it shall be the duty of the assessor of railways and canals, as regards any parish to which the said sub-section (1) (*c*) applies, to enter on his valuation roll either the annual value of the light railway within such parish ascertained in terms of the Valuation of Lands (Scotland) Acts, or the annual value at which the land occupied by or for the purposes of the light railway would have been assessed if it had remained in the condition in which it was immediately before it was acquired for the purposes of the railway, whichever is less;

(10.) Where a light railway constructed under the powers of this Act is owned or leased by an existing railway company, such light railway shall not be valued by the said assessor as part of the general undertaking of the railway company, but shall be valued as a separate undertaking.

27. This Act shall not extend to Ireland. Extent of Act.

28. In this Act, unless the context otherwise requires,— Definitions.

The expression "light railway company" includes any person or body of persons, whether incorporated or not, who are authorised to construct, or are owners or lessees of, any light railway authorised by this Act, or who are working the same under any working agreement:

The expression "Clauses Acts" means the Lands Clauses Acts, the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Act, 1863, and the Companies Clauses Acts, 1845 to 1889:

The expression "share capital" includes any capital, whether consisting of shares or of stock, which is not raised by means of borrowing.

29. This Act may be cited as the Light Railways Act, 1896. Short title.

SCHEDULES.

FIRST SCHEDULE. Section 3.

MODE OF PASSING SPECIAL RESOLUTIONS.

1. The resolution approving of the intention to make the application must be passed at a meeting of the council.

2. The resolution shall not be passed unless a month's previous notice of the resolution has been given in manner in which notices of meetings of the council are usually given.

3. The resolution shall not be passed unless two-thirds of the members of the council present and voting concur in the resolution.

Section 12.

SECOND SCHEDULE.

ENACTMENTS RELATING TO SAFETY, &c.

Session and Chapter.	Title or Short Title.	Enactment referred to.
2 & 3 Vict. c. 45. -	An Act to amend an Act of the fifth and sixth years of the reign of his late Majesty King William the Fourth relating to highways.	The whole Act.
5 & 6 Vict. c. 55. -	The Railway Regulation Act, 1842.	Sections four, five, six, nine, ten.
9 & 10 Vict. c. 57. -	An Act for regulating the gauge of railways.	The whole Act.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Sections nineteen, twenty, twenty-two, twenty-seven, twenty-eight, and twenty-nine.
34 & 35 Vict. c. 78.	The Regulation of Railways Act, 1871.	Section five.
36 & 37 Vict. c. 76.	The Railway Regulation Act (Returns of signal arrangements, working, &c.), 1873.	Sections four and six.
41 & 42 Vict. c. 20.	The Railway Returns (Continuous Brakes) Act, 1878.	The whole Act.
46 & 47 Vict. c. 34.	The Cheap Trains Act, 1883	Section three.
52 & 53 Vict. c. 57.	The Regulation of Railways Act, 1889.	The whole Act.

Section 17.

THIRD SCHEDULE.

JOINT COMMITTEES.

(*a.*) Any council taking part in the appointment of a joint committee may delegate to the committee any power which the council may exercise for the purpose for which the committee is appointed.

(*b.*) A council shall not be authorised to delegate to a joint committee any power of making a rate or borrowing money.

(*c.*) Subject to the terms of the delegation the joint committee shall have the same power in all respects with respect to any matter delegated to them, as the councils appointing it or any of them.

(*d.*) The members of the joint committee may be appointed at such times and in such manner, and shall hold office for such period, as may be fixed by the councils appointing them:

Provided that a member shall not hold office beyond the expiration of fourteen days after the day for the ordinary election of councillors of the council by which he was appointed, or in Scotland after the day for the

ordinary election of councillors of the council of the county in which the district is situated.

(*e.*) The costs of a joint committee shall be defrayed by the councils by whom the committee is appointed, in such proportions as they may agree upon, and in the event of their differing in opinion, as may be determined by the Board of Trade on an application by either council.

(*f.*) When any of the councils joining in the appointment of a joint committee is a county or district council other than a borough council, the accounts of the joint committee shall be audited in like manner and with the like power to the officer auditing the accounts, and with the like incidents and consequences as the accounts of a county council.

(*g.*) The chairman at any meeting of the committee shall have a second or casting vote.

(*h.*) The quorum, proceedings, and place of meeting of a committee, whether within or without the area within which the committee are to exercise their authority, shall be such as may be determined by regulations jointly made by the councils appointing the committee, and in the event of their differing in opinion as may be determined by the Board of Trade on an application by either council.

(*i.*) Subject to those regulations the quorum, proceedings, and place of meeting, whether within or without the area within which the committee are to exercise their jurisdiction, shall be such as the committee direct.

CHAPTER 49.

An Act to amend the Law relating to Law Agents and Notaries Public practising in Scotland.

[14th August 1896.]

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:

Interpretation.

1. The following words and expressions, when used in this Act, shall have the meanings hereby assigned to them respectively; (that is to say,)

"The court" means the court of session:

"Law agent" means any person entitled to practise as an agent in the courts of law in Scotland:

"Enrolled law agent" means any law agent enrolled pursuant to the provisions of the Law Agents (Scotland) Act, 1873, and any Act or Acts explaining or amending the same: 36 & 37 Vict. c. 63.

"Notary public" means any notary public duly admitted in Scotland.

Future admission of notaries public.

2. Except during the first twelve months after the passing of this Act, no person shall be admitted as a notary public in Scotland until he shall have been admitted and enrolled as a law agent.

Admission of notaries public as law agents.

3. After the passing of this Act any notary public may at any time present a petition to the court praying to be admitted as a law agent under the Law Agents (Scotland) Act, 1873, and any Act or Acts explaining or amending the same, and on the presentation of such petition the court shall dispense with the rules