CHAPTER 34.

An Act to facilitate the Construction of Railways and the Establishment of other means of Communication in Ireland, and for other purposes incidental thereto.

[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; that is to say:—

Advance by Treasury.

1.—(1.) Where it is certified to the Treasury by the Lord Lieutenant that the making of a railway under this Act is necessary for the development of the resources of any district, but that owing to the exceptional circumstances of the district the railway could not be constructed without special assistance from the State, and the Treasury are satisfied that a railway company existing at the time will, if an advance is made by the Treasury under this section, construct, work, and maintain the railway, or work and maintain the railway when constructed, the Treasury may make such agreement with the railway company as is authorised by sub-section one of section four of the Light Railways (Ireland) Act, 1889, and may, subject to the limitation of this Act as to the amount to be expended for the purposes of advances, agree that the railway be aided out of public money by an advance under this section.

52 & 53 Vict. c. 66.

Provided that—

(*a*) the Treasury shall not make any such 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*) save in the case of a railway which will be situated wholly or mainly within a congested districts county, as defined by the Purchase of Land (Ireland) Act, 1891, an advance shall not exceed one half of the total amount required for the construction of the railway.

54 & 55 Vict. c. 48.

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

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

(4.) The Board of Works may examine any surveys, maps, plans, and estimates for the construction of the railway submitted to them, and if they consider that those submitted cannot be made satisfactory, or if any alterations which they may suggest therein are not accepted, the Board of Works, if authorised by the Treasury, may themselves make or procure the same.

(5.) In the case of a railway which will be situated wholly or mainly within such congested districts county as aforesaid, if the railway company do not agree to construct the railway, the Board of Works may, with the sanction of the Treasury, construct or contract for the construction of the railway.

(6.) For the purposes of this section the Board of Works shall have all the powers conferred by the Lands Clauses Acts on the promoters of an undertaking.

(7.) All costs and expenses necessarily incurred by any Government department or officer under this Act shall be paid out of the money provided by this Act.

Order in Council confirming agreement. 52 & 53 Vict. c. 66.

2. Where such agreement as aforesaid has been made by the Treasury with a railway company section five of the Light Railways (Ireland) Act, 1889, shall apply with the following modifications:—

(*a.*) The Order in Council mentioned in the said section five may authorise the construction or reconstruction and maintenance as part of the railway of any pier, quay, or jetty, and may empower the railway company or the Board of Works to enter into all contracts and agreements necessary for carrying the Order into effect:

(*b.*) The Order shall set forth the tolls and charges for passengers, animals and things conveyed on the railway:

(*c.*) When the Treasury have agreed to make an advance as a free grant, the Order may make provision as regards any district that during a period not exceeding ten years, to be fixed by the Order, so much of the railway as is in that district 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 purposes of the railway. The Order may authorise the Lord Lieutenant to extend any such period:

(*d.*) The Order may upon the application of the Treasury be altered or added to by an amending Order made in like manner and subject to the like provisions as the original Order.

Certain provisions of Tramways (Ireland) Acts not to apply to projected railway.

3.—(1.) Where an agreement under this Act has been entered into, the following provisions of the principal Acts shall not apply to the projected railway; (that is to say,)—

The provisions relating to the procedure for obtaining the approval of the undertaking by any grand jury, municipal corporation, town, or other commissioners, and for obtaining a guarantee, and relating to all proceedings preliminary thereto:

The provisions relating to tolls and rates of charge:

The provisions relating to deposits or other security for the completion of the undertaking:

The provisions conferring powers and imposing duties on the county surveyor.

(2.) For the purposes of this Act there shall be substituted for the provisions aforesaid such regulations as may be made by the Lord Lieutenant in Council under this Act.

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

4.—(1.) The total amount advanced by the Treasury under this Act shall not at any one time exceed five hundred thousand pounds.

(2.) The National Debt Commissioners may, out of any money for the time being in their hands on account of savings banks, 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.

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

5.—(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 railway under this Act, he may, with the sanction of the Board of Works 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 railway under this Act, the amount so contributed may, with the sanction of the Board of Works 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 Works 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 Works, 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 Works, 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.

Entry on lands.

6.—(1.) The Board of Works or any company authorised to construct a railway under this Act, with the consent of that Board, may, before the arbitrator has framed his draft award, enter upon any land, which they are by any Order in Council made under this Act authorised to take, without making any deposit in the bank.

(2.) Where any such entry is made the Board of Works shall pay to the persons entitled thereto the purchase money or compensation agreed upon or awarded to such persons pursuant to the Lands Clauses Acts in respect of the lands so entered upon, and those Acts as amended by this section shall apply accordingly.

(3.) Where any Order in Council under this Act incorporates the Lands Clauses Acts the award of the arbitrator under those Acts

shall be final, and the provisions of those Acts with respect to traverses shall not apply.

Provision in case of default in working of undertakings.

7.—(1.) Where any railway constructed under the principal Acts or this Act has been aided out of moneys provided by Parliament, the Board of Works may at any time (whether the undertaking has become the property of a grand jury or not) appoint an engineer or other fit person to inspect and report upon the condition of the undertaking, and the working, maintenance, and development of the same.

(2.) If such engineer or person reports that the undertaking is not efficiently worked, maintained, and developed, the Board of Works shall make a report to the Lord Lieutenant, and the Lord Lieutenant in Council, after giving all persons interested an opportunity of being heard, may, if satisfied that the undertaking has not been efficiently worked, maintained, or developed, make an order appointing a manager or receiver of the undertaking for such time and with such powers as may be specified in the order.

Application of general Railway Acts.

8. The enactments mentioned in the schedule to this Act shall not apply to a railway authorised under this Act, except so far as they are required by the Board of Trade to be incorporated, or applied by the Order in Council confirming an agreement under this Act.

Provision for the establishment of lines of steam-boats, coaches, &c.

9. Where it is certified to the Treasury by the Lord Lieutenant that the establishment of any of the means of communication mentioned in this section is necessary for the development of the resources of any district, but that owing to the exceptional circumstances of the district such means of communication could not be established without special assistance from the State, the Treasury may authorise the Board of Works to enter into an agreement with any person for the establishment and maintenance of any line of steam-boats, coaches, cars, carts, or other vehicles moved by mechanical power or otherwise, and to construct or reconstruct and maintain or contract for the construction or reconstruction and maintenance of any pier, quay, or jetty, or the immediate approaches thereto, or any structure necessary for the proper use thereof; and the Treasury may, out of the money provided by this Act, make free grants in aid of any of the above purposes.

Presentment in aid by grand jury.

10. Any grand jury may, subject to rules and regulations under this Act, present any sum of money in aid of any railway or other means of communication, or any accommodation work constructed or established under this Act; and section twenty-three of the Public Works (Ireland) Act, 1831, and section one of the Grand Jury (Ireland) Act, 1853, shall apply to such presentment, with this modification that the half-yearly instalments for repayment of any sum to be expended may be at a rate of not less than four pounds per cent. per annum on such sum.

1 & 2 Will. 4. c. 33.
16 & 17 Vict. c. 136.

Power to make rules.

11.—(1.) The Lord Lieutenant in Council may make rules and regulations for the purpose of carrying this Act into effect and for regulating the procedure thereunder: Provided that the assent of

the Treasury shall be necessary in the case of any rule or regulation affecting the expenditure of money provided by this Act.

(2.) All rules and regulations under this section shall be laid before Parliament.

Definition.

12. In this Act, unless the context otherwise requires, the expression "railway" includes light railway or tramway, and where provided by an Order in Council any pier, quay, or jetty used in connexion therewith.

Short title and construction. 54 & 55 Vict. c. 2. 58 & 59 Vict. c. 20.

13. This Act may be cited as the Railways (Ireland) Act, 1896, and, save where the context otherwise requires, shall be construed as one with the principal Acts, that is to say, the Transfer of Railways (Ireland) Act, 1890, and the Tramways (Ireland) Acts as therein defined, and the Tramways (Ireland) Act, 1895, and those Acts and this Act may be cited collectively as the Tramways (Ireland) Acts, 1860 to 1896.

SCHEDULE.

Section 8.

ENACTMENTS RELATING TO SAFETY, &c.

Session and Chapter.	Title or Short Title.	Enactments referred to.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Sections nineteen, twenty, twenty-two, twenty-seven, twenty-eight, and twenty-nine.
41 & 42 Vict. c. 20. -	The Railway Returns (Continuous Brakes) Act, 1878.	The whole Act.
52 & 53 Vict. c. 57. -	The Regulation of Railways Act, 1889.	The whole Act.

CHAPTER 35.

An Act to provide for the Appointment of Judicial Trustees and otherwise to amend the Law respecting the Administration of Trusts and the Liability of Trustees. [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:

Power of court on application to appoint judicial trustee.

1.—(1.) Where application is made to the court by or on behalf of the person creating or intending to create a trust, or by or on behalf of a trustee or beneficiary, the court may, in its discretion, appoint a person (in this Act called a judicial trustee) to be a trustee of that trust, either jointly with any other person or as