ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

Cap. clvii.

An Act for the Extension of the *Waveney Valley* Railway from *Bungay* to *Beccles* in *Suffolk*.

[23d *July* 1860.]

WHEREAS an Act was passed in the Year One thousand eight hundred and fifty-one, called "The *Waveney Valley* Railway Act, 1851," and by that Act the *Waveney Valley* Railway Company (in this Act referred to as "the Company") were incorporated for the making of a Railway from the *Tivetshall* Station of the *Eastern Union* Railway to *Bungay* in *Suffolk*, and they have in fact constructed a Railway which has long been open for Traffic from *Tivetshall* to *Harleston*, and they have also nearly completed the Construction of so much of the Remainder of the said Railway as lies between *Harleston* and a Place in the Village of *Earsham* within One Mile of *Bungay*: And whereas by "The *Waveney Valley* Railway Act, 1859," the Company were empowered to extend their Railway from the said Place in *Earsham* across *Bungay Common* to *Day's Corner* in the Parish of *Ditchingham* near *Bungay*, and they are now constructing such Extension: And whereas by "The *Waveney Valley* Railway Extension Act, 1853," the Company were authorized to extend their Railway from *Bungay* to *Beccles*; but no Part of such Extension has been made, and the Power to make it under that Act has expired; and it would be advantageous to the

14 & 15 Vict. c. lxvi.

22 & 23 Vict. c. cxv.

16 & 17 Vict. c. cxliv.

Public and to the Company that the said Railway should be extended from *Day's Corner* to join the *East Suffolk* Railway at *Beccles*, and the Company are willing so to extend the same: And whereas a Plan and Section of the proposed Extension, showing the Line and Levels thereof, and a Book of Reference to the Plan, containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands which may be required for the Purposes of the Extension, have been deposited with the respective Clerks of the Peace for the Counties of *Norfolk* and *Suffolk*: And whereas the Object aforesaid cannot be accomplished 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:

8 & 9 Vict. cc. 18. & 20. incorporated.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

"The Railway."

II. Where in this Act the Words "the Railway" are used they shall mean the Railway by this Act authorized.

Power to construct Railway according to deposited Plans.

III. The Company may make and maintain the Railway herein-after particularly described, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing Railway.

IV. The Railway shall commence by a Junction with the authorized Line of the *Waveney Valley* Railway at the Termination thereof at or near *Day's Corner* in the Parish of *Ditchingham* in *Norfolk*, pass through the Parishes of *Ditchingham*, *Broome*, *Ellingham*, *Geldeston*, and *Gillingham* in *Norfolk* and *Beccles* in *Suffolk*, and terminate by a Junction with the *East Suffolk* Railway at or near the Passenger Station thereof in the said Parish of *Beccles*.

Level Crossings.

V. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same across and

and upon the Level of the public Roads numbered on the said Plan as follows:—

Number on Plan.	Parish.	Description of Road.
28	Ditchingham - -	Parish Road.
1	Broome - - -	
27	Ellingham - - -	Parish Road.
43	Geldeston - -	Parish Road.
14	Beccles - - -	Public Highway.

But no more than a Double Line of Rails shall at any Time be laid down at any such level Crossing, nor more than a Single Line so long as the Line continues single: Provided always, that before opening the Railway for Public Traffic in the Parish of *Beccles* the Company shall construct and they shall for ever afterwards maintain a good and convenient Footway or Bridge, Five Feet wide, under or over their Railway, by the Side of *Northgate Street* (No. 14) in the said Parish, and shall also lower the Parish Road numbered 25 in the Parish of *Beccles* so that the same shall pass under the Railway; and the Road so constructed shall be not less than Twenty Feet wide, and shall leave a clear Headroom of not less than Nine Feet, and the Inclinations thereof shall not be greater than One in Twenty.

Not to shunt Trains over level Crossings.

VI. It shall not be lawful for the Company in shunting Trains to or from any Siding near to any of the said level Crossings to pass any Trains over any such level Crossings, or to allow Trains to stand across the same.

Company to erect Stations or Lodges at Point of crossing, and abide by Rules, &c. of Board of Trade.

VII. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall be continued after such Penalty of Twenty Pounds shall have been incurred.

VIII. It

Board of Trade may require Bridges in lieu of level Crossings.

VIII. It shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the Railways shall have been completed and open for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Communications with East Suffolk Railway to be under the Direction of its Engineer.

IX. The Communications between the Railway hereby authorized to be made and the *East Suffolk* Railway, and all such Openings in the last-mentioned Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *East Suffolk* Railway Company.

Not to take Lands or interfere with Works of East Suffolk Railway Company without Consent.

X. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to effect the proposed Junction at any Point Southward of that shown upon the deposited Plans, or to take or enter upon any of the Lands belonging to the *East Suffolk* Railway Company Southward of the Line of Railway as delineated on these Plans, or to alter, vary, or interfere with the *East Suffolk* Railway, or any of the Works thereof, further or otherwise than is necesssary for the convenient Junction of and Intercommunication between the said Railway and the Railway hereby authorized, as shown upon the said Plans, without the Consent in Writing of the *East Suffolk* Railway Company, under their Common Seal, in every Instance for that Purpose first had and obtained.

As to Expense of Signals, Watchmen, &c.

XI. The *East Suffolk* Railway Company may from Time to Time erect such Signals and Conveniences incident to the Junction, and appoint and remove such Watchmen, Switchmen, or other Persons, as may be necessary for the Prevention of Danger to or Interference with the Traffic at and near the said Junction; and the Working and Management of such Signals and Conveniences shall be under the exclusive Management and Regulation of the *East Suffolk* Railway Company; and all the Expense of erecting and maintaining such Signals and Conveniences, and of the Wages of such Watchmen, Switchmen, and other Persons, and all incidental current Expenses, shall at the End of every Half

Half Year be repaid by the Company, and in default of such Repayment the Amount of such Expenses and Wages may be recovered from the Company in any Court of competent Jurisdiction.

Settlement of Disputes as to Junctions.

XII. In case of any Difference of Opinion as to the Mode of effecting the Junction as aforesaid, or as to the said Works, such Difference shall be determined by the Board of Trade or by an Arbitrator to be appointed by them, and the Cost of any such Reference shall be borne and paid by the Company unless the Board of Trade or the Arbitrator so to be appointed by the Board of Trade shall otherwise determine; and all such Communications shall be effected in the most approved Manner, with all necessary Works; and the Expense thereof, and of all necessary Openings in the Rails of the *East Suffolk* Railway, and Points and other Works from Time to Time requisite, and the Expense of regulating the same, shall be paid by the Company, and shall at all Times be repaired and maintained in such Manner as not to impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the *East Suffolk* Railway.

Junctions to be effected in the most approved Manner.

Saving Rights of the East Suffolk Railway Company.

XIII. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *East Suffolk* Railway Company otherwise than is herein expressly provided.

As to Bridge over River Waveney.

XIV. The Bridge over the River *Waveney* shall be constructed by the Company so as to be spanned by only Two Openings.

Plans to be submitted to Admiralty before commencing Works.

XV. Previously to commencing the Bridge over the River *Waveney* or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridge and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge and Works shall be constructed only in accordance with such Approval; and when any such Bridge and Works shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Bridge or Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord

High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Lights to be exhibited.

XVI. During the Construction of the Bridge over the River *Waveney* and Works connected therewith the Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the Bridge the Company shall cause to be hung out or exhibited upon or near to the Centre of the Bridge every Night from Sunset to Sunrise a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Company in such Manner and be of such Description and be so used and placed as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the Company shall neglect to exhibit and keep either of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

River to be maintained at Bridge.

XVII. The Bed of the River *Waveney*, at the Site of the Bridge over such River, shall be made and for ever maintained by and at the Cost of the Company in a good navigable State to the Satisfaction of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral; and if the Company neglect or refuse at any Time to make or maintain the same as aforesaid, the said Lord High Admiral or the said Commissioners may so make and maintain the same, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

No Deviation to be made riverward without Consent of Admiralty.

XVIII. Where the Limits of Deviation course the Banks of the River *Waveney*, the Railway and other Works shall not deviate riverward from the Black continuous Centre Line of Way marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High

High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

If made, to be abated by Admiralty, at Expense of Company.

XIX. If any Deviation which requires the previous Consent of the said Lord High Admiral or the said Commissioners be made without such Consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such Deviation or any Part thereof, and the Cost of every such Abatement shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works affecting River Waveney not to be constructed without Approval of Admiralty.

XX. It shall not be lawful for the Company to construct any Work in, under, over, through, or affecting the River *Waveney*, hereby or otherwise authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed or be altered or extended contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Works contrary to this Act may be altered, &c. by the Admiralty, at Expense of Company.

Admiralty may make local Survey, at Expense of Company.

XXI. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall

shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned, &c. may be removed by the Admiralty, at Expense of Company.

XXII. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Powers for compulsory Purchases limited.

XXIII. The Powers hereby granted to the Company for the compulsory Purchase or taking or using of Lands for the Purposes of the Railway shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXIV. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railway not completed, &c. within limited Period, Payment of certain Dividends to be suspended.

XXV. In case the Railway shall not be completed and opened for public Traffic within the Period of Four Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary Capital of the Company until the Railway shall have been completed and opened for Public Traffic: Provided always, that, notwithstanding anything contained in the Sixth Section of "The *Waveney Valley* Railway Amendment Act, 1856," or in the Fourteenth Section of "The *Waveney Valley* Railway Amendment Act, 1859," upon the opening throughout by the Company for public Traffic of a continuous Line of Railway from *Tivetshall*, through *Bungay*, to *Beccles*, it shall be lawful for the Company to pay such Dividends out of the Profits of the Company applicable thereto.

XXVI. The

Railway to form Part of Company's Undertaking.

XXVI. The Railway, together with the Works, Stations, Approaches, and Conveniences connected therewith, shall form Part of the Undertaking of the Company, and shall, in the calculating of Tolls and for all other Purposes, be Part of the *Waveney Valley* Railway, as if it had been constructed under the same Act.

Maximum Tolls.

XXVII. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the Railway shall in no Case exceed the maximum Tolls and Charges for the Time being authorized to be taken upon the *Waveney Valley* Railway.

Application of Monies.

XXVIII. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which are not and will not be required for any of the Purposes of the said recited Acts.

Interest or Dividend not to be paid on Calls.

XXIX. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividends to any Shareholder on the Amount of Calls made in respect of Shares by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

XXX. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Undertaking not exempt from Provisions of present and future General Acts.

XXXI. Nothing herein contained shall be deemed or construed to exempt the Undertaking of the Company, or the Company, from the Provisions of any General Act relating to Railways now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament,

Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or any other Act relating to the Company.

Saving Rights of the Crown.

XXXII. Nothing contained in this Act shall authorize the said Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) or shall take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Short Title. Expenses of Act.

XXXIII. This Act may be cited for any Purpose as "The *Waveney Valley* Railway Act, 1860," and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

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