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Reforming the law

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## **Statute Law Repeals: Consultation Paper Railways: Rates and Charges – Proposed Repeals**

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**SLR 02/09: Closing date for responses – 4 September 2009**

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## **BACKGROUND NOTES ON STATUTE LAW REPEALS (SLR)**

### **What is it?**

1. Our SLR work involves repealing statutes that are no longer of practical utility. The purpose is to modernise and simplify the statute book, thereby reducing its size and thus saving the time of lawyers and others who use it. This in turn helps to avoid unnecessary costs. It also stops people being misled by obsolete laws that masquerade as live law. If an Act features still in the statute book and is referred to in text-books, people reasonably enough assume that it must mean something.

### **Who does it?**

2. Our SLR work is carried out by the Law Commission and the Scottish Law Commission pursuant to section 3(1) of the Law Commissions Act 1965. Section 3(1) imposes a duty on both Commissions to keep the law under review “with a view to its systematic development and reform, including in particular ... the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law”.

### **Statute Law (Repeals) Bill**

3. Implementation of the Commissions’ SLR proposals is by means of special Statute Law (Repeals) Bills. 18 such Bills have been enacted since 1965 repealing more than 2000 whole Acts and achieving partial repeals in thousands of others. Broadly speaking the remit of a Statute Law (Repeals) Bill extends to any enactment passed at Westminster. Accordingly it is capable of repealing obsolete statutory text throughout the United Kingdom (i.e. England, Wales, Scotland and Northern Ireland) as well as extending where appropriate to the Isle of Man.

### **Consultation**

4. The Law Commission consults widely before finalising its repeal proposals. The purpose of consulting is to secure as wide a range of views on the proposals as is practicable from all categories of persons who may be affected by the proposals. So the consultation may be with central or local government, organisations, trade bodies, individuals or anyone else who appears to have an interest in a proposal.
5. So far as consulting central government is concerned, any Department or agency with an interest in the subject matter of the repeal proposal will be invited to comment. Because obsolete legislation often extends throughout the United Kingdom it may be necessary to invite comments from several different Departments. So the following will routinely be consulted-
  - ◆ The English Department or Departments with policy responsibility for the subject matter of the proposed repeal (this responsibility will extend to Scotland in appropriate cases)
  - ◆ The Welsh Assembly Government and the Wales Office (unless the proposed repeal relates only to England)
  - ◆ SLR colleagues at the Scottish Law Commission (if the proposed repeal extends to Scotland)
  - ◆ Northern Ireland officials (if the proposed repeal extends to Northern Ireland).

### **Selection of repeal candidates**

6. Candidates for repeal are selected on the basis that they are no longer of practical utility. Usually this is because they no longer have any legal effect on technical grounds - because they are spent, unnecessary or obsolete. But sometimes they are selected because, although they strictly speaking do continue to have legal effect, the purposes for which they were enacted either no longer exist or are nowadays being met by some other means.
7. Provisions commonly repealed by Statute Law (Repeals) Acts include the following-
  - (a) references to bodies, organisations, etc. that have been dissolved or wound up or which have otherwise ceased to serve any purpose;
  - (b) references to issues that are no longer relevant as a result of changes in social or economic conditions (e.g. legislation about tithes or tin mines);
  - (c) references to Acts that have been superseded by more modern (or EU) legislation or by international Convention;
  - (d) references to statutory provisions (i.e. sections, schedules, orders, etc.) that have been repealed;
  - (e) repealing provisions e.g. "Section 33 is repealed/shall cease to have effect";
  - (f) commencement provisions once the whole of an Act is in force;
  - (g) transitional or savings provisions that are spent;
  - (h) provisions that are self-evidently spent - e.g. a one-off statutory obligation to do something becomes spent once the required act has duly been done;
  - (i) powers that have never been exercised over a period of many years or where any previous exercise is now spent.

### **General savings**

8. Much SLR work is possible because of the general savings provisions of section 16(1) of the Interpretation Act 1978. This provides that where an Act repeals an enactment, the repeal does not (unless the contrary intention appears) -
  - “(a) revive anything not in force or existing at the time at which the repeal takes effect;
  - (b) affect the previous operation of the enactment repealed or anything duly done or suffered under that enactment;
  - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under that enactment;
  - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against that enactment;

- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed”.

**Gradual obsolescence**

- 9. The obsolescence of statutes tends to be a gradual process. Usually there is no single identifiable event that makes a statute obsolete. The Statute Law (Repeals) Act 2008 contained several examples of legislation being overtaken by social and economic changes. A scheme to provide farming work for ex-servicemen after the First World War had long fallen into disuse. Changes in agriculture during the second half of the 20<sup>th</sup> century had greatly reduced the numbers of persons seeking employment in farming. An Act of 1792 that criminalised the giving of false character references to servants seeking domestic employment had become superseded by changes in the civil law. And a Victorian Act requiring noisy street musicians to leave the area on pain of a forty shilling fine had long become obsolete.
- 10. Even within individual statutes, the obsolescence tends to be gradual. Some provisions fade away more quickly than others. These include commencement and transitory provisions and ‘pump-priming’ provisions (e.g. initial funding and initial appointments to a Committee) to implement the new legislation. Next to go may be order-making powers that are no longer needed. Then the Committee established by the Act no longer meets and can be abolished. However, other provisions may be unrepealable for generations, particularly if they confer pensions rights or confer security of tenure or employment rights. Other provisions may be virtually unrepealable ever. Much of English property law relies on medieval statutes such as Quia Emptores (1290) which is regarded as one of the pillars of the law of real property. This last example usefully shows that just because a statute is ancient it is not necessarily obsolete.

**Help from consultees**

- 11. Sometimes it is impossible to tell whether a provision is repealable without factual information that is not readily ascertainable without ‘inside’ knowledge of a Department or other organisation. Examples of this include savings or transitional provisions which are there to preserve the status quo until an office-holder ceases to hold office or until repayment of a loan has been made. In cases like these the repeal notes drafted by the Law Commissions often invite the organisation being consulted to supply the necessary information. Any help that can be given to fill in the gaps is much appreciated.

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# RAILWAYS – RATES AND CHARGES REPEAL PROPOSALS

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## RAILWAYS – RATES AND CHARGES

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Great Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxiv)	The whole Act.
Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxv)	The whole Act.
London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxvi)	The whole Act.
London, Brighton, and South Coast Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxvii)	The whole Act.
London, Chatham, and Dover Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxviii)	The whole Act.
Midland Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxix)	The whole Act.
South-Eastern Railway (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccx)	The whole Act.
London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxii)	The whole Act.
Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxii)	The whole Act.

Railway Rates and Charges, No. 1 (Abbotsbury Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xxxix)	The whole Act.
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Railway Rates and Charges, No. 23 (Great North of Scotland Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lxi)	The whole Act.
Railway Rates and Charges, No. 24 (Highland Railway) Order Confirmation Act 1892 (55 & 56 Vict. c.lxii)	The whole Act.

Railway Rates and Charges, No. 25 (North British Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lxiii)	The whole Act.
Railway Rates and Charges, No. 26 (Athenry and Ennis Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lxiv)	The whole Act.
Railway Rates and Charges (Cranbrook and Paddock Wood Railway, &c.) Order Confirmation Act 1893 (56 & 57 Vict. c.cxii)	The whole Act.
Railway Rates and Charges (Easingwold Railway, &c.) Order Confirmation Act 1894 (57 & 58 Vict. c.xlviii)	The whole Act.
Mersey Railway (Rates and Charges) Act 1894 (57 & 58 Vict. c.lxxii)	The whole Act.
Railway Rates and Charges (Lee-on-the-Solent Light Railway, &c.) Order Confirmation Act 1896 (59 & 60 Vict. c.clxv)	The whole Act.
Railway Rates and Charges (Weston Clevedon and Portishead Light Railways) Order Confirmation Act 1909 (9 Edw.7 c.xcii)	The whole Act.

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### *Background*

1. In 1845 Parliament enacted legislation to consolidate “certain Provisions usually inserted in Acts authorizing the making of Railways”.<sup>1</sup> The 1845 Act made provision for the charging of tolls for the carriage of passengers and goods by rail, and for the varying of such tolls according to changes of circumstance (subject, however, to the provisions of the special Act which authorised construction of the particular railway, and to the proper display of the toll rates).<sup>2</sup>

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<sup>1</sup> See long title to the Railways Clauses Consolidation Act 1845 (8 & 9 Vict. c.20) (“the 1845 Act”). The short title was given by section 4.

<sup>2</sup> See the 1845 Act, ss 86, 90 and 93 as originally enacted. The power to vary charges was not to be abused so as to favour particular parties or collusively to create monopolies. Special arrangements were put in place to calculate tolls where railway operations amalgamated: section 91. All tolls were to be charged (as the side note to section 90 put it) “equally under like circumstances”, whether it be for an individual passenger or for goods assessed by weight and by distance carried. Today, part of section 86 (although not relating to charging) remains unrepealed; the other cited provisions have been superseded.

2. In 1888 the regime relating to charging for rail traffic was overhauled, and the Railway and Canal Traffic Act of that year overrode “any provision [then] in any general or special Act” relating to the “classification of merchandise traffic” and the “maximum rates and charges applicable thereto”.<sup>3</sup> In its place it enacted a new procedure whereby railway companies were required to submit to the Board of Trade a revised classification of merchandise traffic and a revised schedule of rates, which documents were to set out all “terminal charges” categorised by class of traffic, nature and amount of charge, and circumstance for levying. The determination of charges had to reflect necessary reasonable (rather than actual) expenditure by the operator. The Board of Trade would then consider objections (if any) to the proposed charges and, when satisfied as to their scope and amount, would prepare a provisional order for parliamentary scrutiny and a confirmatory bill.<sup>4</sup>
  
3. In 1921 the Railways Act of that year<sup>5</sup> reorganised the British railway system (to achieve the “more efficient and economical working” of that system)<sup>6</sup> by the amalgamation and absorption of many of the existing privately-owned railway companies into four railway “groups”, with effect from January 1923. The 1921 Act put in place arrangements for the standardisation of rates and charges for merchandise (including the creation of a new Railway Rates Tribunal to determine appropriate classification and rates on submission by the grouped companies before the end of 1922), and for the repeal of existing statutory provisions in this regard.<sup>7</sup> However, that repeal was non-specific, and section 34 of the 1921 Act excepted from repeal those provisions which related to special mileage calculation, to special charges perpetuated by the tribunal, and to charges under the Cheap Trains Act 1883 (46 & 47 Vict. c.34).<sup>8</sup> In place of the

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<sup>3</sup> See Railway and Canal Traffic Act 1888 (51 & 52 Vict. c.25) (“the 1888 Act”), s 24.

<sup>4</sup> The 1888 Act, s 24 (section now repealed). The confirmatory procedure was to allow for the lodging of objections with, and consideration of such objections by, parliament. Once enacted, a provisional order confirmation bill was to become a public general Act. The enactment would authorise the making of the recited rates and charges by the promoting railway company. The charges for the conveyance of mails or parcels or War Office stores were not to be affected by the 1888 Act procedure.

<sup>5</sup> 11 & 12 Geo.5 c.55 (1921) (“the 1921 Act”).

<sup>6</sup> The 1921 Act, s 1(1).

<sup>7</sup> The 1921 Act, Part 3 and especially ss 27-34. The amalgamated companies - and remaining independent companies - were required to charge only the “standard charges” from the appointed day: see the 1921 Act, ss 32, 33. The repeal of existing charging provisions was set out in section 34. Merchandise classification was governed by section 29.

<sup>8</sup> The repeal in section 34(1) was expressed to apply to “all statutory provisions, and the provisions of all agreements with respect to classification of merchandise and with respect to charges for or in connection with the carriage of merchandise or passengers by any railway” which then “shall to the extent to which those provisions relate to the matters aforesaid be repealed and cease to be operative”. On this basis it is impossible to say that the various Rates and Charges Acts set out in this note have already been fully repealed.

superseded classifications and rates, the 1921 Act set out a new form of rubric for charges.<sup>9</sup>

4. In January 1948 the railway system was nationalised (under legislation enacted the previous year),<sup>10</sup> and the principal railway undertakings were vested in the newly-formed British Transport Commission. The Transport Act 1947 renamed the Railway Rates Tribunal the Transport Tribunal<sup>11</sup> (which tribunal also inherited the powers of the Railway and Canal Commission). Under section 76 of the Transport Act the British Transport Commission was required to produce draft “charges schemes” setting out the charges, terms and conditions for services provided by the Commission, which schemes were to be submitted to the Transport Tribunal for confirmation, with or without alteration.<sup>12</sup>
5. The British Transport Commission was replaced by four specific Boards in 1963, one of which was the British Railways Board (BRB). Under the Transport Act 1962 all charges schemes made under the 1947 Act were to cease to have effect and, more particularly, no local enactment which limited the discretion of an undertaking to fix charges for “the carriage of passengers or goods” was to apply to the successor Board.<sup>13</sup> In their place, the BRB had power to set charges for services and facilities as they thought fit.<sup>14</sup>
6. Today, post-nationalisation of the British Railways system, and post-privatisation of the railways in 1993,<sup>15</sup> fares and charges are set by the market and regulated by the Office of Rail Regulation<sup>16</sup> under competition law<sup>17</sup>. The Government caps some commuter fares and these are known as regulated fares. The Government awards passenger-carrying franchises to train operating companies to operate particular services, and an award may be conditioned

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<sup>9</sup> See the 1921 Act, s 30 and Sch 4, and s 55 and Sch 5. Schedule 4 provided for the form of classification and charge submission (the categories were now goods and minerals, animals, carriages, and perishable merchandise), and Schedule 5 replaced the miscellaneous provisions which had been contained in the various railway rates and charges orders.

<sup>10</sup> As *Halsbury's Laws* puts it, the “nationalisation of the railway system in 1947 was extensive but not all-embracing”: see 4<sup>th</sup> edn reissue, 2008, vol 39(1A) at p 30 para 13.

<sup>11</sup> Transport Act 1947 (c.49), s 72.

<sup>12</sup> Transport Act 1947, s 78. Schemes could provide for fixed, maximum and minimum, and standard charges (and for variations in charge), and for classification of merchandise: see section 77.

<sup>13</sup> See Transport Act 1962 (c.46), s 43(1). In particular, the British Transport Commission (Railway Merchandise) Charges Scheme 1957 ceased to have effect. By sub-s (2) the Board was not to be exempt from any local enactment provision which either gave freedom from charge or prohibited charging.

<sup>14</sup> Transport Act 1962, s 43(3).

<sup>15</sup> Railways Act 1993.

<sup>16</sup> [www.rail-reg.gov.uk](http://www.rail-reg.gov.uk).

requiring reasonable prices to be charged for the service.<sup>18</sup> The Department for Transport is responsible for fares regulation policy for all franchised operators in England. Their Scottish counterpart is Transport Scotland, and in Wales the Welsh Assembly Government (Transport Wales) is responsible for fare regulation. The provision of rail freight services is governed in part by the Railways Act 1993, s 4 and the Railways Act 2005, ss 6-11.

7. This repeal note examines (and makes recommendation on) a number of the legislative provisions relating to railway rates and charges - principally for merchandise traffic - enacted in the latter half of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup>.

### **1853**

#### *Liverpool, Crosby, and Southport Railway Amendment Act 1853*

*(16 & 17 Vict. c.ccx)*

#### *Purpose*

8. The Liverpool, Crosby and Southport Railway opened its first section in July 1848 (authorised in July 1847), extending from Liverpool to Sandhills in October 1850, and finally to Southport in August 1851. The Lancashire and Yorkshire Railway took over the line (under an Act of 1850) in June 1855.<sup>19</sup>
9. By 1853 three Acts had already been passed to facilitate the Liverpool, Crosby and Southport Railway (“the Southport Railway”) operation.<sup>20</sup> That railway made connection with a line belonging to the Lancashire and Yorkshire and East Lancashire Railway Companies at a point just under two miles outside the East Lancashire’s terminus in Liverpool (Tithebarn Street). The three companies had in place joint running arrangements, so that lines could be shared for passenger traffic use.

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<sup>17</sup> Competition Act 1998.

<sup>18</sup> Railways Act 1993, s 28(1).

<sup>19</sup> See Christopher Awdry *Encyclopaedia of British Railway Companies* (1990, Guild Publishing, London), Part 2 at p88 and App 6 at p256. The Lancashire and Yorkshire Railway was itself amalgamated with the London and North Western Railway (LNWR) in January 1922 prior to grouping with the London, Midland and Scottish Railway (LMS) a year later.

<sup>20</sup> The Liverpool, Crosby, and Southport Railway Act 1847 (10 & 11 Vict. c.cv), the Liverpool, Crosby, and Southport Railway Amendment Act 1850 (13 & 14 Vict. c.xcv) (“the 1850 Act”) and the Liverpool, Crosby, and Southport Railway (Sale or Lease) Act 1850 (13 & 14 Vict. c.xcix): see preamble to the Liverpool, Crosby, and Southport Railway Amendment Act 1853 (16 & 17 Vict. c.ccx) (“the 1853 Act”).

10. Given these arrangements it had become necessary to fix and regulate the various tolls and charges for the use of the different lines, both for passenger traffic from Liverpool out to “various places of resort within short distances from the said borough” and for traffic into Liverpool’s terminus station.<sup>21</sup> The fixing of charges required adjustment to the provisions set down in the earlier legislation. Moreover, since 1850 the Southport Railway had constructed a branch line under the 1850 Act powers,<sup>22</sup> and that new line needed additional regulation.
11. The Liverpool, Crosby and Southport Railway Amendment Act 1853<sup>23</sup> was obtained for the following purposes:
  - (a) to restrict the rates of charge for passenger travel, differentiated by class of travel and by destination;<sup>24</sup>
  - (b) to make provision for payment by the Southport Railway to the other railway companies a fixed proportion of its gross receipts<sup>25</sup> when using the joint line for traffic (in lieu of paying “tolls, rates, and charges”) between Liverpool and Hightown, and from Hightown beyond;<sup>26</sup>
  - (c) to require the Southport Railway to afford access to its tickets and invoices to the other two companies, and to render weekly accounts of gross traffic receipts (with provision to verify the entries);<sup>27</sup>
  - (d) to require the Southport Railway to run passenger trains daily from Liverpool to Southport via Crosby (and back);<sup>28</sup>

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<sup>21</sup> See the 1853 Act, preamble.

<sup>22</sup> The 1850 Act reinforced a deed of covenant made in June 1847. The 1853 Act had other purposes as well (such as the authorisation of a level-crossing at Hawes Side Lane in North Meols parish) which are not affected by the present repeals.

<sup>23</sup> 16 & 17 Vict. c.ccxii (1853), being “An Act to reduce and regulate the Tolls payable in respect of Traffic passing between Liverpool and certain Places on the Liverpool, Crosby, and Southport Railway, and also the Payments or Tolls payable to the Lancashire and Yorkshire and East Lancashire Railway Companies in respect of Traffic to and from the last-mentioned Railway; and for other Purposes”. The short title to the 1853 Act was assigned by section 1.

<sup>24</sup> The classes were designated first, second and third; and the fares were fixed for single journeys between the Liverpool terminus at Tithebarn Street and various stations *en route* to (and including) Crosby: see the 1853 Act, s 2. By section 3 provisions relating to the limiting of railway tolls and charges in the 1850 Act, s 17 were repealed (excepting “any rights, claims, or obligations” accrued prior to August 1853). These limits applied to that portion of line between Liverpool and the junction with the Southport Railway.

<sup>25</sup> “terminal charges upon goods” were to be excepted from the arrangement.

<sup>26</sup> The 1853 Act, s 4. For the first segment of travel the proportion was to be 50%; and 25% for the remaining segment. The formula included station use and booking accommodation at Liverpool. If, in the future, either of the host companies were necessarily to incur additional cost for providing “station accommodation” for the Southport Railway, they would be entitled to refer an increased charge to arbitration under the 1845 Act (see above). Moreover, should the Southport Railway at any time alter its charges or fares, such alteration was not to affect the payment formula set out above, unless agreed to by the companies or approved by the Board of Trade: the 1853 Act, s 5. A remunerated receiver was to be appointed by the railway companies for the collection of the rates and charges: the 1853 Act, ss 8-10.

- (e) to set out mechanisms for the resolution of disputes relating to rates and charges, and for their recovery;<sup>29</sup>
- (f) to apply the charging (and other) provisions in the Acts of 1847 to 1850 to the recently-opened branch line between Ainsdale and Halsall (both in the county of Lancaster);<sup>30</sup>
- (g) to make lawful the provision of an existing level-crossing at North Meols, subject to compliance by the railway company with the requirements of the Board of Trade (including rules and regulations relating to the use of such crossings);<sup>31</sup> and
- (h) to include various savings and incidental provisions.<sup>32</sup>

## 1891

### *Great Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxiv)*

#### *Purpose*

12. The Great Eastern Railway had been formed in August 1862 and operated until 1923, when it became a constituent part of the London and North Eastern Railway (LNER) group.<sup>33</sup>
13. In 1891 the Board of Trade made a provisional order under the 1888 Act (see above) which had the effect of “embodying the classification of merchandise traffic and the authorised schedule of maximum rates and charges, including all

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<sup>27</sup> The 1853 Act, s 6.

<sup>28</sup> The 1853 Act, s 7. The frequency of the trains was to be determined by the other two companies, but could not exceed five return journeys each day (and excluding Sundays). The Board of Trade was to be the ultimate umpire on numbers of journeys provided.

<sup>29</sup> The 1853 Act, ss 11, 12.

<sup>30</sup> The 1853 Act, s 13. Today no branch line exists between Ainsdale and Halsall, although Ainsdale does still lie on an operational line between Southport and Bootle (north of Liverpool). This section of the Act is therefore redundant.

<sup>31</sup> The 1853 Act, ss 14, 15. For reasons of public safety, the Board of Trade could require the construction of a station or a keeper’s lodge and could require remedial works (including the construction of a road bridge) so as to mitigate any danger, reinforced by criminal sanctions for non-compliance: the 1853 Act, s 16. Sections 14 to 16 are **not** proposed for repeal in the present project.

<sup>32</sup> For example, extending the new rates and charges provisions to the Lancashire and Yorkshire Railway Company in the event of that company acquiring the Southport Railway by lease or outright (but without prejudice to any existing rights of either the Lancashire and Yorkshire or the East Lancashire Railway Companies): the 1853 Act, ss 17-19. Likewise, nothing in the 1853 Act was to be taken to absolve the Southport Railway from compliance with various previous national railways Acts, or with any future legislation relating to railways generally or to revision of maximum rates for fares and charges: see the 1853 Act, ss 22, 23.

<sup>33</sup> See C. Awdry book (cited above), Part 3 at p 133.

terminal charges applicable” within that classification, for the Great Eastern Railway Company (and connected railway companies).<sup>34</sup>

14. The purpose of the Great Eastern 1891 Act was to confirm the provisions set out in the 1891 Order, and to give those provisions “full validity and effect”.<sup>35</sup> The Order had set out in an appendix a scheme of rates and charges (and classifications) dealing - in broad terms - with the following:

- (a) scales of maximum rates and charges for handling various forms of merchandise, which merchandise was classified by weight and by description of material (and charged by the ton and by the nature of the service provided eg. loading or unloading);<sup>36</sup>
- (b) provisions for fixing the appropriate rates and charges (such as calculation of travel distance, and formulae for determination of weight);<sup>37</sup> and
- (c) miscellaneous matters (such as definitions, savings for existing statutory authorisations, and like charges by other railway companies).<sup>38</sup>

*Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxv)*

*Purpose*

15. The Great Northern Railway Company was incorporated in June 1846 and became fully operational (London to York) when King’s Cross station opened in London in October 1852.<sup>39</sup> The Railway Company became part of the LNER on grouping in 1923.

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<sup>34</sup> See the Great Eastern Railway Company (Rates and Charges) Order 1891, preamble and para 1 as set out in the Great Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxiv) (“the Great Eastern 1891 Act”), Schedule.

<sup>35</sup> The Great Eastern 1891 Act, s 2 and Sch. The Act comprised only a preamble, two sections and a substantial Schedule. The long title read: “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Great Eastern Railway Company, and certain other Railway Companies connected therewith”.

<sup>36</sup> Goods and minerals traffic was classified as follows:

Class A – consignments of 4 tons and upwards

Class B – ditto, but different materials

Class C – consignments of 2 tons and upwards

Classes 1 to 5 – various goods (see the 1891 Order, Schedule Part I and Appendix).

Other merchandise traffic included animals, carriages, bulky or exceptional items (eg. any wild beast or bullion), perishable goods (which went by passenger train for speed), and small parcels. Each was charged at separate tariffs.

<sup>37</sup> 1891 Order, Schedule Part II.

<sup>38</sup> 1891 Order, Schedule Part III. Twelve other railway companies were listed in the Appendix to the Schedule.

<sup>39</sup> See C. Awdrey book (cited above), Part 3 at p 134.

16. The Great Northern Railway Company (Rates and Charges) Order 1891 was made by the Board of Trade in that year under the 1888 Act. The Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>40</sup> followed the format of the Great Eastern 1891 Act (above), and set out in its Schedule the 1891 Order, which itself comprised a schedule of maximum rates and charges and a classification of merchandise rail traffic. The Great Northern 1891 Act confirmed the provisional 1891 Order (effective in August 1892), and gave its charging provisions “full validity and effect”.<sup>41</sup>
17. The Great Northern 1891 Act provisions were also applied to another fifteen named railway companies.<sup>42</sup>

*London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxvi)*

*Purpose*

18. The London and South Western Railway Company began life in 1834 as the London and Southampton Railway Company<sup>43</sup>, changing its name to the London and South Western Railway Company in 1839.<sup>44</sup> The line between Southampton and London Waterloo was opened in May 1840.<sup>45</sup> On grouping in 1923 the LSWR became part of the Southern Railway.
19. The London and South Western Railway Company (Rates and Charges) Order 1891 was made by the Board of Trade under the 1888 Act, and incorporated in the London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>46</sup>, which Act and Order were drafted in a standard

<sup>40</sup> 54 & 55 Vict. c.ccxv (1891) (“the Great Northern 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Great Northern Railway Company, and certain other Railway Companies connected therewith”. The 1891 Act comprised preamble, two sections and a substantial Schedule.

<sup>41</sup> The Great Northern 1891 Act, s 2 and Sch. The 1891 Order (and Act) adopted a similar format to the Great Eastern 1891 Act in that it classified goods via Classes A to C, and 1 to 5.

<sup>42</sup> The Great Northern 1891 Act, s 2 and Sch para 28 and App. These companies were connected to the Great Northern Railway. A further railway was added by the Watford Edgware and London Railway Act 1897 (c.ccli), s 60 (which empowered the Watford Railway Company to undertake joint running with the Great Northern Railway Company and to charge in accordance with the 1891 Order).

<sup>43</sup> London and South-western Railway Act 1834 (4 & 5 Will. 4 c.lxxxviii); short title given by (9 & 10 Vict. c.cxxxi) s.2.

<sup>44</sup> The London and South Western Railway Act 1839 (2 & 3 Vict. c.xxviii). s.1.

<sup>45</sup> See C. Awdrey book (cited above), Part 4 at p192.

<sup>46</sup> 54 & 55 Vict. c.ccxvi (1891) (“the South Western 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the London and South Western Railway Company, and certain other Railway Companies connected therewith”. The Act comprised preamble, two sections and a substantial Schedule.

format. The Order came into effect in August 1892, and the South Western 1891 Act gave it “full validity and effect”.<sup>47</sup> As with other confirmation Acts in this series, the Act and scheduled Order set out in standard format various maximum rates and charges, and a classification of merchandise traffic.

20. The South Western 1891 Act provisions were applied to a further eleven named railway companies.<sup>48</sup>
21. The Schedule to the South Western 1891 Act was applied subsequently to a number of other railway companies, as follows:
  - (a) the Lynton and Barnstaple Railway, which railway company was later amalgamated within the Southern Railway (SR) group,<sup>49</sup>
  - (b) the Torrington and Okehampton Railway, which railway company was also later amalgamated within the SR group;<sup>50</sup> and
  - (c) the Bideford, Westward Ho! and Appledore Railway, which railway closed in 1917 before it could be subsumed within SR.<sup>51</sup>

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<sup>47</sup> The South Western 1891 Act, s 2.

<sup>48</sup> The South Western 1891 Act, s 2 and Sch para 28 and App. These companies were connected to the London and South Western Railway.

<sup>49</sup> See the Lynton and Barnstaple Railway Act 1895 (58 & 59 Vict. c.lxxii), section 46 of which applied the South Western 1891 Act provisions relating to merchandise traffic classification and maximum rates and charges to the Lynton and Barnstaple Railway Company. However, the undertaking of the Lynton Railway was itself transferred to the Southern Railway in July 1923 and the Lynton Company dissolved: see Southern Railway Act 1923 (13 & 14 Geo. 5 c.lxxxiii), s 60. The Lynton railway ceased to operate in September 1935, and the track was removed.

<sup>50</sup> See the Torrington and Okehampton Railway Act 1895 (54 & 55 Vict. c.cxxxix), s 43, which applied the South Western 1891 Act’s scheduled rates and charges for merchandise to the Torrington Railway Company as if that company had been listed in the original Act’s appendix. The Torrington Railway was also granted limited running powers over part of the London & South Western Railway’s lines: see the 1895 Act, ss 48-50. However, the Torrington Railway undertaking was not constructed in the form originally contemplated, and it changed its designation in 1901 to the Plymouth and North Devon Direct Railway Company (see the Torrington and Okehampton Railway Act 1901 (1 Edw.7 c.cxxvii), s 2). The 1901 Act perpetuated the fares and charges rates “authorised by any Act relating to the [Torrington] company”, and any later amendment thereof: the 1901 Act, s 9. Under an 1897 agreement the L&SWR took over operational responsibility for the new line from the Torrington Railway. In 1923 the whole undertaking was amalgamated within the Southern Railway group.

<sup>51</sup> See the Bideford, Westward Ho! and Appledore Railway Act 1896 (59 Vict. c.xviii), which Act authorised the construction of a tramway operation. By section 44 of the Act, the merchandise classification and schedule of maximum rates and charges set out in the South Western 1891 Act were to apply to the Bideford Railway Company’s operation, subject to some variation for small parcels and for passengers’ luggage (in sections 45-48). According to C. Awdrey (cited above) the railway closed in March 1917 mainly because its funds were drained by litigation from the Bideford town council, and because its locomotives were requisitioned for the WW1 war effort: see Part 5 at p 206.

*London, Brighton, and South Coast Railway Company (Rates and Charges) Order Confirmation Act 1891(54 & 55 Vict. c.ccxvii)*

*Purpose*

22. The London, Brighton and South Coast Railway Company (LB&SCR) was formed in 1846 by amalgamating a number of smaller railway companies which had constructed separate lines that, by September 1841, had linked Brighton to London (and, later, to Chichester and Hastings).<sup>52</sup> The LB&SCR survived until merger within the Southern Railway in 1923.
  
23. The London, Brighton, and South Coast Railway Company (Rates and Charges) Order 1891 was made by the Board of Trade under the 1888 Act, and was confirmed - and made operational - through the London, Brighton, and South Coast Railway Company (Rates and Charges) Order Confirmation Act 1891.<sup>53</sup> The Order and Act were drafted in the standard format,<sup>54</sup> and came into force in August 1892.<sup>55</sup> As with the other orders in this series, the Brighton 1891 Act gave the Order “full validity and effect”.<sup>56</sup>
  
24. The Act and scheduled Order set out the maximum rates and charges for merchandise traffic (and the appropriate classifications) for the LB&SCR, and for another five connected railway companies.<sup>57</sup> In 1899 the Order was applied to the Bexhill and Rotherfield Railway by way of addition to the appendix to the 1891 Order.<sup>58</sup> All the railway companies in question were eventually amalgamated within the Southern railways grouping of 1923.

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<sup>52</sup> See C. Awdrey book (cited above), Part 3 at p 190.

<sup>53</sup> 54 & 55 Vict. c.ccxvii (1891) (“the Brighton 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the London, Brighton, and South Coast Railway Company, and certain other Railway Companies connected therewith”.

<sup>54</sup> The format was: Act - long title, preamble, two sections, and a Schedule. The Schedule contained the Order. The Order comprised - title, four articles, and a Schedule. In its turn, the Schedule contained - 28 paragraphs and Appendix. In the Appendix were the list of applicable companies, the maximum rates and charges (subdivided into six parts), and the classification of merchandise traffic (in eight classes).

<sup>55</sup> The Brighton 1891 Act, s 2 and Sch Order art 2.

<sup>56</sup> The Brighton 1891 Act, s 2.

<sup>57</sup> The Brighton 1891 Act, s 2 and Sch para 28 and App. For one of the companies (the South Eastern Railway) the schedule was applied for six specific lines.

<sup>58</sup> See Bexhill and Rotherfield Railway Act 1899 (62 & 63 Vict. c.ccli), s 43. This 1899 Act was repealed in full by an Abandonment Act of 1902.

*London, Chatham, and Dover Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxviii)*

*Purpose*

25. The London, Chatham and Dover Railway Company was formed in 1859 from the former East Kent Railway.<sup>59</sup> Eventually, in 1923, it was subsumed within the Southern Railway group.
26. The London, Chatham, and Dover Railway Company (Rates and Charges) Order 1891 was made by the Board of Trade, and - being a provisional order - was confirmed in the London, Chatham, and Dover Railway Company (Rates and Charges) Order Confirmation Act 1891.<sup>60</sup> The Order and Act were in standard format, and the Act gave the Order “full validity and effect” from August 1892.<sup>61</sup>
27. The Act and scheduled Order set out the maximum rates and charges for merchandise traffic (and the appropriate classifications) for the LC&DR, and for another four railway companies.<sup>62</sup>

*Midland Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxix)*

*Purpose*

28. The Midland Railway was formed in May 1844 as a result of railway company amalgamation. Passenger trains ran into London from just prior to the opening of St. Pancras station in October 1868.<sup>63</sup> In 1923 the Midland Railway became part of the London, Midland and Scottish Railway group.
29. The Midland Railway Company (Rates and Charges) Order 1891 was made by the Board of Trade under the 1888 Act, and the Order was confirmed by the

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<sup>59</sup> See the London, Chatham, and Dover Railway Act 1859 (22 & 23 Vict. c.liv), which is still extant. The South Eastern and London, Chatham and Dover Railways Act 1899 (62 & 63 Vict. c.clxviii) enabled the two railway companies to manage and maintain their lines as a single undertaking.

<sup>60</sup> 54 & 55 Vict. c.ccxviii (1891) (“the Chatham 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the London, Chatham, and Dover Railway Company, and certain other Railway Companies connected therewith”.

<sup>61</sup> The Chatham 1891 Act, s 2 and Sch Order art 2.

<sup>62</sup> The Chatham 1891 Act, s 2 and Sch para 28 and App. For one of the companies (the LB&SCR) the Schedule was applied to three separate stretches of line.

<sup>63</sup> See C. Awdrey book (cited above), Part 2 at p 93.

Midland Railway Company (Rates and Charges) Order Confirmation Act 1891.<sup>64</sup>

Both Order and Act were in standard format, and the latter gave the Order “full validity and effect” from August 1892.<sup>65</sup>

30. As with previous confirmation Acts, the Midland 1891 Act and Order set out the maximum rates and charges for merchandise traffic (and the appropriate classifications) for the Midland Railway, and for another ten railway companies.<sup>66</sup>
31. The schedule to the Midland 1891 Act was later applied to two other railways. First, in 1897 to the Yorkshire Dales Railway<sup>67</sup> and, secondly, in 1920 to the Derwent Valley, Calver and Bakewell Railway.<sup>68</sup> Neither of these extensions have practical utility today.

*South-Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891  
(54 & 55 Vict. c.ccxix)*

*Purpose*

32. The South-Eastern Railway Company started operations in 1836,<sup>69</sup> and grew exponentially.<sup>70</sup> It was eventually absorbed into the Southern Railway group in 1923.
33. The South-Eastern Railway Company (Rates and Charges) Order 1891 was made by the Board of Trade in that year under the 1888 Act. The Order came

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<sup>64</sup> 54 & 55 Vict. c.ccxix (1891) (“the Midland 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Midland Railway Company, and certain other Railway Companies connected therewith”.

<sup>65</sup> The Midland 1891 Act, s 2 and Sch Order art 2.

<sup>66</sup> The Midland 1891 Act, s 2 and Sch para 28 and App.

<sup>67</sup> See Yorkshire Dales Railway (Skipton to Grassington) Act 1897 (60 & 61 Vict. c.cxcv), s 52, which applied the 1891 Order (as confirmed by the Midland 1891 Act) to the lines over which the Midland Railway Company and the Yorkshire Dales Railway Company had joint running rights or where the traffic was conveyed partly by one company and partly by the other. This 1897 Act is still in force, although both the Midland Railway Company and the Yorkshire Dales Railway Company ceased to exist on grouping in 1923 (and became part of the LMS). In that situation the provisions in the 1891 and 1897 Acts became spent.

<sup>68</sup> See Derwent Valley Calver and Bakewell Railway Act 1920 (10 & 11 Geo.5 c.xcix), s 52, which applied the 1891 Order (as confirmed by the Midland 1891 Act) to the Derwent Valley Railway operation. The Derwent Valley Railway and the Midland Railway had in place joint working arrangements. The bulk of the 1920 Act is still unrepealed, excepting section 56 in 1923 (which section was key in facilitating up to that point - and the formation of the LMS - the forwarding of Derwent Valley traffic over other railway lines).

<sup>69</sup> It was incorporated by the South Eastern Railway Act 1836 (6 & 7 Will. 4 c.lxxv), which Act is still in force.

<sup>70</sup> For a description of the SER's expansion see *SER Lines and Stations* at <http://rail.felgall.com/ser.htm> (accessed 3.11.08).

into effect in August 1892 by virtue of the South-Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891.<sup>71</sup> The Act confirmed the Order and gave it “full validity and effect”.<sup>72</sup>

34. The South-Eastern 1891 Act recited the Order and set out the maximum levels of rates and charges in a standard format.<sup>73</sup>
35. The South-Eastern 1891 Act provisions were applied to an additional seven named railway companies.<sup>74</sup> The 1891 Order was later applied to a further four companies between 1897 and 1900<sup>75</sup> by extending to them the “rates for merchandise” provisions in the South-Eastern 1891 Act and scheduled Order.

*London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxix)*

*Purpose*

36. The London and North Western Railway Company was incorporated in 1846 by Act of Parliament<sup>76</sup> merging the Grand Junction Railway, the London and Birmingham Railway, and the Manchester and Birmingham Railway.<sup>77</sup> The Company became a constituent part of the London, Midland and Scottish (LMS) group in 1923.

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<sup>71</sup> 54 & 55 Vict. c.ccxix (1891) (“the South-Eastern 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the South-Eastern Railway Company, and certain other Railway Companies connected therewith”. The Act comprised preamble, two sections, and a substantial Schedule. Both the Act and scheduled Order followed the common template for such legislation.

<sup>72</sup> The South-Eastern 1891 Act, s 2 and Sch Order art 2.

<sup>73</sup> As previously, the provisional order distinguished the class and weight of goods, and the distance travelled (and made provision for special loads and exceptional circumstances).

<sup>74</sup> The South-Eastern 1891 Act, s 2 and Sch para 28 and App. In all, 11 sections of line were affected. Each of the companies had a connection to the South-Eastern Railway.

<sup>75</sup> The Crowhurst Sidley and Bexhill Railway Act 1897 (60 & 61 Vict. c.cvii), s 43 (which Act is only partially repealed, notwithstanding the railway company being subsumed within the Southern Railway group in 1923, and the demise of the line in June 1964); the Hastings Harbour District Railway Act 1897 (60 & 61 Vict. c.cci), ss 46, 52 (which Act was repealed by an Abandonment Act of 1905); the South Eastern Railway Act 1900 (63 & 64 Vict. c.lxxxiii), s 5 (which Act extended the 1891 provisions to the Bexley Heath Railway Company and the Cranbrook and Paddock Wood Railway Company, and which statute is still extant, notwithstanding merger of the two railways into the Southern Railway group in 1923 via the South Eastern Railway, and closure of the Cranbrook line in 1961); and the South Metropolitan Gas Act 1900 (63 & 64 Vict. c.clxii), s 20 (which Act empowered the gas company to construct a railway in Greenwich and to operate it jointly with the South Eastern Railway, and which remains substantially in force, bar minor repeals between 1905 and 1921. These operating arrangements would have been taken over by the Southern Railway on grouping in 1923, even if the actual line remained in private ownership until gas nationalisation in May 1949 under the Gas Act 1948. Either way, with the demise of the SER in 1923, the linkage with the South-Eastern 1891 Act and Order became otiose).

<sup>76</sup> London and North Western Railway Company Act 1846 (9 & 10 Vict. c.cxiv). This local Act is still in force.

<sup>77</sup> See <http://www.lnwrs.org.uk/history01.php>.

37. The London and North Western Railway Company (Rates and Charges) Order 1891 was made by the Board of Trade under the 1888 Act powers, and the Order was subsequently confirmed by the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891.<sup>78</sup> The Act confirmed the Order and gave it “full validity and effect” from August 1892.<sup>79</sup>
38. The North Western 1891 Act provisions were applied to a further six railway companies.<sup>80</sup>
39. The North Western 1891 Act and Order were later applied to four more railway companies via six Acts.<sup>81</sup>

*Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891 (54 & 55 Vict. c.ccxii)*

*Purpose*

40. The Great Western Railway Company came into being in 1835, opening its London terminus at Paddington in June 1838. Under the Railways Act 1921

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<sup>78</sup> 54 & 55 Vict. c.cxxi (1891) (“the North Western 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the London and North Western Railway Company, and certain other Railway Companies connected therewith”. The Act, in standard format, contained preamble, two sections, and a schedule setting out the merchandise classification and the relevant traffic rates and charges.

<sup>79</sup> The North Western 1891 Act, s 2 and Sch Order art 2.

<sup>80</sup> The North Western 1891 Act, s 2 and Sch para 28 and App. Neither the Order nor the Act were to override the rates previously prescribed by (amongst other legislation) the London and North Western Railway Amalgamation Act 1846, the London and North Western Railway (Additional Powers, England) Act 1865 and the London and North Western Railway (New Works and Additional Powers) Act 1867: see Order Sch (preamble to Maximum rates and charges).

<sup>81</sup> See North Pembrokehire and Fishguard Railway Act 1895 (58 & 59 Vict. c.cxxi), ss 25, 32 (which Act extended the provisions of the 1891 Order to the Rosebush and Fishguard Railway Company’s operations on a line which opened in 1895. The 1895 Act is still extant. Although the LNWR appear to have had some involvement, the line was acquired by the GWR in 1898, and survived - at least in part - until 1965. It is no longer in use, although Letterston Junction still exists); the Uxbridge and Rickmansworth Railway Act 1896 (59 & 60 Vict. c.x), s 50 (which Act authorised construction of a railway line linking the GWR and LNWR, and applied to it the charging provisions in the 1891 Order. The 1896 Act is still in force, although the line does not exist today); the Great Orme Tramways Act 1898 (61 & 62 Vict. c.xxvii), s 52 (which Act authorised construction and operation of a funicular tramway from Llandudno town to the headland, and applied the 1891 Order charging provisions to it. The bulk of the 1898 Act is still in force. However, although the Great Orme Tramway is fully operational, the tramway undertaking is owned and run by the Conwy County Council and not by the originating statutory company, which was wound-up in July 1933. And although section 55 of the 1898 Act provided a mechanism whereby there could be periodical revision of rates generally by the Board of Trade, up to the ceiling specified elsewhere in the Act, the rates and charges for passengers were further amended by the Great Orme Tramways Act 1936 (c.xv) which repealed section 55 as a whole and substituted a new mechanism. Although not repealed, the restrictive 1891 Order provisions have therefore now become redundant. See generally <http://www.greatorme.org.uk/tramhistory2.html>, accessed 9.12.08); and three LNWR Acts, of 1898 (61 & 62 Vict. c.ccxiv), 1900 (63 & 64 Vict. c.ccxv) and 1900 (c.ccxv) (which Acts likewise applied the 1891 Order to that railway company’s new line extensions and widenings. The LNWR and its lines were subsumed in 1923 within the LMS grouping).

some 50 separate railway companies were brought into the GWR grouping in 1923, joining the 150 previously subsumed.<sup>82</sup>

41. The Great Western Railway (Rates and Charges) Order 1891 was made by the Board of Trade under the 1888 Act powers, and the Order was subsequently confirmed by the Great Western Railway (Rates and Charges) Order Confirmation Act 1891.<sup>83</sup> The Act confirmed the Order and gave it “full validity and effect” from August 1892.<sup>84</sup>
42. The Great Western 1891 Act provisions were not applied contemporaneously to any other railway companies or lines beyond the GWR, notwithstanding the recital in the Act’s long title and preamble.<sup>85</sup> However, this was rectified by subsequent railway Acts, to the tune of at least six more lines (the bulk of which were already in the ownership of the GWR).<sup>86</sup>
43. The 1891 and later charging provisions were superseded by the new charging arrangements made after the 1923 grouping, albeit that all the affected railways became part of an expanded GWR.

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<sup>82</sup> See C. Awdrey book (cited above), Part 1 at p13.

<sup>83</sup> 54 & 55 Vict. c.ccxii (1891) (“the Great Western 1891 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Great Western Railway Company, and certain other Railway Companies connected therewith”. The Act comprised preamble, two sections and the schedule in standard format reciting the terms of the Order.

<sup>84</sup> The Great Western 1891 Act, s 2 and Sch Order art 2.

<sup>85</sup> See the Great Western 1891 Act, s 2 and Sch para 28 and App. The Appendix reads “Companies to which this Schedule applies. Nil”.

<sup>86</sup> See, for example, the Great Western Railway Acts 1892 (55 & 56 Vict. c.ccxviii), s 5 (which applied the 1891 Order in part to several new lengths of line in Gloucestershire, Somerset and Cornwall) and 1895 (c.cxviii), s 6 (which applied the 1891 Order to various widening works, mainly in South Wales, but subject to some specific charging ceilings); the Usk Valley Railway Act 1898 (c.cxciv), ss 39, 50 (which applied part of the 1891 Order to merchandise carried on that railway, and to merchandise carried on the railway company operating in partnership with the Brecon and Merthyr Tydfil Junction Railway Company); and the Windsor and Ascot Railway Act 1898 (c.ccxix), ss 51, 64 (which applied the 1891 Order to that railway company, and to traffic carried jointly by the company and other railway companies, including the GWR).

## 1892

*Railway Rates and Charges, No. 1 (Abbotsbury Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xxxix)*

### *Purpose*

44. The Abbotsbury Railway Company (formed in 1877)<sup>87</sup> was one of numerous companies over whose lines the Great Western Railway Company acquired running rights.
45. Although slightly differently titled, the series of Railway Rates and Charges Acts for 1892 followed almost an identical pattern to those enacted in 1891. In that year the Board of Trade made the Railway Rates and Charges, No. 1 (Abbotsbury Railway, &c.) Order under the 1888 Act, which provisional order sought to classify merchandise traffic and to set maximum rates and charges for a series of railways which were worked or leased by the Great Western Railway (GWR) Company, the London and North Western and the GWR jointly, and the Midland and GWR jointly. In the first category there were 34 separate railways, starting alphabetically with Abbotsbury and concluding with the Wye Valley Railway Company; and in the remaining categories, another seven railways. After 1892 further legislation varied or extended the reach of the 1892 Order in respect of other railway lines.<sup>88</sup>
46. As with the 1891 Orders, the 1892 Orders set out eight classes of merchandise,<sup>89</sup> and six different rates and charges for such merchandise (goods and minerals; animals; carriages; exceptional items - such as wild beasts; perishables - by passenger train; and small parcels).<sup>90</sup>

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<sup>87</sup> In August 1877 the Railway Company was authorised to construct a line of just under 6.5 miles from Upwey Junction to Abbotsbury in Dorset. It opened in 1885 and became part of the GWR in 1896: see C. Awdrey book (cited above), Part 1 at p 13.

<sup>88</sup> See the Great Western Railway (Additional Powers) Act 1896 (c.ccxvii), s 41 (which vested a number of railway companies in the GWR, including the Abbotsbury Railway, the Much Wenlock and the Wenlock Railways, the Vale of Llangollen and the Llangollen Railways, and the Corwen and Corwen and Bala Railways, and which - on amalgamation and dissolution - *substituted* for those lines the rates in the Great Western 1891 Order in place of those previously applied by the No. 1 Abbotsbury 1892 Order); but also eg the Great Western Railway (Additional Powers) Act 1897 (c.ccxlviii), s 5 (which *applied* the No. 1 Abbotsbury 1892 Order to railway works relating to the Ely Valley railway in Glamorgan, then owned by the GWR, as if the line had been part of the Ely Valley Railway on the passing of the 1892 Act).

<sup>89</sup> Classes A to C (by weight) and 1 to 5 (by material).

<sup>90</sup> In general terms, charges were based on tonnage carried per mile, calculated in pre-decimal shillings and pence (s. d.).

47. The Railway Rates and Charges, No. 1 (Abbotsbury Railway, &c), Order Confirmation Act 1892<sup>91</sup> confirmed the No. 1 Order made under powers in the 1888 Act, and gave it “full validity and effect” from January 1893.<sup>92</sup>

*Railway Rates and Charges, No. 2 (Brecon and Merthyr Tydfil Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xl)*

*Purpose*

48. The first section of the Brecon and Merthyr Tydfil Junction Railway opened (Brecon to Talybont) in April 1863, and the line was eventually extended to Newport in September 1868. In 1922 the railway company became a GWR subsidiary (on grouping), and was absorbed into British Railways in 1948. The line closed for all traffic in May 1964.<sup>93</sup>
49. The Railway Rates and Charges, No. 2 (Brecon and Merthyr Tydfil Junction Railway, &c.), Order Confirmation Act 1892<sup>94</sup> was enacted to confirm the provisional No. 2 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise traffic for the purposes of carriage by rail, and applied scales of rates and charges for the handling of such traffic.<sup>95</sup>
50. The Brecon 1892 Act gave the No. 2 Order “full validity and effect” from January 1893.<sup>96</sup> The Act and Order applied also to six other railway companies, and was later further extended.<sup>97</sup>

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<sup>91</sup> 55 & 56 Vict. c.xxxix (1892) (“the Abbotsbury 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Abbotsbury Railway Company, and certain other Railway Companies”. The short title was assigned by section 1. The Act comprised preamble, two sections and the scheduled Order.

<sup>92</sup> The Abbotsbury 1892 Act, s 2 and Sch Order art 2.

<sup>93</sup> See C. Awdrey (cited above), Part 1 at p17. Today, part of the original trackbed carries the Brecon Mountain Railway.

<sup>94</sup> 55 & 56 Vict. c.xl (1892) (“the Brecon 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Brecon and Merthyr Tydfil Junction Railway Company, and certain other Railway Companies”. The Act and scheduled Order were drafted in standard form.

<sup>95</sup> The Brecon 1892 Act, s 2 and Sch Order art 4 (and Sch). The scales for goods and minerals differentiated between the separate railway companies covered - and empowered - by the Order.

<sup>96</sup> The Brecon 1892 Act, s 2 and Sch Order art 2.

<sup>97</sup> The Brecon 1892 Act, s 2 and Sch Order art 4 (and Sch). The list of companies included the independent narrow-gauge Ravenglass and Eskdale Railway which had opened fully by 1876 (goods and passengers), but which first closed in 1908. Its latest incarnation is as a preserved line. The No. 2 1892 Order was later applied by the Knott End Railway Act 1898 (c.ccxliv), s 44 to the Garstang and Knot End Railway Company as if it had been named in the original Order (Knott End-on-Sea in Lancashire is near Fleetwood). The Knott End Railway eventually passed to the LMS on grouping in 1923 (see C. Awdrey, above, at pp 75, 84).

*Railway Rates and Charges, No.3 (Cambrian Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xli)*

*Purpose*

51. The Cambrian Railway Company was formed in 1864, and its operations extended across South and Mid-Wales. In 1923 the railway operation was absorbed by the GWR (and later into British Railways).
  
52. The Railway Rates and Charges, No.3 (Cambrian Railway, &c.), Order Confirmation Act 1892<sup>98</sup> was enacted to confirm the provisional No. 3 Order of 1892 made by the Board of Trade under the 1888 Act. The Order had classified merchandise rail traffic, and had applied scales of rates and charges for the handling of such traffic.<sup>99</sup>
  
53. The Cambrian 1892 Act gave the No.3 Order “full validity and effect” from January 1893.<sup>100</sup> The Act and Order applied also to eight other minor railway companies.<sup>101</sup>

*Railway Rates and Charges, No.4 (Cleator and Workington Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlii)*

*Purpose*

54. The Cleator and Workington Junction Railway Company was opened for goods and passenger traffic by October 1879. It was initiated by ironfield owners to provide a more competitive (and cheaper) form of transport for worked minerals. The railway became a subsidiary within the LMS grouping in 1923, but the passenger service ceased in April 1931.<sup>102</sup>

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<sup>98</sup> 55 & 56 Vict. c.xli (1892) (“the Cambrian 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Cambrian Railway Company, and certain other Railway Companies.” Interestingly, the tail-end words “connected therewith” (relating to the other railway companies, as used in the 1891 Acts) were omitted from the long titles of the 1892 Acts, although they continued to appear in the preambles.

<sup>99</sup> The confirming Act was drafted and enacted in the standard format (preamble, two sections and the Order scheduled). The Order itself contained the Schedule of rates, charges and classes.

<sup>100</sup> The Cambrian 1892 Act, s 2 and Sch Order art 2.

<sup>101</sup> See the Cambrian 1892 Act, s 2 and Sch Order long title. Some of these railways (such as the Exmouth Docks and Railway Company (in East Devon)) seem to have had no connection with the Cambrian Railway, and appear to be bundled into the No. 3 Order merely for administrative convenience.

<sup>102</sup> See C. Awdrey (cited above), Part 2, at p68.

55. The Railway Rates and Charges, No.4 (Cleator and Workington Junction Railway, &c.), Order Confirmation Act 1892<sup>103</sup> was enacted to confirm the provisional No. 4 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>104</sup> The Cleator 1892 Act and Order applied additionally to seven other named railway companies.<sup>105</sup>
56. The Cleator 1892 Act gave the No.4 Order “full validity and effect” from January 1893.<sup>106</sup>

*Railway Rates and Charges, No.5 (East London Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xliii)*

*Purpose*

57. The East London Railway line was designed to form a rail link between the Great Eastern Railway (GER) on the north side of the river Thames and the London, Brighton and South Coast (LB&SCR) and the South Eastern (SER) Railways on the south side, connecting via the existing Thames tunnel. Authority was given in 1870 for the LB&SCR to work and manage the line, with running rights into London Liverpool Street. Joint working commenced in 1892<sup>107</sup> until 1913, when the Metropolitan Railway took over. The Southern Railway acquired the line in January 1925 (post-grouping) and, in 1948, it was transferred to the then London Transport Executive (LTE) and run as part of London Underground. The line today (2009) is closed for major extension works pending transfer back to the London Overground rail network.<sup>108</sup>

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<sup>103</sup> 55 & 56 Vict. c.xlii (1892) (“the Cleator 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Cleator and Workington Junction Railway Company, and certain other Railway Companies”. The Act and scheduled Order were in standard form.

<sup>104</sup> See the Cleator 1892 Act, s 2 and Sch Order art 4 (and Sch). The maximum rates and charges for goods and minerals specified in the Order varied across the several railway companies covered by the Order (and this was reflected by the use of different scale tables).

<sup>105</sup> See the Cleator 1892 Act, s 2 and Sch Order art 4 (and Sch Pt I). The companies' territories ranged from Cocker mouth in the North-West of England to Southwold in East Anglia. By the Maryport Harbour Act 1903 (c.ccxii), s 61 the No.4 1892 Order was further applied to the Maryport Harbour Company's railway undertaking for goods traffic.

<sup>106</sup> The Cleator 1892 Act, s 2 and Sch Order art 2.

<sup>107</sup> The LB&SCR, the GER and the Metropolitan District Railway (the fore-runner of the LT District line).

<sup>108</sup> See generally C. Awdrey (cited above) Part 4, at p185 and Part 5, at p225; and notation on the London Underground Tube map (May 2008 edn.) published by Transport for London ([www.tfl.gov.uk/corporate/projectsandschemes/2105.aspx](http://www.tfl.gov.uk/corporate/projectsandschemes/2105.aspx)).

58. The Railway Rates and Charges, No.5 (East London Railway, &c.), Order Confirmation Act 1892<sup>109</sup> was enacted to confirm the provisional No. 5 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such classified traffic.<sup>110</sup> The East London 1892 Act and Order applied to a further six named railways,<sup>111</sup> and its reach was subsequently extended.<sup>112</sup>
59. The East London 1892 Act gave the No.5 Order provisions “full validity and effect” from January 1893.<sup>113</sup>

*Railway Rates and Charges, No.6 (Ffestiniog Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xliv)*

*Purpose*

60. The Festiniog Railway opened in April 1836 for slate transportation, but did not become steam-hauled until 1863.<sup>114</sup> Steam passenger services on the narrow gauge line (1ft 11.5 ins) commenced in January 1865. Passenger traffic continued until 1939 (when it was suspended), and goods traffic ceased in 1946. Closure was, however, short-lived. The line partially reopened as a preserved enterprise in 1954, carrying passenger tourist traffic (and in that guise is operational today).<sup>115</sup>

<sup>109</sup> 55 & 56 Vict. c.xliii (1892) (“the East London 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the East London Railway Company, and certain other Railway Companies”. The Act and scheduled Order were in standard form.

<sup>110</sup> See the East London 1892 Act, s 2 and Sch Order art 4 (and Sch). The maximum rates and charges for merchandise specified in the Order varied across the different railway lines covered by the Order (and this was reflected in the preliminary notes within the schedule to the Order).

<sup>111</sup> See the East London 1892 Act, s 2 and Sch Order art 4 (and Sch s 28). These railways were all located within, or close to, central London.

<sup>112</sup> See Metropolitan District Railway Act 1897 (c.ccxlvii), s 67 (which authorised the construction of what today is a portion of the Underground District Line - between Earl’s Court and Mansion House - and which applied the No. 5 1892 Order to the new railway line for the carriage of goods and merchandise as if that line were part of the Inner Circle line recited in the original Order); the Harrow and Uxbridge Railway Act 1897 (c.cclvi), s 39 (which authorised construction of a 6-mile line between Harrow and Uxbridge in Middlesex, joining the Ealing line, and which applied the No. 5 Order to merchandise traffic on that new line as if it were the Hounslow and Metropolitan Railway); and the Whitechapel and Bow Railway Act 1897 (c.cclvii), s 70 (which did the same for a 2-mile link between the Metropolitan District Railway line and the London, Tilbury and Southend line, and which similarly applied the No. 5 Order as if the new line were part of the Metropolitan District’s Fulham extension. Although this railway passed into the hands of the Midland Railway in 1912, it remained independent until nationalisation in 1948). Additionally, the East London 1892 Act and Order were amended two years later to incorporate the Mersey Railway which had similar physical characteristics (viz. operations through a river tunnel): see the Mersey Railway (Rates and Charges) Act 1894 (c.lxxii), discussed later in this note, and also recommended for repeal.

<sup>113</sup> The East London 1892 Act, s 2 and Sch Order art 2.

<sup>114</sup> The railway is today the oldest independent railway in the world, founded by Act of 1832.

<sup>115</sup> See hereon C. Awdrey (cited above) Part 5, at p 214 and generally <http://www.ffestiniograilway.co.uk/history1.htm> (for history of the preserved Ffestiniog Railway) and

61. The Railway Rates and Charges, No.6 (Ffestiniog Railway, &c.), Order Confirmation Act 1892<sup>116</sup> was enacted to confirm the provisional No. 6 Order of 1892 made by the Board of Trade under the 1888 Act. The Order had classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>117</sup> The Festiniog 1892 Act and Order applied additionally to three other named railway companies,<sup>118</sup> and was later extended to two others.<sup>119</sup>
62. The Festiniog 1892 Act gave the No.6 Order “full validity and effect” from January 1893.<sup>120</sup> Given the closure of the Festiniog line for its original purposes in 1946, neither the Act nor the Order have any practical purpose today.<sup>121</sup>

*Railway Rates and Charges, No.7 (Furness Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlv)*

*Purpose*

63. The Furness Railway Company opened its first line in August 1846, and operated principally in the North of England running in and around what today is Cumbria, south of the Lake District. The company and the London and North Western Railway Company (see above) operated various lines on a joint running basis in order to access, for example, the port at Whitehaven. The two railway companies were amalgamated in 1923 into the LMS group (and subsequently into British Railways).

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<http://www.slatewagon.com/socseb> (for details of the Ffestiniog Railway Society) - both accessed on 18.11.08.

<sup>116</sup> 55 & 56 Vict. c.xliv (1892) (“the Festiniog 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Festiniog Railway Company, and certain other Railway Companies”. The Act and scheduled Order were in standard form.

<sup>117</sup> The Festiniog 1892 Act, s 2 and Sch Order art 4 (and Sch). Special provision for maximum rates and charges was made in respect of the North Wales Narrow Gauge Railway (one of the four railways covered by the No 6 Order).

<sup>118</sup> See the Festiniog 1892 Act, s 2 and Sch Order art 4 (and Sch). All the railway companies operated in Wales. Apart from the Festiniog and the North Wales Railways, the Order covered the Gorsedda Junction and Portmadoc Railway and the Portmadoc, Croesor, and Beddgelert Tram Railway. The Gorseddau Junction and Portmadoc Railway was dismantled by 1900 (<http://whr.bangor.ac.uk/gorseddau.htm>); the Portmadoc, Croesor, and Beddgelert Tram Railway was dismantled, along with the rest of the Welsh Highland Railway, by the 1960's ([http://www.frheritage.org.uk/wiki/Croesor\\_Tramway](http://www.frheritage.org.uk/wiki/Croesor_Tramway)).

<sup>119</sup> See Vale of Rheidol (Light) Railway Act 1897 (c.clxxiv), s 41 (which authorised construction of the Vale of Rheidol Railway between Aberystwyth and Devil's Bridge - acquired by the GWR in 1922 and later nationalised in 1948 - and which applied the No. 6 1892 Order to its operations for merchandise traffic. The railway is now owned and run by the Brecon Mountain Railway), and the Portmadoc Beddgelert and South Snowdon Railway Act 1901 (c.cclxii), s 23 (which authorised acquisition of the Croesor Tram Railway's assets and the construction of two extension lines in Carnarvon and Merioneth, and which applied the No. 6 Order to the Portmadoc Railway company's merchandise traffic operations. In 1922 the railway company was absorbed into the Welsh Highland Railway, but the Portmadoc-Beddgelert line closed in 1937 and the WHR was wound up in February 1944).

<sup>120</sup> See the Festiniog 1892 Act, s 2 and Sch Order art 2.

64. The Railway Rates and Charges, No.7 (Furness Railway) Order Confirmation Act 1892<sup>122</sup> was enacted to confirm the provisional No. 7 Order of 1892 made by the Board of Trade under the 1888 Act. The order classified merchandise rail traffic, and applied scales of rates and charges for such classified traffic.<sup>123</sup> The Furness 1892 Act and Order applied to two separate - but linked - railway operations: those of the Furness Railway Company and those of the London and North Western and Furness Railway Companies' Joint Railways.<sup>124</sup>
65. The Furness 1892 Act gave the No.7 Order "full validity and effect" from January 1893.<sup>125</sup>

*Railway Rates and Charges, No.8 (Hull, Barnsley, and West Riding Junction Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.xlvi)*

*Purpose*

66. The Hull, Barnsley and West Riding Junction Railway Company was formed in 1880, and simplified its name in 1905.<sup>126</sup> In April 1922 the company amalgamated with the North Eastern Railway and in the following year (1923) both companies became part of the LNER group.<sup>127</sup>
67. The Railway Rates and Charges, No.8 (Hull, Barnsley, and West Riding Junction Railway), Order Confirmation Act 1892<sup>128</sup> was enacted to confirm the provisional No. 8 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such classified traffic.<sup>129</sup>

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<sup>121</sup> The same applies to the other three railway companies cited in the Order.

<sup>122</sup> 55 & 56 Vict. c.xlv (1892) ("the Furness 1892 Act"), being "An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the schedule of Maximum Rates and Charges applicable thereto, of the Furness Railway Company and the London and North Western and Furness Railway Companies' Joint Railways". The Act and scheduled Order were in standard form.

<sup>123</sup> The Furness 1892 Act, s 2 and Sch Order art 4 (and Sch). Because the Order covered two railway operations (the Furness and the LNWR), it made special provision for the maximum rates and charges leviable in respect of movements, first, in and around Whitehaven (and the Lonsdale Works) and, secondly, over the Joint Railways' lines.

<sup>124</sup> See the Furness 1892 Act, s 2 and Sch Order art 4.

<sup>125</sup> The Furness 1892 Act, s 2 and Sch Order art 2.

<sup>126</sup> To the Hull and Barnsley Railway.

<sup>127</sup> See C. Awdrey book (cited above), Part 3 at p 138.

<sup>128</sup> 55 & 56 Vict. c.xlvi (1892) ("the Hull 1892 Act"), being "An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Hull, Barnsley, and West Riding Junction Railway Company". The Act and scheduled Order were in standard form.

<sup>129</sup> The Hull 1892 Act, s 2 and Sch Order art 4 (and Sch). Unlike other orders in this series, the No. 8 Order applied - initially at least - to only one railway operation. However, the No. 8 Order was later extended by the Hull and South Yorkshire Extension Railway Act 1897 (c.ccxlv), ss 47, 49 to that

68. The Hull 1892 Act gave the No.8 Order “full validity and effect” from January 1893.<sup>130</sup>

*Railway Rates and Charges, No.9 (Isle of Wight Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlvii)*

*Purpose*

69. The Isle of Wight Railway was formed as the Isle of Wight (Eastern Section) Railway Company in 1860 (opening in 1864, by which time it already become simply the Isle of Wight Railway). It was one of five railway companies operating on the island prior to 1887.<sup>131</sup> Its line eventually ran from Ryde to Ventnor, and it also took over working of the Brading Harbour line in 1882 (acquiring it in 1898). The Isle of Wight Railway, and the other railways then operating on the island, were brought into the SR grouping in 1923, and were later nationalised.
70. The Railway Rates and Charges, No.9 (Isle of Wight Railway, &c.), Order Confirmation Act 1892<sup>132</sup> was enacted to confirm the provisional No. 9 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>133</sup> The IoW 1892 Act and Order applied to a further three named railway companies, all of which operated within the confines of the Isle of Wight.<sup>134</sup>

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operation and to joint working with the Hull and Barnsley Railway (which Act also authorised construction of four new lengths of line), and by the Hull Barnsley and West Riding Junction Railway and Dock Act 1898 (c.clii), s 16 (which authorised acquisition of the Hull and South Yorkshire Extension Railway, and which extended the No. 8 Order to the combined railway operation).

<sup>130</sup> See the Hull 1892 Act, s 2 and Sch Order art 2.

<sup>131</sup> The Isle of Wight Railway (1864 to 1923)

The Cowes and Newport Railway (1862 to 1887)

The Ryde and Newport Railway (1875 to 1887)

The Isle of Wight (Newport Junction) Railway (1875 to 1887)

The Ryde Pier and Tramway Company (1880 to 1924)

The Brading Harbour Improvement and Railway Company (1882 to 1898)

The Isle of Wight Central Railway (1887 to 1923), formed in 1887 from 3 amalgamations

The Freshwater, Yarmouth and Newport Railway (1888 to 1923)

The Newport, Godshill and St. Lawrence Railway (1897 to 1913).

<sup>132</sup> 55 & 56 Vict. c.xlvii (1892) (“the IoW 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Isle of Wight Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>133</sup> See the IoW 1892 Act, s 2 and Sch Order art 4 (and Sch).

<sup>134</sup> See the IoW 1892 Act, s 2 and Sch Order long title and Sch heading. The additional companies were: Isle of Wight Central Railway Company, Brading Harbour Improvement Railway and Works Company, and Freshwater, Yarmouth and Newport Railway Company. Brading Harbour was later the subject of the Brading Harbour and Railway Act 1896 (c.ccxliii), s 60 (which Act empowered the harbour and railway company to enter into working agreements with the Isle of Wight Railway Company, and which authorised the charging of rates for merchandise traffic over short distances over each other’s lines in accordance with the No. 9 1892 Order. Section 60 of the Brading Harbour Act actually speaks of the “No. 18” Order, but this must have been in error. The No. 18 Order (and Act) of 1892 related to the Taff Vale Railway and not to the Isle of Wight Railway: see below).

71. The IoW 1892 Act gave the No.9 Order “full validity and effect” from January 1893.<sup>135</sup>

*Railway Rates and Charges, No.10 (Lancashire and Yorkshire Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlviii)*

*Purpose*

72. The Lancashire and Yorkshire Railway was formed from an amalgamation of several small companies in 1847. Further amalgamations occurred until the much expanded railway itself merged with the London and North Western Railway (LNWR) in 1922, ahead of grouping within the LMS in 1923.<sup>136</sup>

73. The Railway Rates and Charges, No.10 (Lancashire and Yorkshire Railway, &c.), Order Confirmation Act 1892<sup>137</sup> was enacted to confirm the provisional No. 10 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>138</sup> The Lancashire 1892 Act and Order applied additionally to several “other companies connected” with the L&YR.<sup>139</sup>

74. The Lancashire 1892 Act gave the No.10 Order “full validity and effect” from January 1893.<sup>140</sup>

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<sup>135</sup> The IoW 1892 Act, s 2 and Sch Order art 2.

<sup>136</sup> See C. Awdrey book (cited above), Part 2 at pp 85, 86.

<sup>137</sup> 55 & 56 Vict. c.xlviii (1892) (“the Lancashire 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Lancashire and Yorkshire Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>138</sup> See the Lancashire 1892 Act, s 2 and Sch Order art 4 (and Sch). The schedule of maximum rates and charges made separate provision for different parts of the railway network encapsulated within the Order eg. the extended line of railway authorised under the Manchester and Leeds Railway Act 1839 and the line connecting that railway to the L&YR; and the Preston and Longridge Railway (both in respect of goods and minerals carried or handled).

<sup>139</sup> See the Lancashire 1892 Act, s 2 and Sch Order art 4 (and Sch para 28 and App). The railways in the main were those operated by the L&YR and the London and North Western Railway Company (LNWR) in partnership, either jointly with another railway company (the Ribble Branch Joint Railway Company), or over specified lengths of track (such as the Lancashire Union Railway, the Preston and Longridge Railway, the Preston and Wyre Railway). This list was expanded by the Blackpool Improvement Act 1920 (c.lxxxiii), s 42, which Act empowered the Blackpool Corporation to improve its existing urban tramway system (the Blackpool and Fleetwood Tramroad) by, amongst other things, constructing extension lines, and which authorised the charging for merchandise traffic in accordance with the provisions of the No. 10 Order.

<sup>140</sup> The Lancashire 1892 Act, s 2 and Sch Order art 2.

*Railway Rates and Charges, No.11 (London, Tilbury and Southend Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.xlix)*

*Purpose*

75. The London, Tilbury and Southend Railway was operated from 1869 by the North London Railway Company, and was merged into the Midland Railway in October 1920 (in turn becoming part of the LMS grouping in 1923).<sup>141</sup>
76. The Railway Rates and Charges, No.11 (London, Tilbury, and Southend Railway, &c.), Order Confirmation Act 1892<sup>142</sup> was enacted to confirm the provisional No. 11 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>143</sup>
77. The Tilbury 1892 Act gave the No.11 Order “full validity and effect” from January 1893.<sup>144</sup>

*Railway Rates and Charges, No.12 (Manchester, Sheffield, and Lincolnshire Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.l)*

*Purpose*

78. The Manchester, Sheffield and Lincolnshire Railway came about through amalgamation by statute in 1849. After further expansion, in August 1897 the railway enterprise became the Great Central Railway.<sup>145</sup>
79. The Railway Rates and Charges, No.12 (Manchester, Sheffield, and Lincolnshire Railway, &c.), Order Confirmation Act 1892<sup>146</sup> was enacted to

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<sup>141</sup> See C. Awdrey book (cited above) at Part 2 p 96.

<sup>142</sup> 55 & 56 Vict. c.xlix (1892) (“the Tilbury 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the London, Tilbury, and Southend Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>143</sup> See the Tilbury 1892 Act, s 2 and Sch Order art 4 (and Sch). The schedule of rates and charges applied to some 14 small railway companies which seemed to have no geographic nexus (ranging from Burry Port in South Wales to Tottenham and Hampstead in London, and beyond). These 14 companies were later joined by the Midland and Great Northern Railways Joint Committee’s operations via the Midland and Great Northern Railways Joint Committee Act 1897 (c.clxxxii) (as an adjunct to the Eastern and Midlands Railway) which authorised construction of a short length of line to Great Yarmouth and which, by section 5, applied the No. 11 Order to merchandise traffic on that line. Further, by a series of subordinate orders relating to additional charges, SR & O 1940/1391 (now revoked), SR & O 1946/843 and SI 1950/701, the effect of the No. 11 Order (and 1892 Confirmation Act) was specifically preserved.

<sup>144</sup> The Tilbury 1892 Act, s 2 and Sch Order art 2.

<sup>145</sup> See C. Awdrey book (cited above) at Part 3 p 147.

<sup>146</sup> 55 & 56 Vict. c.l (1892) (“the Manchester 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the

confirm the provisional No. 12 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>147</sup>

80. The Manchester 1892 Act gave the No.12 Order “full validity and effect” from January 1893.<sup>148</sup>

*Railway Rates and Charges, No.13 (Metropolitan Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.li)*

*Purpose*

81. The Metropolitan Railway was incorporated in 1854 and operated in various permutations until amalgamated within the London Passenger Transport Board (the LPTB) in July 1933.<sup>149</sup>

82. The Railway Rates and Charges, No.13 (Metropolitan Railway, &c.), Order Confirmation Act 1892<sup>150</sup> was enacted to confirm the provisional No.13 Order of 1892 made by the Board of Trade under the 1888 Act. The Order had classified merchandise rail traffic, and had applied scales of rates and charges for such traffic.<sup>151</sup>

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Manchester, Sheffield, and Lincolnshire Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>147</sup> See the Manchester 1892 Act, s 2 and Sch Order art 4 (and Sch). The schedule of rates and charges was expressed in the Order to apply to a number of railway companies in addition to the Manchester, Sheffield, and Lincolnshire Railway Company - namely, the Liverpool, Southport and Preston Junction Railway, the Macclesfield Committee (a joint operating committee), the Wigan Junction Railways Company, and various other companies which operated in concert to run particular lines (such as the Cheshire Lines Railways, the Southport and Cheshire Lines Extension Railway, the Manchester South Junction and Altrincham Railway, and the West Riding and Grimsby Railway): for detail see the No. 12 Order, Schedule of Maximum Rates and Charges para 28 and Appendix to that Schedule. The scales in the Schedule differentiated on their face between certain railways for certain classes of merchandise. Subsequently, the Schedule to the Act was applied to several other railways and undertakings, including those proximate to Sheffield via the Sheffield District Railway Acts 1896 (c.ccl), ss 48, 55 (which sections incorporated deeming provisions) and 1897 (c.cxxxii), ss 12, 19 (likewise), and - for example - by the Manchester and Liverpool Electric Express Railway Act 1901 (c.cclxv), s 78 and the North Killingholme Pier Act 1912 (c.clxvi), s 30 & Sch 1 Pt IV (which Act provided not just for pier construction on the river Humber in Lincolnshire but also for charging for goods, etc. which had to be transhipped or handled at the pier, not necessarily involving or limited to rail).

<sup>148</sup> The Manchester 1892 Act, s 2 and Sch Order art 2.

<sup>149</sup> Initially the railway company worked in tandem with the GWR, and later (after that company withdrew) it operated in partnership with the GNR and a series of smaller railway companies, and later the LNER.

<sup>150</sup> 55 & 56 Vict. c.li (1892) (“the Metropolitan 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Metropolitan Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>151</sup> See the Metropolitan 1892 Act, s 2 and Sch Order art 4 (and Sch para 28 and App). The schedule of rates and charges was applied not only to the Metropolitan Railway system but also to the Hammersmith and City Joint Railway (run in partnership with the GWR) and to the City Lines and Extension Railways (run in partnership with the Metropolitan District Railway Company). The schedule

83. The Metropolitan 1892 Act gave the No.13 Order “full validity and effect” from January 1893.<sup>152</sup>

*Railway Rates and Charges, No.14 (Midland and South Western Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lii)*

*Purpose*

84. The Midland and South Western Junction Railway was formed in 1884 by amalgamation of two smaller railways.<sup>153</sup> Notwithstanding financial difficulties, the railway operated as such until it was itself amalgamated within the GWR in 1923.
85. The Railway Rates and Charges, No.14 (Midland and South Western Junction Railway, &c.), Order Confirmation Act 1892<sup>154</sup> was enacted to confirm the provisional No. 14 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>155</sup>

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identified - in complex form - separate portions of the railway lines and applied to those portions differential charging scales for goods and minerals. The Schedule was later extended to other (newly constructed) parts of the Metropolitan Railway via the Metropolitan Railway Act 1926 (c.xci), s 30. Interestingly, section 30 of the 1926 Act makes patent that the application of the 1892 Order was an interim measure only, pending the coming into operation of the schedule of charges to be applied by the rates tribunal acting under the Railways Act 1921, s 33 and s 60 proviso.

<sup>152</sup> The Metropolitan 1892 Act, s 2 and Sch Order art 2.

<sup>153</sup> See C. Awdrey book (cited above), Part 1 at p34.

<sup>154</sup> 55 & 56 Vict. c.lii (1892) (“the Midland 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Midland and South Western Junction Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>155</sup> See the Midland 1892 Act, s 2 and Sch Order art 4. The schedule of rates and charges was applied by the Order not only to the Midland company but also to another nine railway companies, spanning England and Wales from Liskeard in Cornwall, to Talylyn in Wales, and to the Wirral in Cheshire. The rates and charges scales were much the same for each railway, albeit with some minor variations for two Liskeard-based companies and for the Neath and Brecon Railway Company. The Talylyn Railway Company (see above) operates today as a preserved narrow gauge line, principally for fare-paying passengers. It was founded in 1865 and became a preserved line in 1951. The Talylyn Railway Company appears today to charge on a contractual basis: <http://www.talylyn.co.uk/legal/index.html>. Subsequently, the Midland 1892 Act was extended to cover two other railway lines: by the Liskeard and Looe Railway Extension Act 1895 (c.cviii), s 17 two new lengths of line to be constructed by the Liskeard and Looe Union Canal Company were to be treated as within the No. 14 Order for charging purposes (until the railway was grouped with the GWR in 1923); and by the Marlborough and Grafton Railway Act 1896 (c.ccxxx), s 39 two new lines in Wiltshire were to be worked and maintained by the Midland and South Western Junction Railway Company, and they were to be treated when so worked (and also when the Midland Railway and the LSWR exercised running powers) as falling within the No. 14 Order for the conveyance of merchandise traffic.

86. The Midland 1892 Act gave the No.14 Order “full validity and effect” from January 1893.<sup>156</sup>

*Railway Rates and Charges, No.15 (North Eastern Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.liii)*

*Purpose*

87. The North Eastern Railway Company was formed in 1854 by amalgamation of three smaller companies, and grew steadily until grouping within the LNER in 1923.

88. The Railway Rates and Charges, No.15 (North Eastern Railway, &c.), Order Confirmation Act 1892<sup>157</sup> was enacted to confirm the provisional No. 15 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied scales of rates and charges for such traffic.<sup>158</sup>

89. The North Eastern 1892 Act gave the No.15 Order “full validity and effect” from January 1893.<sup>159</sup>

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<sup>156</sup> The Midland 1892 Act, s 2 and Sch Order art 2.

<sup>157</sup> 55 & 56 Vict. c.liii (1892) (“the North Eastern 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the North Eastern Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>158</sup> See the North Eastern 1892 Act, s 2 and Sch Order art 4. The No. 15 Order applied to seven railway companies in all, ranging from the Forcett Railway Company (Darlington to Barnard Castle) - which line opened in 1866, was worked by the NER, became part of the LNER in 1923, and closed in May 1966 - to two Scarborough-linked railway companies, and the Marquess of Londonderry’s private line from his colliery to Sunderland docks and the seaport of Seaham (which railway became part of the NER in 1900). Detail variations were made to the standard schedule of rates and charges for coal shipments on certain portions of the rail network. The No. 15 Order was further applied by later legislation relating to the NER in 1897 (c.ccxxiii), s 5 (to extensions and widenings) and 1900 (c.clxiii), ss 7, 50 (to extensions and widenings, and to various small companies taken over by the NER, such as the Londonderry line (as above)), by the Cawood Wistow and Selby Light Railway Act 1896 (c.xlvi), s 45 (to two railway lines to be constructed by the new railway company), and by SR & O 1926/1066 (L), art 24(1)(f) (which 1926 Order made arrangements for the South Shields, Marsden and Whitburn Colliery Light Railway to levy rates and charges for, amongst other things, merchandise traffic, subject to the coming into force on “the appointed day” - 1 January 1928 - of the new charging provisions in the Railways Act 1921 (c.55), s 31 (and s 32), and s 72 (which section applied specifically to charging by light railways). After the appointed day, the charging provisions in s 55, Sch 5 were to apply).

<sup>159</sup> The North Eastern 1892 Act, s 2 and Sch Order art 2.

*Railway Rates and Charges, No.16 (North London Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.liv)*

*Purpose*

90. The North London Railway Company started life in 1853, and it extended its line - in conjunction with the LNWR - from the East and West India Docks on the Thames to a new terminus at Broad Street (now demolished and redeveloped) in the City in 1861. Common management with the LNWR was introduced from 1909, and the operation was amalgamated within the LMS on grouping in 1923.<sup>160</sup>
91. The Railway Rates and Charges, No.16 (North London Railway), Order Confirmation Act 1892<sup>161</sup> was enacted to confirm the provisional No.16 Order of 1892 made by the Board of Trade under the 1888 Act. The Order had classified merchandise rail traffic, and had applied scales of rates and charges for such traffic.<sup>162</sup>
92. The North London 1892 Act gave the No.16 Order “full validity and effect” from January 1893.<sup>163</sup>

*Railway Rates and Charges, No.17 (North Staffordshire Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lv)*

*Purpose*

93. The North Staffordshire Railway Company came about through the building of various railway arms to serve the Potteries in the West Midlands, centred on Stoke-on-Trent. Opened from 1848 onwards (and incorporated two years previously), the company gradually expanded its network. By 1875 mutual running powers had been agreed with the much larger LNWR. On grouping in 1923 the North Staffordshire was absorbed into the new LMS Railway.<sup>164</sup>

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<sup>160</sup> See C. Awdrey book (cited above), Part 2 at p 96.

<sup>161</sup> 55 & 56 Vict. c.liv (1892) (“the North London 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the North London Railway Company”. The Act and scheduled Order were both in standard form.

<sup>162</sup> See the North London 1892 Act, s 2 and Sch Order art 4. Unusually the No. 16 Order was not applied to any other railway company either by this Act or by any subsequent Act.

<sup>163</sup> The North London 1892 Act, s 2 and Sch Order art 2.

<sup>164</sup> See C. Awdrey book (cited above), Part 2 at p 97.

94. The Railway Rates and Charges, No.17 (North Staffordshire Railway, &c.), Order Confirmation Act 1892<sup>165</sup> was enacted to confirm the provisional No. 17 Order of 1892 made by the Board of Trade under the 1888 Act. The Order had classified merchandise rail traffic, and had applied scales of rates and charges for such traffic.<sup>166</sup>
95. The North Staffordshire 1892 Act gave the No.17 Order “full validity and effect” from January 1893.<sup>167</sup>

*Railway Rates and Charges, No.18 (Taff Vale Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lvi)*

*Purpose*

96. The Taff Vale Railway Company opened its first section of track shortly after 1836, creating a rail link between Cardiff Docks and Merthyr Tydfil by 1841. By 1878 the railway company was also leasing two railways linked to Penarth, and by 1902 the company had acquired a further eight railway operations within South Wales (giving a total route mileage of almost 125 miles). In 1923 the company was absorbed into the GWR grouping.<sup>168</sup>
97. The Railways Rates and Charges, No.18 (Taff Vale Railway, &c.), Order Confirmation Act 1892<sup>169</sup> was enacted to confirm the provisional No. 18 Order of 1892 made by the Board of Trade under the 1888 Act. The Order had classified merchandise rail traffic, and had applied scales of rates and charges for such traffic.<sup>170</sup>

<sup>165</sup> 55 & 56 Vict. c.lv (1892) (“the North Staffordshire 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the North Staffordshire Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>166</sup> See the North Staffordshire 1892 Act, s 2 and Sch Order art 4. The schedule of rates and charges was applied - by para 28 of, and Appendix to, that schedule - to a further four minor railway companies, each of which had some linkage to the North Staffordshire operation. Thus the Longton, Adderley Green and Bucknall Railway (closed in its entirety since 1964), built originally to serve the Staffordshire coalpits, was worked by the North Staffordshire until it acquired it in 1895. Similarly, the North Staffordshire worked the Cheadle Railway from its inception in 1892 and prior to takeover in 1908. And the quaintly termed Mr Sneyd’s Railway (built privately by one Ralph Sneyd in 1861 for colliery traffic) was leased and operated by the North Staffordshire from 1864 onwards.

<sup>167</sup> The North Staffordshire 1892 Act, s 2 and Sch Order art 2.

<sup>168</sup> See C. Awdrey book (cited above), Part 1 at p 46.

<sup>169</sup> 55 & 56 Vict. c.lvi (1892) (“the Taff Vale 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Taff Vale Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>170</sup> See the Taff Vale 1892 Act, s 2 and Sch Order art 4. The schedule of rates and charges was applied by the Act not only to the Taff Vale Railway but also to another ten railway companies, all of which (bar

98. The Taff Vale 1892 Act gave the No.18 Order “full validity and effect” from January 1893.<sup>171</sup>

*Railway Rates and Charges, No.19 (Caledonian Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lvii)*

*Purpose*

99. The Caledonian Railway was opened fully to traffic (from Carlisle to Glasgow, via the Clyde valley) by January 1850. Express passenger services to London from Scotland followed in due course and, by 1918, the railway company had absorbed into its system significant parts of other railways within Scotland. In July 1923 the Caledonian Railway became part of the LMS grouping.

100. The Railway Rates and Charges, No.19 (Caledonian Railway, &c.), Order Confirmation Act 1892<sup>172</sup> was enacted to confirm the provisional No. 19 Order of 1892 made by the Board of Trade under 1888 Act. The Order had classified merchandise rail traffic, and had applied scales of rates and charges for such traffic.<sup>173</sup>

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one) were based in South Wales (the exception being the Mersey Railway Company). The schedule of rates and charges was subdivided so that tonnage costs could be differently prescribed for different groups of company. With the exception of the Mersey Railway, the other railway companies were eventually grouped within the GWR in 1923.

The Mersey Railway (underground Birkenhead to Liverpool) was electrified from steam in 1903, avoided grouping, and remained independent until nationalisation in 1948. It was removed from the Taff Vale 1892 Act - for charging purposes - two years later by the Mersey Railway (Rates and Charges) Act 1894 (c.lxxii): see later in this note. That 1894 Act is also recommended for repeal.

After 1892 the No. 18 Order was further applied to two other railways and an extension to the Taff Vale Railway: the Cardiff Railway Act 1897 (c.ccvii), s 21 (which Act authorised, amongst other things, the construction of track linking the Bute docks (in Cardiff) and the Taff Vale line, and which extended the No. 18 Order to various lines, excepting the new pier railway. The railway was grouped into the GWR by 1923), the Mumbles Railway and Pier Act 1898 (c.cxliv), s 19 (which Act authorised extension of the existing railway to Black Pill), and the Taff Vale Railway Act 1900 (c.lxxviii), s 5 (which Act authorised the construction of two additional short stretches of line, and extended the No. 18 Order to merchandise traffic on those lines).

<sup>171</sup> The Taff Vale 1892 Act, s 2 and Sch Order art 2.

<sup>172</sup> 55 & 56 Vict. c.lvii (1892) (“the Caledonian 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Caledonian Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>173</sup> See the Caledonian 1892 Act, s 2 and Sch Order art 4. The schedule of rates and charges was applied by the Act not only to the Caledonian Railway but also to a further eleven railways, some minor and others operating jointly in partnership with the Caledonian Railway. These railways, listed in the Appendix to the scheduled Order (see also para 27), were almost all Scotland-based (excepting the Carlisle Station Lines) and ranged from Glasgow to Dundee. Each of these railways was eventually amalgamated into the LMS grouping in 1923. The goods and minerals part of the maximum schedule of rates and charges made separate arrangements for certain of the lines. After 1892 the Act and Order were applied again by another six railway Acts passed between 1896 and 1898. Two Acts related to the Caledonian Railway, 1897 (c.cxxviii), s 39 (which Act conferred powers to construct additional lines in Lanarkshire and Stirlingshire, and extended the freight charging provisions to them) and 1898 (c.clxxxviii), s 34 (which authorised the railway company to acquire the Crieff and Comrie Railway Company - which company was then to be dissolved - and to extend the No. 19 Order to that railway

101. The Caledonian 1892 Act gave the No.19 Order “full validity and effect” from January 1893.<sup>174</sup>

*Railway Rates and Charges, No.20 (Callander and Oban Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lviii)*

*Purpose*

102. The Callander and Oban Railway was formed in 1865, but the line was not opened until July 1880. It was run by the Caledonian Railway, and extended over time. It remained independent until grouping (as part of the LMS) in 1923. It closed entirely under British Railways in 1966.

103. The Railway Rates and Charges, No.20 (Callander and Oban Railway), Order Confirmation Act 1892<sup>175</sup> was enacted to confirm the provisional No. 20 Order of 1892 made by the Board of Trade under the 1888 Act. The Order had classified merchandise rail traffic, and had applied rates of scales and charges for such traffic.<sup>176</sup>

104. The Callander 1892 Act gave the No.20 Order “full validity and effect” from January 1893.<sup>177</sup>

*Railway Rates and Charges, No.21 (City of Glasgow Union Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lix)*

*Purpose*

105. Some six miles long, the building of the City of Glasgow Union Railway line was first authorised in 1864, but only completed in May 1876 with the opening of St. Enoch station (although the first section of line had opened in December 1870). St. Enoch passed to the Glasgow and South Western Railway (G&SWR) in June 1883 and, in August 1896, the railway company was dissolved and its

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operation). Likewise, the Muirhead Mauchline and Dalmellington Railways Act 1896 (c.xxxvii), by sections 55 and 63, extended the reach of the No. 19 Order to the newly incorporated company and its operations, and to a portion of the Glasgow and South Western Railway Company over whose lines the new company had joint running powers.

<sup>174</sup> The Caledonian 1892 Act, s 2 and Sch Order art 2.

<sup>175</sup> 55 & 56 Vict. c.lviii (1892) (“the Callander 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Callander and Oban Railway Company”. The Act and Order were both in standard form.

<sup>176</sup> See the Callander 1892 Act, s 2 and Sch Order art 4. Unlike the majority of other Acts in this series, this Act was limited to this railway company only. It was extended by the Callander and Oban Railway Act 1897 (c.cxxxix), s 25, which applied the No. 20 Order to merchandise traffic on two new spurs of line to be constructed by the same company under the Act, albeit that the Caledonian Railway would continue to work the company’s lines.

network split between the North British Railway and the G&SWR (with mutual running rights). On grouping in 1923 the NBR was amalgamated into the LNER and the G&SWR was amalgamated into the LMS Railway. St. Enoch station eventually closed in 1966 and was later demolished.<sup>178</sup>

106. The Railway Rates and Charges, No.21 (City of Glasgow Union Railway), Order Confirmation Act 1892<sup>179</sup> was enacted to confirm the provisional No.21 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied appropriate rates and charges for such traffic, in respect of the City of Glasgow Union Railway.<sup>180</sup>

107. The Glasgow 1892 Act gave the No.21 Order “full validity and effect” from January 1893.<sup>181</sup>

*Railway Rates and Charges, No.22 (Glasgow and South Western Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lx)*

*Purpose*

108. The Glasgow and South Western Railway Company was formed in October 1850 through an amalgamation of existing lines. It also ran a fleet of coastal steam ships. By 1923 the company had been incorporated within the LMS grouping.

109. The Railway Rates and Charges, No.22 (Glasgow and South Western Railway, &c.), Order Confirmation Act 1892<sup>182</sup> was enacted to confirm the provisional No. 22 Order of 1892 made by the Board of Trade under the 1888 Act. The Order

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<sup>177</sup> The Callander 1892 Act, s 2 and Sch Order art 2.

<sup>178</sup> For history see C. Awdrey book (cited above), Part 2 at p 68.

<sup>179</sup> 55 & 56 Vict. c.lx (1892) (“the Glasgow 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the City of Glasgow Union Railway Company”. The Act and scheduled Order were both in standard form.

<sup>180</sup> The Glasgow 1892 Act, s 2 and Sch Order art 4. The No. 21 Order applied only to this one railway company, and the Act was not later extended.

<sup>181</sup> The Glasgow 1892 Act, s 2 and Sch Order art 2.

<sup>182</sup> 55 & 56 Vict. c.lx (1892) (“the G&SWR 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Glasgow and South Western Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

had classified merchandise rail traffic, and had applied appropriate rates and charges for such traffic.<sup>183</sup>

110. The G&SWR 1892 Act gave the No.22 Order “full validity and effect” from January 1893.<sup>184</sup>

*Railway Rates and Charges, No.23 (Great North of Scotland Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lxi)*

*Purpose*

111. The Great North of Scotland Railway Company was formed in 1846, but did not open its first stretch of line until 1854, later opening a passenger station in Aberdeen in 1856. Branch lines were consolidated, and various railway companies were acquired, in the period 1866 to 1881. In 1923 the company was amalgamated within the LNER grouping.<sup>185</sup>

112. The Railway Rates and Charges, No.23 (Great North of Scotland Railway), Order Confirmation Act 1892<sup>186</sup> was enacted to confirm the provisional No. 23 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied appropriate rates and charges for such traffic, for the Great North of Scotland Railway only.<sup>187</sup>

113. The North of Scotland 1892 Act gave the No.23 Order “full validity and effect” from January 1893.<sup>188</sup>

*Railway Rates and Charges, No.24 (Highland Railway), Order Confirmation Act 1892 (55 & 56 Vict. c.lxii)*

*Purpose*

114. The Highland Railway Company was formed from a railway merger in June 1865, and its various lines were centred on Inverness and Aviemore (the latter

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<sup>183</sup> The G&SWR 1892 Act, s 2 and Sch Order art 4. The No. 22 Order applied to three railways in all: the G&SWR and two “connected” railways - the Ayrshire and Wigtownshire Railway and the Kilmarnock and Troon Railway (see Order Sch, Sch para 27 and App). It was not subsequently extended.

<sup>184</sup> The G&SWR 1892 Act, s 2 and Sch Order art 2.

<sup>185</sup> See C. Awdrey book (cited above), Part 3 at p 136.

<sup>186</sup> 55 & 56 Vict. c.lxi (1892) “the North of Scotland 1892 Act”, being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Great North of Scotland Railway Company”. The Act and scheduled Order were both in standard form.

<sup>187</sup> The North of Scotland 1892 Act, s 2 and Sch Order art 4. The Order was not subsequently extended.

<sup>188</sup> The North of Scotland 1892 Act, s 2 and Sch Order art 2.

from 1898), spreading broadly northwards. The railway company became a constituent company of the LMS on grouping in 1923.

115. The Railway Rates and Charges, No.24 (Highland Railway), Order Confirmation Act 1892<sup>189</sup> was enacted to confirm the provisional No.24 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied appropriate rates and charges for such traffic, for the Highland Railway only.<sup>190</sup>

116. The Highland 1892 Act gave the No.24 Order “full validity and effect” from January 1893.<sup>191</sup>

*Railway Rates and Charges, No. 25 (North British Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lxiii)*

*Purpose*

117. The North British Railway Company opened its main line in 1846 from Berwick to Edinburgh. By 1878 the Tay Bridge had been opened, and the company had acquired other lines. Expansion continued until grouping in 1923, when the company became part of the LNER.

118. The Railway Rates and Charges, No.25 (North British Railway, &c.), Order Confirmation Act 1892<sup>192</sup> was enacted to confirm the provisional No.25 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied appropriate rates and charges for such traffic, in respect of the North British Railway and eight other “connected” railways.<sup>193</sup>

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<sup>189</sup> 55 & 56 Vict. c.lxii (1892) (“the Highland 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Highland Railway Company”. The Act and scheduled Order were both in standard form.

<sup>190</sup> The Highland 1892 Act, s 2 and Sch Order art 4. The Order was not subsequently extended.

<sup>191</sup> The Highland 1892 Act, s 2 and Sch Order art 2.

<sup>192</sup> 55 & 56 Vict. c.lxiii (1892) (“the North British 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the North British Railway Company, and certain other Railway Companies”. The Act and scheduled Order were both in standard form.

<sup>193</sup> See the North British 1892 Act, s 2 and Sch Order art 4 (and Order Sch para 27 and App). All the mentioned railways operated in the vicinity of the Clyde, Forth and Tay, and each were absorbed into the North British Railway, or into the LNER on grouping. The scales of charges set out in the Schedule to the Order were varied for particular railways and destinations. The list of railway companies’ Acts by which the No. 25 Order was later extended included the Invergarry and Fort Augustus Railway Act 1896 (c.ccxl), s 42 (which Act authorised construction of a 24-mile length of railway line, joining the West Highland Railway and running to Loch Ness, and extended the charging provisions within the No. 25

119. The North British 1892 Act gave the No.25 Order “full validity and effect” from January 1893.<sup>194</sup>

*Railway Rates and Charges, No.26 (Athenry and Ennis Junction Railway, &c.), Order Confirmation Act 1892 (55 & 56 Vict. c.lxiv)*

*Purpose*

120. The Athenry and Ennis Junction Railway opened in September 1869. The railway company merged with the Athenry and Tuam Railway Company and the Waterford and Limerick Railway Company in 1893.<sup>195</sup> In turn (in 1901) the Waterford and Limerick was bought by the Great Southern and Western Railway Company and, in 1925, that company merged into the Great Southern Railways which operated solely within the Irish Free State. Great Southern was nationalised by the Irish government in 1944, and became part of the Irish Rail national network.<sup>196</sup> The Athenry to Ennis line remains in being, albeit not in regular use.

121. The Railway Rates and Charges, No.26 (Athenry and Ennis Junction Railway, &c.), Order Confirmation Act 1892<sup>197</sup> was enacted to confirm the provisional No. 26 Order of 1892 made by the Board of Trade under the 1888 Act. The Order classified merchandise rail traffic, and applied appropriate rates and charges for such traffic, in respect of the Athenry and Ennis Junction Railway and a large number of other railway companies (and lines) across both Southern Ireland (today the state of Ireland)<sup>198</sup> and Northern Ireland, prior to partitioning of the island in 1922.<sup>199</sup>

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Order to that line as if the railway company had been included in the original list. The NBR took over the company in 1914, but the line closed completely in January 1947), the Newburgh and North Fife Railway Act 1897 (c.cxxxi), ss 32 and 40 (which Act authorised construction of new lines to connect with the North British system, and to be run by the NBR, and to charge at rates set out in the No. 25 Order), the Edinburgh District Lunacy Board Act 1900 (c.civ), s 13 (which Act authorised construction within 5 years of a spur line from the Edinburgh and Bathgate Railway - named in the original Act - to the new asylum to be worked by the NBR, and to charge for goods carried in accordance with the No. 25 Order), and the Motherwell and Bellshill Railway Act 1900 (c.cli), s 42 (which Act authorised the construction of three short lines, provided for reciprocal arrangements with the NBR and the G&SWR for through traffic, and extended the Order's charging provisions to the lines).

<sup>194</sup> See the North British 1892 Act, s 2 and Sch Order art 2.

<sup>195</sup> See the Waterford and Limerick Railway Act 1893 (56 & 57 Vict. c.clxiv).

<sup>196</sup> See the Transport Act 1944 (No. 21/1944) (Ire), and <http://www.irishstatutebook.ie/1944/en/act/pub/0021/index.html> (accessed 15.1.09).

<sup>197</sup> 55 & 56 Vict. c.lxiv (1892) (“the Athenry 1892 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, containing the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Athenry and Ennis Junction Railway Company, and certain other Railway Companies”. The Act and scheduled Order followed the format of previous legislation in this field.

<sup>198</sup> Within Ireland (and Irish law) the state is known simply as ‘Ireland’, not the Republic of Ireland: see the Constitution of Ireland as enacted in 1937 (and as later amended), art 4 which assigns the state's name. The description within the Republic of Ireland Act 1948 (No. 22/1948) (Ire), s 2 does not override

122. The Athenry 1892 Act gave the No.26 Order “full validity and effect” from January 1893.<sup>200</sup>

123. In so far as the Athenry 1892 Act referred to railway companies operating in Southern Ireland only (today, Ireland), repeal of that Act within the United Kingdom - on the ground that it is no longer necessary - will not affect its validity as a statute within Ireland. In so far as it relates to railway companies operating in Northern Ireland (today, an integral part of the UK), the railway system was nationalised in January 1948 under the Transport Act (NI) 1948 (c.16). Provisions relating to formerly private railway companies have long been superseded.

### 1893

*Railway Rates and Charges (Cranbrook and Paddock Wood Railway, &c.) Order Confirmation Act 1893 (56 & 57 Vict. c.cxii)*

#### *Purpose*

124. The Cranbrook and Paddock Wood Railway was incorporated in 1877, but the line was only built and fully operational by September 1893. The South-Eastern Railway ran the line from the outset, and absorbed the company in July 1900. The SER was itself then amalgamated into the Southern Railway grouping in 1923. The Cranbrook and Paddock Wood line (then under BR control) closed in June 1961.

125. The purpose behind the Railway Rates and Charges (Cranbrook and Paddock Wood Railway, &c.) Order Confirmation Act 1893<sup>201</sup> was very similar to its predecessor railway confirmation Acts, but its method of delivery was much more concise. Instead of setting out in the Order (for confirmation) a detailed schedule of rates and charges, the Act adopted a form of shorthand. It simply

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the Constitution. In the United Kingdom the legal name of Ireland is still the Republic of Ireland, in order to distinguish it from the province of Northern Ireland: see the Ireland Act 1949 (c.41), s 1(3).

<sup>199</sup> The Athenry 1892 Act, s 2 and Sch Order art 4. The 1892 Order covered some 62 railway companies in all, ranging from the Tralee and Dingle Light Railway or Tramway Company in the far south-west of Ireland to the Londonderry and Lough Swilly Railway in the north-east. This list of 62 was supplemented by a further seven Acts passed in the period 1892 to 1900 (which local Acts are listed in the *Chronological Table of Local Legislation, 1797-1994* (1996, HMSO London), vol 3 at p 1431).

<sup>200</sup> The Athenry 1892 Act, s 2 and Sch Order art 2.

<sup>201</sup> 56 & 57 Vict. c.cxii (1893) (“the Cranbrook 1893 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, relating to the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges applicable thereto, of the Cranbrook and Paddock Wood Railway Company, the Glyn Valley Tramway Company, the Manchester Ship Canal Company in respect of the Railways of the said Company, and the Stratford-upon-Avon, Towcester, and Midland Junction Railway Company”.

listed the various railway companies which were to have their maximum rates and charges fixed, and then achieved that intent by applying previous confirmation Acts to them. By this mechanism the various railways (none of which seemed to have any geographic nexus) were deemed to fall within specified previous confirmation Acts. In other words, the Cranbrook 1893 Act acted as a compendium.

126. Accordingly, the following occurred –

- the Cranbrook and Paddock Wood Railway Company was deemed to have been named and included in the Schedule to the South-Eastern Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>202</sup> for the purpose of merchandise traffic charging
- the Glyn Valley Tramway Company was deemed to have been named and included in the Schedule to the Railway Rates and Charges, No. 6 (Festiniog Railway, &c.), Order Confirmation Act 1892<sup>203</sup>
- the railway operation of the Manchester Ship Canal Company was deemed to have been a railway company named and included in the Schedule to the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>204</sup>
- the Stratford-on Avon, Towcester, and Midland Junction Railway Company was deemed to have been named and included in the Schedule to the Railway Rates and Charges, No. 11 (London, Tilbury and Southend Railway, &c.), Order Confirmation Act 1892.<sup>205</sup>

127. The Cranbrook 1893 Act gave the scheduled Order “full validity and effect” from the date of the passing of the Act (June 1893).<sup>206</sup>

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<sup>202</sup> See the Cranbrook 1893 Act, s 2 and Sch Order art 4. For the South-Eastern 1891 Act, see earlier in this note. That 1891 Act is also recommended for repeal.

<sup>203</sup> See the Cranbrook 1893 Act, s 2 and Sch Order art 5. For the Festiniog 1892 Act, see earlier in this note. That 1892 Act is also recommended for repeal.

<sup>204</sup> See the Cranbrook 1893 Act, s 2 and Sch Order art 6. For the North Western 1891 Act, see earlier in this note. That 1891 Act is also recommended for repeal. In respect of the Manchester Ship Canal railway operation, amendment was later made by the Manchester Ship Canal Act 1900 (c.xxxvi), s 9 which had the effect of applying article 6 of the Cranbrook 1893 Act and Order (referred to in the 1900 Act as “section 6”) to the railway line extension to Salford authorised under the 1900 Act.

<sup>205</sup> See the Cranbrook 1893 Act, s2 and Sch Order art 7. For the Tilbury 1892 Act, see earlier in this note. That 1892 Act is also recommended for repeal.

<sup>206</sup> The Cranbrook 1893 Act, s 2 and Sch Order art 2.

## 1894

### *Railway Rates and Charges (Easingwold Railway, &c.) Order Confirmation Act 1894 (57 & 58 Vict. c.xlviii)*

#### *Purpose*

128. The Easingwold Railway (linking with the North Eastern Railway at Alne) opened in July 1891. The line was eventually worked by the NER. The original railway company remained independent past nationalisation, but the line finally closed in December 1957.<sup>207</sup>

129. The Railway Rates and Charges (Easingwold Railway, &c.) Order Confirmation Act 1894<sup>208</sup> was cast in a similar format to the Cranbrook 1893 Act (above). It was enacted to confirm a provisional Order of 1894 made by the Board of Trade under the 1888 Act. The Order had applied previous confirmation Acts to various other railway companies, so that the scales and rates of charges for specified items of merchandise rail traffic could be utilised by those additional companies.<sup>209</sup>

130. Accordingly, the following occurred –

- the East and West Yorkshire Union Railway Company was deemed to have been specially named and included in the Schedule to the Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>210</sup>
- the Shortlands and Nunhead Railway Company was deemed to have been specially named and included in the Schedule to the London, Chatham, and Dover Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>211</sup>

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<sup>207</sup> See C. Awdrey book (cited above), Part 5 at p 213.

<sup>208</sup> 57 & 58 Vict. c.xlviii (1894) (“the Easingwold 1894 Act”), being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act, 1888, relating to the Classification of Merchandise Traffic, and the Schedule of Maximum Rates and Charges of the Easingwold Railway Company, the Crieff and Comrie Railway Company, the East and West Yorkshire Union Railway Company, the Harrow and Stanmore Railway Company, the Shortlands and Nunhead Railway Company, the South Clare Railways Company (Limited), and the Stocksbridge Railway Company”.

<sup>209</sup> See the Easingwold 1894 Act, s 2 and Sch Order arts 4-10.

<sup>210</sup> See the Easingwold 1894 Act, s 2 and Sch Order art 6. For the Great Northern 1891 Act, see earlier in this note. That 1891 Act is also recommended for repeal. The Easingwold 1894 Act specified which scale within Part 1 of the 1891 Act Schedule was to apply for merchandise carried on the East and West Yorkshire Union Railway.

<sup>211</sup> See the Easingwold 1894 Act, s 2 and Sch Order art 8. For the Chatham 1891 Act, see earlier in this note. That 1891 Act is also recommended for repeal.

- the Harrow and Stanmore Railway Company was deemed to have been specially named and included in the Schedule to the London and North Western Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>212</sup>
- the Stocksbridge Railway Company was deemed to have been specially named and included in the Schedule to the Railway Rates and Charges, No.12 (Manchester, Sheffield, and Lincolnshire Railway, &c.), Order Confirmation Act 1892.<sup>213</sup>
- the Easingwold Railway Company was deemed to have been specially named and included in the Schedule to the Railway Rates and Charges, No.15 (North Eastern Railway, &c.), Order Confirmation Act 1892<sup>214</sup>
- the Crieff and Comrie Railway Company was deemed to have been specially named and included in the Schedule to the Railway Rates and Charges, No.19 (Caledonian Railway, &c.), Order Confirmation Act 1892,<sup>215</sup> and
- the South Clare Railways Company Limited (in Ireland) was deemed to have been specially named and included in the Schedule to the Railway Rates and Charges, No.26 (Athenry and Ennis Junction Railway, &c.), Order Confirmation Act 1892.<sup>216</sup>

131. The Easingwold 1894 Act gave the scheduled Order “full validity and effect” from the date of the passing of the Act (July 1894).<sup>217</sup>

*Mersey Railway (Rates and Charges) Act 1894 (57 & 58 Vict. c.lxxii)*

*Purpose*

132. The Mersey Railway, in 1894, was some four miles long. It included in its length almost  $\frac{3}{4}$  mile of “exceptionally expensive tunnel under the River Mersey from Liverpool and Birkenhead”, and a further 3 miles ran underground in the urban

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<sup>212</sup> See the Easingwold 1894 Act, s 2 and Sch Order art 7. For the North Western 1891 Act, see earlier in this note. That 1891 Act is also recommended for repeal.

<sup>213</sup> See the Easingwold 1894 Act, s 2 and Sch Order art 10. For the Manchester 1892 Act, see earlier in this note. That 1892 Act is also recommended for repeal.

<sup>214</sup> See the Easingwold 1894 Act, s 2 and Sch Order art 4. For the North Eastern 1892 Act, see earlier in this note. That 1892 Act is also recommended for repeal.

<sup>215</sup> See the Easingwold 1894 Act, s 2 and Sch Order art 5. For the Caledonian 1892 Act, see earlier in this note. That 1892 Act (which operates in Scotland) is also recommended for repeal.

<sup>216</sup> See the Easingwold 1894 Act, s 2 and Sch Order art 9. For the Athenry 1892 Act, see earlier in this note. That 1892 Act is also recommended for repeal.

<sup>217</sup> The Easingwold 1894 Act, s 2 and Sch Order art 2.

areas.<sup>218</sup> The line had been so costly to construct and run (due mainly to the expense of pumping water from the tunnel and ventilating it) that the original railway company went into receivership in 1887.<sup>219</sup>

133. Until 1894 the railway had carried no merchandise traffic other than parcels. In order to increase its revenues (which had been reliant upon its significant passenger traffic), the then company needed to increase the range of merchandise traffic it could handle, and to ensure that the charges levied were compatible with the particular needs of the company.

134. Originally the Mersey Railway had been included within the Railway Rates and Charges, No.18 (Taff Vale Railway, &c.), Order 1892 (as confirmed by the Taff Vale 1892 Act).<sup>220</sup> As the Mersey 1894 Act made clear in its preamble, bracketing the Mersey Railway with the various Welsh railway operations made little sense, given the particular challenges faced by that company.<sup>221</sup> It was now appropriate to transfer the Mersey Railway from the Taff Vale 1892 Order to another Order which applied to railways “more nearly resembling the Mersey Railway as regards the cost of constructing and working the railway and the nature of the traffic thereon”.<sup>222</sup>

135. To this end, the Mersey 1894 Act provided that the Mersey Railway should be omitted from the Taff Vale 1892 Act and Order, and inserted in the Schedule to the Railway Rates and Charges, No.5 (East London Railway, &c.) Order Confirmation Act 1892.<sup>223</sup> This was a more appropriate statutory home because

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<sup>218</sup> See preamble to the Mersey Railway (Rates and Charges) Act 1894 (57 & 58 Vict. c.lxxii) (“the Mersey 1894 Act”), being “An Act for transferring the Mersey Railway Company with respect to the classification of merchandise traffic and the schedule of maximum rates and charges from the Order applicable to the Taff Vale Railway Company to the Order applicable to the East London Railway Company”.

<sup>219</sup> The Mersey 1894 Act, preamble. The railway had only formally opened in 1886. The service continued however, and the line was electrified (superseding steam operation) in 1903.

<sup>220</sup> For the Taff Vale 1892 Act, see earlier in this note. The Taff Vale 1892 Act is also recommended for repeal.

<sup>221</sup> The railways with which the Mersey Railway had been grouped in 1892 “in no way resemble[d] the Mersey Railway either as regards the cost of construction or of working or the general description of the traffic thereon”, and failure to object to its inclusion within the provisional Order had been an oversight: see the Mersey 1894 Act, preamble.

<sup>222</sup> The Mersey 1894 Act, preamble.

<sup>223</sup> See the Mersey 1894 Act, ss 2, 3. By section 4 a saving was made for the special mileage allowance set out in the Taff Vale 1892 Act, s 2 and Sch Order Sch maximum rates and charges, preamble (final unnumbered para), and the provision was deemed inserted in the East London 1892 Act (ie for charging purposes, the Mersey Tunnel was deemed to be five miles long).

the East London Railway had characteristics similar to those of the Mersey Railway in that it traversed a long river tunnel (under the Thames).<sup>224</sup>

136. The Mersey 1894 Act was an amending rather than a confirming Act, and did not have a provisional Order attached. It came into force immediately, in July 1894.<sup>225</sup> The Mersey Railway remained in independent control until nationalisation in 1948.

## 1896

*Railway Rates and Charges (Lee-on-the-Solent Light Railway, &c.) Order Confirmation Act 1896 (59 & 60 Vict. c.clxv)*

### *Purpose*

137. The Lee-on-the-Solent Light Railway opened in May 1894, and working arrangements were taken over by the London and South Western Railway (LSWR) in August 1909. The railway operation lost money and, after being absorbed into the SR on grouping in 1923, it finally closed to passenger traffic in 1931 and to goods in September 1935.<sup>226</sup>

138. The Railway Rates and Charges (Lee-on-the-Solent Light Railway, &c.) Order Confirmation Act 1896<sup>227</sup> was enacted to confirm a provisional Order of 1896 made by the Board of Trade under the 1888 Act.<sup>228</sup>

139. Under the Lee 1896 Act the following occurred -

- the Lee-on-the-Solent Light Railway Company was deemed to have been included by name in the Schedule to the London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>229</sup> for the purpose of merchandise traffic charging

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<sup>224</sup> For a fuller description of the East London Railway, see earlier in this note in the text relating to the East London 1892 Act.

<sup>225</sup> See the Mersey 1894 Act, ss 2, 3.

<sup>226</sup> See C. Awdrey book (cited above), Part 4 at p 189.

<sup>227</sup> 59 & 60 Vict. c.clxv (1896) ("the Lee 1896 Act"), being "An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act 1888 relating to the Classification of Merchandise Traffic and the Schedule of Maximum Rates and Charges of the Lee-on-the-Solent Light Railway Company the Liverpool St. Helens and South Lancashire Railway Company the Wrexham and Ellesmere Railway Company and the Donoughmore Extension Light Railway Company Limited". As with the later Acts in this series, this Act did not set out detailed schedules of rates and charges, and the recited railways had no obvious geographic nexus, given that one of them was based in Ireland.

<sup>228</sup> The Lee 1896 Act applied to four railway companies in all. It was not extended by later legislation.

<sup>229</sup> See the Lee 1896 Act, s 2 and Sch Order art 4. For the South Western 1891 Act, see earlier in this note. That 1891 Act is also recommended for repeal.

- the Wrexham and Ellesmere Railway Company was deemed to have been included by name in the Schedule to the Railway Rates and Charges No. 3 (Cambrian Railway &c.) Order Confirmation Act 1892<sup>230</sup> for the same purpose
- the Liverpool St. Helens and South Lancashire Railway Company was deemed to have been included by name in the Schedule to the Railway Rates and Charges No.12 (Manchester Sheffield and Lincolnshire Railway &c.) Order Confirmation Act 1892<sup>231</sup> for the same purpose
- the Donoughmore Extension Light Railway Company Limited was deemed to have been included by name in the Schedule to the Railway Rates and Charges No.26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892<sup>232</sup> for the same purpose.

140. The Lee 1896 Act gave the scheduled Order “full validity and effect” from the date of the passing of the Act (August 1896).<sup>233</sup>

## 1909

*Railway Rates and Charges (Weston Clevedon and Portishead Light Railways) Order Confirmation Act 1909 (9 Edw. 7 c.xcii)*

### *Purpose*

141. The Weston, Clevedon and Portishead Light Railways Company was formed by the Weston-Super-Mare, Clevedon and Portishead Tramways Act 1885,<sup>234</sup> and by an Act of 1899 it was redesignated a light railway.<sup>235</sup> The line ran between Weston and Clevedon from 1897, with an extension to Portishead in 1907. The companies holding the line subsequently went into liquidation, and in 1940 the line was sold to the Great Western Railway and dismantled.<sup>236</sup>

<sup>230</sup> See the Lee 1896 Act, s 2 and Sch Order art 6. For the Cambrian 1892 Act, see earlier in this note. That 1892 Act is also recommended for repeal.

<sup>231</sup> See the Lee 1896 Act, s 2 and Sch Order art 5. For the Manchester 1892 Act, see earlier in this note. That 1892 Act is also recommended for repeal.

<sup>232</sup> See the Lee 1896 Act, s 2 and Sch Order art 7. For the Athenry 1892 Act, see earlier in this note. The Order in that Act (which is also recommended for repeal) applied to railways within Ireland.

<sup>233</sup> The Lee 1896 Act, s 2 and Sch Order art 2.

<sup>234</sup> 48 & 49 Vict. c.clxxxii (1885).

<sup>235</sup> Weston Clevedon and Portishead Light Railways Act 1899 (62 & 63 Vict. c.ccxxi).

<sup>236</sup> See C Awdrey book (cited above), Part 5 at p 242.

142. The Railway Rates and Charges (Weston Clevedon and Portishead Light Railways) Order Confirmation Act 1909<sup>237</sup> was enacted to confirm a provisional Order of 1909 made by the Board of Trade under the 1888 Act.

143. The Weston, Clevedon and Portishead Light Railways Company was deemed to have been included by name in the Schedule to the Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891<sup>238</sup> for the purpose of applying scale rates and charges for merchandise traffic on those railways.

144. The Portishead 1909 Act gave the scheduled Order “full validity and effect” from the date of the passing of the Act (August 1909).<sup>239</sup>

#### *Status of the 1853 to 1909 Acts*

145. As indicated in the text above, each of these Order Confirmation Acts authorised the levying of charges for the carrying of merchandise on the various railway lines described within each provisional order.

146. All the Acts and Orders (which pre-dated railway grouping in 1923) were superseded by specific charging arrangements - for each of the grouping companies - approved by the Railway Rates Tribunal.<sup>240</sup> In due course, those arrangements were themselves superseded when, on nationalisation, the British Transport Commission (and later British Railways) formulated its own scales of charges.<sup>241</sup>

147. For this reason, the 41 Acts set out in this note are now spent and may (with one minor exception) be repealed in whole. The minor exception relates to three

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<sup>237</sup> 9 Edw. 7 c.xcii (1909) (“the Portishead 1909 Act”). Being “An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act 1888 relating to the Classification of Merchandise Traffic and the Schedule of Maximum Rates and Charges applicable thereto of the Weston Clevedon and Portishead Light Railways Company”.

<sup>238</sup> See the Portishead 1909 Act, s 2 and Sch Order art 4. For the Great Western 1891 Act, see earlier in this note. That 1891 Act is also recommended for repeal.

<sup>239</sup> The Portishead 1909 Act, s 2 and Sch Order art 2.

<sup>240</sup> See SR & Os 1927/848 (for the GWR), 1927/849 (for the LMSR), 1927/850 (for the LNER), and 1927/851 (for the SR), coming into force on 1 January 1928. The standard terms and conditions of carriage for various forms of merchandise and goods, applicable to all the grouped railway companies, were set out in SR & O 1927/1009 (settled by the Railway Rates Tribunal under the Railways Act 1921, s 43).

<sup>241</sup> See the British Transport Commission (Railway Merchandise) Charges Scheme 1957 (made by the Transport Tribunal under the Transport Act 1947 Part V, ss 76-78). The 1957 Scheme - and all charging provisions under any “local enactment” - ceased to have effect by virtue of the Transport Act 1962, s 43, which Act established the British Railways Board (from 1963). The 1962 Act may have disappplied the various Rates and Charges Order Confirmation Acts, but did not specifically repeal those earlier provisions.

sections in the 1853 Act which deal with the provision and maintenance of a level crossing at North Meols (near Southport) in Lancashire.<sup>242</sup>

### *Extent*

148. All of the 1853 to 1909 Acts applied within the United Kingdom (bar one), although each Act actually had effect within a specific locality. Each Act applied only to the affairs of the railway companies named.

149. The one exception was the Athenry 1892 Act, which related to railway operations in Southern Ireland (today the separate state of Ireland). Although the Act remains on the statute book of the United Kingdom, it no longer has effect within this jurisdiction.

### *Consultation*

150. H.M. Treasury, the Department for Transport, the Department for Business, Enterprise and Regulatory Reform, the Ministry of Justice, the Office of Rail Regulation, Network Rail, the Association of Train Operating Companies, the Rail Freight Group, Transport for London, Northern Ireland Railways (Translink), Iarnród Éireann (Irish Rail), the Heritage Railway Association, the Railway Heritage Committee, the Railway Heritage Trust, individual preserved and heritage railway operators, the relevant authorities in Scotland, Wales and Northern Ireland, and the Office of the Attorney General for Ireland, have been consulted about these repeal proposals.

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<sup>242</sup> Because it is unclear whether the level crossing is still operational, and whether the 1853 Act provisions still have relevance today, sections 14 to 16 are not presently recommended for repeal. The provisions do not relate to railway rates and charges.