

**CHAPTER xxix**

An Act to empower the British Transport Commission to construct works and to acquire lands to empower the Mersey Docks and Harbour Board to dispose of certain lands to the Commission to make provision as to the rates dues and charges leviable by the Commission at certain of their docks to authorise the closing for navigation of portions of certain inland waterways to amend in certain respects the River Lee Water Act 1855 as amended by subsequent enactments to extend the time for the compulsory purchase of certain lands the completion of certain works and the exercise of certain powers to confer further powers on the Commission and for other purposes. [30th July 1949.]

**W**HEREAS by the Transport Act 1947 (in this Act referred to as "the Act of 1947") the British Transport Commission (in this Act referred to as "the Commission") were established: <sup>10 & 11 Geo. 6 c. 49.</sup>

And whereas it is the duty of the Commission (inter alia) so to exercise their powers under the Act of 1947 as to provide or secure or promote the provision of an efficient adequate economical and properly integrated system of public inland transport and port facilities within Great Britain for passengers and goods and for that purpose to take such steps as they consider necessary for extending and improving the transport and port facilities within Great Britain in such manner as to provide most efficiently and conveniently for the needs of the public agriculture commerce and industry:

And whereas it is expedient that the Commission should be empowered to construct the works authorised by this Act and to acquire the lands referred to in this Act:

**55.**—(1) Any person who shall trespass upon any of the lines of railway or sidings or in any tunnel or upon any railway embankment cutting or similar work now or hereafter belonging or leased to or worked by the Commission or who shall trespass upon any other lands of the Commission in dangerous proximity to any such lines of railway or other works or to any electrical apparatus used for or in connection with the working of the railway shall on summary conviction be liable to a penalty not exceeding forty shillings.

PART VII  
—cont.  
For better  
prevention of  
trespass on  
railways &c.

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices shall apply to this section.

(3) No person shall be subject to any penalty under this section unless it shall be proved to the satisfaction of the court before which complaint is laid that public warning has been given to persons not to trespass upon the railway by notice clearly exhibited and that such notice has been affixed at the station on the railway nearest to the place where such offence is alleged to have been committed and such notice shall be renewed as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such notice is so placed and renewed.

(4) A notice shall not be invalid for the purposes of this section by reason only that it refers to an enactment other than this Act.

(5) In the application of this section to Scotland—

(a) the words “sheriff or justices” shall be substituted for the word “justices”;

(b) for the reference to the Railways Clauses Consolidation Act 1845 there shall be substituted a reference to the Railways Clauses Consolidation (Scotland) Act 1845.

8 & 9 Vict.  
c. 33.

**56.**—(1) Any person who shall unlawfully throw or cause to fall or strike at against into or upon any engine tender motor carriage or truck used upon or any works or apparatus upon any railway or siding now or hereafter belonging or leased to or worked by the Commission any stone matter or thing likely to cause damage or injury to persons or property shall on conviction be liable to a penalty not exceeding forty shillings and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices shall apply to this section.

Stone  
throwing  
on railway.

(2) In the application of this section to Scotland—

(a) the words “sheriff or justices” shall be substituted for the word “justices”;

PART VII  
—cont.

(b) for the reference to the Railways Clauses Consolidation Act 1845 there shall be substituted a reference to the Railways Clauses Consolidation (Scotland) Act 1845.

As to rights  
of way over  
roads footpaths  
&c.

**57.** As from the passing of this Act no right of way as against the Commission shall be acquired by prescription or user over any road footpath thoroughfare or place now or hereafter the property of the Commission and forming an access or approach to any station goods-yard wharf garage or depot or any dock or harbour premises of the Commission.

Incorporation  
with certain  
enactments  
of provisions  
as to byelaws  
&c.

**58.**—(1) As from the passing of this Act sections 108 to 111 (inclusive) of the Railways Clauses Consolidation Act 1845 shall be deemed to be incorporated with every enactment in force at the passing of this Act by which any railway of the Commission was authorised to be constructed and with which the said sections are not incorporated.

(2) For the purposes of such incorporation the expressions “the company” and “the railway” in the said sections shall mean respectively the Commission and the railway and works authorised to be constructed by the enactment with which the said sections are deemed to be incorporated.

(3) To the extent that any provisions contained in any such enactment with respect to regulating the use of the railway thereby authorised to be constructed may be inconsistent with any of the provisions of the said sections the same are hereby repealed but such repeal shall be without prejudice to the validity of any regulation or byelaw duly made under such repealed provisions and in force at the passing of this Act and any such regulation or byelaw shall continue to have effect except in so far as it may be repugnant to or inconsistent with the provisions of the said sections.

(4) In the application of this section to Scotland for the references to sections 108 to 111 (inclusive) of the Railways Clauses Consolidation Act 1845 there shall be substituted references to sections 101 to 104 (inclusive) of the Railways Clauses Consolidation (Scotland) Act 1845.

As to rights of  
pre-emption.

**59.**—(1) As from the passing of this Act the provisions of sections 127 to 131 (inclusive) of the Lands Clauses Consolidation Act 1845 (which relate to the sale of superfluous lands) and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to any undertaking now forming part of the undertaking of the Commission shall not apply to any land which is now vested in or may hereafter be acquired by the Commission under the powers of such enactment.