

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. CXXIX.

An Act for amending an Act passed in the Ninth and Tenth Years of Her present Majesty for making preliminary Inquiries in certain Cases of Applications for Local Acts.

[5th *September* 1848.]

WHEREAS an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts:* And whereas it is expedient to repeal the said Act, and to enact other Provisions in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, but so that such Repeal shall not affect the Liability of any Promoters or others to the Payment of any Costs, Charges, Expenses, or other Sums made payable by the said Act, and now remaining unpaid, or any Right or Remedy under any Security given for the Payment of such Costs, Charges, Expenses, or other Sums, or the Certificate of any Surveying Officer, or

9 & 10 Vict. c. 106.

9 & 10 Vict. c. 106. repealed, but not to affect certain Acts done under it.

or the Authority which any Surveying Officer would have had to certify the Amount of Expenses incurred in any local Examination under the said recited Act in case this Act had not been passed.

Statement of Objects, &c. of proposed Act, accompanied by Plans, &c., to be given to the Commissioners of Woods, &c.

II. And be it enacted, That in any Case where it is intended to make an Application to Parliament for an Act for the Establishment of any Waterworks, or for draining, paving, cleansing, lighting, or otherwise improving any Town, District, or Place, or for making, maintaining, or altering any Burial Ground or Cemetery, or for continuing, altering, or enlarging any of the Powers or Provisions contained in any Act or Acts relating to any of the Purposes aforesaid, a Statement in Duplicate of the intended Objects and Provisions of the proposed Act shall, on or before the last Day of the Month of *November* next before the Session of Parliament in which such Application is intended to be made, or in case such Day shall fall on a *Sunday* then on or before the Day preceding, be sent or delivered to or at the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and such Statement shall be signed by the Promoter or by any Two or more of the Promoters of the proposed Act, or by some Person duly authorized on his or their Behalf; and in such Statement shall also be described and specified:

First. The public Benefit proposed by such Act:

Secondly. The Amount of Funds required for carrying the Act into effect, and the proposed Application of the same:

Thirdly. The Mode in which it is proposed to raise such Funds:

Fourthly. If it is proposed to raise such Funds by Loan, the Mode whereby, and the Period within which, such Loan is to be repaid:

And with such Statement shall be sent or delivered as aforesaid a Copy of such Plans, Sections, and Books of Reference or other Documents, if any, as may be required by the Standing Orders of either House of Parliament for the Time being to be deposited at any Public Office.

Power to Commissioners of Woods, &c. to appoint competent Persons to be Inspectors to make preliminary Examinations, &c.

III. And be it enacted, That it shall be lawful for the said Commissioners, if they shall consider the same necessary or expedient, but not otherwise, and on being satisfied with the Security for Payment of the Expenses, as herein-after provided, to appoint, by Writing under their Hands, One or more competent Person or Persons, as they shall think necessary, to be an Inspector or Inspectors for the Purpose of making such preliminary Examination, Survey, and Inquiries as herein-after mentioned with reference to any such proposed Act; and the said Inspector or Inspectors shall proceed to the Town, District, or Place to which the proposed Act may relate, and shall make such Examination and Survey of the same, and such Inquiries in relation to the Objects and Provisions of the proposed Act, and shall conduct his or their Proceedings in such Manner as may be directed by any Orders or Resolutions of either House of Parliament, and in such Manner as the said Commissioners shall direct, in case there shall be no such Orders or Resolutions, and so far as such Orders or Resolutions for the Time being shall not extend or be applicable;

applicable; but so that there be a public Hearing by the said Inspector or Inspectors, at which the Promoters, Opposers, and others may be heard in relation to the proposed Act; and after such Examination, Survey, and Inquiries as aforesaid the said Inspector or Inspectors shall report the Result thereof to the said Commissioners; and every such Report, together with such other Documents as the said Commissioners shall deem necessary, shall be laid before both Houses of Parliament within Six Weeks after the Time at which Security for Payment of Expenses shall have been given to the Satisfaction of the Commissioners as herein provided, if Parliament be then sitting, and if Parliament be not then sitting, then within Fourteen Days after the next Meeting of Parliament: Provided always, that if by reason of any special Circumstances it shall in any Case be found impracticable to lay any such Report before both Houses of Parliament within the Time herein-before specified, the said Commissioners shall with such Report present a Statement of the special Circumstances which may have occasioned the Delay.

Inspectors to report to Commissioners of Woods, &c., who shall lay the same before Parliament, after Security for Payment of Expenses shall be given

IV. And be it enacted, That the said Commissioners shall give Fourteen Days public Notice of the Time and Place which shall have been fixed for the Purpose of the public Hearing, or first public Hearing, for the Purposes of such Examination as aforesaid, by Advertisement in One or more of the public Papers usually circulated in the Town, District, or Place, and in such other Manner as shall appear to them necessary and sufficient.

Commissioners of Woods, &c. to give Notice of Inquiry.

V. And be it enacted, That at the Time and Place which shall have been so notified as aforesaid the Promoter or Promoters of the proposed Act, or some Person on his or their Behalf, shall appear before the said Inspector or Inspectors, and produce all such Surveys, Plans, Sections, and Estimates, or other Documents connected with the Matter of Inquiry, and give such Evidence in relation to the proposed Act as such Promoter, Promoters, or Person aforesaid shall think fit, and shall give such further Evidence, and produce such other Documents, as the said Inspector or Inspectors shall deem necessary; and all Persons whose Rights or Interests may be affected by any such proposed Act, and who may be desirous of being heard in opposition to the same, may also appear before the said Inspector or Inspectors, and state their Grounds of Opposition thereto, and may support the same by Evidence, and by such Plans, Sections, or other Documents as may be in their Custody or Power; and the said Inspector or Inspectors may by Summons under his or their Hand or Hands summon before him or them any Overseer or other Person having the Custody of any Map or Survey made in pursuance of the Provisions of any Act of Parliament, or of any Book containing any Rate made for the Relief of the Poor in any Parish, or for any Purpose or Place wholly or in part within the District over which such Examination shall extend, to produce such Map, Survey, or Book for his or their Inspection; and the said Inspector or Inspectors may summon in manner aforesaid any other Person whose Evidence shall, in the Judgment of the said Inspector or Inspectors, be material to his or their Inquiries, and pay or allow to every such Overseer

Promoters of proposed Act and Opponents to appear before Inspectors, and produce Surveys, &c.

Power to Inspectors to summon Persons having Custody of Maps, &c.;

also Persons to give Evidence.

Power to Inspectors to administer Oaths to Persons examined.

Overseer or other Person so summoned by him or them the reasonable Charges of his Attendance; and the said Inspector or Inspectors shall also have Power to administer an Oath to all Persons who may be examined by him or them touching the Premises, and all Persons so examined shall be required to answer upon Oath all such Questions as may be put to them by the Inspector or Inspectors.

Penalty on Persons wilfully refusing to attend or give Evidence.

VI. And be it enacted, That any Person being summoned by such Inspector or Inspectors who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Plans, Sections, Maps, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath such Questions as may be put to him by such Inspector or Inspectors under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding Five Pounds, which may be recovered before any Two or more Justices having Jurisdiction within such Town, District, or Place; and on Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender by Warrant under their Hands and Seals, and such Penalty shall be paid to the Treasurer of the County within which such Conviction shall take place, in aid of the County Rate; provided that no Person other than the Promoters of the proposed Act, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than Ten Miles from his usual Place of Abode.

Expenses of Inquiry to be paid by the Promoters the Amount of which shall be certified by Commissioners.

VII. And be it enacted, That all Costs, Charges, and Expenses which shall be incurred by the said Commissioners or by the said Inspector or Inspectors in respect of the said local Examination, Survey, and Inquiries, or otherwise under the Provisions of this Act, in relation to the Application for any such Act as aforesaid, including such Sums as the said Commissioners shall fix for the Remuneration of the said Inspector or Inspectors, shall be paid by the Promoters of the proposed Act to the said Commissioners; and the Amount of such Costs, Charges, and Expenses shall in all Cases be certified by the said Commissioners, after first hearing any Objections that may be made to the Reasonableness of such Costs, Charges, and Expenses by the Person or Persons liable to pay the same, or some Person duly authorized on his or their Behalf; and it shall be lawful for the said Commissioners, previous to the Commencement of such Examination, to require the said Promoters to deposit any Sum of Money, or to give such other Security for the Payment of the said Costs, Charges, and Expenses as to the said Commissioners shall seem fit; and the Certificate of the said Commissioners, certifying the Amount of the Costs, Charges, and Expenses so incurred as aforesaid, shall be taken as Proof in all Proceedings at Law and in Equity of the Amount of such respective Costs, Charges, and

Commissioners may require Promoters to make a Deposit.

Certificate of Commissioners to be taken as Proof in

Expenses: Provided always, that it shall not be lawful to include in such Certificate any Charge for the Attendance of any Persons who may voluntarily present themselves before such Inspector or Inspectors for Examination by him or them under the Provisions herein-before contained: Provided also, that it shall be lawful for the said Inspector or Inspectors, where he or they shall be of opinion that the Inquiries under this Act have been prolonged by frivolous or vexatious Opposition of any Person or Persons, to direct, by a Certificate under the Hand or Hands of such Inspector or Inspectors, that a Sum of Money, in such Certificate to be mentioned, be paid by such Person or Persons to the Promoters of the proposed Act, in respect of the increased Costs, Charges, and Expenses under this Act occasioned by such frivolous or vexatious Opposition; and in such Case the Promoters, or such of them as shall have paid the whole of such Costs, Charges, and Expenses to the said Commissioners, shall be entitled to sue for and recover the Sum mentioned in such last-mentioned Certificate, as Money paid to the Use and at the Request of the Person or Persons by such Certificate directed to pay the same.

Proceedings at Law.

Inspectors may charge a Portion of the Expenses on Opponents.

VIII. And be it enacted, That it shall be lawful for the said Commissioners (whenever they may think it necessary or proper so to do) to charge any Person or Persons, Joint Stock Company, Municipal Corporation, or other Body appearing as Opponents to any proposed Act, with such Proportion of the Costs, Charges, and Expenses incurred in respect of such local Examination, Survey, or Inquiries, or otherwise, as aforesaid, as the said Commissioners may think fit, and likewise to require such Person or Persons, Joint Stock Company, Corporation, or other Body to deposit any Sum of Money, or to give such other Security for the Payment of the said Costs, Charges, and Expenses, as to the said Commissioners shall seem fit.

Commissioners may charge Opponents to proposed Act with a Proportion of Costs of Inquiries, &c.

IX. And be it enacted, That where it is intended to make Application to Parliament for an Act relating to any Port or Harbour, or to any tidal Water, or to any navigable River, or in any Manner directly or indirectly affecting the Navigation of such Port, Harbour, tidal Water, or navigable River, a Statement in Duplicate, with such Copy of Plans, Sections, Books of Reference, or other Documents as aforesaid, shall be sent or delivered to the Lord High Admiral, or to the Lords Commissioners for executing the Office of Lord High Admiral, in the Manner herein-before directed for sending or delivering such Statement and Documents to the Office of the first-mentioned Commissioners, in the Case of the Intention to make Application to Parliament for the other Acts above specified; and the Lord High Admiral or the said Lords Commissioners may, where he or they shall deem it necessary or expedient, cause the like Examination, Survey, and Inquiries to be made by an Inspector or Inspectors, and shall have the same Powers with respect to such Examination, Survey, and Inquiries in relation to the proposed Acts to which the Statement to be sent or delivered to him or them shall relate, as herein-before enacted, in regard to the said first mentioned Commissioners, with respect to the Acts in relation to which a Statement is to be sent or delivered

Notice to be given to the Admiralty where Applications relate to Ports or navigable Rivers.

delivered to them; and the Inspector or Inspectors who may be appointed by such Lord High Admiral or Lords Commissioners shall, in relation to the Purposes of their Appointment, have the same Powers and Authorities as the Inspector or Inspectors appointed by such first-mentioned Commissioners, in relation to the Purposes of their Appointment, as if all the Provisions herein-before enacted in regard to the first-mentioned Commissioners and the Inspector or Inspectors by them appointed, with respect to the Cases in which they respectively are authorized to act, had been repeated in regard to such Lord High Admiral or Lords Commissioners as aforesaid, and the Inspector or Inspectors appointed by him or them, with respect to the Cases in which he or they respectively are authorized to act as aforesaid: Provided nevertheless, that such Lord High Admiral or Lords Commissioners shall not be required to lay the Reports of the said Inspectors before the Houses of Parliament unless such Reports be specially called for by either House, but such Lord High Admiral or Lords Commissioners shall report to Parliament, under the Hand of his or their Secretary for the Time being, on every such Act touching the Jurisdiction or Authority of the Lord High Admiral.

Inquiry may be made after Time limited by Permission of either House of Parliament.

X. And be it enacted, That in case either House of Parliament shall order that an Examination, Survey, and Inquiries be made in reference to any such Application to Parliament as herein-before mentioned by an Inspector or Inspectors, the first-mentioned Commissioners, or the said Lord High Admiral or Lords Commissioners, as the Case may be, shall thereupon appoint an Inspector or Inspectors, and such Inspector or Inspectors shall make the like Examination, Survey, Inquiries, and Report, in the same Manner, and shall have the same Powers and Authorities in relation thereto, as if he or they had been appointed as herein-before provided; and the Report of such Inspector or Inspectors, or the Report of the Lord High Admiral or Lords Commissioners, shall be laid before or made to both Houses of Parliament within such Time as by such Order shall be directed; and all the Provisions herein-before contained with reference to Surveys, Examinations, and Inquiries, and Costs, Charges, and Expenses, shall be applicable to the Examination, Survey, and Inquiries directed by every such Order as aforesaid, and the Costs, Charges, and Expenses thereof.

Interpretation of Act.

XI. And be it enacted, That in this Act Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing the Masculine Gender shall include Females; and any Act directed or authorized to be done by the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works, and Buildings may be done either by the Chief Commissioner or by any Two of the said Commissioners; and the Persons whose Names shall be subscribed to any Statement which may be sent or delivered to or at the Office of the said Commissioners, or to the said Lord High Admiral or Lords Commissioners, shall be deemed to be Promoters of the proposed Act thereby referred to for all the Purposes.

Persons signing Statements to be deemed Promoters.

of this Act, notwithstanding the Persons subscribing such Statement shall have signed for and on behalf of any other Party.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

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