Railway and Canal Traffic (Amendment) Act (Northern Ireland) 1930 [F1]

[F2]1930 CHAPTER 10

An Act to amend section forty-five of the Railway and Canal Traffic Act, 1888, in its application to the abandonment of unnecessary canals in Northern Ireland, and for purposes connected therewith. [17th June 1930]

Annotations:

F1 Functions transf., SRO (NI) 1963/29; 1964/205; 1972/111

F2 Certain functions transf. by SR 1999/481

Modifications etc. (not altering text)

C1 Act: transfer of functions (8.5.2016 for specified purposes) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 3 Pt. 2** (with art. 9(2))

1 Amendment of s.45 of 1888 c.25, as to abandonment of unnecessary canals.

Section forty-five of the Railway and Canal Traffic Act, 1888 (in this Act referred to as "the principal enactment") shall, in its application to the abandonment of unnecessary canals in Northern Ireland, have effect subject to the following amendments:—

(a) A warrant of abandonment shall not be granted unless the proprietors of the canal have given security, to such amount and in such manner as the Ministry of Commerce may require, for the making of compensation to all persons who may be determined under this Act to be entitled to compensation by reason of the abandonment of the canal;

(b) An order of the Ministry of Commerce under sub-section (1) of the principal enactment (in this Act referred to as "an order of release") may make provision for all or any of the following matters, in addition to the matters mentioned in the said sub-section:—

(i) For releasing the canal, or any land held by the proprietors thereof (whether in connection with the canal undertaking or not), from any statutory or other liability to forfeiture or reverter or other similar

Changes to legislation: *There are currently no known outstanding effects for the Railway and Canal Traffic (Amendment) Act (Northern Ireland) 1930. (See end of Document for details)*

liability attaching thereto as against the proprietors in consequence of the abandonment of the canal;

(ii) For vesting, with the consent of the proprietors and of the person, body or department in whom it is proposed to vest, the canal or any part thereof, or any land held by the proprietors in connection therewith, in such person, body of persons, or government department and upon such conditions, as may be specified in the order of release;

(iii) For any other matters which may appear to the Ministry of Commerce to be necessary or proper for carrying the order of release into effect;

(c) An order of release shall not be made unless the provisions of this Act as to the assessment of compensation have been complied with, and any compensation awarded under those provisions has been made to the persons entitled thereto or, if any such person dies, refuses to accept the compensation to which he is entitled, or cannot be ascertained, or any other like difficulty arises, has been paid or transferred to the Ministry of Commerce to be held on behalf of such person or his representatives in accordance with regulations to be made under sub-section (8) of the principal enactment.

Para.(d) rep. by SLR (NI) 1953

(e) In the principal enactment and in this Act references to a canal, in the case of a canal which is not wholly situate in Northern Ireland, shall be construed as referring to so much of the canal as is so situate.

2 Effect of proceedings under the principal enactment.

(1) In the case of an unnecessary canal, a warrant of abandonment may be granted and an order of release may be made, and shall have full effect, under the principal enactment, notwithstanding any provision in any local or personal Act passed before the passing of this Act (whether before or after the commencement of the principal enactment).

(2) Neither the application of the proprietors for a warrant under the principal enactment authorising the abandonment of an unnecessary canal, nor the issue of such warrant by the Ministry of Commerce, nor anything done in connection with the application for, or issue of, such warrant and before the making of an order of release, shall be deemed, for the purposes of any local or personal Act relating to such canal or to the proprietors thereof, to be the doing of an act or thing giving rise to the forfeiture by the proprietors, or the reverter, of the canal or any part thereof, or of any land held by the proprietors (whether in connection with the canal undertaking or not), or affecting the title of the proprietors to the same, or giving rise to any similar liability or consequence as against the proprietors.

3 Provisions as to compensation.

Compensation shall be made, under and subject to the following provisions of this section, to all persons entitled to compensation by reason of the abandonment of an unnecessary canal under the authority of a warrant in pursuance of the principal enactment, that is to say:—

(a) The amount of compensation payable to any such person shall in default of agreement be assessed by an arbitrator to be agreed upon by the parties, or in default of such agreement to be appointed by the Ministry of Commerce;

(b) The expenses of the arbitration shall be defrayed by the proprietors of the canal, except so far as the Ministry of Commerce may otherwise direct;