

1920. No. 200.

The following rules are made by virtue of the power in that behalf conferred by Section 29 of the Ministry of Transport Act, 1919 (9 & 10 Geo. 5, c. 50), and shall be complied with in respect of any Order or Order in Council which proposes to authorise the compulsory acquisition or use of lands or easements, or the breaking up of roads, or the construction of works (in these rules referred to as the "proposed Order").

Notices by Advertisement and to Parties Interested.

1. Public notice shall be given of the proposed Order, stating its objects and, in cases where the proposed Order will authorise the compulsory acquisition of lands or the construction of works, describing the lands to be taken and the works to be made, and stating all the Counties, and in England and Wales and Ireland the Boroughs, Urban and Rural Districts, and in Scotland the Burghs and, if the County is divided into Districts the District of the County in which such lands or any part thereof are situate, or in which the works or any part thereof may be made, and such notice shall also specify the manner in which and the date by which objections may be made to the proposed Order.

2. Where the work proposed is a tramway or light railway and involves the laying of rails on streets or roads so that for a distance of thirty feet or upwards there shall be a less space than 9 feet and 6 inches, or, if vehicles adapted for use on railways are to be run thereon, 10 feet and 6 inches between the outside of the footpath and the nearest rail of the tramway or light railway, the notice shall describe such places. The notice shall also specify the gauge to be adopted and the motive power to be employed.

3. The notice shall be published once in the London, Edinburgh or Dublin Gazette as the case may require and also as follows, namely:—

In the case of a proposed Order relating specially to any particular borough or urban or rural district, once in some newspaper published or circulating in that borough or district.

In the case of any other Order, once in some newspaper published or circulating in each of the counties in which any lands may be taken or used compulsorily or any works may be constructed and, where the proposed Order relates to an existing undertaking, once in some newspaper published or circulating in the county in which the principal office of that undertaking is situate.

Every publication in a newspaper under this rule shall be made within 7 days of the publication in the Gazette of the notice for the proposed Order.

4. Within 7 days after the date of the first publication of the notice of the proposed Order a notice in writing shall be sent by registered post to the owner, lessee and occupier (which expression where used in these rules shall mean a ratepayer and any person who, not being a ratepayer, has an interest in the property not less than that of a quarterly tenant) of all lands which may be taken or used compulsorily under the proposed Order specifying the lands to be taken and the purposes for which they are intended to be used.

5. Where the works to be constructed comprise any tramway, or light railway in a street or road, notice in writing shall in like manner be sent to the owner, lessee and occupier of every house, shop or trade premises abutting upon any part of the street or road where for a distance of 30 feet or upwards a less space than 9 feet and 6 inches will intervene between the outside of the footpath and the nearest rail of the tramway, or light railway, or, if it is intended to run thereon vehicles adapted for use on railways, a less space than 10 feet and 6 inches will so intervene.

6. In any case where under the proposed Order water may be abstracted from any stream for the purpose of any canal or navigation, notice in writing shall in like manner be given to the owners, lessees and occupiers of all mills and manufactories or other works using the waters of such stream and situate within 20 miles (measured along the course of the stream) below the point of proposed abstraction, or between that point and the point where such stream becomes navigable, whichever is the less distance.

7. Every notice published in the Gazette and newspapers, and every notice sent to any owner, lessee or occupier under these rules, shall state the place or places where plans, sections and books of reference have been deposited for public inspection; and the place or places where copies of the proposed Order will be obtainable; and the manner in which, and the time within which objections to the grant of the powers of the proposed Order may be made in accordance with the provisions of these rules.

Deposit of Plans, &c.

8. Where the proposed Order is intended to authorise the compulsory acquisition or use of lands a plan with a book of reference thereto and where the proposed Order seeks to authorise the construction of works also a section of such works (such plan, section and book of reference being prepared as hereinafter mentioned), shall be deposited for public inspection at the following places:—

At the office of the Clerk of the Peace in England and Wales, of the principal Sheriff Clerk in Scotland, or of the Clerk of the Crown and Peace in Ireland, as the case may be, of every county riding and division in which works may be made or lands taken or used compulsorily.

At the office of every Municipal Corporation, Urban or Rural District Council in England and Wales and Ireland

and of every Town Council in Scotland in whose district works may be made or lands taken or used compulsorily.

At the office of the Parish Council (if any), and, if none, with the Chairman of the Parish Meeting, of every rural Parish in England and Wales in which works may be made or lands taken and used compulsorily.

9. Where any tidal lands within the ordinary spring tides are affected a copy of such plans, section and book of reference, together with an ordnance map on a scale of not less than 1 inch to the mile, on which the work affecting tidal lands shall be accurately laid down, shall be deposited at the Marine Department of the Board of Trade, and on such copy of the plans all tidal waters shall be coloured blue, and if any bridge across tidal waters is proposed to be authorised the dimensions as regards span and headway of the nearest bridges (if any) across such tidal waters above and below the proposed bridge shall be marked thereon.

10. Where the works intended to be authorised under any proposed Order are to be situate on the banks, bed or foreshore of any river, a copy of so much of the plans and sections as relates to such river shall be deposited with the Minister of Agriculture and Fisheries, with the Secretary for Scotland, or with the Irish Office and Department of Agriculture and Technical Instruction for Ireland, as the case may require, and if there be a Board of Conservators for the river, at the Office of that Board.

11. Where power is sought under any proposed Order to take a Churchyard, Burial Ground, or Cemetery, or any part thereof, or to disturb the bodies interred therein, or where power is sought to take any common or commonable land, a copy of so much of the plans, sections and book of reference as relates to such Churchyard, Burial Ground or Cemetery, or common or commonable land, shall be deposited at the Home Office, or if in Scotland at the office of the Secretary for Scotland, and a copy of so much of the plans, sections, and book of reference as relates to such common or commonable land, shall be deposited with the Minister of Agriculture and Fisheries, or if in Scotland at the office of the Board of Agriculture for Scotland.

12. Wherever any plans, sections, maps and books of reference are required by these rules to be deposited, a copy of the notice for the proposed Order as published or proposed to be published in the Gazette shall be deposited therewith.

13. Every deposit of plans, sections, maps or books of reference required by these rules shall be made on or before the date of the first publication of the notice for the proposed Order.

Mode of Application.

14. The application for the proposed Order must be made by Memorial signed or sealed by the applicants and addressed to the Minister of Transport, stating the parties upon whom the powers of the proposed Order will be conferred and the date or dates on which and the newspapers in which the Notices for the proposed Order have been or are intended to be published.

The Memorial must be lodged on or before the date of the first publication of the Notice for the proposed Order, and must be accompanied by—

- (a) Six printed copies of the proposed Order. The Order must be printed on one side only of the paper, and each Schedule annexed must begin a new page, and the names and addresses of the Solicitors and Agents (if any) must appear on the outside of the proposed Order.
- (b) Six copies of the plans, sections, and book of reference, of the notice as published or proposed to be published, of the estimate of expense, and of an ordnance map on a scale of 6 inches to the mile in the case of a tramway or light railway in a street or road or trolley vehicle system and of 1 inch to the mile in the case of other works, with the line of tramway, light railway or trolley vehicle system or works laid down thereon, or (if lands only are to be acquired) on a scale of 6 inches to the mile with the situation and extent of the lands marked thereon.
- (c) A fee of £50 by cheque payable to the Secretary of the Ministry of Transport to cover the ordinary expenses of settling the Order. (This fee will not necessarily cover the cost of enquiries or other matters arising out of the application.)

Deposit of Copies of the Proposed Order.

15. Not later than the seventh day after the first publication of the notice for the proposed Order a printed copy of the proposed Order shall be deposited for public inspection at the offices at which the plans, sections and book of reference were deposited for public inspection in conformity with these rules, and printed copies of the proposed Order shall be placed on sale at the place or places mentioned in the notices for the proposed Order at a reasonable price not exceeding (without permission of the Minister of Transport) one shilling per copy.

16. Within the same period two printed copies of the proposed Order shall be deposited as follows:—

At the Private Bill Office of the House of Commons and at
The Parliament Office of the House of Lords and
With His Majesty's Treasury and
The General Post Office.

If the same relates to England and Wales with
The Home Office and
The Ministry of Health.

If the same relates to Scotland with
The Secretary for Scotland.

If the same relates to Ireland with
The Irish Office.

If the same relates to tidal lands within the ordinary spring tides or to tidal waters with
The Marine Department, Board of Trade.

- If the same authorises abstraction of water from a stream for the purpose of a canal or navigation with
The Minister of Agriculture and Fisheries and
The Conservators (if any) of the river affected.
- If the same authorises the acquisition of common or commonable land with the Minister of Agriculture and Fisheries or (if in Scotland) with the Board of Agriculture for Scotland.
- If the same affects Crown Property with
The Commissioners of Woods and
The Commissioners of Works or (if in Ireland) The Commissioners of Public Works in Ireland.
- If the same affects the Duchies of Cornwall or Lancaster with
The Office of the Duchy affected.
- If the same proposes the construction of any work in the county of London with
The London County Council.
- If the same involves interference with roads (otherwise than for works shown on the plans and sections) with
Every road authority affected.

Estimate of Expense.

17. An estimate of the expense of any works to be authorised by the proposed Order shall be made and signed by the person making the same, and if the works include any railway, tramway, light railway, tramroad, trolley vehicle system, canal, dock or harbour, the estimate of the expense thereof shall be in the appropriate form set out in the Appendix to these rules or as near thereto as circumstances permit.

Form and Contents of Plans, Sections and Book of Reference.

18. The plans and sections and the book of reference to the plans shall be in the same form and contain the same information as would be required by the Standing Orders of the House of Commons relative to Private Bills, had the powers sought by the proposed Order been contained in a Private Bill presented to Parliament.

Objections and Procedure thereon.

19. Any person desirous of objecting to a proposed Order must do so by a memorial addressed to the Minister and printed or type-written on one side only of foolscap paper.

20. Any memorial objecting to a proposed Order must be sent by registered post addressed to The Secretary, Ministry of Transport, 6, Whitehall Gardens, London, S.W.1., and posted not later than the 28th day after the date on which the last publication of the notice for the Order shall have appeared in the newspapers.

21. Every such memorial shall be sealed or signed by the party objecting or by some responsible and duly authorised person on his behalf. It shall state the interest of the party objecting in the subject matter of the proposed Order, and shall state concisely the objections to the proposed Order.

22. Should the Minister decide to hold an enquiry into the merits of any proposed Order, not less than ten clear days' previous notice in writing addressed to the parties applying for the proposed Order or their agents, and to the parties objecting to the proposed Order or their agents, shall be given of the time and place of any such enquiry.

Miscellaneous.

23. The proposed Order when deposited at the Ministry of Transport must be accompanied by a copy of every private or local Act, charter, deed or other document of like nature referred to in the Order, or which may be directly affected by any of the provisions thereof, and in the case of a limited Company by a printed copy of the Memorandum and Articles of Association and of any registered special resolution and in the case of any other Company, by the deed, instrument or Act incorporating the Company.

24. Proof of compliance with these rules will require to be given within such time after the deposit of the proposed Order as the Minister of Transport may fix, but not less than six days' notice will be given of the time and place at which such proof must be produced. Proof will also be required that the provisions of Standing Order 39 of the Standing Orders of both Houses of Parliament have been complied with.

All such proofs of compliance must be given by Statutory declaration.

25. Where a proposed Order is submitted by a Local Authority, proof will be required that such proposed Order has been submitted in pursuance of a resolution passed at a special meeting of the Local Authority held after 10 days' previous notice of the same and of the purpose thereof has been given in the manner in which notices of meetings of such Local Authority are usually given.

26. When a proposed Order has been approved by the Minister, a notice of the approval of the same shall be published as an advertisement once in the London, Edinburgh or Dublin Gazette, as the case may be, and once in each newspaper in which the original advertisement of the proposed Order was published. The notice shall give the name of the office where printed copies of the proposed Order are on sale at a reasonable price not exceeding (without permission of the Minister of Transport) one shilling per copy.

27. When a proposed Order has been approved and before it is made, a copy of the Gazette and of each local newspaper containing the notices of the approval of the Order shall be deposited at the Ministry of Transport.

28. These rules may be cited as "The Ministry of Transport (Preliminary Procedure) Rules, 1920," and shall come into operation from the date thereof.

Given under the Seal of the Minister of Transport this
Fifth day of February, 1920.

APPENDIX.

FORMS OF ESTIMATE OF EXPENSE.

(A) FORM TO BE USED IN THE CASE OF A RAILWAY LIGHT RAILWAY OR TRAMROAD NOT LAID ALONG A ROAD OR STREET.

Estimate of proposed.....Railway.

RAILWAY NO.

MLS. FGS. CHS.

}

Whether
single or
double.

1. Length of line

Gauge ft. inches.

Construction of Line :

	Cubic yards.	Price per yard.	£ s. d.	£ s. d.	£ s. d.
Earthworks—					
Cuttings—Rock ...					
Soft soil ...					
Roads ...					
Total					

Embankments including roads Cubic Yds.

Bridges, other than accommodation Bridges, No.

Accommodation bridges and works

Viaducts No.

Tunnels Lin. Yds.

Culverts and drains

Metalling of roads and level crossings

Fencing and gates

Gatekeepers' houses at level crossings, No.

MLS. FGS. CHS.

Cost per
mile.
£ s. d.

Permanent way :

Single at

Double at

Permanent way for sidings and cost of junctions

Passenger and goods stations No.

Engine sheds, coaling stages, water supplies, &c.

Signalling apparatus

Telegraphic apparatus

Electrical equipment (including posts, cables, wires, &c., but not including rolling stock).

Contingencies at per cent.

Total for construction of Railway No.

A. R. F.

Land and buildings

Total for construction of Railway No. and of acquisition of land and buildings. £

When any Order contains more than one Railway, the same details under Section No. 1 must be given for each railway and a general summary of the total cost.

2. Generating Stations or Sub-Stations

3. Interest on capital during construction

4. Sundries :

.....
.....

Total estimated cost £

(B) FORM TO BE USED IN THE CASE OF A TRAMWAY OR LIGHT RAILWAY LAID ALONG A ROAD OR STREET.

Estimate of proposed.....Tramway.

TRAMWAY NO. .

				MLS.	FGS.	CHS.	} Whether single or double.	
1.	Length of line		
	Gauge	ft.	inches.					
	Construction of line :							
	Accommodation works	...	...	...	...	£ s. d.	£ s. d.
	Alteration of bridges, culverts and drains	...	...	...	...
	Widenings and making up of roads (exclusive of acquisition of lands).	...	...	...	...
	Metalling and paving of track	...	...	...	...
				MLS.	FGS.	CHS.		
	Permanent way :					Cost per mile.		
	Single	...	...	at		£ s. d.	
	Double	...	...	at			
	Cost of junctions	...	...	...	...
	Shelters at stopping places	...	...	...	...
	Electrical equipment (including posts, cables, wires, &c., but not including rolling stock).	...	...	...	...
	Contingencies at	per cent.	...	...	...
	Total for construction of Tramway No.							
	Land and buildings	...	...	...	A. R. Y.		
	Total for construction of Tramway No. and acquisition of land and buildings						£	
When any Order contains more than one Tramway, the same details under Section No. 1 must be given for each Tramway and general summary of the total cost.								
2.	Operating Stations or Sub-Stations	...	...	...	...
3.	Interest on capital during construction	...	...	...	...
4.	Sundries :	.....	.....	.....	.....
	Total estimated cost						£	

(C.) FORM TO BE USED IN THE CASE OF HARBOURS, DOCKS AND PIERS.
 Estimate of cost of proposed.....Works (Harbour, Dock or Pier).

Particulars of principal dimensions
 of Dock, Harbour or Pier and
 nature of construction.

1. Particulars of cost of Work No.

£

	Average rate price.	Quantity.	£
Excavation—			
(a) In rock		c. yds.	
(b) In other material... ..		c. yds.	
Filling		c. yds.	
Masonry		c. ft.	
Brickwork		c. ft.	
Concrete		c. yds.	
Reinforced Concrete		c. ft.	
Timber Work		c. ft.	
Steel and Iron Work		tons.	
			£

NOTE.—Where any Order contains more than one work, separate estimates are to be given in respect of each work with a general summary of the total cost.

	Average rate price.	Quantity.
2. Embankments and Reclamations ...		
3. Dredging (at per cubic yard <i>in situ</i>) ...		
4. Roadways		
5. Paving		
6. Railways		
7. Crane Roads		
8. Bridges (giving Nos.)		
9. Caissons, Dockgates, Penstocks and Sluices.		
10. Pump Wells, Culverts and Subways not included in any work under 1 above.		
11. Capstans, Bollards, Fairleads and Moorings.		
12. Machinery, Cranes, etc. '		
13. Pumping Stations		
14. Generating Stations or Sub-Stations...		
15. Buildings other than those included in 13 and 14.		
16. Hydraulic Mains		
17. Electric Power and Lighting Mains ...		
18. Telegraphs and Telephones		
19. Water Supply and Reservoirs		
20. Sewerage and Drainage		
21. Dams and other temporary works ..		
22. Other items not included in the above		

Contingencies at per cent....
 A. R. P.

23. Land and Buildings
 Total cost of construction of work No.....
 and acquisition of land and buildings £

24. Interest on Capital during construction
 Total estimated cost of Work No..... £

(D.) FORM TO BE USED IN THE CASE OF CANALS, WATERWAYS AND INLAND NAVIGATIONS.

Estimate of Cost of proposed.....Works { Canal, Waterway or Inland Navigation.

Particulars of principal dimensions of Canal, Waterway or other work, and nature of construction. }

1. Particulars of cost of Work No.

£

	Average rate price.	Quantity.	£
Excavation—			
(a) In rock ... ..		.....c. yds.	
(b) In other material .....		.....c. yds.	
Filling ... ..		.....c. yds.	
Masonry ... ..		.....c. ft.	
Brickwork ... ..		.....c. ft.	
Concrete ... ..		.....c. yds.	
Reinforced Concrete ... ..		.....c. ft.	
Timber Work ... ..		.....c. ft.	
Steel and Iron Work ... ..		..... tons	

NOTE.—Where any Order contains more than one work, separate estimates are to be given in respect of each work, with a general summary of the total cost.

£

	Average rate price.	Quantity.
2. Embankments		
3. Cuttings in Rock		
4. Cuttings in other material		
5. Dredging (at per cubic yard <i>in situ</i>)		
6. Roadways		
7. Paving		
8. Railways... ..		
9. Machinery, Cranes, &c.		
10. Pumping Stations		
11. Generating Stations and Sub-stations		
12. Buildings other than those included in 10 and 11		
13. Hydraulic Mains		
14. Electric Power and Lighting Mains		
15. Telegraphs and Telephones		
16. Water Supply and Reservoirs... ..		
17. Sewerage and Drainage		
18. Dams and other temporary works		
19. Other items not included in the above		

£

Contingencies at per cent....

A. R. P.

£

20. Land and Buildings
Total cost of construction of Work No. and acquisition of land and buildings. £

21. Interest on Capital during Construction
Total estimated cost of Work No ... £