CHAPTER lx.

An Act to extend the time for the purchase of land for and completion of the Bexley Heath Railway and for other purposes. [28th June 1888.] A.D. 1888.

WHEREAS the Bexley Heath Railway Company (herein-after called "the Company") were incorporated by the Bexley Heath Railway Act 1883 (herein-after called "the Act of 1883") with power to make the railways in that Act mentioned:

And whereas by the Bexley Heath Railway Act 1886 (herein-after called "the Act of 1886") the Company were authorised to make a new road and sewer in connexion with their railway and the time for the purchase of land and completion of the railway was extended:

And whereas by the Bexley Heath Railway Act 1887 (herein-after called "the Act of 1887") the Company were authorised to extend their railway to Blackheath and abandon the portion thereof and junction near Lee:

And whereas it is expedient that the periods limited by the recited Acts for the purchase of lands and for the construction and completion of the railways therein mentioned should be respectively extended:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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 as follows (that is to say):—

Short title.

1. This Act may be cited as the Bexley Heath Railway Act 1888.

Incorporation of Act.

2. The provisions of Part II. (relating to extension of time) of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act.

[*Price* 6*d*.]

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Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Extending time for compulsory purchase of lands.

4. The powers granted to the Company by the Act of 1883 and extended by the Act of 1886 for the compulsory purchase of land are hereby further extended and may be exercised for and during a period of two years from the twentieth day of August one thousand eight hundred and eighty-eight and the compulsory powers granted for the same purpose by the Acts of 1886 and 1887 respectively are hereby extended and may be exercised for and during a period of one year from the twenty-fifth day of June one thousand eight hundred and eighty-nine and on the expiration of those respective periods the said powers shall cease.

Extension of time for completing railways.

5. The time limited by the Act of 1883 for the completion of the railway thereby authorised as extended by the Act of 1886 is hereby further extended for a period of two years from the twentieth day of August one thousand eight hundred and ninety and the time limited by the Act of 1886 for the completion of the works thereby authorised is hereby extended for a period of one year from the twenty-fifth day of June one thousand eight hundred and ninety-one and on the expiration of those periods the powers granted to the Company by the said Acts for executing the railway and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Restriction on displacing persons of the labouring class.

6. (1.) The Company shall not under the powers of this Act the Act of 1883 the Act of 1886 or the Act of 1887 so far as the same are respectively extended by this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or have since been occupied either wholly or partially

by persons belonging to the labouring class as tenants or lodgers unless and until—

(A.) They shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) They shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2.) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State or the Local Government Board (as the case may be) has or have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as he or they may see fit.

(4.) Any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme under this section or of any modifications of any such scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing pro-

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visions or displace or cause to be displaced the persons residing in any such house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board (as the case may be) by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have powers to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands outside the metropolis by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purposes of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he or they may see fit.

(8.) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855

and the Metropolis Management Act 1855 and any Act or Acts amending the same respectively.

(9.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(10.) The said Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(11.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(12.) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(13.) The expression "labouring class" in this section includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Saving for Sir Henry Page-Turner Barron Baronet.

7. Nothing in this Act shall extend to prejudice diminish or alter any of the provisions for the protection of the estate of Sir Henry Page-Turner Barron Baronet contained in section 5 of the Act of 1886 or in section 19 of the Act of 1887 or in the agreement set forth in the schedule to the Act of 1886 and confirmed by section 26 of that Act or in an agreement between Sir Henry Page Turner Barron Baronet and the Company dated sixteenth March one thousand eight hundred and eighty-seven Provided that the

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extended times granted by this Act for the completion of the railways shall be substituted for the times specified in the said agreements for the completion of the railways and works therein referred to.

Provision as to general railway Acts.

8. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

9. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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