CHAPTER xlv.

An Act to enlarge the time for opening the Brighton and Dyke Railway for the public conveyance of passengers. A.D. 1886.

[4th June 1886.]

WHEREAS by the Brighton and Dyke Railway Act 1877 (in this Act referred to as "the Act of 1877") the Brighton and Dyke Railway Company (in this Act called "the Company") were incorporated and authorised to make a railway between Brighton and the Dyke in the county of Sussex:

And whereas by the Brighton and Dyke Railway Act 1881 (in this Act called "the Act of 1881") the powers of the Company for the compulsory purchase of lands were revived and extended to the second day of August one thousand eight hundred and eighty-three and the time for completing the railway was extended to the second day of August one thousand eight hundred and eighty-five:

And whereas by the Brighton and Dyke Railway (Deviation) Certificate 1885 (in this Act called "the Certificate of 1885") the Company were empowered to deviate a portion of the railway authorised by the Act of 1877 and to make approach roads in connexion therewith and the time for constructing such deviation and roads was limited to two years from the first day of June one thousand eight hundred and eighty-five:

And whereas the portion of railway authorised by the Act of 1877 which has not been deviated under the authority of the Certificate of 1885 cannot be opened and worked with any advantage before the portion so deviated is also completed:

And whereas the sum of three thousand one hundred and sixty-two pounds one shilling Consolidated Three Pounds per Centum Bank Annuities was transferred to the Paymaster General for or on behalf of the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for the Act of 1877 and it was provided by that Act (section 34) that the said annuities should not be paid or transferred to or on the application of the person or persons or the majority of the persons named in

A.D. 1886.

the warrant or order issued in pursuance of the Act 9 Victoria chapter 20 or the survivors or survivor of them unless the Company should previously to the expiration of the period limited by the Act of 1877 for the completion of the railway either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company had paid up one half of the amount of the capital by that Act authorised to be raised by means of shares and had expended for the purposes of that Act a sum equal in amount to such one half of the said capital:

And whereas it is expedient that subject to the provisions of this Act the time limited for opening for the public conveyance of passengers so much of the railway as was not authorised to be deviated by the Certificate of 1885 should be revived and enlarged to the first day of June one thousand eight hundred and eighty-seven when the deviated portion is also to be completed and opened:

And whereas the proportion of the said annuities applicable to that part of the railway which was deviated under the authority of the Certificate of 1885 and the time for completing which will not expire until the first day of June one thousand eight hundred and eighty-seven is one thousand two hundred and twenty-four pounds nineteen shillings and the proportion applicable to the other part of the railway not so deviated the time for completing which expired on the second day of August one thousand eight hundred and eighty-five is one thousand nine hundred and thirty-seven pounds two shillings and such last-mentioned sum is now liable to be forfeited but having regard to all the circumstances it is expedient that such liability should be removed and that the whole of the said sum of three thousand one hundred and sixty-two pounds one shilling should remain under the control of the Chancery Division as security for the completion and opening of the railway as herein-after provided:

And whereas the objects 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:

Short title.

1. This Act may be cited as the Brighton and Dyke Railway Act 1886.

Extending to Act Part II. of Railways Clauses Act 1863.

2. Part II. of the Railways Clauses Act 1863 (relating to extension of time) is incorporated with and forms part of this Act.

A.D. 1886.

Interpretation.

3. In this Act the words and expressions to which meanings are assigned by the Acts of 1877 and 1881 and the Act partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Extending time for completing portion of railway.

4. The time limited by the Act of 1877 as extended by the Act of 1881 for opening for the public conveyance of passengers so much of the railway authorised by the first-mentioned Act as is not authorised to be deviated by the Certificate of 1885 is hereby revived and enlarged to the first day of June one thousand eight hundred and eighty-seven and the Act of 1877 shall be read and construed as if the enlarged period granted by this Act for opening the railway for the public conveyance of passengers was the time limited for the same purpose by that Act.

Provision as to deposit money.

5. Notwithstanding anything contained in the Act of 1877 the portion of the sum of three thousand one hundred and sixty-two pounds one shilling Consolidated Three Pounds per Centum Bank Annuities therein mentioned which may now be liable to forfeiture shall not be forfeited to Her Majesty as provided by that Act but the said sum shall remain as security for the completion of the railway as if no portion thereof had been liable to forfeiture Be it therefore enacted that notwithstanding anything contained in the Act of 1877 the said annuities shall not be paid or transferred to or on the application of the person or persons or the majority of the persons referred to in section 34 of that Act or the survivors or survivor of them unless the Company shall previously to the expiration of the period limited by the Certificate of 1885 and this Act for completion of the railway open the railway for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the said annuities which bears to the whole of such annuities the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division of the High Court of Justice in England shall on the application of the person or persons or the majority of the persons before referred to order the portion of the annuities so specified in the certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the Secretary or by an Assistant Secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the Act of the ninth and tenth years

A.D. 1886.

of Her present Majesty chapter twenty to the contrary notwithstanding.

Application of deposit in case railway not opened within extended time.

6. If the railway is not completed and opened for the public conveyance of passengers within the extended period by this Act granted to the Company for completing and opening the same then on the expiration of that period the powers by the recited Acts and Certificate and this Act conferred on the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed and the said annuities or so much thereof as shall not have been previously paid or transferred as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied in the manner and for the purposes prescribed by section 35 of the Act of 1877.

Provision as to general Railway Acts.

7. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or to 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 by any Act relating to the Company authorised.

Expenses of Act.

8. 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.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1886.