CHAPTER xxix.

An Act to extend the time for the purchase of land for and completion of the Brighton Rottingdean and Newhaven Direct Railway and for other purposes. A.D. 1889.

[24th June 1889.]

WHEREAS by the Brighton Rottingdean and Newhaven Direct Railway Act 1886 (in this Act referred to as "the Act of 1886") the Brighton Rottingdean and Newhaven Direct Railway Company (hereinafter called "the Company") were incorporated and empowered to make a railway from Brighton to Rottingdean and Newhaven in the county of Sussex:

And whereas by the Brighton Rottingdean and Newhaven Direct Railway Act 1887 (in this Act referred to as "the Act of 1887") the Company were authorised to make a new railway in Brighton and to lay down additional rails on portions of existing and authorised railways in order to avoid the construction of junctions and erection of signals in tunnel:

And whereas the powers granted by the Act of 1886 and the Act of 1887 for the compulsory purchase of lands will expire on the twenty-fifth day of June one thousand eight hundred and eighty-nine and the twenty-third day of August one thousand eight hundred and ninety respectively and the powers granted by the same Acts for the construction and completion of the railways and works will expire on the twenty-fifth day of June one thousand eight hundred and ninety-one:

And whereas it is expedient that the period limited by the Act of 1886 for the purchase of lands and the periods limited by that Act and the Act of 1887 for the construction and completion of the railways therein described 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

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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 Brighton Rottingdean and Newhaven Direct Railway Act 1889.

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.

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 the 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 1886 for the compulsory purchase of lands are hereby extended and may be exercised by the Company up to and including the twenty-third day of August one thousand eight hundred and ninety and on the expiration of that period those powers shall cease.

Extension of time for completing railways.

5. The time limited by the Act of 1886 and the Act of 1887 for the construction and completion of the railways and works thereby respectively authorised is hereby extended for a period of two years from the twenty-fifth day of June one thousand eight hundred and ninety-one and on the expiration of that period the powers granted to the Company by the said Acts for executing the railways and works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed and Sections 42 and 43 of the Act of 1886 and Sections 21 and 22 of the Act of 1887 shall be read and construed as if the extended period by this Act granted for the construction and completion of the said railways and works had been the period limited by the Act of 1886 and the Act of 1887 respectively.

Provisions respecting houses occupied by labouring class.

6. (1) The Company shall not under the powers of the Act of 1886 or the Act of 1887 or of this Act purchase or acquire in any 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 after the passing of this Act have been or on the fifteenth day

of December next before the passing of the Act of 1886 or the Act of 1887 or this Act as the case may be were 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 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 Local Government Board 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 Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board 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 Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4.) Any conditions subject to which the Local Government Board 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 Local Government Board 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 provisions or displace or cause to be displaced the persons residing in any 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 Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of

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the United Kingdom Provided that the court may if it thinks 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 power to acquire and may purchase such further lands as they may require and for the purposes of any such purchase sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands 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 purpose 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 indorsed with notice of this enactment Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six 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.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to

any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) 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.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artisans 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 of such persons who may be residing with them.

Provision as to general railway Acts.

7. 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 to be taken by the Company.

Costs of Acts.

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.

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