CHAPTER cxxvi.

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An Act to extend the time limited by the Dearne Valley Railway Act 1897 for the compulsory purchase of lands for and the completion of certain of the works thereby authorised to authorise the Dearne Valley Railway Company to abandon certain of their authorised works and to construct further works and for other purposes.

[30th July 1900.]

WHEREAS by the Dearne Valley Railway Act 1897 (hereinafter called "the Act of 1897") the Dearne Valley Railway Company (hereinafter called "the Company") were incorporated for the purpose of constructing and maintaining railways and other works in the West Riding of the county of York:

And whereas the period for the compulsory purchase of lands for the railways and works thereby authorised was limited to three years from the passing of that Act and the period for the completion of the works thereby authorised was limited as regards the railways thereby authorised to five years and as regards the dock and wharf thereby authorised to seven years respectively from the passing of that Act which received the Royal Assent on the sixth day of August one thousand eight hundred and ninety-seven:

And whereas it is expedient that the Company be authorised to abandon the construction of the Railways Nos. 2B and 2C authorised by the Act of 1897 and to construct the new railway by this Act authorised:

And whereas it is expedient that the periods respectively limited as aforesaid for the exercise of the Company's powers of compulsory purchase of lands for and for the completion of such of the railways and works authorised by the Act of 1897 as are not by this Act authorised to be abandoned should be extended:

And whereas by section 51 of the Act of 1897 after reciting that stock certificates to bearer representing twenty-five thousand nine hundred pounds two and three-quarters per centum consolidated stock being at the price at which the same was purchased equal to

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the aggregate of (A) five per centum upon the amount of the estimate for the railways originally proposed to be authorised by that Act and (B) four per centum upon the amount of the estimate for the other works by that Act authorised (hereinafter referred to as "the dock deposit fund") had been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for that Act and that the railways originally proposed to be authorised by the said Act included a railway on the plans and sections deposited for and referred to in the said Act called Railway No. 5 the powers for constructing which were struck out of the Bill for the said Act during its progress through Parliament and that the estimate for the said Railway No. 5 amounted to the sum of thirty thousand six hundred and ninety-five pounds and that of the above-mentioned certificates to bearer certificates representing one thousand three hundred and seventy-seven pounds were equal at the price at which the same were purchased to five per centum upon the said sum of thirty thousand six hundred and ninety-five pounds and that the remainder of the said certificates to bearer after deducting therefrom the dock deposit fund were equal at the price at which the same were purchased to five per centum upon the amount of the estimate for the railways authorised by the Act of 1897 (hereinafter referred to as "the railway deposit fund") it was enacted that the railway deposit fund should not be paid or transferred to or on the application of the depositors thereof unless the Company should previously to the expiration of the period limited by the said Act for the completion of the railway open the railway for the public conveyance of passengers:

And whereas the railways originally proposed to be authorised by the Act of 1897 include not only the Railway No. 5 referred to in section 51 of that Act but also a railway on the deposited plans and sections deposited for and referred to in that Act called Railway No. 1A the estimates for which amounted to six thousand and eighty-three pounds and the powers for constructing which were also struck out of the Bill for the said Act during its progress through Parliament:

And whereas of the stock certificates mentioned in section 51 of the said Act certificates representing two hundred and seventy-two pounds and eleven shillings were equal at the price at which the same were purchased to five per centum upon the said sum of six thousand and eighty-three pounds and it is expedient that provision be made for the return to the depositors mentioned in the said section 51 of the last-mentioned certificates and the interest and dividends thereon:

And whereas the amount of the estimate for the railway authorised by this Act is less than the aggregate amount of the estimates for the Railways 2B and 2C authorised by the Act of 1897 and by this Act authorised to be abandoned and it is expedient that the balance of the railway deposit fund after deducting therefrom the stock certificates by this Act authorised to be re-transferred to the depositors be made applicable for securing the completion of the railway by this Act authorised:

And whereas it is expedient that the Company be authorised to apply their existing funds and revenues for the purposes of this Act:

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are hereinafter respectively referred to as the deposited plans sections and books of reference:

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:—

Short title.

1. This Act may be cited as the Dearne Valley Railway Act 1900.

Incorporation of general enactments.

2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are hereby incorporated with and shall be part of this Act (that is to say):—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

Parts I. and II. of the Railways Clauses Act 1863 relating respectively to construction of a railway and to extension of time.

Interpretation.

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

Power to execute works shown on

4. Subject to the provisions of this Act the Company may make execute and maintain in the line or situation and within the limits of lateral deviation shown on the deposited plans and according to

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plans and sections.

the levels shown on the deposited sections the railway described in this section together with all necessary and convenient bridges viaducts rails sidings tunnels junctions stations approaches roads buildings yards and other works machinery and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes.

The railway hereinbefore referred to and authorised by this Act will be wholly situate in the West Riding of the county of York and is a railway (on the deposited plans and sections called Railway No. 2) in the parishes of Thurnscoe and Bolton-upon-Dearne in the rural district of Doncaster being three furlongs and six and a half chains or thereabouts in length commencing by a junction with Railway No. 2 authorised by the Act of 1897 and terminating by a junction with the Swinton and Knottingley Joint Railway.

Period for completion of railway.

5. If the railway hereinbefore described and authorised by this Act is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls on railway &c.

6. The railway by this Act authorised shall subject to the provisions of this Act in respect of tolls rates and charges and in all other respects be deemed to form part of the undertaking of the Company.

Power to take easements &c. by agreement.

7. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Restriction on taking houses of labouring class.

9. The Company shall not under the powers of this Act or under the powers of the Act of 1897 purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this

Act or as the case may be next before the passing of the Act of 1897 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers nor except with the consent of the Local Government Board ten or more houses in any city borough or urban district or any parish or part of a parish which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision 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 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.

For the purposes of this section the expression "labouring class" means 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 The expression "house" in this section means any tenement separately occupied by any person or persons.

Company to abandon certain railways authorised by Act of 1897.

10. The Company shall abandon and relinquish the construction of the Railways Nos. 2B and 2C authorised by the Act of 1897.

Compensation for damage to land by entry &c. for purposes of works abandoned.

11. The abandonment by the Company under the authority of this Act of the railways mentioned in the last preceding section shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1897.

Compensation to be made in respect of works abandoned.

12. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railways authorised to be abandoned by this Act the Company shall be

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released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extending period limited for purchase of lands for works of 1897 not abandoned.

13. The powers granted by the Act of 1897 for the compulsory purchase and taking of lands for the purposes of such of the railways and works authorised by that Act as are not by this Act required to be abandoned are hereby extended and may be exercised at any time within but shall not be exercised after the expiration of two years from the sixth day of August one thousand nine hundred.

Extending period limited for completion of un-abandoned works of 1897.

14. The period limited by the Act of 1897 for the completion of such of the railways and works authorised by that Act as are not by this Act required to be abandoned is hereby extended as regards the railways for the period of three years from the sixth day of August one thousand nine hundred and two and as regards the dock and wharf for the period of four years from the sixth day of August one thousand nine hundred and four.

Release of further portion of railway deposit fund of 1897.

15. On the application of the depositors at any time after the passing of this Act the High Court may order that certificates to bearer representing two hundred and seventy-two pounds and eleven shillings part of the railway deposit fund and the interest and dividends thereon shall be transferred to the depositors or any other person or persons whom the depositors may appoint in that behalf.

Applying balance of railway deposit fund as security for completion of railway authorised by this Act.

16. The balance of the railway deposit fund after deducting therefrom the certificates to bearer by this Act authorised to be transferred to the depositors shall remain as security for the completion not only of the railways authorised by the Act of 1897 and not authorised to be abandoned by this Act but also of the railway by this Act authorised and sections 51 and 52 of the Act of 1897 shall be read and have effect accordingly.

Power to apply existing funds.

17. The Company may raise and apply for or towards any of the purposes of this Act to which capital is properly applicable any money which by the Act of 1897 they are authorised to raise and which may not be required by them for the special purposes (if any) for which that money was authorised to be raised.

Provision as to general Railway Acts.

18. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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 any Act relating to the Company.

Expenses of Act.

19. The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

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