CHAPTER cxxxii.

An Act to confer further powers on the Dublin Wicklow and Wexford Railway Company in relation to their general undertaking and their separate undertaking of the New Ross and Waterford Extension Railways and for other purposes. [4th August 1905.] A.D. 1905.

WHEREAS by the Dublin Wicklow and Wexford Railway (Shillelagh Extension &c.) Act 1897 (in this Act called "the Shillelagh Extension Act 1897") the Dublin Wicklow and Wexford Railway Company (in this Act called "the Company") were authorised to acquire lands compulsorily for and to construct amongst other railways and works Railway No. 3 and Work No. (6) described in section 6 of that Act and the widenings of bridges at Bray in the county of Wicklow described in section 11 of that Act and modified by section 12 of that Act:

And whereas by section 19 of the Dublin Wicklow and Wexford Railway Act 1900 (in this Act called "the Act of 1900") the said widenings of bridges at Bray described in section 11 of the Shillelagh Extension Act 1897 were further modified:

And whereas by the Dublin Wicklow and Wexford Railway Act 1902 (in this Act called "the Act of 1902") the powers conferred on the Company and the period limited by the Shillelagh Extension Act 1897 for the compulsory purchase of lands for the railways and works authorised by the Shillelagh Extension Act 1897 were and was revived and extended until the

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fifteenth day of July one thousand nine hundred and five and by the Act of 1902 the period limited by the Shillelagh Extension Act 1897 for the completion of the said railways and works by that Act authorised was extended until the fifteenth day of July one thousand nine hundred and seven:

And whereas it is expedient to further extend the powers and the period limited by the Shillelagh Extension Act 1897 as revived and extended by the Act of 1902 for the compulsory purchase of lands for the said Railway No. 3 and Work No. (6) and for the said widenings of bridges at Bray and also to further extend the period limited by the Shillelagh Extension Act 1897 as extended by the Act of 1902 for the completion of the said Railway No. 3 and Work No. (6) and the said widenings of bridges at Bray:

And whereas by the Shillelagh Extension Act 1897 the Company were authorised to acquire compulsorily certain lands in the parish of Liskinfere and townland of Cain and county of Wexford described in section 17 of that Act and the period limited by the said Act for the compulsory purchase of the said lands expired on the fifteenth day of July one thousand nine hundred and it is expedient to revive the powers conferred on the Company and extend the period limited by the Shillelagh Extension Act 1897 for the compulsory purchase of the said lands:

And whereas by the Dublin Wicklow and Wexford Railway (New Ross and Waterford Extension) Act 1897 (in this Act called "the Waterford Extension Act 1897") the Company were authorised to acquire lands compulsorily for and to construct the Railways Nos. 1 2 and 3 and works therein described:

And whereas by the Act of 1900 the period limited by the Waterford Extension Act 1897 for the compulsory purchase of lands for a portion of the said Railway No. 1 and for the said Railways Nos. 2 and 3 authorised by the Waterford Extension Act 1897 was extended until the sixth day of August one thousand nine hundred and two and by the Act of 1900 the period limited by the Waterford Extension Act 1897 for the completion of the said Railways Nos. 1 2 and 3 by that Act authorised (except so much of Railway No. 1 as is situate in the county of Kilkenny) was extended until the sixth day of August one thousand nine hundred and five:

And whereas by the Act of 1902 the powers conferred on the Company and the period limited by the Waterford Extension Act 1897 for the compulsory purchase of lands for a further portion of the said Railway No. 1 and works connected therewith authorised by the Waterford Extension Act 1897 and described in section 8 of the Act of 1902 were and was revived and extended until the sixth day of August one thousand nine hundred and four:

And whereas by the Act of 1902 the period limited by the Waterford Extension Act 1897 for the compulsory purchase of lands for the said Railway No. 2 was extended until the sixth day of August one thousand nine hundred and five:

And whereas it is expedient to revive the powers conferred on the Company and further extend the period limited by the Waterford Extension Act 1897 as extended by the Act of 1900 and revived and extended by the Act of 1902 for the compulsory purchase of the lands at Waterford hereinafter in this Act described (being part of the lands authorised by the Waterford Extension Act 1897 to be taken compulsorily in respect of the said Railway No. 1 thereby authorised) which period expired on the sixth day of August one thousand nine hundred and four and it is also expedient to further extend the period limited by the Waterford Extension Act 1897 as extended by the Act of 1900 and by the Act of 1902 for the compulsory purchase of lands for Railway No. 2 and works connected therewith authorised by the Waterford Extension Act 1897:

And whereas it is expedient subject to the provisions of subsection (6) of section 28 of the Great Southern and Western Railway Act 1903 to extend the period limited by the Waterford Extension Act 1897 as extended by the Act of 1900 for the completion of the said Railway No. 2 authorised by the Waterford Extension Act 1897:

And whereas by the Act of 1900 the Company were authorised to acquire compulsorily certain lands described in section 16 of that Act and they were also authorised to acquire compulsorily lands for and to construct certain widenings of bridges at Bray described in section 18 of that Act and the period limited by the Act of 1900 for the compulsory purchase of lands expired on the thirtieth day of July one thousand nine hundred and three and it is expedient to revive the powers conferred on the Company and

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extend the period limited by the Act of 1900 for the compulsory purchase of such of the said lands as are hereinafter in this Act described or referred to:

And whereas it is expedient that the other provisions hereinafter contained should be made:

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 King'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 Dublin Wicklow and Wexford Railway Act 1905.

Incorporation of Part II. of Railways Clauses Act 1863.

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

Interpretation.

3. In this Act—

The expression "the Waterford Extension Railways" means the Company's separate undertaking of the New Ross and Waterford Extension Railways;

The expression "the general undertaking" means the general undertaking of the Company other than and exclusive of the separate undertakings of the City of Dublin Junction Railways and of the Waterford Extension Railways.

Extension of period for compulsory purchase of lands for Railway No. 3 and certain works authorised by Shillelagh Extension Act 1897.

4. The powers conferred on the Company and the period limited by the Shillelagh Extension Act 1897 as revived and extended by the Act of 1902 for the compulsory purchase of lands for Railway No. 3 and for Work No. (6) being the widening of the portion of the Company's main line in the parish of St. Peters in the city and county of the city of Dublin described in section 6 of the Shillelagh Extension Act 1897 subject as to such last-mentioned Work No. (6) to the provisions of section 9 of that Act and for the Works (*a*) (*b*) and (*c*) described in section 11 of that Act as such last-mentioned Works (*a*) (*b*) and (*c*) are modified by section 12 of that Act

and by section 19 of the Act of 1900 are and is hereby extended for a period of three years from the fifteenth day of July one thousand nine hundred and five.

Extension of period for completion of Railway No. 3 and certain works authorised by Shillelagh Extension Act 1897.

5. The period limited for the completion of the said Railway No. 3 and of the said Work No. (6) authorised by section 6 of the Shillelagh Extension Act 1897 subject as to such last-mentioned Work No. (6) to the provisions of section 9 of that Act and of the Works (*a*) (*b*) and (*c*) authorised by section 11 of that Act as modified by the Act of 1900 and as extended by the Act of 1902 is hereby extended for a period of three years from the fifteenth day of July one thousand nine hundred and seven.

Extended period for completion of Railway No. 3 and certain works to be deemed period limited by Shillelagh Extension Act 1897.

6. The extended period hereby granted for completing the said Railway No. 3 and the said works mentioned in the last preceding section of this Act authorised by the Shillelagh Extension Act 1897 shall for all purposes referred to in the said Act of 1897 with reference to the completion of the same be deemed to be the period limited by the said Act for the completion of the same Provided that if the said railway and works for the completion of which the period is hereby extended shall not be completed within the extended period limited by this Act then on the expiration of such period the powers by the Shillelagh Extension Act 1897 granted to the Company for the construction and completion thereof shall cease to be exercised except as to so much thereof as shall then be completed.

Revival and extension of powers for compulsory purchase of certain lands described in section 17 of Shillelagh Extension Act 1897.

7. The powers conferred on the Company and the period limited by the Shillelagh Extension Act 1897 for the compulsory purchase of the lands in the parish of Liskinfere townland of Cain and county of Wexford situate on the north-west side of the Company's main line of railway between Gorey and Camolin and on the south-east side of the road from Clogh to Balloughter and described in section 17 of the Shillelagh Extension Act 1897 are and is hereby revived and extended for a period of three years from the passing of this Act.

Revival and extension of period for compulsory purchase of certain lands in respect of Railway No. 1

8. The powers conferred on the Company and the period limited by the Waterford Extension Act 1897 as extended by the Act of 1900 and by the Act of 1902 for the compulsory purchase of the lands (within the limits of deviation shown upon the plans deposited with the clerk of the peace for the county of the city of Waterford and elsewhere as mentioned in

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authorised by Waterford Extension Act 1897.

the Waterford Extension Act 1897 in respect of Railway No. 1 authorised by the Waterford Extension Act 1897 and as defined as to the southern limit of deviation by section 19 of that Act) numbered on the said plans and in the book of reference thereto as follows (namely) No. 7 in the parish of Kilculliheen townland of Abbeylands and county and borough of Waterford and Nos. 1 and 5 in the extra-parochial places in the county of Waterford adjoining the townlands of Mountsion Mountmisery and Abbeylands (which said lands and property Nos. 1 and 5 are a portion of the bed and foreshore of the River Suir and a field adjoining the said townland of Abbeylands) are and is hereby revived and extended for a period of three years from the sixth day of August one thousand nine hundred and five Provided always that nothing in this section shall take away alter or prejudice the rights and powers conferred on the Fishguard and Rosslare Railways and Harbours Company and on the Company by section 12 of the Fishguard and Rosslare Railways and Harbours Act 1898 Provided also that nothing in this section contained shall take away alter or prejudice the rights and powers conferred on the Commissioners for improving the port and harbour of Waterford and on the corporation of Waterford by sections 18 and 19 respectively of the Waterford Extension Act 1897.

Extension of period for compulsory purchase of lands for Railway No. 2 authorised by Waterford Extension Act 1897.

9. Subject to the provisions of subsection (6) of section 28 of the Great Southern and Western Railway Act 1903 the period limited by the Waterford Extension Act 1897 as extended by the Act of 1900 and by the Act of 1902 for the compulsory purchase of lands for Railway No. 2 and works connected therewith authorised by the Waterford Extension Act 1897 is hereby extended for a period of three years from the sixth day of August one thousand nine hundred and five.

Extension of period for completion of Railway No. 2 authorised by Waterford Extension Act 1897.

10. Subject to the provisions of subsection (6) of section 28 of the Great Southern and Western Railway Act 1903 the period limited for the completion of Railway No. 2 and works connected therewith authorised by the Waterford Extension Act 1897 as extended by the Act of 1900 is hereby extended for a period of five years from the sixth day of August one thousand nine hundred and five.

Extended period for completion of Railway No. 2

11. The extended period hereby granted for completing Railway No. 2 and works connected therewith authorised by the Waterford Extension Act 1897 shall for all purposes referred to

in the said Act with reference to the completion of the same be deemed to be the period limited by the said Act for the completion of the same Provided always that if the said Railway No. 2 and works for the completion of which the period is hereby extended shall not be completed within the extended period limited by this Act then on the expiration of such period the powers by the Waterford Extension Act 1897 granted to the Company for the construction and completion thereof shall cease to be exercised except as to so much thereof as shall then be completed.

to be deemed period limited by Waterford Extension Act 1897.

12. The powers conferred on the Company and the period limited by the Act of 1900 for the compulsory purchase of lands for the widenings of bridges at Bray described in and authorised by section 18 of the Act of 1900 and of the following lands and property described in section 16 of the Act of 1900 (namely):—

Revival and extension of period for compulsory purchase of certain lands described in sections 16 and 18 of Act of 1900.

Certain lands in the township or urban district of Bray parish of Bray and county of Wicklow lying on the east side of and adjoining the Dublin Wicklow and Wexford Railway and between that portion of Quinsborough Road which is situate on the east side of the said railway and a road leading from Strand Road to Meath Road and passing the north end of Brennan's Parade;

Certain lands in the townland of Borrmount parish of Clonmore and county of Wexford situate on the east and west sides of and adjoining the Dublin Wicklow and Wexford Railway at or near to the Edermine Railway Station;

are and is hereby revived and extended for a period of three years from the thirtieth day of July one thousand nine hundred and five.

13.—(1) The Company shall not under the powers of any former Act revived or extended by this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by thirty or more persons belonging to the working class as tenants or lodgers unless and until the Company—

Restrictions on displacing persons of working class.

(A) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing

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new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number or proportion of such persons as the said 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 all the other circumstances of the case; and

(b) Shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

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

(4) Any provisions of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any 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 Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of any former Act the powers of which are revived or extended by 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 said 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.

(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 purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 as amended by any subsequent enactment 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 sanitary authority within the meaning of the Public Health (Ireland) Act 1878 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 working 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 purposes of the general undertaking or of the Waterford Extension Railways as the case may be:

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 date of the scheme be appropriated for the purpose of such 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 Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

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(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections 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 said Local Government Board may direct any inquiries to be held 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 said 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 (Ireland) Act 1878.

(10) The Company shall pay to the said 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) Any houses purchased or acquired by the Company for or in connection with any of the purposes of any former Act the powers of which are revived or extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the working class within five years before the passing of this Act or such former Act as the case may be and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the said fifteenth day of December last by the same number of persons belonging to the working class as were occupying the said houses at the date of their acquisition · Provided that if the said Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said

houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Local Government Board they might have been sufficient to accommodate. A.D. 1905.

(12) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means 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 in any case 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.

14. Except as by this Act otherwise expressly provided nothing in this Act contained shall exempt the Company or the railways of the Company 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.

Costs of Act.

15. 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 out of any of their funds but shall be charged as to one-half part thereof to the Waterford Extension Railways and as to the remaining one-half part thereof to the general undertaking of the Company.

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