CHAPTER xxxvii.

An Act to extend and enlarge the powers of the Liverpool and Birkenhead Subway Company; and for other purposes. [25th June 1885.] A.D. 1885.

WHEREAS by the Liverpool and Birkenhead Subway Act, 1880 (herein-after called "the Act of 1880"), the Liverpool and Birkenhead Subway Company (herein-after called "the Company") were incorporated and authorised to make and maintain the tunnels, subways, roadways, and works described in that Act, for the purpose of establishing an uninterrupted means of transit for passengers and carriages under the River Mersey, between Liverpool and Birkenhead, with power to raise five hundred thousand pounds by shares and one hundred and sixty-five thousand pounds by borrowing:

And whereas it was considered desirable to suspend the operations of the Company until the completion of the Mersey Railway Tunnel, and the Company are now desirous to proceed with their undertaking, and it is therefore expedient that the respective times limited by the Act of 1880 for the exercise of the powers of the Company for the compulsory purchase of lands, and for the completion of the tunnels, subways, and roadways by that Act authorised, should be extended and enlarged:

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 for all purposes as the Liverpool and Birkenhead Subway (Extension of Time) Act, 1885.

Incorporation of Part II. of Rail-

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

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ways Clauses Act, 1863.

for the purposes of this Act the word "railways" shall apply and extend to the tunnels, subways, and roadways authorised by the Act of 1880.

Extension of time for compulsory purchase of lands.

3. The powers granted to the Company by the Act of 1880 for the compulsory purchase of lands, for the purposes of the tunnels, subways, roadways, and works thereby authorised, are hereby extended and enlarged, and shall continue in force until the expiration of three years from the sixth day of August, one thousand eight hundred and eighty-five.

Extension of time for completion of tunnels, subways, and roadways.

4. The time limited by the Act of 1880 for the completion of the tunnels, subways, and roadways thereby authorised shall be and the same is hereby extended and enlarged, and shall continue in force until the expiration of seven years from the sixth day of August, one thousand eight hundred and eighty-seven, and that period shall for all purposes be deemed to be the period originally limited by the Act of 1880 for the completion of the tunnels, subways, and roadways.

Carriages or trucks not to be drawn or propelled on rails.

5. The subway shall not be used for the conveyance of passengers, animals, or goods in carriages or trucks drawn or propelled on rails.

Restriction as to houses of labouring classes.

6. (1.) The Company shall not, under the extended powers by this Act granted, purchase or acquire, 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, after the passing of this Act have been, or on the fifteenth day of December last 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 fifteenth day of December last, 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 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 Queen's Bench Division of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses under the extended powers by this Act granted, 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 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 176 and 297 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

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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 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.) 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.

(9.) 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.

(10.) For the purposes of this section, the expression "labouring class" 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.

Limitation of period for completion of works.

7. If the tunnels, subways, and roadways shall not be completed within the period limited by this Act, then on the expiration of such period the powers by the Act of 1880, and by this Act, granted to the Company for making and completing the tunnels,

subways, and roadways, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Provision as to general Acts.

8. Nothing in this Act contained shall exempt the Company or the tunnels or subways from the provisions of any general Act relating to tunnels or subways, or the better and more impartial audit of the accounts of tunnel or subway 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 the rates for small parcels authorised to be taken by the Company.

Provision as to postal packets.

9. Nothing in this Act, or in the recited Act of 1880, shall authorise the Company to demand or take any toll for any person, or horse, or carriage, or other vehicle employed in conveying or guarding postal packets, under the authority of Her Majesty's Postmaster-General, either when employed in conveying, fetching or guarding such postal packets, or in returning from conveying or guarding the same.

The term "postal packet" in this section has the same meaning as in the Post Office (Protection) Act, 1884.

Expenses of Act.

10. 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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