CHAPTER lxvii.

An Act to confer further powers on the London Brighton and South Coast Railway Company. [16th July 1885.] A.D. 1885.

WHEREAS it is expedient that powers should be conferred on the London Brighton and South Coast Railway Company (in this Act called the "Brighton Company"):—

To extinguish certain rights of way across their railway on the level in the parishes of Lindfield and Chailey in the county of Sussex:

To abandon the Keymer Down Junction Railway described in and authorised by section 4 (paragraph 2) of the London Brighton and South Coast Railway (Various Powers) Act 1879 also the Keymer Up Junction being the railway described in and authorised by section 4 (paragraph 1) of the London Brighton and South Coast Railway (Various Powers) Act 1882 also the railway at Shoreham being the railway described in and authorised by the said section (paragraph 2):

And whereas it is also expedient to extend the time limited by the London Brighton and South Coast Railway (Various Powers) Act 1882 for the compulsory purchase of certain lands at Croydon in this Act defined:

And whereas by the Brighton and Dyke Railway Act 1877 the Brighton and Dyke Railway Company were authorised to make certain railways extending from the Portsmouth line of the Brighton Company in the parish of Aldrington in the county of Sussex to the Dyke in the parish of Poynings in the same county and by section 47 of the said Act powers were conferred upon the Brighton Company and the Brighton and Dyke Railway Company to enter into agreements with respect to the working use management and maintenance of the railway and works of the Brighton and Dyke Railway Company and with respect to the other matters therein specified:

A.D. 1885.

And whereas it has been proposed that in pursuance of the powers contained in the said Act the Brighton Company and the Brighton and Dyke Railway Company should enter into an agreement for the working of the said railway by the Brighton Company on the basis of the Brighton Company handing over to the Brighton and Dyke Railway Company a proportion of the receipts from the said railway and that the Brighton Company should guarantee the payment of interest upon the mortgages debentures or debenture stock of the Brighton and Dyke Railway Company not exceeding twenty-four thousand pounds and it is expedient that powers with respect to such guarantee such as are in this Act contained should be conferred on the Brighton Company :

And whereas by the East London Railway Act 1882 provisions are made as to a lease in perpetuity of the East London Railway as therein defined to the Brighton Company the South-eastern Railway Company the London Chatham and Dover Railway Company the Metropolitan Railway Company and the Metropolitan District Railway Company (an option being reserved to the Great Eastern Railway Company of joining in the said lease as one of the lessees of the East London Railway) and provisions are made as to the appointment of a joint committee by the lessee companies for the management and control of the East London Railway who are empowered to frame rules and regulations for their procedure and otherwise as in the said Act mentioned and it is provided (section 45) that the East London Railway shall be maintained and manned by the Brighton Company on behalf and subject to the control of the said joint committee and that the Brighton Company shall be paid or allowed on account of these services such sums as shall fairly cover the costs actually incurred by them in relation thereto :

And whereas it has been found that the operation of the said section will be attended with inconvenience and may impose on the Brighton Company heavy liabilities and it is expedient that it should be repealed :

And whereas the objects of this Act cannot be attained 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 London Brighton and South Coast Railway (Various Powers) Act 1885.

A.D. 1885.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly 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 any Act wholly or partly 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.

Incorporation of part of Railways Clauses Act 1863.

3. Part II. of the Railways Clauses Act 1863 (relating to extension of time) is hereby incorporated with this Act.

Closing of certain accommodation roads in the parish of Lindfield.

4. The Brighton Company may stop up an accommodation road crossing their railway on the level in the parish of Lindfield in the county of Sussex about two hundred yards north of the bridge over the railway of the same Company recently constructed opposite Wickham Farm and which bridge is situate about forty-five chains north of their Hayward's Heath station They may also stop up another accommodation road crossing their railway on the level in the same parish about two hundred and eighty yards south of the same bridge and all rights of way in or over the said accommodation roads so far as they are within the boundaries of the Brighton Company's property shall thereupon cease and be extinguished and the said bridge recently constructed by the Brighton Company opposite Wickham Farm may be used and shall be deemed to be in lieu of and in substitution for the crossings over their railway by the said accommodation roads:

Provided that the Brighton Company shall not stop up either of the said accommodation roads until they shall have widened the said bridge to eighteen feet and until they shall have made and metalled approach roads to the said bridge over the land which belongs or is claimed to belong to Francis Kerridge Munton as trustee under the will of Lucy Banister deceased The land required for this purpose shall be on both sides of their said railway provided by the said Francis Kerridge Munton free of cost to the Company but the Company shall acquire no property therein and the said roads when constructed shall become the property of the said Francis Kerridge Munton or other the owner or owners of the said land so far as they extend over the said land The said approach road on the eastern side of the said bridge shall extend to the occupation road leading to the Wickham Farm and on the western side thereof to the public road from Hayward's Heath to Balcombe called Bordehill Lane along the line of the present public footpath

A.D. 1885.

leading from the said bridge to the said road or as near thereto as a proper gradient admits.

The Brighton Company shall fence the said approach roads on both sides thereof throughout their entire length with ordinary four-rail larch fencing and shall form make and metal the same roads to the width of eighteen feet to the satisfaction of the surveyor of the said Francis Kerridge Munton or other the owner or owners for the time being of the said lands and shall for ever hereafter repair and maintain the said bridge and also the said approach roads and fences so far as such roads and fences will be within the line of the Brighton Company's Railway.

The Brighton Company shall also pay to the said Francis Kerridge Munton his proper costs charges and expenses (including surveyor's charges) of and incident to the negociations between himself or his solicitors and the Brighton Company for the closing of the said accommodation crossings commencing in August one thousand eight hundred and eighty-one and such costs charges and expenses shall be taxed as between solicitor and client in default of agreement.

Closing level crossing at Chailey.

5. The Brighton Company may stop up so much of a public footpath in the parish of Chailey in the county of Sussex leading from Cinder Hill to Little Cinder Farm as crosses on the level the railway of the Brighton Company about three hundred yards south of their Chailey and Newick Station but they shall provide instead thereof a public footpath on the western side of their railway from the said existing public footpath to the public road leading from Wivels Field to Newick shown on the deposited plans and when they shall have provided such new footpath all rights of way in or over so much of the said existing footpath as is within the boundaries of the Brighton Company's property shall thereupon cease and be extinguished.

Abandonment of certain railways.

6. The Brighton Company may abandon the construction of the Keymer Down Junction being the railway described in and authorised by section 4 (paragraph 2) of the London Brighton and South Coast Railway (Various Powers) Act 1879. They may also abandon the construction of the Keymer Up Junction being the railway described in and authorised by section 4 (paragraph 1) of the London Brighton and South Coast Railway (Various Powers) Act 1882 and also the railway at Shoreham being the railway described in and authorised by the said section (paragraph 2) And subject to the provisions of the next two following sections the Company shall be relieved from all liability to penalties and otherwise in respect of the said railways.

A.D. 1885.

Compensation to be made in respect of railways abandoned.

7. Where before the passing of this Act any contract has been entered into or notice given by the Brighton 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 Brighton Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Brighton Company to the owners and occupiers or other persons interested in such lands 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 Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

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

8. The abandonment by the Brighton Company under the authority of this Act of the Keymer Down Junction Railway the Keymer Up Junction Railway and the railway at Shoreham hereinbefore mentioned 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 Brighton 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 line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Brighton 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 London Brighton and South Coast Railway (Various Powers) Act 1879 or the London Brighton and South Coast Railway (Various Powers) Act 1882.

New station to be provided at Leylands Road Burgess Hill.

9. In lieu of the Keymer Junction Station which has been closed by the Company the Company shall on or before the first day of July one thousand eight hundred and eighty-six make and for ever after maintain and work a passenger station on their main line between London and Brighton on the south side of Leylands Road (formerly called Lye Lane) in the parish of Keymer and the Company shall cause not less than three up trains and three down trains each week day and not less than two up trains and two down trains every Sunday to pass to and from and stop at the said station for the accommodation of traffic passing over the Company's London and Hastings Branch Railway and in the event of the

A.D. 1885.

Company failing to perform any or either of the obligations of this section they shall be liable to a penalty not exceeding twenty pounds for each default which may be recovered in any court of competent jurisdiction.

Extension of time for compulsory purchase of land and completion of railway and works in Croydon.

10. The period limited by the London Brighton and South Coast Railway (Various Powers) Act 1882 for the compulsory purchase of lands for the purpose of the new railway and works in the parish of Croydon described in and authorised by the said section 4 (paragraph 3) of the said Act and for the completion of the said railway and works is hereby extended until the third day of July one thousand eight hundred and eighty-seven.

Extension of time for purchase of lands.

11. The period limited by the London Brighton and South Coast Railway (Various Powers) Act 1882 for the purchase of the additional lands referred to in section 19 sub-sections (*d*) and (*f*) is hereby extended until the third day of July one thousand eight hundred and eighty-seven.

Restriction as to houses of labouring classes.

12. (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 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

A.D. 1885.

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.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 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 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.

Guarantee of interest on loan capital of the Brighton and Dyke Railway Company.

13. The Brighton Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said Company specially convened for the purpose enter into and carry into effect an agreement with the Brighton and Dyke Railway Company for guaranteeing interest on the mortgages debentures or debenture stock of that Company upon such terms and subject to such conditions as may be contained in such agreement and any such mortgages or debentures or the certificates of any such debenture stock shall be endorsed with notice of such guarantee and the terms and conditions upon which it is given.

Repeal of section 45 of the East London Railway Act 1882.

14. As from the first day of September one thousand eight hundred and eighty-five section 45 of the East London Railway Act 1882 shall be and the same is hereby repealed but such repeal shall be without prejudice to any rights which may have accrued under or by virtue of the said section or to any cause of action or other proceeding arising from or in consequence of anything therein contained.

Power to apply corporate funds to purposes of Act.

15. The Brighton Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Brighton Company heretofore passed or which may be passed in the present session of Parliament and which moneys may not be required for the purposes to which they are by any such Acts made specially applicable.

Provision as to general Railway Acts.

16. Nothing in this Act contained shall exempt the Brighton Company or any of their 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.

Costs of Act.

17. 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 Brighton Company.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1885.