CHAPTER lxii.

An Act to revive and extend the powers for the purchase of Lands and also to extend the time for the completion of the London Walthamstow and Epping Forest Railway and for other purposes. [1st July 1898.] A.D. 1898.

WHEREAS by the London Walthamstow and Epping Forest Railway Act 1894 (in this Act called "the Act of 1894") the London Walthamstow and Epping Forest Railway Company (in this Act called "the Company") were incorporated and empowered to make and maintain a railway from London to Walthamstow and Epping Forest and to raise capital for the purpose:

And whereas by the London Walthamstow and Epping Forest Railway Act 1895 (in this Act called "the Act of 1895") the Company were authorised to divert and improve their railway to form connexions with certain other railways and to raise additional capital for the purpose:

And whereas the powers of the Company for the compulsory purchase of lands for the purposes of the Act of 1894 have expired and it is expedient the same be revived and extended and that similar powers limited by the Act of 1895 be also extended and that the time limited by the recited Acts for constructing and completing the railways and works thereby authorised should also be extended as by this Act provided:

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:—

1. This Act may be cited for all purposes as the London Walthamstow and Epping Forest Railway Act 1898. Short title.

Incorporation of Parts II. and III. of Railways Clauses Act 1863.

2. Part II. (relating to extension of time) and Part III. (relating to working agreements) 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 words and expressions to which meanings are assigned by the Act of 1894 and the Act partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Revival and extension of time for purchase of lands.

4. The powers of the Company under the Act of 1894 with respect to the compulsory purchase of lands for the purposes of the railways and works authorised by that Act are hereby revived and extended and shall continue in force for and during a period of two years from the passing of this Act and the powers of the Company with respect to the compulsory purchase of lands for the purposes of the railways and works authorised by the Act of 1895 are hereby extended and shall continue in force for and during a period of two years from the sixth day of July one thousand eight hundred and ninety-eight.

Extension of time for completing railway.

5. The time limited by the Act of 1894 for the construction and completion of the railways and works authorised by that Act is hereby extended for a period of three years from the twenty-fifth day of August one thousand eight hundred and ninety-nine and the time limited by the Act of 1895 for the construction and completion of the railways and works authorised by that Act is hereby extended for a period of two years from the sixth day of July one thousand nine hundred.

If works not completed within extended period powers to cease.

6. If the railways shall not be completed within the extended periods granted by this Act then on the expiration of such periods the powers by the Act of 1894 the Act of 1895 and this Act conferred on the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Restrictions on displacing persons of labouring class.

7.—(1) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any parish in the administrative county of London (in this section referred to as "London") twenty or more houses or in any other city borough or 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 last next before the passing of this Act or of the respective former Act by

which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval in the case of London of the Secretary of State for the Home Department or in any other case 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 last aforesaid or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) 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) Shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State or the Local Government Board (as the case may be) 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 Secretary of State or the Local Government Board (as the case may be) 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 Secretary of State or the Local Government Board (as the case may be) 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 Secretary of State or the Local Government Board (as the case may be) out of the High Court.

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(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 said Secretary of State or the Local Government Board (as the case may be) 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 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands beyond London 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 date of such 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 Secretary of State or the Local Government Board (as the case may be) 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.

(8) All buildings erected or provided by the Company for the purpose of any scheme under this section shall be subject to the

provisions of the London Building Act 1894 (Local) and the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts.

(9) 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.

(10) The said Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held which he or they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(11) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(12) 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.

(13) Any houses on any of the lands shown on the deposited plans deposited with reference to any former Act the powers of which are revived or extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State or by the Local Government Board (as the case may be) 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 fifteenth day of December last by the same number

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of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition:

Provided that if the said Secretary of State or the Local Government Board (as the case may be) is 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 Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14) 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.

Saving for special provisions.

8. All provisions and agreements in the recited Acts for the protection or benefit of any local authority company body or person are hereby continued or revived and extended and shall remain in force as if re-enacted by this Act.

For protection of Great Eastern Railway Company.

9. The following provisions and conditions shall unless otherwise agreed in writing between the Company and the Great Eastern Railway Company (in this section referred to as "the Great Eastern Company") be binding upon the Company and have effect (that is to say):—

(A) Unless the Company shall in the session of 1899 apply for leave to abandon the railways authorised by their Act of 1894 the Company shall and will apply to Parliament in the session of 1899 for an Act authorising them to abandon the construction of the Railway No. 6 authorised by the Act of 1894 and also to construct instead thereof a railway commencing by a junction with the Railway No. 3 authorised by the Act of 1894 and terminating by a junction with the Cambridge Main Line of the Great Eastern Company south of Clapton Junction at the respective points "A" "B" shown upon the plan signed by John Wilson on behalf of the Great Eastern Company and William Beswick Myers on behalf of the Company and referred to in subsection (A) of section 24 of the Act of 1895 (or at such other points as may be fixed by the engineer for the time being of the Great Eastern Company) so as to connect the said Railway No. 3 with the said main line of the Great Eastern

Company and shall if such application fail on the requisition of the Great Eastern Company in writing signed by their secretary renew the same:

(B) The provisions of subsections (B) (C) and (D) of section 24 of the Act of 1895 shall mutatis mutandis apply to the above railway so far as the same may be applicable thereto as fully as if the said provisions had been re-enacted in this Act.

Provision as to general Railway Acts.

10. Nothing in this Act contained shall exempt any Company or the railway 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 by the Act of 1894 or the Act of 1895.

Costs of Act.

11. 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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