CHAPTER vii.

An Act to extend the time for the compulsory purchase of lands for and for the completion of the Newry Keady and Tynan Railway and for other purposes. A.D. 1912.

[25th June 1912.]

WHEREAS by the Newry Keady and Tynan Light Railway Act 1900 (in this Act called "the Act of 1900") the Newry Keady and Tynan Railway Company (in this Act called "the Company") were incorporated under the name of the Newry Keady and Tynan Light Railway Company and authorised to make and maintain certain railways in the counties of Down Armagh and Monaghan which were described in the Act of 1900 as Railway (No. 1) and Railway (No. 2):

And whereas the Company are authorised and have agreed to acquire the existing railway known as the Bessbrook and Newry Railway (in this Act called "the Bessbrook Railway"):

And whereas by the Ulster and Connaught Light Railways Act 1903 (in this Act called "the Act of 1903") the Company were empowered after purchase of the undertaking (consisting in the main of the Bessbrook Railway) of the Bessbrook and Newry Tramway Company to acquire the fee simple of some or all of the lands on which the Bessbrook Railway has been constructed:

And whereas by the Newry Keady and Tynan Light Railway Act 1905 (in this Act called "the Act of 1905") the Company were authorised to acquire additional lands for the improvement of the Bessbrook Railway:

And whereas by the Newry Keady and Tynan Railway Act 1909 (in this Act called "the Act of 1909") the Company were empowered to make and maintain certain railways which

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were described in the Act of 1909 as Railway No. 1 and Railway No. 2 in substitution for and to abandon Railway (No. 2) authorised by the Act of 1900 and to acquire lands for the purposes of the railways authorised by the Act of 1909 and for the improvement of the Bessbrook Railway:

And whereas the railways and works authorised by the Act of 1900 the Act of 1903 the Act of 1905 and the Act of 1909 (in this Act collectively referred to as "the Acts of the Company") together constitute the Newry Keady and Tynan Railway:

And whereas the Company have proceeded to exercise the powers of the Act of 1900 in relation to the acquisition of the lands required for the purposes thereof and it is expedient that the respective periods now limited for the completion of the railways authorised by that Act (other than the said Railway (No. 2)) and for the compulsory purchase of lands under and the completion of the railways authorised by the Act of 1909 be extended and the powers for the compulsory purchase of lands for the purposes of the Act of 1903 and the Act of 1905 be revived and extended as hereinafter provided:

And whereas the purposes 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 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 and collective titles.

1. This Act may be cited as the Newry Keady and Tynan Railway Act 1912 and the Acts of the Company and this Act may be cited together as the Newry Keady and Tynan Railway Acts 1900 to 1912.

Incorporating Part II. of Railways Clauses Act 1863.

2. Part II. (Extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Extension of time for completion of railways authorised by Acts of 1900 and 1909.

3.—(1) The period limited by section 57 (Period for completion of works) of the Act of 1900 as extended by section 10 (Extension of time for completion of Newry Railway) of the Act of 1903 section 15 (Extension of time for completion of railway of 1900) of the Act of 1905 and section 29 (Extension of time for completion of railways of 1900) of the Act of 1909

for the completion of the railways authorised by the Act of 1900 (except Railway (No. 2) authorised by the Act of 1909 to be abandoned) shall be and the same is hereby further extended and shall continue in force for five years from the twentieth day of September one thousand nine hundred and twelve.

(2) The period limited by section 13 (Period for completion of works) of the Act of 1909 for the completion of the railways authorised by that Act shall be and the same is hereby extended and shall continue in force for three years from the twentieth day of September one thousand nine hundred and fourteen.

(3) The said periods respectively as extended by this section shall for all purposes be deemed to be the time limited by the Acts of the Company for the completion of the railways which the Company are authorised to make and for the opening of such railways for public traffic and the Acts of the Company shall be read and construed and take effect accordingly.

Revival of powers and extension of time for compulsory purchase of lands under Acts of 1903 1905 and 1909.

4.—(1) Subject to the proviso to section 4 (Power to acquire site of Bessbrook Railway) of the Act of 1903 the powers for the compulsory purchase of the lands and interests in lands in that section mentioned granted by that Act as extended by section 13 (Extension of time for purchase of site of Bessbrook Railway) of the Act of 1905 and as revived and extended by section 31 (Revival of powers for compulsory purchase of site of Bessbrook Railway) of the Act of 1909 are hereby revived and further extended and shall continue in force for and during a period of three years from the twentieth day of September one thousand nine hundred and twelve.

(2) The powers granted by the Act of 1905 for the compulsory purchase of lands under the powers of that Act as revived and extended by section 33 (Revival of powers for compulsory purchase of lands under Act of 1905) of the Act of 1909 are hereby revived and further extended and shall continue in force for and during a period of three years from the twentieth day of September one thousand nine hundred and twelve.

(3) The powers granted by the Act of 1909 for the compulsory purchase of lands under the powers of that Act are hereby extended and shall continue in force for and during a period of three years from the twentieth day of September one thousand nine hundred and twelve.

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(4) The said periods respectively as revived and extended by this section shall for all purposes be deemed to be the periods originally limited for the compulsory purchase of the said lands and interests.

Restrictions on displacing persons of working class.

5.—(1) The Company shall not under the powers of 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—

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

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(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 in Ireland.

(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 Local Government Board by action in the High Court in Ireland and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if they 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 may 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 general purposes of their undertaking

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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.

(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 the said Local Government 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 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 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 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.

(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 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.

6. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing 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 to be taken by the Company.

Costs of Act.

7. 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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