CHAPTER xcii.

An Act to extend the Powers of the Plymouth Devonport and South-western Junction Railway Company. A.D. 1885.

[16th July, 1885.]

WHEREAS by the Plymouth Devonport and South-western Junction Railway Act 1883 (in this Act called the Act of 1883) the Plymouth Devonport and South-western Junction Railway Company (in this Act called "the Company") were incorporated to make and maintain railways from the London and South-western Railway at Plymouth and Devonport to that railway at Lidford with junctions with the Cornwall Railway at St. Budeaux and with the authorised Devon and Cornwall Railway at Calstock:

And whereas by the Devon and Cornwall Central Railway Act 1882 (in this Act called "the Act of 1882") the Devon and Cornwall Central Railway Company (in this Act called "the Devon Company") were incorporated and empowered to make and maintain railways from the Great Western Railway and the London and South-western Railway respectively at Lidford to the East Cornwall Mineral Railway at Calstock and to Callington and certain other works and to acquire the undertaking of the East Cornwall Mineral Railway Company:

And whereas by the Plymouth Devonport and South-western Junction Railway Act 1884 (herein called "the Act of 1884") the powers of the Devon Company were transferred to and vested in the Company and provision was made for the winding up and dissolution of the Devon Company:

And whereas so much of the Devon and Cornwall Central Railway as is situate between Lidford and the junction therewith at Calstock of the Railway No. 6 authorised by the Act of 1883 was by the Act of 1884 authorised to be abandoned:

And whereas the time for the compulsory purchase of lands and for the completion of the works of the part of (the Devon Company) Railway No. 3 and Railway No. 4 and works and alterations of levels authorised by the Act of 1882 will expire on the 18th August 1885

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and the 18th August 1887 respectively and it is expedient that such periods should be enlarged:

And whereas the powers of the said Act cannot be extended 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 any purpose as the Plymouth Devonport and South-western Junction Railway Act 1885.

Incorporation of 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.

Extending time for the purchase of lands.

3. The powers of the Act of 1882 with respect to the compulsory purchase or taking of lands except so far as the same relate to the portion of railway authorised by the Act 1884 to be abandoned are hereby extended and shall continue in force until the eighteenth day of August one thousand eight hundred and eighty-seven.

Extending time for completing railways.

4. The time limited by the Act of 1882 for the completion of the railways and works by that Act authorised is hereby extended until the eighteenth day of August one thousand eight hundred and eighty-eight.

Time limited for completion of railways.

5. If the railways shall not be completed within the period limited by this Act then on the expiration of such period the powers by the Act of 1882 and this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

For protection of the East Cornwall Mineral Railway Company.

6. Nothing herein contained shall in any way affect any of the rights and interests of the East Cornwall Mineral Railway Company under Clause 19 of the Plymouth Devonport and South-western Junction Railway Act 1884 or under any agreement entered into between the Company and the East Cornwall Mineral Railway Company.

Provision as to taking houses of the labouring class.

7. (1.) The Company shall not under the powers of this Act 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 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 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:

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(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 was 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 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 subsection 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 purpose 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.

Provision for general Railway Acts.

8. Nothing herein contained shall be deemed or construed to exempt the railways of the Company or the Company from the provisions of any general Act relating to railways or to 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 and 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.

Expenses of Act.

9. All the costs charges and expenses of obtaining and passing this Act or incident thereto shall be paid by the Company.

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