CHAPTER cxi.

An Act to extend the time for the compulsory purchase of Lands for, and for the completion of, the Railways authorised by the Church Fenton, Cawood and Wistow Railway Act, 1879, the Church Fenton, Cawood and Wistow Railway Act, 1882, and the Selby and Mid-Yorkshire Union Railway Act, 1883; and for other purposes. A.D. 1885.

[22nd July 1885.]

WHEREAS by the Church Fenton, Cawood and Wistow Railway Act, 1879, (in this Act called the Act of 1879), the Church Fenton, Cawood and Wistow Railway Company (which company was subsequently called the Selby and Mid-Yorkshire Union Railway Company, and in this Act is referred to as the Company) were incorporated for making a railway from Church Fenton to Wistow, both in the west riding of Yorkshire; and for other purposes:

And whereas by the Church Fenton, Cawood and Wistow Railway Act, 1882 (in this Act called the Act of 1882), the powers of the Company for the compulsory purchase of land, and for completing the said railway were extended, and the Company were authorised to make another railway from the point of termination at Wistow of their authorised railway to the Railway No. 3 of the Hull, Barnsley and West Riding Junction Railway and Dock Company, authorised by the Hull, Barnsley and West Riding Junction Railway and Dock Act, 1880:

And whereas by the Selby and Mid-Yorkshire Union Railway Act, 1883 (in this Act called the Act of 1883), the name of the Company was changed to the Selby and Mid-Yorkshire Union Railway Company, and the Company were authorised to make another railway commencing by a junction with the railway authorised by the Act of 1879, and terminating by a junction with the North-eastern Railway, and being wholly within the township or parish of Church Fenton:

A.D. 1885.

And whereas the powers of the Company for the compulsory purchase of land for the railway and works authorised by the Act of 1879, as extended by the Act of 1882, will expire on the twenty-first day of July, eighteen hundred and eighty-five, and their powers for completing the said railway and works, as extended by the Act of 1882, will expire on the twenty-first day of July, eighteen hundred and eighty-seven:

And whereas the powers of the Company for the compulsory purchase of land for the railway and works authorised by the Act of 1882, will expire on the eighteenth day of August one thousand eight hundred and eighty-five, and their powers for completing the said railway and works will expire on the eighteenth day of August, one thousand eight hundred and eighty-seven:

And whereas the powers of the Company for the compulsory purchase of land for the railway and works authorised by the Act of 1883 will expire on the sixteenth day of July, one thousand eight hundred and eighty-five, and their powers for completing the said railway and works will expire on the eighteenth day of August, one thousand eight hundred and eighty-seven:

And whereas it is expedient that the respective times limited for the compulsory purchase of lands, and for the completion of the said railways and works should be further extended:

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 (that is to say):—

Short title.

1. This Act may be cited as the Selby and Mid-Yorkshire Union Railway Act, 1885.

Incorporation of general Act.

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

Extension of powers for purchase of lands.

3. The powers of the Act of 1879, as extended by the Act of 1882, with respect to the compulsory purchase or taking of the lands delineated on the deposited plans, and described in the deposited books of reference referred to in the Act of 1879, are hereby further extended, and shall continue in force till the twenty-first day of July, one thousand eight hundred and eighty-eight, and the powers of the Act of 1882, with respect to the compulsory purchase or taking of the lands delineated on the deposited plans and described in the deposited books of reference referred to in that Act, are hereby also

A.D. 1885.

extended and shall continue in force until the eighteenth day of August, one thousand eight hundred and eighty-eight, and the powers of the Act of 1883 with respect to the compulsory purchase or taking of the lands delineated on the deposited plans, and described in the deposited books of reference referred to in that Act, are hereby also extended, and shall continue in force until the sixteenth day of July, one thousand eight hundred and eighty-eight.

Extension of time for completion of railways.

4. The time limited by the Act of 1882 for the completion of the railway by the Act of 1879 authorised, is hereby extended until the twenty-first day of July, one thousand eight hundred and ninety, and that period shall for all purposes be deemed to be the period limited by the Act of 1879 for the completion of the railway by that Act authorised, and sections 30, 31, and 32 of the Act of 1879 shall be read and have effect accordingly, and the time limited by the Act of 1882 for the completion of the railway by that Act authorised is hereby extended until the eighteenth day of August, one thousand eight hundred and ninety, and that period shall for all purposes be deemed to be the period limited by the Act of 1882 for the completion of the railway by that Act authorised, and sections 14, 15, and 16 of the Act of 1882 shall be read and have effect accordingly, and the time limited by the Act of 1883 for the completion of the railway and other works by that Act authorised, is hereby extended until the eighteenth day of August, one thousand eight hundred and ninety, and that period shall for all purposes be deemed to be the period limited by the Act of 1883 for the completion of the railway and other works by that Act authorised, and section 12 of the Act of 1883 shall be read and have effect accordingly.

Provision as to taking houses of labouring classes.

5. (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

A.D. 1885.

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.

(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 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.

A.D. 1885.

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 as to general railway Acts.

6. Nothing in this Act shall exempt the railways of the Company 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 to be taken by the Company.

Costs of Act.

7. The costs, charges and expenses, preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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