CHAPTER cxxxi.

An Act to revive the Powers and extend the Time for the compulsory purchase of Lands for and for the completion of the Railways and Pier authorised by the Swindon Marlborough and Andover Railway Acts 1882 and 1883 and the South Hampshire Railway and Pier Acts 1886 and 1889. A.D. 1891. [21st July 1891.]

WHEREAS the South Hampshire Railway and Pier Company (herein-after called "the Company") were incorporated by the South Hampshire Railway and Pier Act 1886 (herein-after called "the Act of 1886") and authorised to raise £250,000 by shares and £80,000 by borrowing:

And whereas by the Act of 1886 the Southern Section undertaking of the Midland and South Western Junction Railway Company was agreed to be transferred to the Company on the conditions in that Act mentioned:

And whereas the said Southern Section undertaking consists of two railways authorised by the Swindon Marlborough and Andover Railway Act 1882 (herein-after called "the Act of 1882") and a pier or jetty and works authorised by the Swindon Marlborough and Andover Railway Act 1883 (herein-after called "the Act of 1883"):

And whereas the Company entered into an agreement dated the seventeenth day of June one thousand eight hundred and eighty-six for the working of the Company's undertaking by the Midland and South Western Junction Railway Company and such agreement was scheduled to and confirmed by the Act of 1886:

And whereas the conditions of the transfer of the said Southern Section undertaking to the Company have by the South Hampshire Railway and Pier Act 1889 (herein-after called "the Act of 1889") been varied and modified:

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And whereas by the Act of 1889 the respective periods limited by the Act of 1886 for the compulsory purchase of lands for the purposes of the said railways and pier were extended and the Company were authorised to raise seventy-two thousand pounds by shares and twenty-four thousand pounds by borrowing:

And whereas the powers of the Company for the compulsory purchase of lands for the railways authorised by the Act of 1882 as revived and extended by the Act of 1886 and the Act of 1889 expired on the tenth day of August one thousand eight hundred and ninety and the period limited for the completion of those railways will expire on the tenth day of August one thousand eight hundred and ninety-three:

And whereas the period limited by the Act of 1886 as extended by the Act of 1889 for the compulsory purchase of lands for the purposes of the pier and works authorised by the Act of 1883 expired on the sixteenth day of July one thousand eight hundred and ninety and the period limited for the completion of the said pier and works will expire on the sixteenth day of July one thousand eight hundred and ninety-three:

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

And whereas no portion of the capital authorised by the Acts of 1886 and 1889 has been issued:

And whereas it is expedient that the powers and provisions contained in the Act of 1889 for the payment of interest out of capital during the periods limited by that Act for the construction of the Company's authorised railways pier and works should be extended and should apply to and be exercised by the Company during the extended periods limited by this Act for the completion of the said railways pier and works:

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:—

Short title.

1. This Act may be cited as the South Hampshire Railway and Pier Act 1891.

Incorporation of Part II. of Railways Clauses Act 1863.

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

Extension of time for compulsory purchase of lands for railways.

3. The time limited by the Act of 1886 as extended by the Act of 1889 for the compulsory purchase of lands for the purposes of the railways and works authorised by the Act of 1882 is hereby revived extended and enlarged and shall continue in force until the expiration of two years from the tenth day of August one thousand eight hundred and ninety.

Extension of time for completion of works for railways.

4. The time limited by the Act of 1886 as extended by the Act of 1889 for the completion of the railways authorised by the Act of 1882 shall be and the same is hereby extended and enlarged and shall continue in force until the expiration of two years from the tenth day of August one thousand eight hundred and ninety-three and that period shall for all purposes be deemed to be the period originally limited by the Act of 1882 for the completion of the railways.

Extension of time for compulsory purchase of lands under Act of 1883.

5. The time limited by the Act of 1886 for the compulsory purchase of lands for the purposes of the pier and works authorised by the Act of 1883 is hereby revived extended and enlarged and shall continue in force until the expiration of two years from the sixteenth day of July one thousand eight hundred and ninety.

Extension of time for completion of pier authorised by Act of 1883.

6. The time limited by the Act of 1886 for the completion of the pier and works authorised by the Act of 1883 shall be and the same is hereby extended and enlarged and shall continue in force until the expiration of two years from the sixteenth day of July one thousand eight hundred and ninety-three and that period shall for all purposes be deemed to be the period originally limited by the Act of 1883 for the completion of the pier and works.

As to repayment of deposit money.

7. Section 24 of the Act of 1882 is hereby repealed and in lieu thereof the provisions herein-after contained shall have effect as fully and effectually as if they had been specifically enacted in the Act of 1882 in lieu of the said section 24 The provisions herein-before referred to are as follows viz. :—

Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of seven thousand four hundred and eighty-eight pounds three per centum Consolidated Bank Annuities being equal to five per centum upon the amount of the estimate in respect of the railways has been transferred into the name of the Paymaster-General for and on

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behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion that the length of the railways so opened bears to the entire length of the railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Providing for release of deposit fund.

8. Section 25 of the Act of 1882 is hereby repealed and in lieu thereof the provisions herein-after contained shall have effect as fully and effectually as if they had been specifically enacted in the Act of 1882 in lieu of the said section 25 The provisions herein-before referred to are as follows viz. :—

If the Company do not previously to the expiration of the period limited for the completion of the railways complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the

railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Restrictions on displacing persons of labouring class.

9. Section 8 of the Act of 1889 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say) :—

(1.) The Company shall not under the powers of the Act of 1886 as extended by the Act of 1889 and by 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 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 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 respective fifteenth day of December aforesaid or for such number of such persons as the Local Government Board shall after inquiry deem

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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 provisions of any scheme under this section or any conditions subject to which the 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 Local Government Board out of the High Court.

(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 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 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

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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.) Any houses on any of the lands shown on the deposited plans 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 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 labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board 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 Local Government Board they might have been sufficient to accommodate.

(12.) For the purposes of this section the expression "labouring class" includes 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.

Application of section 27 of Act of 1889 to extended periods for construction of works.

10. The powers and provisions contained in section 27 of the Act of 1889 for the payment of interest out of capital during the periods limited by that Act for the construction of the railways pier and works authorised by the Acts of 1882 and 1883 shall apply to and be exercised by the Company for and during the extended periods

by this Act limited for the completion of the said railways pier and works. A.D. 1891.

Provision as to general Railway Acts.

11. 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 or 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.

12. 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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