



CHAPTER ccxviii.

An Act to revive and extend the powers of the Ardmillan Reclamation Company for the compulsory purchase of Lands and completion of Works; and for other purposes.

A.D. 1879.

[11th August 1879.]

WHEREAS by the Ardmillan Reclamation Act, 1874, the Ardmillan Reclamation Company (herein-after called "the Company") were incorporated and were authorised to execute certain works for the purpose of embanking and reclaiming from the sea certain slob lands in the said Act described, and to enter upon, take, and use certain lands therein mentioned or referred to for those purposes:

37 & 38 Vict.
c. xxxv.

And whereas it was provided by the said Act that the powers of the Company for the compulsory taking of lands for the purposes of that Act should not be exercised after the expiration of three years from the passing of the said Act, and that the powers of the Company for executing the works by that Act authorised should on the expiration of five years from the passing of the said Act cease and determine:

And whereas a portion of the works authorised by the Ardmillan Reclamation Act, 1874, has been constructed:

And whereas the powers for the compulsory taking of lands expired on the 30th day of June 1877, and the powers for the completion of the works expired on the 30th day of June 1879, and it is expedient to revive, extend, and continue such powers for further periods as provided by this Act:

And whereas the objects aforesaid 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,)

A.D. 1879.

Short title.

1. This Act may for all purposes be cited as the Ardmillan Reclamation Amendment Act, 1879.

Reviving
powers for
compulsory
taking of
lands.

2. The powers for the compulsory purchase or taking of lands granted by the Act of 1874 are revived and extended for the period of three years from the passing of this Act.

Extension of
time for com-
pletion of
works under
37 & 38 Vict.
c. xxxv.

3. The time limited by the Act of 1874 for the completion of the works by the same Act authorised to be constructed is revived and extended for five years from the passing of this Act.

Protecting
the owner
of the town-
land of
Ringneill.

4. Whereas David Dalzell, of Newtownards in the county of Down, is or claims to be the owner of the townland of Ringneill in the same county; and whereas the slob or waste lands which the Company are authorised to reclaim by the Act of 1874 abut in part upon the said townland, and upon islands of which the said David Dalzell is or claims to be the owner; therefore, notwithstanding anything in the Act of 1874 contained, the following provisions shall have effect for the protection of the said David Dalzell, or other the owner or owners for the time being of the said townland, who are herein-after included in the expression the owner:

(1.) The Company shall make full compensation to the owner for all his rights in or upon any lands or islands of the owner, and in, to, or over any land, foreshore, slob, or sands which may be reclaimed or affected by any works or operations of the Company, and for any injury which may arise to any property or rights of the owner:

(2.) Unless otherwise agreed between the Company and the owner, the amount of compensation shall be determined (before the commencement of any works authorised by the Act of 1874) by arbitration, subject to and in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, with reference to settling cases of disputed compensation by arbitration; and these provisions shall for the purpose of such arbitration be incorporated with and form part of this Act, and such compensation shall be the allotment to the owner of such an amount of the land to be reclaimed by the Company as in the opinion of the arbitrator or arbitrators shall be an adequate compensation for such rights of the owner as aforesaid:

(3.) The arbitrator or arbitrators shall by their award settle and determine what shall be the boundary between the property of the Company and of the owner, and may, if they think fit, in order to establish a convenient boundary, award to the Company in exchange for an equivalent

8 & 9 Vict.
c. 18.

amount of reclaimed land any part of any island of the owner, but subject to any rights of any person or persons other than the owner on or affecting the same, and the boundary so settled shall be defined upon a map attached to the award : A.D. 1879.

- (4.) As from the date of the award the land to be reclaimed which shall be awarded to the owner shall without any payment vest in him in fee, and any land of the owner awarded to the Company shall without any payment vest in them for all the estate and interest of the owner therein :
- (5.) The arbitrator or arbitrators in making the allotment aforesaid shall take into consideration the costs and expenses of the owner properly incurred in relation to the Bill for this Act, and may also take into consideration any benefit which may accrue to the lands and property of the owner by reason of the proposed reclamation :
- (6.) Within six months after the making of any such award as aforesaid the Company shall give notice in writing to the owner intimating whether or not the Company intend to proceed with the execution of the works authorised by the Act of 1874 :
- (7.) In the event of their not proceeding with the same, all the reasonable costs, charges, and expenses of the owner of and incidental to this Act and the said arbitration shall be repayable by the Company to the owner, and may be recovered by the owner in a summary way in any court of competent jurisdiction.

5. The justices, arbitrators, umpires, or juries (as the case may be) who award or assess the compensation to be made by the Company to the owners or occupiers of or other persons interested in lands taken or used for the purposes of the works, or injuriously affected by the construction of any of those works, shall in estimating the amount of such compensation have regard to and assess compensation for the additional damage (if any) sustained by such owners, occupiers, or other persons by reason of the extension of time. As to compensation to parties aggrieved by extension of time.

6. The extension of time under this Act shall not affect any contract entered into or notice given by the Company before the passing of this Act for purchasing, taking, or using any lands which the Company were entitled to purchase, take, or use, but every such contract and notice shall be construed and take effect, and the same Existing contracts and notices to take lands not to be affected by this Act.

A.D. 1879. — proceedings may be had thereunder, and all parties thereto shall be entitled to the same rights and remedies in respect thereof at law and in equity, as if the extension of time had not been granted.

Expenses
of Act.

7. All the costs, charges, and expenses of and attending the preparing for, obtaining, and passing of this Act, or incidental thereto, shall be paid by the Company.