



CHAPTER lxxi.

An Act to confer further Powers upon the London,
Brighton, and South Coast Railway Company.

[19th July 1880.]

WHEREAS it is expedient that the London, Brighton, and
South Coast Railway Company (who are herein-after called
“the Company”) should be enabled

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To extend into the Hayward’s Heath station of the Company’s
main line the railway (No. 3) authorised by the Lewes and
East Grinstead Railway Act, 1877;

40 & 41 Vict.
c. 218. s. 6.

To extend into the Chichester station of the Company the
Chichester and Midhurst Deviation Railway (No. 1) authorised
by the London, Brighton, and South Coast Railway Act,
1877;

40 & 41 Vict.
c. 28. s. 4.

To construct the new roads herein-after described; and

To acquire the additional lands herein-after described:

And whereas it is expedient that the time limited by the
London, Brighton, and South Coast Railway (Chichester and
Midhurst Railway) Act, 1876, for the construction and completion
of the railway authorised by that Act should be extended, and that
the time limited by the London, Brighton, and South Coast
Railway Act, 1877, for the construction and completion of the
deviations authorised in the Chichester and Midhurst Railway
should also be extended:

39 & 40 Vict.
c. 109.40 & 41 Vict.
c. 28.

And whereas by the 22nd section of the London, Brighton, and
South Coast Railway Act, 1877, the time prescribed for the sale
of lands acquired by the Company under the powers of their
several Acts, and not yet applied to the purposes of their under-
taking, was, with respect to certain of the said lands, extended for
a period of ten years from the passing of the said Act, and with
respect to certain other lands for a period of two years from the
13th day of July, 1878, and it is expedient that the said periods be
extended:

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Coast Railway Act, 1880.

A.D. 1880. And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act, and the lands required or which may be taken for the purposes thereof, and plans of the lands which the Company are by this Act empowered to acquire and appropriate, and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the respective clerks of the peace for the counties of Surrey, Sussex, and Kent, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively :

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 London, Brighton, and South Coast Railway Act, 1880.

Incorporation of general Acts. 2. The following Acts and parts of Acts are, except where the same are expressly varied by or are inconsistent with this Act, incorporated with and form part of this Act, namely,

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;

The Railways Clauses Consolidation Act, 1845 ; and

Parts I. and II. of the Railways Clauses Act, 1863, relating respectively to the construction of a railway and to extension of time.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

With respect to the parish of Lewisham, the expressions "parish clerks," and "clerks of the several parishes," in sections 7, 8, and 9 of the Railways Clauses Consolidation Act, 1845, shall with reference to the Company mean the clerk of the Lewisham District Board of Works :

And for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated

herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1880.

4. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways and works hereinafter described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference, as may be required for those purposes; (that is to say,) Power to make railways, &c.

LEWES AND EAST GRINSTEAD RAILWAY EXTENSION.

A railway (1 mile, 3 furlongs, 3 chains in length), commencing in the parish of Ardingly by a junction with the said Lewes and East Grinstead Railway No. 3, near its authorised junction with the Company's main line of railway between London and Brighton, running on the eastern side of the said main line through the parishes of Ardingly and Lindfield, and terminating in the parish of Cuckfield in or near the Hayward's Heath station of the Company on the said main line of railway.

CHICHESTER AND MIDHURST RAILWAY EXTENSION.

A railway (6 furlongs, 3 chains in length), commencing at or near the authorised commencement of the said Chichester and Midhurst Deviation Railway No. 1, in the parish of Fishbourne, by a junction with the said Deviation Railway No. 1, running along and on the northern side of the Portsmouth line of the Company, and terminating in or near the Chichester station of the Company, in the parish of Saint Bartholomew; and all rights of way in and over the land numbered on the deposited plans 5, in the last-named parish, shall, when the Company have acquired the said land, be extinguished, so far as such rights of way exist on the north of the said Chichester and Midhurst Extension Railway; and instead of the proposed diversion of the footpath through the same land, as shown on the said deposited plans, the diversion thereof shall be by means of the construction of a new footpath, of a width of not less than six feet, through lands belonging to the Company on the south of their existing Portsmouth line of railway, in the line and direction shown by a certain plan, signed by the Right Honourable Lyon Playfair, the Chairman of the Committee

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of the House of Commons, to whom the Bill for this Act was referred; and a copy of which plan, before the Company shall execute any of the powers conferred on them by this enactment in regard to the said Chichester and Midhurst Extension Railway, shall be deposited with the clerk of the peace for the county of Sussex, so signed as aforesaid, and authenticated by the seal of the Company, to be retained by the said clerk of the peace along with and in addition to the plans, sections, and book of reference deposited in the month of November, 1879, with relation to this Act.

Both the said extensions will be in Sussex.

Roads at
Hayward's
Heath.

5. For the protection of the roads under the control of the Saint Wilfred's Local Board, be it enacted as follows:

The Company shall, contemporaneously with or as soon as practicable after the construction of the Lewes and East Grinstead Extension Railway hereby authorised, make a new road underneath their existing and extension railways in substitution for the existing road, forming part of Market Place Road, numbered on the deposited plans 6, in the parish of Cuckfield, and with respect to the said new road the Company shall be bound by the following conditions:

- (a.) The road shall be made at the cost of the Company, in the direction and of the dimensions shown by the red lines and figures upon a plan agreed on between the Local Board and the Company, and authenticated by the signature of the Right Honourable Lyon Playfair:
- (b.) The railways shall be carried over the new road by a girder bridge of thirty-five feet span, and of not less height at any part from the surface of the road to the underside of the girder than sixteen feet:
- (c.) The Company shall form, metal, and complete the new road thirty-five feet wide, with proper drains for carrying away the water therefrom, and shall make and gravel a foot-path on each side of the new road for the whole length thereof:
- (d.) The Company shall at all times from sunset to sunrise light the new road under the railway bridge with at least one gas lamp:
- (e.) When the new road shall be complete to the reasonable satisfaction of the said Local Board, and shall be open to the public, the site of so much of the existing Market Place Road as is rendered unnecessary by the new road shall without payment vest in the Company for all such

estate and interest as the Local Board may have therein, and thenceforth the new road shall be maintained by the same body or persons as maintain the existing Market Place Road :

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(f.) Within one month after the passing of this Act the Company shall deposit with the clerk of the peace for Sussex, to be kept with the deposited plans, a copy of the plan herein-before referred to, authenticated as herein-before mentioned :

(g.) The bridge for carrying the extension railway over the road numbered on the deposited plans 10, in the parish of Lindfield, shall not exceed in width ten feet in addition to the existing railway bridge over the same road.

Provided that nothing contained in this section shall enable the Company to enter upon, take, or use, for the purpose of the new road herein-before described, any lands or property which are not shown on the deposited plans, and described in the deposited books of reference, unless with the consent of the owners, lessees, and occupiers of the said lands.

6. The railways and works hereby authorised shall for all purposes (including the levying of tolls, fares, rates, and charges) be deemed to be part of the railways of the Company, and the Company may in respect of the said railways demand and take any tolls, rates, fares, and charges not exceeding those which by the London, Brighton, and South Coast Railway (Mitcham and Tooting Lines, &c.) Act, 1863, and the London, Brighton, and South Coast Railway Act, 1868, they are authorised to demand and take upon or in respect of their railways.

Railways to form part of railways of the Company.

26 & 27 Vict. c. 218.

31 & 32 Vict. c. 134. s. 26.

7. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only across and on the level of the road next herein-after mentioned ; (that is to say,)

Power to cross road on the level.

Railway.	No. on deposited plan.	Parish.	Description of Road.
Chichester and Midhurst Extension.	4	Fishbourne.	Public highway.

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Period for
completion
of railways.

8. If the railways authorised by this Act are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railways, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed.

Extension of
time for con-
structing
certain
railways.

9. The respective periods limited by the London, Brighton, and South Coast Railway (Chichester and Midhurst Railway) Act, 1876, for the construction and completion of the railway thereby authorised, and by the London, Brighton, and South Coast Railway Act, 1877, for the construction and completion of the deviation railways authorised by that Act, are hereby extended until the thirteenth day of July, one thousand eight hundred and eighty-one.

Penalty un-
less railways
are opened
within the
time limited.

10. If the Company fail, within the periods limited by this Act, to complete the railways which they are herein-before authorised to construct or complete, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which such default has been made is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General, on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

11. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and, after due notice in the "London

Gazette," shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway in respect of which default has been made or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company with reference to such railway by this Act, and for which injury or loss no compensation, or inadequate compensation, shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the said Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

12. Subject to the provisions of this Act, the Company may make, in the lines shown on the deposited plans, and according to the levels shown on the deposited sections, the new roads and other works herein-after described, with all proper works and conveniences connected therewith, and they may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):

Power to
make new
road, &c.

- (1.) A new or approach road in the parish of Hellingly, in the county of Sussex, commencing near and on the south side of the parish church of Saint Peter and Saint Paul, Hellingly, in the public highway leading from Swingate Cross to Hellingly, and terminating at the proposed Hellingly station of the Tunbridge Wells and Eastbourne Railway, at a distance, measured in a south-easterly

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direction, of about twenty chains from the proposed commencement of the said new road.

And all rights of way in and over or with respect to the public footpath leading from Bell or Ball Bank to Horselunges Farm, in the said parish of Hellingly, shall be extinguished so soon as the said new road is completed and open for public use.

(2.) A new road in the parish of Barcombe, in Sussex, commencing in the high road in the village of Barcombe, about two hundred and fifty yards eastward of the entrance to Saint Mary's church, and terminating at or near Culver Farm buildings.

Power to deviate in construction of roads.

13. The Company, in constructing the new roads herein-before authorised, may deviate from the centre lines shown on the deposited plans to the extent of the limits of deviation marked on such plans, but so, nevertheless, that no part of such deviation be constructed beyond the said limits, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet, but not so as to increase the rate of inclination as shown on the deposited sections of the said new roads.

Power to purchase additional lands.

14. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may enter upon and take for the purposes of their undertaking the lands herein-after described, which are delineated upon the deposited plans and described in the deposited books of reference (that is to say) :

Certain lands in the parish of East Grinstead, in the county of Sussex, adjoining the East Grinstead station of the Company, and on the south side thereof, and bounded on the south mainly by the Glen Vue Road :

Certain lands in the parish of Pulborough, in the county of Sussex, on the east side of and adjoining the Pulborough station of the Company. And the Company may, in the line shown upon the deposited plans, divert the footpath which now intersects the said lands, by carrying the same to and along the southern and eastern boundaries of the said lands; and when the said footpath has been so diverted, all rights of way over the said lands by means of the existing footpath, so far as the same shall be diverted, shall be extinguished :

Certain lands in the parish of Barcombe, in the county of Sussex, on both sides of the Brighton, Uckfield, and Tunbridge Wells line of the Company, and at or near the point where the said

line is joined by the authorised Lewes and East Grinstead Railway: A.D. 1880.

Certain lands in the parish of Lewisham, in the county of Kent, on the east side of and adjoining the railway, and near to the Forest Hill station of the Company:

Certain lands in the parish of Leatherhead, in the county of Surrey, near and on the south side of the Leatherhead station of the Company.

15. The quantity of land to be taken by the Company under the powers of this Act by agreement in connexion with their undertaking, for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed one acre. Land for extraordinary purposes.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

17. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

18. The Company may, notwithstanding anything to the contrary in the Lands Clauses Consolidation Act, 1845, or in any Act relating to the Company with which that Act is incorporated, retain and hold, as from the thirteenth day of July, one thousand eight hundred and eighty, any lands acquired by them which have not yet been applied to the purposes of the Company, or sold or disposed of by them in the parishes enumerated in the schedule to this Act, for the periods following (that is to say), as regards such of the lands as are situate near or adjoining any railway or station of the Company, or as the Company may be of opinion that they may require for the purposes of stations, sidings, or other conveniences, for the period of ten years from the said thirteenth day of July, one thousand eight hundred and eighty; and as regards the other of the said lands, for the period of two years from the same date. But the Company shall, at the expiration of such respective periods of ten years and two years, sell and dispose of Extension of time for sale of superfluous lands.

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all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking, as aforesaid, as superfluous lands.

Company
may apply
funds to
purposes of
Act.

19. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by virtue of any other Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Provisions as
to general
Railway
Acts.

20. 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, 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.

Expenses of
Act.

21. 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.

SCHEDULE.

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SURREY.

St. Olave, Southwark.
 St. Thomas, Southwark.
 Bermondsey.
 St. Mary, Rotherhithe.
 St. Giles, Camberwell.
 St. Mary, Lambeth.
 St. Mary, Battersea.
 St. Paul, Deptford.
 St. Leonard, Streatham.
 Penge.
 Croydon.
 Sanderstead.
 Coulsdon.
 Reigate.
 Horley.
 Beddington.
 Wallington.
 Carshalton.
 Sutton.
 Banstead.
 Cheam.
 Ewell.
 Epsom.
 Leatherhead.
 Fetcham.
 Dorking.
 Capel.
 Ockley.
 Mitcham.
 Merton.
 Wimbledon.
 Cranleigh.
 Wonersh.
 Charlwood.
 Cuddington.
 Mickleham.
 Wareham.
 Bramley.
 Dunsfold.

SURREY—continued.

Shalford.
 St. Nicholas, Guildford.

KENT.

St. Paul, Deptford.
 Lewisham.
 Beckenham.
 Tonbridge.
 Speldhurst.

SUSSEX.

Worth.
 Balcombe.
 Ardingly.
 Cuckfield.
 Lindfield.
 Keymer.
 Clayton.
 Piecombe.
 Patcham.
 Brighton.
 Portslade.
 Old Shoreham.
 New Shoreham.
 Lancing.
 Broadwater.
 West Tarring.
 Angmering.
 Rustington.
 Leominster.
 Littlehampton.
 Ford.
 Barnham. }
 Preston.
 Hove.

SUSSEX—continued.

Aldrington.
 Southwick.
 Kingston-by-the-Sea.
 Sompting.
 Goring.
 Ferring.
 East Preston.
 Torrington.
 Walberton.
 Yapton.
 Tangmere.
 St. Pancras, Chichester.
 St. Peter Sub-Deanery,
 Chichester.
 Oving.
 Rumboldswyke.
 Bosham.
 Chidham.
 Westbourne.
 Southover.
 All Saints, Lewes.
 South Malling.
 Berwick.
 Wilmington.
 Folkington.
 Hailsham.
 Westham.
 Pevensey.
 Bexhill.
 St. Mary Bulverhithe.
 St. Leonard's-on-Sea.
 Ifield.
 Lower Beeding.
 Rusper.
 Horsham.
 Pulborough.
 Cold Waltham.
 Burton.
 Petworth.

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SUSSEX—continued.	SUSSEX—continued.	SUSSEX—continued.
West Lavington.	Newhaven.	Southeast.
Cocking.	East Blatchington.	Tarring Neville.
Midhurst.	Willingdon.	Barnham.
Amberley.	Eastbourne.	Little Horsted.
Itchinfield.	Aldingbourn.	St. John under the Castle, Lewes.
Slinfold.	Eastergate.	Westmeston.
Rudgwick.	South Bersted.	Botolphs.
Henfield.	Chailey.	Billinghurst.
Steyning.	Newick.	West Chiltington.
East Grinstead.	Fletching.	Hardham.
Hartfield.	Isfield.	Bury.
Withyham.	Framfield.	Coates.
Rotherfield.	East Hoathly.	Sutton.
St. Bartholomew, Chi- chester.	Chiddingly.	Duncton.
New Fishbourne.	Hellingly.	Lodsworth.
Funtington.	Mayfield.	Selham.
Falmer.	Heathfield.	Ambersham.
St. Ann's, Lewes.	Barcombe.	HAMPSHIRE.
Kingston, near Lewes.	Farmfield.	Havant.
Glynde.	Chiltington.	Bedhampton.
Frant.	Seaford.	Wymering.
Buxted.	Beddingham.	Widley.
Uckfield.	West Firle.	Portsea.
Hamsey.	Alciston.	North Hayling.
Ditchling.	Selmeston.	South Hayling.
Street.	Arlington.	Warblington.
Plumpton.	Jevington.	Farlington.
St. Michael's, Lewes.	Nuthurst.	
Piddinghoe.	West Grinstead.	
South Heighton.	Beeding.	
Denton.	Bramber.	