



CHAPTER cl.

An Act to revive and extend the powers for the purchase of lands for and to extend the time for the completion of the Brighton Rottingdean and Newhaven Direct Railway.

A.D. 1893.

[27th July 1893.]

WHEREAS by the Brighton Rottingdean and Newhaven Direct Railway Act 1886 (in this Act referred to as "the Act of 1886") the Brighton Rottingdean and Newhaven Direct Railway Company (in this Act called "the Company") were incorporated and authorised to make a railway from Brighton to Rottingdean and Newhaven in the county of Sussex:

And whereas by the Brighton Rottingdean and Newhaven Direct Railway Act 1887 (in this Act called "the Act of 1887") the Company were authorised to make a new railway in Brighton and to lay down additional rails on portions of existing and authorised railways in order to avoid the construction of junctions and erection of signals in tunnel:

And whereas by the Brighton Rottingdean and Newhaven Direct Railway Act 1889 (in this Act called "the Act of 1889") the periods limited by the Acts of 1886 and 1887 for the compulsory purchase of lands for and also for the completion of the railways and works authorised by those Acts were respectively extended:

And whereas the powers granted to the Company by the Acts of 1886 and 1887 as extended by the Act of 1889 for the compulsory purchase of lands have expired and the powers of the Company for the construction and completion of the railways and works will expire on the twenty-fifth day of June one thousand eight hundred and ninety-three:

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands should be revived and extended and that the time for completing the railways and works should also be extended as herein-after provided:

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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 for all purposes as the Brighton Rottingdean and Newhaven Direct Railway Act 1893.

Part II. of
Railways
Clauses Act
1863 incor-
porated.
Interpreta-
tion.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is (except where expressly varied by this Act) incorporated with and forms part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction 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 the Act partially 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.

Reviving
and extend-
ing powers
for compul-
sory purchase
of lands.

4. The powers of the Company under the Acts of 1886 and 1887 as extended by the Act of 1889 for the compulsory purchase of lands for the purposes of the railways and works authorised by the Acts of 1886 and 1887 are hereby revived and may be exercised by the Company at any time within but shall cease after the expiration of two years from the passing of this Act.

Extending
period
limited for
completion
of railways
and works.

5. The periods limited by the Acts of 1886 and 1887 as extended by the Act of 1889 for the completion of the railways and works authorised by the Acts of 1886 and 1887 are hereby extended for a period of three years from and after the twenty-fifth day of June one thousand eight hundred and ninety-three.

If railways
and works
are not com-
pleted within
extended pe-
riod powers
to cease.

6. If the railways and works shall not be completed within the extended period granted by this Act then on the expiration of such period the powers by the recited Acts and this Act conferred on the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Restrictions
on displacing
persons of

7.—(1.) The Company shall not under the powers of the Acts of 1886 1887 and 1889 as revived and extended by this Act purchase

or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which 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—

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labouring
class.

(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 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 buildings 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

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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 powers 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 purposes 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. A.D. 1893.

(9.) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board 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 such persons who may be residing with them.

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Provision in
regard to
deposit
funds.

8. Section forty-three of the Act of 1886 and section 22 of the Act of 1887 are hereby repealed and in lieu thereof it is enacted as follows viz. :—

If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways authorised by the Acts of 1886 and 1887 complete and open the same for the public conveyance of passengers then and in every such case the deposit funds referred to in the said Acts or so much thereof as shall not have been respectively repaid 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 railway 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 the Acts of 1886 and 1887 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 said deposit funds has been found sufficient to satisfy all just claims in respect of such compensation then the deposit funds 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 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 retransferred to the depositors Provided that until the deposit fund has been repaid 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.

Rates &c. on
London
Brighton and
South Coast
Railway to
apply to
Company.

9. The classification of merchandise traffic and the maximum rates and charges applicable thereto and the regulations and provisions specified in the Order confirmed by the London Brighton and South Coast Railway Company (Rates and Charges) Order Confirmation Act 1891 shall be applicable and apply to the Company as if the Company were named in such Order.

[56 & 57 VICT.]

*Brighton, Rottingdean, and
Newhaven Direct Railway Act, 1893.*

[Ch. cl.]

10. Nothing in this Act contained shall exempt the Company or the railway 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 authorised by the Acts of 1886 and 1887.

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Provision as
to general
Railway
Acts.

11. 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.

Costs of Act.

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