



CHAPTER cclxxv.

An Act for conferring further powers on the City and Brixton Railway Company. [17th August 1901.] A.D. 1901.

WHEREAS by the City and Brixton Railway Act 1898 (hereinafter called "the Act of 1898") the City and Brixton Railway Company (hereinafter called "the Company") were incorporated and authorised to construct the railway therein described and to raise capital for that purpose:

And whereas the time for the compulsory purchase of the lands required for the construction of the said railway will expire on the 1st day of July 1901 and it is expedient that the time so limited should be extended as by this Act provided:

And whereas it is expedient that the Company be empowered to enter into and carry into effect agreements with the City and South London Railway Company as hereinafter mentioned and that such other provisions as are in this Act contained be conferred upon the Company:

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 King'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:—

1. This Act may be cited as the City and Brixton Railway Act 1901. Short title.

2. The Lands Clauses Acts and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of general Acts.

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Interpreta-
tion.

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

Extending
time for
purchase of
lands.

4. The powers granted to the Company by the Act of 1898 with respect to the compulsory purchase or taking of lands are (subject to the provisions for the protection or benefit of any local authority company body or person in that Act contained) hereby extended and shall continue in force until the first day of July one thousand nine hundred and two.

For protec-
tion of
Postmaster-
General.

5. In the event of the railways of the Company or any part thereof being worked by electricity the following provisions shall have effect:—

(1) The Company shall so construct their electric lines and works of all descriptions and shall so work their undertaking in all respects as to prevent any interference whether by induction or otherwise with the telegraphic lines from time to time laid down or used by the Postmaster-General or with telegraphic communication by means of such lines:

(2) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer in chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall make any tests required by the Postmaster-General or afford all facilities for the making of any such tests and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations:

(3) If a telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company be injuriously affected and he is unable to ascertain whether such injurious affection is caused by the Company or by any other persons generating or using electric currents for traction purposes the Postmaster-General may give notice to the Company requiring them to make at such times as he may specify such experiments (by working their generating stations

running their cars or otherwise working any part of their undertaking or in case of continuous working by stopping the current generated for the purpose of their undertaking at such times as would not unduly interfere with the traffic) as he may deem necessary to enable him to discover which of the undertakings causes the disturbance and such tests shall be carried out by the Company as and when required by the Postmaster-General:

- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:
- (5) This section shall not apply to any telegraphic line of the Postmaster-General laid down or placed by him on or along the railway:
- (6) In this section the expression "electric line" has the same meaning as in the Electric Lighting Act 1882 and the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878:
- (7) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

6.—(1) The Company shall not under the powers of this Act or of the Act of 1898 as extended by this Act purchase or acquire in any metropolitan borough or in the city of London (in this section referred to as London) twenty or more houses which on the fifteenth day of December next before the passing of this Act or of the Act of 1898 by which such purchase or acquisition was originally authorised were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

Restrictions on displacing persons of labouring class.

- (a) Shall have obtained the approval of the Secretary of State for the Home Department 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 Secretary of State shall

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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) Shall have given security to the satisfaction of the Secretary of State for the carrying out of the scheme.

(2) The approval of the Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State has approved of any such scheme he 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 Secretary of State may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit:

If it shall appear to the Secretary of State that having regard to the congestion of population in the immediate neighbourhood of the houses purchased or acquired by the Company in respect of which new dwellings are to be provided or for sanitary or other reasons it is desirable that such new dwellings or a portion of them should be provided in some more open place or district he may approve of a scheme for providing the new dwellings or such part of them as he may determine in such other place or district as he may approve and on such conditions as he may think fit whether with regard to the provision of gardens open spaces and public recreation grounds or to facilities of cheap communication or otherwise.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary of State may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Secretary of State 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 Secretary of State 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 require.

(7) The Company may on any lands belonging to them or purchased or acquired under 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 date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Secretary of State may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may think fit.

(8) All buildings erected or provided by the Company in London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in the county of London.

(9) The Secretary of State may direct any inquiries to be held by any persons appointed by him as inspectors which he may deem necessary in relation to any scheme under this section or to the carrying out thereof and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government

A.D. 1901. Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10) The Company shall pay to the Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the Secretary of State for the services of such inspector.

(11) Any houses purchased or acquired by the Company for or in connexion with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act or of the Act of 1898 as the case may be and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State under 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 Secretary of State 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 Secretary of State they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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 of such persons who may be residing with them.

Power to
Company
and City
and South
London
Company to
enter into

7. The Company on the one hand and the City and South London Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 and of this Act enter into and carry into effect and rescind

agreements with respect to the following purposes or any of them (that is to say) :—

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—
working
agreements.

The working maintenance use and management by the City and South London Railway Company of the railways of the Company including the said portion of the railway of the City and South London Railway Company :

The management regulation interchange collection transmission and delivery of traffic coming from or destined for the railways of the said companies or either of them :

The supply and maintenance under and during the continuance of any agreement for the railway of the Company being worked and used by the City and South London Railway Company as aforesaid of engines stock plant and machinery necessary for the purposes of any such agreement :

The supply of electrical energy to or by the Company :

The construction of sidings junctions buildings and incidental works and conveniences and the maintenance use and repair thereof :

The fixing collection payment appropriation apportionment and distribution of tolls and rates subject to the authorised maximum rates fares charges income and profits arising from the respective railways and works of the contracting companies or either of them or any part thereof.

8. Nothing in this Act contained shall exempt the Company or 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.

Provision as
to general
Railway
Acts.

9. All costs charges and expenses of and incident to the preparing applying 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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