



CHAPTER vi.

An Act to confer further powers on the Dublin and South Eastern Railway Company in relation to their general undertaking and their separate undertakings of the New Ross and Waterford Extension Railways and the City of Dublin Junction Railways and for other purposes. A.D. 1908.

[18th June 1908.]

WHEREAS by the Dublin Wicklow and Wexford Railway (Shillelagh Extension &c.) Act 1897 (in this Act called "the Shillelagh Extension Act 1897") the Dublin Wicklow and Wexford Railway Company whose name was changed by virtue of the provisions of the Dublin Wicklow and Wexford Railway Act 1906 (in this Act called "the Act of 1906") to the Dublin and South Eastern Railway Company (in this Act called "the Company") were authorised to acquire lands compulsorily for and to construct amongst other railways and works Railway No. 3 and Work No. (6) described in section 6 of the Shillelagh Extension Act 1897 and the widenings of bridges at Bray in the county of Wicklow described in section 11 and modified by section 12 of that Act:

And whereas by section 19 of the Dublin Wicklow and Wexford Railway Act 1900 (in this Act called "the Act of 1900") the said widenings of bridges at Bray described in section 11 of the Shillelagh Extension Act 1897 were further modified:

And whereas by the Dublin Wicklow and Wexford Railway Act 1902 (in this Act called "the Act of 1902") the powers conferred on the Company and the period limited by the Shillelagh Extension Act 1897 for the compulsory purchase of lands for the railways and works authorised by the Shillelagh Extension Act 1897 were and was revived and extended until

A.D. 1908. the fifteenth day of July one thousand nine hundred and five and by the Act of 1902 the period limited by the Shillelagh Extension Act 1897 for the completion of the said railways and works by that Act authorised was extended until the fifteenth day of July one thousand nine hundred and seven :

And whereas by the Dublin Wicklow and Wexford Railway Act 1905 (in this Act called "the Act of 1905") the period for the compulsory purchase of lands for the said Railway No. 3 and Work No. (6) and the said widenings of bridges at Bray authorised by the Shillelagh Extension Act 1897 was further extended until the fifteenth day of July one thousand nine hundred and eight and by the Act of 1905 the period limited by the Shillelagh Extension Act 1897 for the completion of the said railway and works was further extended until the fifteenth day of July one thousand nine hundred and ten :

And whereas it is expedient further to extend the period limited by the Shillelagh Extension Act 1897 as revived and extended by the Act of 1902 and extended by the Act of 1905 for the compulsory purchase of lands for the said Railway No. 3 and Work No. (6) and also further to extend the period limited by the Shillelagh Extension Act 1897 as extended by the Act of 1902 and by the Act of 1905 for the completion of the said Railway No. 3 and Work No. (6) and the said widenings of bridges at Bray being the Works (a) (b) and (c) authorised by section 11 of the Shillelagh Extension Act 1897 as modified as aforesaid :

And whereas by the Act of 1900 the Company were authorised to acquire compulsorily the lands described in section 16 of that Act and the period limited by the Act of 1900 for the compulsory purchase of certain of the said lands expired on the thirtieth day of July one thousand nine hundred and three and it is expedient to revive the powers conferred on the Company and to extend the period limited by the Act of 1900 for the compulsory purchase of such of the said lands as are hereinafter in this Act described or referred to :

And whereas the period limited by the Act of 1900 for the compulsory purchase of certain other of the said lands described in section 16 of that Act expired on the thirtieth day of July one thousand nine hundred and three and by the Act of 1905 the powers conferred on the Company and the period limited by the Act of 1900 for the compulsory purchase of the said last-mentioned lands was revived and extended until the thirtieth day of July

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one thousand nine hundred and eight and it is expedient further to extend the period limited by the Act of 1900 as revived and extended by the Act of 1905 for the compulsory purchase of the said last-mentioned lands : A.D. 1908.

And whereas by the Dublin Wicklow and Wexford Railway Act 1903 (in this Act called "the Act of 1903") the Company were authorised to make the diversion railways roads and works described in that Act and by the Act of 1906 the period limited by the Act of 1903 for the compulsory purchase of lands for the said diversion railways roads and works was extended until the eleventh day of August one thousand nine hundred and nine and the period limited by the Act of 1903 for the completion of the said diversion railways was extended until the eleventh day of August one thousand nine hundred and eleven and it is expedient that such periods should respectively be further extended as by this Act provided :

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale or other disposal of lands acquired by them which are not or eventually may not be required for their general undertaking or their separate undertakings of the City of Dublin Junction Railways and New Ross and Waterford Extension Railways :

And whereas it is expedient that the Company should be authorised to contribute to the funds and objects present or future of the Dublin Wicklow and Wexford Railway Friendly Society and any other similar society or societies established in connection with the general or separate undertakings of the Company and that provision should be made as contained in this Act with reference thereto :

And whereas it is expedient that the other provisions hereinafter contained should be made :

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 Dublin and South Eastern Railway Act 1908. Short title.

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Incorporation of part of Act.

Interpretation.

Extension of period for compulsory purchase of lands for Railway No. 3 and Work No. (6) authorised by Shillelagh Extension Act 1897.

Extension of period for completion of Railway No. 3 and certain works authorised by Shillelagh Extension Act 1897.

Extended period for completion of Railway No. 3 and certain works to

2. Subject to the provisions of this Act the provisions of Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

3. In this Act—

The expression “the City of Dublin Junction Railways” means the Company’s separate undertaking of the City of Dublin Junction Railways;

The expression “the Waterford Extension Railways” means the Company’s separate undertaking of the New Ross and Waterford Extension Railways;

The expression “the general undertaking” means the general undertaking of the Company other than and exclusive of the separate undertakings of the City of Dublin Junction Railways and of the Waterford Extension Railways.

4. The period limited by the Shillelagh Extension Act 1897 as revived and extended by the Act of 1902 and as extended by the Act of 1905 for the compulsory purchase of lands for the said Railway No. 3 and for Work No. (6) being the widening of the portion of the Company’s main line in the parish of Saint Peter’s in the city and county of the city of Dublin described in section 6 of the Shillelagh Extension Act 1897 (subject as to such last-mentioned Work No. (6) to the provisions of section 9 of that Act) is hereby extended for a period of three years from the fifteenth day of July one thousand nine hundred and eight.

5. The period limited for the completion of the said Railway No. 3 and of the said Work No. (6) authorised by section 6 of the Shillelagh Extension Act 1897 (subject as to such last-mentioned Work No. (6) to the provisions of section 9 of that Act) and of the Works (a) (b) and (c) authorised by section 11 of that Act as modified by the Act of 1900 and as extended by the Act of 1902 and by the Act of 1905 is hereby extended for a period of three years from the fifteenth day of July one thousand nine hundred and ten.

6. The extended period hereby granted for completing the said Railway No. 3 and the said works mentioned in the last preceding section of this Act authorised by the Shillelagh Extension Act 1897 shall for all purposes referred to in the said Act of 1897 with reference to the completion of the same be

deemed to be the period limited by the said Act for the completion of the same. Provided that if the said railway and works for the completion of which the period is hereby extended shall not be completed within the extended period limited by this Act then on the expiration of such period the powers by the Shillelagh Extension Act 1897 granted to the Company for the construction and completion thereof shall cease to be exercised except as to so much thereof as shall then be completed.

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—
be deemed
period limited
by Shillelagh
Extension
Act 1897.

7. The powers conferred on the Company and the period limited by the Act of 1900 (as revived and extended as regards the lands secondly hereinafter described by the Act of 1905) for the compulsory purchase of the following lands and property described in section 16 of the Act of 1900 (namely):—

Revival and
extension of
period for
compulsory
purchase of
certain lands
described in
section 16 of
Act of 1900.

Certain lands in the township or urban district of Bray parish of Bray and county of Wicklow situate on the west side of and adjoining the Dublin and South Eastern Railway and lying between that railway and a piece of land known as the Carlisle Grounds and bounded on the north by Seapoint Road and on the south by Quinsborough Road ;

Certain lands in the township or urban district of Bray parish of Bray and county of Wicklow lying on the east side of and adjoining the Dublin and South Eastern Railway and between that portion of Quinsborough Road which is situate on the east side of the said railway and a road leading from Strand Road to Meath Road and passing the north end of Brennan's Parade ;

are and is hereby as regards the lands first in this section described revived and extended and as regards the lands secondly in this section described extended for a period of three years from the thirtieth day of July one thousand nine hundred and eight.

8. The period limited by the Act of 1903 as extended by the Act of 1906 for the compulsory purchase of lands for the railways roads and works connected therewith authorised by the Act of 1903 is hereby extended for a period of three years from the eleventh day of August one thousand nine hundred and nine.

Extension of
period for com-
pulsory pur-
chase of lands
for railways
roads and
works autho-
rised by Act of
1903.

9. The period limited for the completion of the railways authorised by the Act of 1903 as extended by the Act of 1906 is (subject to the provisions of section 29 of the Act of 1903)

Extension of
period for com-
pletion of rail-
ways autho-
rised by Act of
1903.

A.D. 1908. hereby extended for a period of three years from the eleventh day of August one thousand nine hundred and eleven.

Extended period for completion of railways to be deemed period limited by Act of 1903.

10. The extended period hereby granted for completing the railways authorised by the Act of 1903 shall for all purposes referred to in the said Act with reference to the completion of the same be deemed to be the period limited by the said Act for the completion of the same. Provided always that if the said railways for the completion of which the period is hereby extended shall not be completed within the extended period limited by this Act then on the expiration of such period the powers by the Act of 1903 granted to the Company for the construction and completion thereof shall cease to be exercised except as to so much thereof as shall then be completed.

Provision as to sale of lands relating to City of Dublin Junction Railways.

11. The period of ten years prescribed by section 6 of the Dublin Wicklow and Wexford Railway Act 1891 (Power to the Company to hold and deal with superfluous lands with reference to the City of Dublin Junction Railways) as extended by section 15 of the Act of 1900 for the sale assignment and disposal by the Company of any ground or other rents which may be reserved in respect of the lands specially referred to in the first proviso to the said section 6 of the said Act of 1891 and also the inheritance in fee simple of any such lands which may not have been disposed of shall be and is hereby extended for a period of ten years from the passing of this Act.

Provision as to sale of lands relating to general undertaking and Waterford Extension Railways.

12. The Company may as regards any lands acquired by them with reference to the general undertaking and with reference to the Waterford Extension Railways and which have not yet been applied to the purposes of the Company or sold or disposed of by them notwithstanding anything to the contrary contained in the Lands Clauses Acts or in any Act relating to the general undertaking or to the Waterford Extension Railways with reference to the sale and disposal of superfluous lands deal with and dispose of any such lands as aforesaid for the periods following (that is to say) As regards such of the said lands as are situated near to or adjoining any railway or station of the general undertaking or of the Waterford Extension Railways or as the Company may be of opinion that they may require for the purpose of stations sidings and other conveniences for the general undertaking or for the Waterford Extension Railways for the period of ten years from the passing of this Act and as regards the remainder of the said lands for the period of three years from the passing of this Act.

13.—(1) The directors of the Company may out of the funds and revenues of the Company and as part of the working expenses of the Company contribute to the funds and objects for the time being of the Dublin Wicklow and Wexford Railway Friendly Society as now constituted or at any time after the passing of this Act to be constituted and to the funds and objects of any other similar society or societies established or to be established in connection with the general or separate undertakings or any of them of the Company.

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As to Dublin
Wicklow and
Wexford
Railway
Friendly
Society &c.

(2) By arrangement with the managing committee or committees of the said society or societies the Company may receive at such rate of interest (if any) as may from time to time be agreed upon any accumulated or surplus funds not required for current payments for benefits or expenses and the trustees of the said society or societies may if so authorised by a rule of the said society or societies registered by the Registrar of Friendly Societies (which said rule the said registrar is hereby authorised to register) notwithstanding anything contained in section 44 of the Friendly Societies Act 1896 invest on deposit with the Company at such rate of interest (if any) as may from time to time be agreed upon as aforesaid any of its or their accumulated or surplus funds as aforesaid.

(3) The directors of the Company may by resolution from time to time appoint not less than three and not more than six persons being directors or officers of the Company to serve on the committee or respective committees of management of the said society or societies respectively as the case may be and the rules of such society or societies shall before and for so long as a contribution of not less than one hundred pounds per annum is made out of the funds and revenues of the Company provide for such appointment by the directors as aforesaid and be registered by the Registrar of Friendly Societies.

(4) Nothing in this section shall affect or take away the right or power of the Company to grant out of their funds or revenues pensions and allowances on retirement or during old age or sickness to any of the officers clerks and servants of the Company as the directors of the Company may from time to time think fit.

14.—(1) The Company shall not under the powers of any former Act revived or extended by this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were or have been since that day or shall

Restriction
on displacing
persons of
working
class.

A.D. 1908. hereafter be occupied either wholly or partly by thirty or more persons belonging to the working class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number or proportion of such persons as the said 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 other circumstances of the case; and

(B) Shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said 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 said 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 said 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 said Local Government Board out of the High Court.

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(5) If the Company acquire or appropriate any house or houses for the purposes of any former Act the powers of which are revived or extended by 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 said 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 202 203 and 214 of the Public Health (Ireland) Act 1878 as amended by any subsequent enactment 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 sanitary authority within the meaning of the Public Health (Ireland) Act 1878 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 working 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 the general 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 the 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 said Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

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(8) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections 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 said Local Government Board may direct any inquiries to be held 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 said Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(10) The Company shall pay to the said 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 purchased or acquired by the Company for or in connection with any of the purposes of any former Act the powers of which are revived or extended by 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 working class within five years before the passing of this Act or such former Act 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 said 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 said fifteenth day of December last by the same number of persons belonging to the working class as were occupying the said houses at the date of their acquisition. Provided that if the said Local Government Board are 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

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persons as in the opinion of the said Local Government Board they might have been sufficient to accommodate. A.D. 1908

(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 "working class" means 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 in any case does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

15. 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 passed before or after the commencement of this Act 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 to be taken by the Company. Provision as to general Railway Acts.

16. 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 out of the funds and revenues of the general undertaking of the Company. Costs of Act.

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