

**CHAPTER clx.**

An Act to extend the time for the compulsory purchase of
Lands and for completing the Worcester and Broom
Railway. A.D. 1888.
[7th August 1888.]

WHEREAS by the Worcester and Broom Railway Act 1885 (in this Act called "the Act of 1885") the Worcester and Broom Railway Company (in this Act called "the Company") were incorporated with power to raise one hundred and eighty thousand pounds by shares and to borrow sixty thousand pounds on mortgage and were authorised to make and maintain certain railways and works in the counties of Worcester and Warwick:

And whereas the time limited by the Act of 1885 for the compulsory purchase of lands will expire on the fourteenth day of August one thousand eight hundred and eighty-eight and for the completion of the railways authorised by that Act on the fourteenth day of August one thousand eight hundred and ninety:

And whereas the railways authorised by the Act of 1885 will with the railways of the Evesham Redditch and Stratford-upon-Avon Junction Railway Company the East and West Junction Railway Company and the authorised railways of the Stratford-upon-Avon Towcester and Midland Junction Railway Company form a complete system eastward and westward from Olney to Worcester:

And whereas the Company were authorised by the Act of 1885 to run over and use the railways of the said three companies:

And whereas the Stratford-upon-Avon Towcester and Midland Junction Railway Company have only recently commenced to construct their authorised railways and until they did so the Company considered it inexpedient to construct the railways authorised by the Act of 1885:

And whereas it is expedient that the powers for the compulsory purchase of lands and for the completion of the railways authorised by the Act of 1885 should be extended as herein-after provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

A.D. 1888.

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 Worcester and Broom Railway (Extension of Time) Act 1888.

Incorporation of part of Act.

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

Extension of time for compulsory purchase of lands for railways.

3. The powers granted to the Company by the Act of 1885 for the compulsory purchase of lands for the purposes of the railways and works by that Act authorised are hereby extended and shall continue in force until the expiration of two years from the fourteenth day of August one thousand eight hundred and eighty-eight.

Extension of time for completion of railways.

4. The time limited by the Act of 1885 for the completion of the railways and works authorised by that Act shall be and the same is hereby extended and enlarged and shall continue in force until the expiration of three years from the fourteenth day of August one thousand eight hundred and eighty-eight and that period shall for all purposes be deemed to be the period originally limited by the Act of 1885 for the completion of such railways and works.

Restrictions on displacing persons of labouring class.

5. (1.) The Company shall not under the powers of the Act of 1885 as extended by this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of the Act of 1885 have been or on the 15th day of December 1884 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(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 15th day of December 1884 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 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 Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit :

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme under this section 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 of Justice :

(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 such 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 Local Government Board by action in the High Court of Justice 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 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 purpose of any scheme

A.D. 1888.

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 :

(9.) The Local Government Board may direct any inquiries to be held by their inspectors 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 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 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.) The expression "labouring class" in this section 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.

6. The Company shall not out of any money which they are by any Act authorised to raise pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

A.D. 1888.
Deposits
for future
Bills not to
be paid out
of capital.

7. Nothing in this Act contained shall exempt the Company or the railway 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 authorised to be taken by the Company.

Provision as
to general
Acts.

8. All the 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.

Expenses of
Act.

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