



CHAPTER clxxiii.

An Act to confer further powers on the Bexley Heath Railway Company. A.D. 1893.
[27th July 1893.]

WHEREAS the Bexley Heath Railway Company (herein-after called "the Company") were incorporated by the Bexley Heath Railway Act 1883 (herein-after called "the Act of 1883") with power to make the railways in that Act mentioned :

And whereas by the Bexley Heath Railway Act 1886 (herein-after called "the Act of 1886") the Company were authorised to make a new road and sewer in connexion with their railway and the time for the purchase of land and completion of the railway was extended :

And whereas by the Bexley Heath Railway Act 1887 (herein-after called "the Act of 1887") the Company were authorised to extend their railway to the North Kent line of the South Eastern Railway Company at Blackheath and to abandon the portion thereof to the Dartford loop line of the same Company near Lee :

And whereas by the Bexley Heath Railway Acts 1888 and 1890 the periods limited by the before-mentioned Acts for the compulsory purchase of lands and for the completion of the railways and works thereby authorised were extended :

And whereas a contract was duly made for the construction of the railways and works authorised by the recited Acts and considerable progress has been made in the formation thereof and it is expedient that the powers of the Company for the purchase of some of the land required for those railways and works should be revived and that the periods limited for the completion of such railways and works should be further extended :

And whereas it is expedient to provide for the diversion of certain footpaths crossing the railways now in course of construction :

And whereas plans showing the diversions of footpaths authorised by this Act and the lands required or which may be taken for the purposes thereof with books of reference to such plans containing

A.D. 1893. the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Kent and are herein-after referred to as the deposited plans and books of reference :

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 (that is to say) :—

Short title. 1. This Act may be cited as the *Bexley Heath Railway Act 1893.*

Incorporation of Acts. 2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) 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.

Interpretation. 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 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 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.

Extending time for compulsory purchase of lands. 4. The powers granted to the Company by the Act of 1883 the Act of 1886 and the Act of 1887 as subsequently extended for the compulsory purchase of land for the purposes of the railways and works authorised by those Acts are hereby revived and may be exercised by the Company with respect to any lands required and not already purchased by them for and during a period of one year from and after the twenty-fifth day of June one thousand eight hundred and ninety-three and on the expiration of that period the said powers shall cease.

Extension of time for completing railway and works. 5. The time limited by the Acts of 1883 1886 and 1887 as subsequently extended for the construction and completion of the railways and works thereby authorised is hereby extended for a period of two years from the twenty-fifth day of June one thousand eight hundred and ninety-three and on the expiration of that period

the powers granted to the Company for executing the said railways and works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. A.D. 1893.

6. Subject to the provisions of this Act the Company may divert the portions of the footpaths herein-after described in the manner shown on the deposited plans and stop up the portions of those footpaths rendered unnecessary by the diversion thereof respectively and the Company may purchase and take and the owners of and other persons interested shall sell and grant an easement over such of the lands delineated on the said plans and described in the deposited books of reference as may be required for the diversions of such portions of footpath. And for the purpose of ascertaining the compensation if any to be paid to the owners of and other persons interested in the lands over which such portions of footpath shall be diverted for any easement acquired by the Company under the powers of this section such easement shall be deemed to be land under the provisions of the Lands Clauses Acts: Diversion
of footpaths.

The portions of footpaths so to be diverted are as follows:—

(a.) So much of the footpath in the parish of Eltham leading from Kidbrook Lane to Well Hall Lane as lies between the point where that footpath is crossed by the fence separating the fields numbered 2 and 5 on the plans referred to in the Bexley Heath Railway Act 1887 and a point three hundred and ninety-five yards or thereabouts measured along the footpath in a south-easterly direction from the said fence:

Provided that the Company shall not alter or interfere with any part of the existing footpath until they have provided to the satisfaction of the London County Council a footpath instead thereof within the limits of deviation shown on the deposited plans which footpath shall be carried under the railway in course of construction in the manner shown on the plan and section thereof signed by Alexander Richardson Binnie on behalf of the council and by Francis Brady on behalf of the Company:

(b.) So much of the footpath leading from Wickham Lane to Bull Alley in the parish of East Wickham as lies between the point of commencement thereof at Wickham Lane and a point one hundred and seventy-seven yards or thereabouts measured along the said footpath in a south-easterly direction from such commencement:

(c.) So much of the footpath in the parish of Eltham leading from Shooters Hill to High Street Eltham as lies between the point where the said footpath is crossed by the fence separating the fields numbered 33 and 36 on the plans referred to in the Bexley

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Heath Railway Act 1883 and a point one hundred and eighteen yards or thereabouts measured along the said footpath in a southerly direction from the said fence. Provided that the Company shall if and when required by the London County Council construct a footbridge over the railway to the reasonable satisfaction of the council:

(d.) So much of the footpath in the parish of Crayford leading from Howbury Lane to Crayford as lies between Howbury Lane and a point ninety-eight yards or thereabouts measured in a south-easterly direction along the footpath from that lane.

Footpaths not to be stopped up until new portions of footpaths completed.

7. The Company shall not stop up any portion of the said footpaths until they have provided to the satisfaction of two justices for the use of the public the new or diverted footpaths by this Act authorised in lieu of the portions of footpaths to be stopped up and discontinued.

Provision for repair of new footpaths.

8. The new portions of footpaths to be provided as aforesaid under the authority of this Act together with any footbridge which the Company may be required under this Act to construct by the London County Council shall when provided and so far as they will be situate within the county of London if and when required from time to time by the London County Council be repaired and maintained by and at the expense of the Company.

Extinguishment of rights of way.

9. All rights of way over or along the portions of footpaths which shall under the provisions of this Act be diverted stopped up and discontinued shall be and the same are as from the diversion or stopping up thereof respectively by this Act extinguished.

Vesting in Company site and soil of portions of footpaths stopped up.

10. The site and soil of the footpaths or portions thereof by this Act authorised to be diverted stopped up and discontinued and the fee simple and inheritance thereof shall so far as the Company are or so far as under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company for the purposes of their undertaking subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

Period for compulsory purchase of lands.

11. The powers of the Company for the compulsory purchase of lands or the acquisition of any easement over lands for the purposes of this Act shall cease after the expiration of two years from the passing of this Act.

Power to take easements &c.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions

of those Acts and this Act grant to the Company any easement right or privilege not being an easement right or privilege of water required for the purposes of this Act in under over or affecting any such lands and the provisions of the said 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.

13.—(1.) Before executing any of the works by this Act or either of the recited Acts authorised over under or within five feet of any of the mains pipes or other works of the Company of Proprietors of the Kent Waterworks (herein-after called “the water company”) the Company shall give to the water company seven days’ notice in writing of the intended works to be carried out by them and the works to which such notice applies shall be carried out according to plans to be previously submitted to and reasonably approved by the engineer of the water company and under the superintendence and to the reasonable satisfaction of such engineer if he thinks fit to attend or of any person he may appoint and employ to superintend the execution of the works and to secure the safety of the mains pipes or other works of the water company and the reasonable cost of such superintendence shall be borne and defrayed by the Company and all such works shall be carried out so as to cause as little injury as circumstances will admit to any such mains pipes or other works of the water company and if any injury owing to or by reason of the construction or repair of any of the works by this Act authorised shall arise to any main pipe or other works of the water company or interruption of the supply of water the Company shall make full compensation in respect thereof to the said water company Provided always that the said engineer shall express his approval or disapproval of any plans submitted to him within seven days of their submission and if no such approval or disapproval be expressed the Company may execute the works in accordance with the plans submitted.

(2.) Where the Company is authorised to do any work under any existing street road or other public thoroughfare or place wherein the water company is authorised or may be required to lay its mains or pipes and shall construct any bridge tunnel or other work for the preservation or otherwise in respect of such street road or public thoroughfare or place the Company shall leave or provide sufficient space above or through the arches in the case of brick bridges and between the girders in the case of girder bridges to allow mains or pipes of the water company to be laid with proper protection from frost or otherwise And where such protection cannot be afforded for laying the mains or pipes over any of such

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by agree-
ment.

For protec-
tion of the
Kent
Waterworks
Company.

A.D. 1893. bridges tunnels or other works the water company may at their own expense lay such mains or pipes over or under the railway by the side of any such bridges or otherwise but so as not to interfere with the user of the railway by the railway company and the railway company shall permit the water company to lay at the expense of the water company any main or pipe over or under the railway at any other points where the public thoroughfare for the time being crosses the railway as may from time to time be necessary. Where the mains or pipes shall be laid or carried across the railway all such works shall be done under the superintendence and to the satisfaction of the engineer of the railway company for the time being.

(3.) If any difference arises between the Company and the water company or between their respective engineers as to the way in which any such works as aforesaid shall be carried out or as to the approval or disapproval of any plan for carrying out the same or any other matter under this section relating thereto the same shall be decided by a single arbitrator to be appointed upon the application of either party by the President of the Institution of Civil Engineers and the costs of the arbitration to be borne as such arbitrator may direct.

(4.) Provided always that this section shall not apply to any works already completed by the railway company or any works commenced by the railway company and in respect of which it shall not be practicable for the railway company to comply with this section.

Restrictions
on dis-
placing
persons of
labouring
class.

14.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any 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 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 or have since been 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 in the case of the metropolis of the Secretary of State for the Home Department or in any other case 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

said Secretary of State or the Local Government Board (as the case may be) 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 said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

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

(4.) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) 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 Secretary of State or the Local Government Board (as the case may be) 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 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 said Secretary of State or the Local Government Board (as the case may be) 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.

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(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 beyond the metropolis 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 said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he or they may see fit.

(8.) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending the same respectively.

(9.) 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.

(10.) The said Secretary of State or the Local Government Board (as the case may be) 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 purpose 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.

(11.) 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.

(12.) The Company shall pay to the said 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 said Secretary of State for the services of such inspector.

(13.) 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 said Secretary of State or the Local Government Board (as the case may be) 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 said Secretary of State or the Local Government Board (as the case may be) 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 said Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14.) 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.

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Power to
apply funds.

15. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they are by the recited Acts authorised to raise by shares or stock debenture stock or borrowing.

Saving for
Postmaster-
General.

16. Nothing in this Act or in any Act relating to the Company contained with reference to the working of the railways or undertaking of the Company or any part thereof by the South Eastern Railway Company shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the South Eastern Railway Company any larger number of telegraphic messages of that Company free of charge than the Postmaster-General would have been bound to transmit had such working not been authorised.

Rates &c.
on South
Eastern
Railway to
apply to
Railway.

17. The classification of merchandise traffic and the maximum rates and charges applicable thereto inclusive of perishable merchandise by passenger train and the regulations and provisions specified in the Order confirmed by the South Eastern 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 and shall be substituted for the classification maximum rates and charges regulations and provisions contained in the existing Acts of the Company with respect to merchandise traffic.

Provision as
to general
Railway
Acts.

18. 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 authorised to be taken by the Company.

Costs of
Act.

19. 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.

Printed by EYRE and SPOTTISWOODE,

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T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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