CHAPTER xxxvi.

An Act to authorise the Bristol Tramways and Carriage Company Limited to extend their Tramways and to confer further powers upon that Company. A.D. 1897.

[3rd June 1897.]

WHEREAS the tramways and undertakings authorised by—
The Bristol and Eastern District Tramways Order 1875;
The Bristol Tramways (Extension) Order 1876;
The Bristol Tramways (Extensions) Order 1877;
The Bristol Tramways (Extensions) Order 1879;
The Bristol Tramways (Extensions) Order 1880;
The Bristol Tramways (Extensions) Order 1881;
The Bristol Tramways (Extensions) Order 1882;
The Bristol Tramways Order 1887;
The Bristol Tramways (Extension) Order 1891;
The Bristol Tramways Act 1894; and
The Bristol Tramways Order 1896;

are vested in the Bristol Tramways and Carriage Company Limited (in this Act called "the Company"):

And whereas by the said Act of 1894 the Company were authorised to construct and work as an electric tramway their tramways commencing at the western end of Old Market Street in the city and county of Bristol and terminating at Kingswood Hill in the county of Gloucester and such tramway was on the 14th day of October 1895 opened for public traffic and has since that date been continuously worked:

And whereas by the said Order of 1896 the Company were authorised to construct and work as an electric tramway Tramway No. 6 thereby authorised forming a continuation of the said electric tramway to Kingswood and also to work as an electric tramway their tramway commencing at the western end of Old Market Street aforesaid and terminating at the junction of Stapleton Road and Fishponds Road in the county of Gloucester both of which tramways are now completed and opened for public traffic:

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And whereas it is expedient that the Company be empowered to extend their tramways by the construction of the additional tramways by this Act authorised and to use thereon electricity in addition to or in substitution for animal power:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised and a book of reference thereto have been deposited with the clerk of the peace for the county of Gloucester and are in this Act respectively referred to as the deposited plans sections and book 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:—

Short title.

1. This Act may be cited as the Bristol Tramways Act 1897.

Incorporation of general Acts.

2. The Lands Clauses Acts (except the provisions thereof with respect to the purchase of lands otherwise than by agreement) and section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that for the purposes of this Act the rural district council shall be deemed the local authority mentioned in section 3 and Part I. of Schedule A of the Tramways Act 1870 in lieu of the vestry select vestry or other body of persons acting by virtue of any Act of Parliament prescription custom or otherwise as or instead of a vestry or select vestry.

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:

The expression "the tramways" means the tramways by this Act authorised;

The expression "the undertaking" means the undertaking of the Company authorised by the said Orders of 1875 1876 1877 1879 1880 1881 1882 1887 1891 and 1896 the said Act of 1894 and this Act;

The expression "mechanical power" includes steam electric and every other motive power not being animal power;

The expression "engine" includes motor.

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Power to make tramways.

4. Subject to the provisions of this Act the Company shall make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections except where the same are varied by the provisions of this Act with all proper rails plates posts tubes wires apparatus works and conveniences connected therewith The tramways herein-before referred to and authorised by this Act will be situate in the following parishes namely the parishes of Stapleton St. George and Mangotsfield all in the county of Gloucester and are—

Tramway No. 1 1 furlong 5·48 chains in length (in substitution for a portion of the existing tramway) of which 0·60 chain shall be laid as a single line and 1 furlong 4·88 chains as a double line wholly situate in the parish of Stapleton commencing in Stapleton Road by a junction with the Company's existing tramway at a point 2·44 chains or thereabouts south-westward from the intersection of the centre lines of Robertson Road and Stapleton Road at the boundary of the parish of Stapleton passing thence in a north-easterly direction along Stapleton Road and into and along Fishponds Road and terminating therein at a point 1·20 chains or thereabouts south-westward from the intersection of the centre lines of Boswell Street and Fishponds Road :

Tramway No. 2 1 mile 4 furlongs 6·90 chains in length of which 1 furlong 2·83 chains shall be laid as a single line and 1 mile 3 furlongs 4·07 chains as a double line wholly situate in the parish of Stapleton commencing in Fishponds Road by a junction with the termination of Tramway No. 1 passing thence along Fishponds Road and terminating therein at a point 2·27 chains or thereabouts north-eastward from the intersection of the centre lines of Station Road and Fishponds Road :

Tramway No. 3 1 mile 2 furlongs 3·57 chains in length of which 7·75 chains shall be laid as a single line and 1 mile 1 furlong 5·82 chains as a double line commencing in the parish of Stapleton in Fishponds Road by a junction with the termination of Tramway No. 2 passing thence in a north-easterly direction along Fishponds Road and easterly along The Straits Staple Hill Road Broad Street and Mangotsfield Road and terminating in the last-named road in the parish of Mangotsfield at a point 0·70 chain or thereabouts eastward from the intersection of the centre lines of Staple Park Road and Broad Street :

Tramway No. 4 6·25 chains in length of which 2·75 chains shall be laid as a single line and 3·50 chains as a double line wholly

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situate in the parish of Stapleton commencing by a junction with the Company's existing tramway in Stapleton Road at a point 0·37 chain or thereabouts eastward from the intersection of the centre lines of Reading Street and Stapleton Road and terminating in the last-named road 6·25 chains or thereabouts northward from its commencement:

Tramway No. 5 a double line 2·90 chains in length (in substitution for a portion of the existing tramway) wholly situate in the parish of St. George commencing by a junction with the Company's existing tramway in Bell Hill Road at or near the intersection of the centre lines of Marling Road and Bell Hill Road and terminating in the last-named road by a junction with the Company's existing tramway at a point 2·90 chains or thereabouts eastward from its commencement.

Gauge of tramways.

5. The tramways shall be constructed on a gauge of four feet eight and a half inches.

For protection of the Bristol Waterworks Company the West Gloucestershire Water Company and the Bristol Gas Company.

6. If the Company desire under the authority of this Act to do any act which shall or may render necessary the removal displacement or duplication of any of the then existing mains or pipes valves syphons plugs or apparatus or other works belonging to or controlled by the Bristol Waterworks Company the West Gloucestershire Water Company or the Bristol Gas Company the Company shall give to the company to be affected by such act fourteen days' notice in writing of such desire and such company shall forthwith (without prejudice nevertheless to the protection afforded them by the Tramways Act 1870 and subject to the proviso in this section herein-after contained) make such removal displacement or duplication as may be necessary and do all works incident thereto and all expenses to be thereby incurred shall be defrayed by the Company Provided always that if the Company are of opinion that such act does not render necessary any such duplication the question as to the necessity thereof shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall also determine as to whether the whole or if not the whole what proportion of the costs of such duplication shall be paid by the Company and by whom the costs of the arbitration and award shall be borne but without prejudice to any existing rights of the Company or of any of the said companies to refer any question other than the necessity of such duplication to arbitration under the provisions of the Tramways Act 1870 Nothing contained in this Act shall interfere with the exercise by any of the said companies of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining and as occasion may require of repairing and altering

any mains or pipes in and under any of the roads upon which the tramways may be laid or works executed under the authority of this Act And the provisions of the Tramways Act 1870 shall extend and apply to all works by this Act authorised and to the Company in respect thereof and the provisions of that Act in favour of the local authority or the road authority shall be extended to and include each of the said companies.

Provision as to construction of tramways.

7. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance or renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act.

As to rails of tramways.

8. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may upon the application of the road authority of any district in which the tramways or any portion thereof are or is situate require the Company to adopt and apply such improvements in the tramways within such district including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and roads in good condition.

9. The Company shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and if the Company at any time make default in complying with this provision or with any of the requirements of section 28 of the Tramways Act 1870 they shall for every such offence be

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liable to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section 56 of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitants ratepayers of such district that the Company have made any such default as aforesaid the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are imposed by this section.

Local authority to have access to sewers.

10. Every local authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the local authority as if the same were a pipe for the supply of gas or water.

Tramways to be kept on a level with surface of road.

11. If any road authority hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid the Company may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Power to make additional crossings &c.

12. The Company may subject to the provisions of this Act make maintain alter and remove all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient for the efficient working of the tramways or any of them or for providing access to any stables engine houses generating stations carriage houses sheds or works of the Company subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the houses

shops or warehouses abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Temporary tramways.

13. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the tramway or part of a tramway so removed or discontinued If any difference arise between the Company and any road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

Application of road materials.

14. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of such road and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of such road authority or to such person as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice thereof duly given to the road authority such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act

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1870 with respect to differences between the promoters and any road authority.

On completion of Tramways Nos. 1 and 5 powers of Company under previous Act or Order to cease as to those tramways.

15. On the granting by the Board of Trade of its certificate under the Tramways Act 1870 that Tramways Nos. 1 and 5 by this Act authorised to be constructed in substitution for a portion of the existing tramways are fit for public traffic all rights powers authorities obligations and liabilities in relation to any portion of the existing tramways for which Tramways Nos. 1 and 5 shall be substituted and to the traffic thereon under the provisions of the Act or Order by which such portion of the existing tramways were authorised shall as from the date of such certificate cease and determine so far as regards such portion of the existing tramways and Tramways Nos. 1 and 5 shall for all purposes and notwithstanding anything in the said Act or Order contained be deemed to be tramways originally authorised by this Act Provided always that so far as the same are at the date of such certificate subsisting or in force the provisions in such Act or Order contained with regard to the tolls and charges to be demanded and taken shall nevertheless continue in force and apply to Tramways Nos. 1 and 5 by way of substitution as aforesaid and the traffic thereon and to any other tramways or portion of tramways of the Company to which the same are applicable and the traffic thereon in the same manner as such provisions would have applied to the existing tramways and any such other tramways as aforesaid and the traffic thereon if Tramways Nos. 1 and 5 had not been constructed.

Power to lay down double or interlacing lines in place of single lines and vice versâ.

16. The Company in any street in the parishes of Stapleton St. George Mangotsfield and Kingswood or any of them in which they have laid down or are authorised to lay down a single line of tramway may with the consent of the Board of Trade in lieu thereof lay down a double line or an interlacing line of tramway and in any street in the said parishes in which they have laid down or are authorised to lay down a double line or an interlacing line of tramway they may with the like consent of the Board of Trade in lieu thereof lay down a single line of tramway Provided nevertheless that in the construction of any such works no rail shall except with the consent of the Board of Trade be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the houses or shops or warehouses abutting upon the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving

from the Company notice in writing of their intention express their objection thereto.

Period for completion of tramways.

17. If the tramways are not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the tramways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Inspection by Board of Trade.

18. No tramway shall be opened for public conveyance of passengers until the same has been inspected and certified to be fit for such traffic by the Board of Trade.

Agreements between the Company and road authorities.

19. The Company may subject to the provisions of this Act enter into agreements with any road authority for the time being authorised to make such agreements with respect to the forming laying down maintaining renewing repairing working and using any of the Company's tramways and the rails plates sleepers posts wires apparatus and works connected therewith and with respect to the widening and improvement of any roads or streets upon or along which any of the Company's tramways are or are intended to be laid or constructed and for facilitating the passage of carriages and traffic over and along the same or any part thereof.

Purchase of lands by agreement.

20. In addition to the other lands which the Company are already authorised to purchase and acquire they may purchase or acquire by agreement for the purposes of their undertaking and may hold any lands not exceeding five acres and they may on such lands erect or construct and hold stations yards wharves offices buildings places sidings works and other conveniences in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section.

Power to grant easements &c. by agreement.

21. 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 of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

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Restriction on taking houses of labouring class.

22. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means and includes 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.

Penalty imposed unless the tramways opened within the time limited.

23. If the Company fail within the period limited by this Act to complete the tramways and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramways are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the tramways so uncompleted and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the tramways by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

24. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or

otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and in compensating all road authorities for the expenses incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway 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 shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company 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 re-transferred to the Company.

Provisions as to motive power.

25. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electric power :

(3) The Company or any other company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty

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not exceeding five pounds for every day during which such offence is continued after conviction thereof:

(4) The Board of Trade if they are of opinion—

(*a*) That the Company or any other company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(*b*) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Company to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electric power.

26. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any

right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(5) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(7) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

Byelaws.

27. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For regulating the emission of smoke or steam from engines used on the tramways ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

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For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere:

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

28. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations at which carriages are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c. of the Board of Trade.

29. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a Secretary or an Assistant Secretary of the Board.

Recovery of penalties.

30. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts as a civil debt.

Works for generating and using electric power.

31. The Company may on the lands and premises now used or occupied by them as stables and depôts situate at Eastville in the parish of Stapleton the particulars whereof are contained in the schedule hereto but not under the powers of this Act elsewhere than on such lands and premises construct a station for generating electrical power and may thereon provide and use dynamos engines boilers and other apparatus and things necessary or proper for the generation of electricity and the working of tramways thereby and may also lay down construct erect and maintain on in under or over the surface of any street road or place in which any of the tramways are situate and also on in under or over the surface of the streets or roads leading from the Company's existing generating station in Beaconsfield Road St. George through Beaconsfield Road Church Road Plummer's Hill Croft's End Road the roadway leading from Croft's End Road aforesaid to Peckett's Engine Works the roadway on the western side of Peckett's Engine Works leading in a north-westerly and westerly direction to Royate Hill Royate Hill to Fishponds Road and with the consent of the local authority any other street or road in the parishes of Stapleton St. George Mangotsfield and Kingswood or

any of them and may with the consent of the owner and occupier thereof attach to any house and building in any of such streets roads places or parishes such posts conductors wires tubes mains plates brackets electric cables and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the tramways the electric tramway referred to in the said Act of 1894 as extended by the said Order of 1896 or the electric tramway to Fishponds as defined by the said Order of 1896 or any tramways outside the city and county of Bristol now or at any time hereafter belonging to or worked or used by the Company or for connecting any portions of any such tramways or for providing access to or forming connexions with any of the Company's generating stations engines machinery or apparatus and for those purposes may raise alter remove and interfere with telegraphic telephonic and electric wires posts and apparatus Provided always that the Company shall make compensation to any person being the owner lessee or occupier of any telegraphic telephonic or electric wires posts or apparatus which may be raised altered or removed who shall sustain injury by reason of such raising alteration or removal the amount of such compensation to be determined in default of agreement by arbitration in manner prescribed by section 33 of the Tramways Act 1870 and in the case of any such person as if such person had been named or referred to in that section.

Above ground posts &c. to be subject to approval of local authority or Board of Trade.

32. All posts and wires erected by the Company under the powers of this Act above the level of the surface of any street or road shall be erected in such position and at such height and shall be of such design as shall be reasonably approved by the local authority or in the event of such approval being withheld for the period of one month after notice in writing shall have been given to the local authority by the Company stating the position in which and the height at which such posts and wires are proposed to be erected and accompanied by drawings showing the design of such posts such posts and wires shall be erected in such position and at such height and shall be of such design as may be approved by the Board of Trade.

Posts &c. to be removed if user discontinued.

33. If the Company shall discontinue the use of any posts brackets or overhead wires placed or maintained in or over any street or road for supplying electrical motive power to the carriages used upon the tramways or if the right of the Company to use electrical motive power supplied by means of any such posts brackets or wires shall cease and determine the Company shall forthwith at their own cost remove such posts brackets and wires

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and shall restore and make good such streets and roads to the satisfaction of the local authority and in case of default the local authority may do all things necessary for that purpose and recover the costs and expenses thereof with full costs of suit from the Company.

For preventing malicious damage to works of Company.

34. Any person who shall unlawfully and maliciously take up remove cut or injure any cable electric main wire post plate bracket tube machinery or apparatus of the Company used for or in connexion with the working of any tramway worked by them by electrical power or fix or place on the rails of any such tramway or any of the posts plates brackets or wires used in connexion with such working any article matter or thing which might hinder or obstruct the working of such tramway or damage or deface the same or the machinery engines carriages wires or apparatus of the Company or shall unlawfully and maliciously do or cause to be done any other matter or thing with intent to impede or endanger the working of any such tramway by means of electrical power or who shall unlawfully and maliciously aid or assist in or attempt to do any of the foregoing acts shall on being convicted thereof be deemed to be guilty of an offence against the provisions of section 36 of the Malicious Damage Act 1861 and be liable to the punishment imposed by that section upon persons offending against the provisions thereof.

For protection of Postmaster-General.

35. In the event of the tramways being worked by electricity the following provisions shall have effect:—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking

of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3)—(*a*) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

(*b*) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration:

(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) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any

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manner affected by such act or work or by any use made of such work:

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section:

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

(10) 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.

Traffic upon tramways.

36. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

Railway carriages not to be used.

37. No carriages adapted for use upon railways shall be used upon the tramways.

Company not bound to carry animals &c.

38. The Company shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight.

As to carriage of animals goods &c. in separate carriages.

39. In case the Company carry animals goods minerals or parcels they may and when required by the local authority shal carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage.

Tolls.

40. The tramways shall for the purposes of tolls and charges be deemed to form part of the undertaking of the Company authorised by the said Order of 1875 and it shall be lawful for the Company to demand and receive such tolls and charges in respect of each and every description of traffic upon the tramways as they

would have been entitled to demand and receive if the same had originally formed part of the said undertaking of the Company:

Provided that the maximum fare for each person travelling on the route between the western end of Old Market Street and the junction of Fishponds Road and Stapleton Road at Eastville shall be one penny each way the maximum fare for each person travelling on the route between the western end of Old Market Street and the junction of Fishponds Road with Station Road at Fishponds shall be twopence each way and the maximum fare for each person travelling on the route between the western end of Old Market Street and the termination of the tramways at Staple Hill shall be threepence each way:

Provided also that if the Company at any time run through cars over any route consisting of two or more tramways or portions of tramways every such route shall be deemed to be one continuous tramway and passengers shall be entitled to travel on such through cars upon payment of a fare at one through rate for each journey made by any passenger:

Provided further that it shall not be lawful without the consent of the local authority for the Company to take or demand on Sunday or on any bank or other public holiday any higher rates or charges upon the tramways within the district of s ch local authority than those levied by them on ordinary week days.

Passengers' luggage.

41. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof All such personal luggage to be carried by hand and at the responsibility of the passenger and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

42. Section 20 of the said Order of 1875 section 41 of the said Order of 1891 and so much of section 25 of the said Act of 1894 as makes applicable to the tramways and undertaking by that Act authorised the said section 41 of the said Order of 1891 shall not apply to the tramway route from the western end of Old Market Street to the termination of the tramways at Staple Hill and in lieu thereof the following provisions shall have effect. The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run upon the route from the western end of Old Market Street to the termination of the tramways at Staple Hill at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday and Bank Holidays always

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excepted) at such times except as regards Saturdays not being later than eight in the morning nor earlier than five in the evening respectively and as regards Saturdays not being later than eight in the morning nor earlier than one in the afternoon respectively as the Company think most convenient for persons belonging to the labouring class at a maximum fare of one penny for each person each way Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Payment of tolls.

43. The tolls and charges by this Act authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Company may by notice to be annexed to the list of tolls and charges appoint.

Periodical revision of tolls.

44. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partially situate or by twenty inhabitant ratepayers of any such district or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they may think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised Provided also that a copy of this section shall be annexed to every table or list of tolls published or exhibited by the Company.

Purchase of tramways by the

45. The time at which the local authority for the district of St. George may first exercise the powers given them by section 43 of

the Tramways Act 1870 to purchase so much of the undertaking of the Company as is within that district shall (notwithstanding any provision to the contrary in any Act Provisional Order or agreement relating to or affecting the Company or their undertaking) be twenty-one years from the passing of this Act and the subsequent periods of seven years mentioned in the said section 43 shall as regards all the tramways of the Company within the said district be reckoned as from the expiration of the said twenty-one years.

Arbitration.

46. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall except where otherwise specially provided apply to every such arbitration.

Form and delivery of notices.

47. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect (that is to say):—

(1) Every notice shall be in writing and if given by the Company or by any local authority or any road authority shall be signed by their chairman secretary or clerk:

(2) Any notice to be delivered by or to the Company to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of such authority body or company or of the Company as the case may be or by being sent by post addressed to their respective clerk or secretary at such principal office.

Copy of Act to be registered.

48. The Company shall deposit with the Registrar of Joint Stock Companies a printed copy of this Act and it shall be recorded by him and if such copy is not so deposited within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be deposited and every director and manager of the Company who knowingly and wilfully authorises or permits such default shall incur the like penalty and every penalty under this Act shall be recoverable summarily.

Saving as to powers of borrowing on mortgage.

49. Nothing in this Act or in the Tramways Act 1870 contained shall prevent the Company borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid

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to the Company in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the Tramways Act 1870 and that any mortgage granted by the Company shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under section 43 of the Tramways Act 1870 and that every mortgage deed granted by the Company shall be endorsed with notice to that effect.

Provision as to general Tramway Acts.

50. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways 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 tolls or charges authorised to be taken by the Company on their tramways.

Costs of Act.

51. 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.

The SCHEDULE referred to in the foregoing Act.

All that piece of land with the stables car sheds workshops and appurtenances thereof now in the occupation of the Company and known as the Eastville Tramway Depôt situate in the parish of Stapleton with its entrance in Fishponds Road and being bounded on the north-west side by Stapleton Road and on the south-east side by Fishponds Road aforesaid.

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