# CHAPTER cxxxiv.

An Act to enable the Edinburgh Street Tramways Company to use steam or other mechanical power on their tramways and to confer other powers upon the said Company. A.D. 1882.

[12th July 1882.]

WHEREAS by the Edinburgh Tramways Act 1871 (in this Act called "the Act of 1871") the Edinburgh Street Tramways Company (in this Act called "the Company") were incorporated and were authorised to make and maintain various tramways in Edinburgh Leith and Portobello and with power to raise three hundred thousand pounds by shares and seventy-five thousand pounds by borrowing: 34 & 35 Vict. c. lxxxix.

And whereas the following Acts have also been passed relating to the Company that is to say:

The Edinburgh Street Tramways Act 1873: 36 & 37 Vict. c. ccxxxvi.

The Edinburgh Tramways Act 1874 (in this Act called "the Act of 1874"): 37 & 38 Vict. c. lxviii.

The Edinburgh Tramways Act 1875; and 38 & 39 Vict. c. cxxviii.

The Edinburgh Street Tramways Act 1881 (in this Act called "the Act of 1881"): 44 & 45 Vict. c. clxxvi.

And whereas the Company have completed and are now working for public traffic their systems of tramways with the exception of the tramways authorised by the Act of 1881:

And whereas owing to the steepness of the gradients of many of the roads and streets along which the tramways of the Company are or will be laid great difficulty and inconvenience is experienced in working the said tramways by animal power and it is expedient that the Company should be empowered with the sanction of the local authorities for the districts within which their tramways are respectively laid to use steam or other mechanical power on their tramways as herein-after provided, but that object cannot be attained without the authority of Parliament:

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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 for all purposes as the Edinburgh Street Tramways (Mechanical Power) Act 1882.

Power to use steam on tramways.

**2.** Notwithstanding anything contained in the Act of 1871 the Company may subject to the provisions of this Act and with the consent of the Board of Trade in writing under the hand of a Secretary or Assistant Secretary of that Board given upon an application by the Company during the period of twenty-one years from the passing of the Act of 1871 and after the expiration of that period with the like consent during further periods of seven years from time to time use on all or any of their tramways (whether constructed or authorised) or upon such part or parts thereof as may be specified in the consent of the local authority herein-after mentioned steam or such other mechanical power as may be specified in such consent for the purpose of moving the carriages used on such tramways Provided always that in the exercise of the powers by this section conferred the Company shall be subject to the regulations set forth in the schedule to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of those powers. Provided further that the Company shall before applying for the consent as aforesaid of the Board of Trade obtain the consent in writing of the local authority of the district within which the tramways are situate in respect of which such application is made. And the respective local authorities may without prejudice to their other powers by such consent

(1) Specify the tramways or portions of tramways within their district upon which such steam or other mechanical power may be so used.

(2) Limit the number of carriages to be driven or moved by any one engine on the tramways or parts of the tramways within their district Provided that no more than two carriages shall be attached to one engine.

Consent of local authority to be

**3.** No consent under this Act of any local authority shall be given authorising the use of steam or any mechanical power on any tram-

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way or section of tramway of the Company otherwise than by resolution of such local authority by a majority of two thirds of the members of such local authority present at a special meeting to be called with four weeks notice specifying the object of the meeting and any local authority notwithstanding the concession of a right to use other than animal power on any tramway or section of tramway may by a resolution of a like majority of two thirds at a special meeting to be called with like notice prohibit the continuance of the use of such mechanical power if in their opinion the same is dangerous or inconvenient to the public or if the Company fail to comply with any condition or conditions of the consent of the local authority and such order of prohibition may be enforced by the sheriff of the Lothians or any of his substitutes.

given by two thirds majority.

Provided that any local authority having refused or withdrawn their consent as aforesaid may at any time and from time to time again grant and revoke their consent in manner aforesaid.

**4.** If the Company whilst using steam or any mechanical power on any of their tramways shall make default in complying with the provisions of this Act or any of the regulations set forth in the schedule to this Act annexed or any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company have made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to exercise the powers aforesaid and thereupon the Company shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Penalty for using steam or mechanical power contrary to order or regulations.

**5.** Subject to the provisions of this Act the Board of Trade may from time to time make and when made and without prejudice to all powers of the local authority as to regulation of street traffic may rescind annul or add to byelaws with regard to all or any of the tramways of the Company upon which steam or any mechanical

Byelaws for regulating user of steam &c.

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power may be used under the authority of this Act for all or any of the following purposes that is to say:—

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

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

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 of the Company and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways of the Company by exhibition of the same in conspicuous places in or 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.

As to recovery of penalties. 33 & 34 Vict. c. 78.

**6.** The provisions of the Tramways Act 1870 with respect to the recovery of penalties and of section 37 (further provisions as to recovery of penalties) of the Act of 1881 so far as the last-mentioned powers may be applicable shall apply to any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

**7.** 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 tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways of the Company under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws of Board of Trade.

**8.** All orders 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 of Trade.

Power to take licenses, &c.

**9.** The Company may subject to the provisions of this Act (but only for the purposes of the Company and not so as to acquire any exclusive right therein) contract for take and use any leave license or authority to work use exercise and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working any invention in relation to the use of steam or other mechanical power as a means of moving carriages and vehicles on tramways.

Power to apply existing funds.

**10.** The Company may from time to time apply towards any of the purposes of this Act any moneys which they have raised or may hereafter raise under the Act of 1871 or under any other Act or Acts and which may not be required for the purposes (if any) to which by the respective Acts such moneys are made specially applicable.

Saving agreements scheduled to Acts of 1871 and 1881.

**11.** Subject to the provisions of this Act nothing herein contained shall prejudice or affect the several agreements scheduled to the Acts of 1871 and 1881 but the same shall subject as aforesaid remain in full force and effect.

Costs of Act.

**12.** All costs charges and expenses of or preparatory or incidental to the applying for obtaining and passing of this Act shall be paid by the Company.

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## The SCHEDULE referred to in the foregoing Act.

*Break Power of Engines.*

Every engine used on the tramways of the Company shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

*As to Fittings of Engines, &c.*

Every engine used on the tramways of the Company shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

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With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

*As to Carriages.*

Every carriage used on the tramways of the Company shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

*Inspection of Engines and Carriages.*

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways of the Company and the machinery therein and may whenever they think fit prohibit the use on such tramways of any such engine or carriage which in their opinion may not be safe for use on such tramways.

*As to Speed.*

The speed at which engines and carriages may be driven or propelled along the tramways of the Company shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing-points shall not exceed the rate of four miles an hour.

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