CHAPTER ccxxxvi.

An Act to extend the time for the completion of certain of the authorised works of the Edinburgh Street Tramways Company, and for other purposes. [5th August 1873.]

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WHEREAS by the "Edinburgh Tramways Act, 1871," (in this Act referred to as "the Act of 1871,") the Edinburgh Street Tramways Company (in this Act called "the Company") were authorised to construct certain street tramways in that Act described: 34 & 35 Vict. c. lxxxix.

And whereas the Act of 1871 limited the period for the completion of the tramways and works thereby authorised to three years from the passing of that Act:

And whereas it is expedient that the Company, in constructing the various systems of tramways authorised by the Act of 1871, should be empowered, if required to do so by the road and local authorities, to lay down not more than one tramway along or across any road or part of a road, under the jurisdiction of such road and local authorities:

And whereas by the 28th section of the Act of 1871 the Company were authorised to create and issue debenture stock, but have not created or issued any such stock, and it is expedient that the said section be repealed:

And whereas it is expedient that the time limited for the completion of certain of the tramways and portions of the tramways (as in this Act specified) authorised by the Act of 1871 be extended, but that object cannot be attained 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,)

1. This Act may be cited for all purposes as "The Edinburgh Street Tramways Act, 1873." Short title.

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Extending time for construction of certain tramways and portions of tramways.

2. The powers of the Company for the construction of the following tramways and portions of tramways authorised by the Act of 1871; (that is to say,)

So much of tramway No. 1 and No. 1A as lies between a point in Waterloo Place, fifty yards or thereby eastward from the west end of that street and the termination of the said tramways:

Tramways No. 4, No. 4A, No. 4B, and No. 4C:

So much of tramways No. 5 and No. 5A as lies between their commencement and a point in the Ferry Road, ten yards or thereby eastward from the junction of Newhaven Road with the Ferry Road:

Tramways No. 5A, No. 5B, No. 5C, No. 5D, No. 5E, No. 5F, No. 5G, No. 9 and 9A.

are hereby extended, and may be exercised within, but shall not be exercised after, the expiration of one year from the expiration of the period limited by the Act of 1871, and such extended period shall for all purposes be deemed the period originally limited by the Act of 1871 for the completion of the tramways and portions of tramways in this section mentioned, and if the said tramways and portions of tramways shall not be completed within the period limited by this Act, then on the expiration of such period the powers by the Act of 1871 and by this Act granted to the Company for making and completing the said tramways and portions of tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

Tramways to be constructed as required by local and road authorities.

3. Notwithstanding anything in the Act of 1871 contained, the Company, in constructing the various systems of tramways by that Act authorised, may, if required so to do by the local and road authorities of the district or districts in which any such tramway or tramways is or are authorised to be laid, lay down not more than one tramway consisting of two rails along or across any road or part of a road under the jurisdiction of such local and road authorities, and in all such cases such tramway or tramways shall be laid down in such road or part of a road in such line or position as the local and road authority of such district as aforesaid may direct, and in the event of difference, in such position as may be determined by a referee to be appointed by the Board of Trade: Provided always, that no siding, works, or other conveniences in connexion with any such tramway or tramways shall be made on any road or part of a road without the consent of such local and road authority as aforesaid.

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Agreements scheduled to Act of 1871 to remain in force.

4. Notwithstanding the extension of time by this Act authorised, and the provisions of section 3 of this Act, the three several agreements scheduled to the Act of 1871 shall, subject to such extension and provisions, remain in full force and effect.

Board of Trade may require alteration of tramways.

5. At any time after the expiration of three years after the opening for public traffic of any tramway by the Act of 1871 authorised, and from time to time thereafter, the Board of Trade may, on application by any of the local or road authorities, if on inquiry following on such application the Board of Trade shall be of opinion that any such tramway or any portion thereof is dangerous or inconvenient to the public and ought to be laid in some other line or position, or in the case of double lines ought to be removed and single lines be substituted therefor in some other line or position, or other alteration or modification made, require the Company so to do, and on such requisition the Company shall be bound, but at the cost of such local or road authority as the case may be, to comply with and give effect to such requisition; and if the Company shall fail to comply with such requisition within the time which may be therein specified, then such tramway or portion thereof shall be deemed to be a tramway to which all the provisions of "The Tramways Act, 1870," relating to the discontinuance of tramways, after proof of such discontinuance, shall apply, and may be dealt with accordingly: Provided always, that where any single line shall have been substituted as aforesaid for a double line, the Company shall not be bound thereafter to maintain or repair any part of the road beyond the distance of eighteen inches on each side of the rails of such single line.

Penalty for non-completion of tramway.

6. If the Company fail within the extended period limited by this Act to complete the tramways, the time for the completion of which is by this Act extended, 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 said tramways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per cent. on one hundred and fifty-six thousand two hundred and twenty pounds, the estimated cost of the tramways authorised by the Act of 1871, and the said penalty may be applied for by any landowner or other person, or any local or road authority claiming to be compensated, in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the 3rd section of the Act 17 & 18 Vict. cap. 31, known as "The Railway and Canal Traffic Act, 1854;"

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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 the said 3rd section of the Act 17 & 18 Vict. cap. 31, to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, in the bank named in such 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 was prevented from completing or opening any tramway or 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.

7. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "Edinburgh 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 said tramways, or any portion thereof, and in compensating all road authorities for the expense 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 tramways, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Exchequer in Scotland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

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Sect. 28 of 34 & 35 Vict. c. lxxxix., repealed.

8. Section 28 of the Act of 1871 and so much of the said Act as incorporates therewith Part III., relating to debenture stock of "The Companies Act, 1863," are by this Act repealed.

Tramways not exempt from provision as to general Acts.

9. Nothing in this Act contained shall exempt 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.

Expenses of Act.

10. 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.

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