CHAPTER xxix.

An Act to extend the time respectively for completing and opening certain Tramways authorised to be constructed by the Folkestone Sandgate and Hythe Tramways Company and for other purposes. [11th June 1891.]

A.D. 1891.

WHEREAS by the Folkestone Sandgate and Hythe Tramways Act 1884 the Folkestone Sandgate and Hythe Tramways Company (hereinafter called "the Company") were incorporated and were authorised to construct certain tramways in the county of Kent:

And whereas by various subsequent Acts the Company were authorised to construct additional tramways and such tramways have been constructed:

And whereas in consequence of the destruction of the sea wall at Sandgate which runs parallel with a portion of the said tramways it has been deemed inexpedient to open the said tramways for traffic within the time limited by the Acts relating to the Company:

And whereas it is expedient to extend the time within which such tramways may be opened for public traffic as by this Act provided:

And whereas by the Folkestone Sandgate and Hythe Tramways Act 1889 (in this Act called "the Act of 1889") the Company were authorised to construct additional tramways the time for the completion of which will expire on the twenty-sixth day of July one thousand eight hundred and ninety-one:

And whereas a deviation of the road upon which the said tramways are authorised to be constructed is in contemplation and such deviation may involve an alteration in the course of the authorised line of tramways and it is expedient that the period limited for the construction of the said tramways should be extended as by this Act provided:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

A.D. 1891.

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 Folkestone Sandgate and Hythe Tramways Act 1891.

Extension of time for opening tramways authorised by Acts of 1884 1886 and 1888.

2. The respective periods now limited for the opening for the public conveyance of passengers of the tramways authorised by the Folkestone Sandgate and Hythe Tramways Act 1884 the Folkestone Sandgate and Hythe Tramways Act 1886 and the Folkestone Sandgate and Hythe Tramways Act 1888 are hereby extended and enlarged until the twenty-fifth day of May one thousand eight hundred and ninety-two and the periods so extended shall be deemed to be the periods limited respectively by the Acts aforesaid.

Partial variation in position of Tramway No. 3 authorised by Act of 1886.

3. The Company may notwithstanding anything contained in the Folkestone Sandgate and Hythe Tramways Act 1886 or anything shown on the plans and sections deposited in relation thereto construct and maintain the Tramway No. 3 by that Act authorised according to the plan signed in duplicate by Sir John Dorington the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred whereof one copy has been deposited in the Office of the Clerk of the Parliaments and one copy in the Private Bill Office of the House of Commons but the said tramway shall not be constructed or maintained at any point of a width or gauge greater than three feet and six inches.

Extension of time for completion of tramways authorised by Act of 1889.

4. The time limited for the completion of the tramways authorised by the Act of 1889 is hereby extended and enlarged until the twenty-sixth day of July one thousand eight hundred and ninety-two and that time shall be deemed to be the time limited by the Act of 1889 and section 47 of the said Act shall be read and have effect accordingly.

If tramways not completed within extended period powers to cease.

5. If the tramways authorised by the Act of 1889 are not completed within the time limited by this Act then on the expiration thereof the powers granted to the Company by the said Act in relation thereto shall cease except as to so much of the tramways as shall then be completed.

Restriction on taking houses of labouring class.

6. The Company shall not under the powers of any former Act extended by this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after

the passing of this Act have been or 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 occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" 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.

Provision for protection of the Postmaster-General.

7. Section 43 of the Folkestone Sandgate and Hythe Tramways Act 1886 is hereby repealed and in lieu thereof in the event of any of the tramways of the Company being worked by electricity otherwise than by electrical power carried along with the carriages the following provisions shall have effect and the reference made by section 6 of the Act of 1889 to the above-mentioned section 43 shall apply to the provisions of this section instead of to the provisions of the said section 43 :—

(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.) (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

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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:

(3.) 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:

(4.) 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:

(5.) 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 manner affected by such act or work or by any use made of such work:

(6.) 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:

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

(8.) 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 both inclusive 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:

(9.) 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.

Provision as to general Tramway Acts.

8. Nothing in this Act contained shall exempt the Company or the tramways of the Company 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 for tolls and charges authorised by this or any Act relating to the Company.

Costs of Act.

9. All costs charges and expenses of and incident to the preparing applying for obtaining and passing this Act or otherwise in relation thereto shall be paid by the Company.

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