

CHAPTER cciv.

An Act to authorise the British Electric Traction Company Limited to construct new tramways between Worthing and Shoreham to work such new tramways and to adapt the existing tramways between Shoreham and Hove for working by electrical or other mechanical power and for other purposes. [11th August 1903.] A.D. 1903.

WHEREAS the provision of a continuous line of tramways between Worthing and Hove worked by electrical or other mechanical power will be of public and local advantage:

And whereas in order to provide such continuous line the British Electric Traction Company Limited (in this Act called "the Company") are willing at their own expense to construct the tramways herein-after described between Worthing and Shoreham and to adapt for working by means of electrical or other mechanical power the existing tramways between Shoreham and Hove and it is expedient that powers be conferred on them for those purposes:

And whereas the Company are the holders of all the share capital of the Brighton and Shoreham Tramways Company Limited the owners of the existing tramways and undertaking authorised by the Brighton District Tramways Act 1882 situate between Hove and Shoreham and it is expedient that the said tramways and undertaking should be transferred to and vested in the Company:

And whereas it is expedient that the Company should be authorised to execute the street work and to acquire the lands herein-after described and to enter into and carry into effect agreements with the local and road authorities as herein-after provided and that the other powers mentioned in this Act should be

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conferred upon the Company and that the provisions of the Tramways Act 1870 as to the purchase of the new and existing tramways should be modified as herein-after mentioned:

And whereas it is expedient to authorise the county council of the administrative county of West Sussex to agree with the Most Noble Henry Duke of Norfolk the owner of the bridge known as the Norfolk Bridge carrying the Lancing Road over the River Adur and authorised by the Act herein-after defined as the Norfolk Bridge Act for the transfer to and vesting in the said county council of the said bridge and to empower the said county council to raise money for such purpose and certain municipal and local authorities to contribute towards the cost of the purchase and maintenance of the said bridge by the county council and to authorise the Company in the event of the county council failing to purchase the said bridge to acquire the same:

And whereas plans and sections showing the lines and levels of the tramways and the work by this Act authorised and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Sussex and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the objects aforesaid 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 King'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 Hove Worthing and District Tramways Act 1903.

Incorporation of general Acts.

2. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;

Section 3 (Interpretation of terms) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870;

so far as they are applicable to and are not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking.

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Interpretation.

3. In this Act unless the subject or context otherwise require—

Words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings:

"The Company" means the British Electric Traction Company Limited:

"The Act of 1882" means the Brighton District Tramways Act 1882:

"The tramways" means the tramways by this Act authorised:

"The existing tramways" means the tramways constructed under the Act of 1882:

"The undertaking" means the undertaking by the Act of 1882 and this Act authorised:

"Mechanical power" includes steam electrical and every other motive power not being animal power:

"Engine" includes motor:

"The county council" means the county council of the administrative county of West Sussex:

"The Norfolk Bridge Act" means the Act of the eleventh year of George the Fourth chapter lxiii. (local) intituled "An Act for more effectually repairing and improving the road from Brighton to Shoreham for building a bridge over the River Adur at New Shoreham and for making a road to Lancing and a branch road therefrom all in the county of Sussex":

"The Norfolk Bridge" means the bridge carrying the Lancing Road over the River Adur and the approaches thereof and works connected therewith authorised by the Norfolk Bridge Act.

Power to make tramways.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways hereinafter described in the lines and within the limits of deviation and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all necessary and proper rails plates foundations sleepers embankments cuttings bridges drains stations platforms gates

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junctions turntables turnouts crossings crossovers passing places pillars posts poles brackets wires engines dynamos approaches sidings buildings substations apparatus machinery appliances works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways herein-before referred to and authorised by this Act will be situate in the county of Sussex and are—

Tramway No. 8 (1 mile 4 furlongs 6·50 chains or thereabouts in length of which 4 furlongs 2·45 chains or thereabouts will be double line and 1 mile 4·05 chains or thereabouts will be single line) wholly in the borough and parish of Worthing commencing in Brighton Road at a point 9 yards or thereabouts east of the junction of High Street with the said Brighton Road and terminating in Lancing Road at the point at which the eastern boundary of the borough of Worthing crosses that road:

Tramway No. 9 (2 miles 2 furlongs 1·45 chains or thereabouts in length of which 5 furlongs 4·65 chains or thereabouts will be double line and 1 mile 4 furlongs 6·80 chains or thereabouts will be single line) wholly in the parish of Lancing in the rural district of Steyning West commencing by a junction with Tramway No. 8 at its termination above described and terminating in Lancing Road at the point at which the boundary between the parish of Lancing and the urban district and parish of New Shoreham crosses the said road:

Tramway No. 10 (7 furlongs 8·25 chains or thereabouts in length of which 3 furlongs 3·30 chains or thereabouts will be double line and 4 furlongs 4·95 chains or thereabouts will be single line and of which 9·40 chains or thereabouts will be laid on the Norfolk Bridge) wholly in the parish and urban district of New Shoreham commencing in Lancing Road by a junction with Tramway No. 9 at its termination above described and terminating in New Road by a junction with the existing tramways at or about the point at which the boundary between the urban district and parish of New Shoreham and the parish of Kingston-by-Sea crosses that road.

Power to make street work.

5. Subject to the provisions of this Act the Company may in the line and according to the level shown upon the deposited plans and sections relating thereto make and execute the street work described in this section with all necessary and convenient approaches and works and may enter upon take and use such of the lands shown on the said plans and described in the deposited book of reference as they may require for that purpose and may for the like purpose enter upon open break up and interfere with the road herein-after in this section mentioned.

The work herein-before referred to and authorised by this Act is—

Work A The construction of a footbridge for passengers in the parish of Kingston-by-Sea in the rural district of Steyning West by widening for its entire length on the northern side the bridge known as Kingston Arches carrying the main road leading from New Shoreham to Brighton over the railways and sidings of the London Brighton and South Coast Railway Company.

Power to take lands.

6. Subject to the provisions of this Act the Company may for the purpose of widening the streets and roads on which the tramways will be situate and for other the general purposes of the undertaking enter upon take hold and use the following lands shown upon the deposited plans and described in the deposited book of reference (that is to say):—

(A) In the parish and borough of Worthing—

(1) A strip of Steyne Gardens abutting on the south side of Brighton Road between Steyne and New Steyne Road;

(2) A strip of land abutting on the north side of Brighton Road extending for a distance of 11 yards or thereabouts in a westerly direction from the west side of Warwick Place;

(3) A strip of land abutting on the north side of Brighton Road between Warwick Place and Park Road;

(4) A strip of land abutting on the north side of Brighton Road between Park Road and Madeira Avenue;

(5) A strip of land abutting on the south side of Brighton Road extending for a distance of 69 yards or thereabouts in an easterly direction from the east side of Warwick Road;

(6) A strip of land abutting on the south side of Brighton Road extending from the eastern boundary wall of Beach

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House for a distance of 83 yards or thereabouts in an easterly direction;

(7) A strip of land abutting on the north side of Brighton Road for a distance of 20 yards or thereabouts at its junction with Ham Road;

(8) A strip of land abutting on the north side of Lancing or Brighton Road and extending from a point 105 yards or thereabouts north-east of the junction of Brougham Road with Lancing Road to the point at which the boundary between the borough of Worthing and the parish of Lancing crosses that road:

(B) In the parish of Lancing in the rural district of Steyning West—

(1) A strip of land abutting on the northern side of Lancing Road and extending from the point at which the boundary between the borough of Worthing and the parish of Lancing crosses that road to the western boundary wall of the Coast Guard Station;

(2) A strip of land abutting on the southern side of Lancing Road and extending from a point opposite the western boundary wall of the Coast Guard Station to a point opposite the western carriage entrance to Beach House;

(3) A strip of land abutting on the northern side of Lancing Road and extending from a point 133 yards or thereabouts east of the junction of Penhill Road with Lancing Road for a distance of 117 yards or thereabouts in an easterly direction;

(4) A strip of land abutting on the southern side of Lancing Road and extending from a point 207 yards or thereabouts east of the junction of Penhill Road with Lancing Road to the point at which the boundary between the parish of Lancing and the parish and urban district of New Shoreham crosses that road:

(C) In the parish and urban district of New Shoreham—

(1) A strip of land abutting on the southern side of Lancing Road and extending from the point at which the boundary between the parish of Lancing and the parish and urban district of New Shoreham crosses that road for a distance of 10 yards or thereabouts in a north-easterly direction;

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(2) A strip of land and buildings thereon situate on the southern side of High Street and extending from a point 16 yards or thereabouts north-west of the junction of West Street with High Street to a point 15 yards or thereabouts north-west of the junction of Middle Street with High Street;

(3) A strip of land and buildings thereon situate on the southern side of High Street and extending from a point 30 yards or thereabouts south-east of the junction of Middle Street with High Street to the eastern end of the said High Street;

(4) A strip of land and buildings thereon abutting on the northern side of Lower Road and extending from the western end of that road for a distance of 29 yards or thereabouts in an easterly direction.

Vesting of lands thrown into street &c. in road authority.

7. In the event of any of the lands acquired by the Company under this Act being thrown into so as to widen a road or street the widened portion of the street or road shall on the completion of such widening vest in and thenceforth be maintained by the road authority subject to the provisions of section 28 of the Tramways Act 1870 as modified by this Act.

Lands for generating stations and other purposes.

8. Subject to the provisions of this Act the Company may enter upon take hold and use the lands herein-after in this section described shown on the deposited plans and described in the deposited book of reference relating thereto (that is to say) :—

(1) A piece of land containing 2 acres and 7 poles or thereabouts being the field or enclosure numbered 56 on the $\frac{1}{2500}$ Ordnance map (Sussex West sheet LXV 10 second edition 1898) situate in the parish of Kingston-by-Sea in the rural district of Steyning West on the north side of the road leading from New Shoreham to Hove and on the south side of the Portsmouth branch of the London Brighton and South Coast Railway:

(2) A piece of land containing 2 roods and 22 poles or thereabouts and situate in the parish and urban district of Portslade-by-Sea on the northern side of Franklin Road between Station Road and a point 106 yards or thereabouts measured in a westerly direction therefrom:

And the Company may on such lands but not elsewhere under the powers of this Act erect maintain work and use a station or stations for generating electrical or other forms of energy

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with all such engine-houses workshops carriage-houses stables and other buildings and engines dynamos and other machinery apparatus works and conveniences as may be necessary or ancillary for those purposes and may generate transform apply and distribute such energy or power for the purpose of working and lighting the tramways and the existing tramways.

Correction of errors &c. in deposited plans and book of reference.

9. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Sussex for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the town clerk of the borough or with the clerk of the urban district council or parish council of the urban district or parish (as the case may be) in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace town clerk or clerk of the council respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take hold and use the lands and execute the works in accordance with such certificate as if such omission misstatement or wrong description had not been made.

Period for compulsory purchase of lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c.

11. 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 persons other 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 and to such easements rights and privileges as aforesaid respectively. A.D. 1903.

Owners may be required to sell parts only of certain properties.

12. And whereas in the construction of the tramways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the same and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:

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(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission

that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Restriction on taking houses of labouring class.

13.—(1) The Company shall not under the powers of this Act purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December last were occupied either wholly or partly 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.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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 of such persons who may be residing with them.

Period for completion of street work and tramways.

14. If the tramways and street work by this Act authorised are not completed within five years after the passing of this Act t hen on the expiration of that period the powers by this Act granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

Abandonment of existing tramways.

15. The Company may abandon take up and remove any of the existing tramways situate in Ham Road in the parish and urban district of New Shoreham and may if they think fit

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appropriate to and use in the construction of the tramways so much of the existing tramways by this section authorised to be abandoned taken up or removed as may be convenient or desirable.

Gauge of tramways.

16. The tramways shall be constructed on a gauge of three feet six inches Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages or engines used on any tramway beyond the edge of the wheels of such carriages or engines and so much of section 12 of the Act of 1882 as limits the width of such carriages and engines shall not apply to carriages and engines used on the tramways or existing tramways but no carriage or engine used thereon shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Inspection by Board of Trade.

17. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Rails of tramways.

18. The rails of the tramways shall be such as the Board of Trade may approve.

Plan of proposed mode of construction.

19. 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 and renewing any of the tramways lay before the Board of Trade and the road authority 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 and renewal of any of the tramways or part of any of the tramways respectively 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 of the road authority as provided by section 26 of the said Act Provided that if any dispute shall arise between the Company and the road authority or the said surveyor in reference to the provisions of this section such dispute shall be determined by an arbitrator to be appointed by the Board of Trade.

Repair of part of road where tramway is laid.

20. The materials with which and the manner in which the Company shall maintain and keep in good condition and repair the portion of the road referred to in section 28 of the Tramways Act 1870 shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Penalty for not maintaining rails and roads.

21.—(1) The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 as modified by this Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

Board of Trade may on complaint inspect tramways.

(2) In case 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 inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 as modified by this Act 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 a secretary or an assistant secretary of 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 by this section imposed.

Tramways to be kept on level of surface of road.

22. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any of the tramways are laid or authorised to be laid the Company may and shall at the same time on receiving a reasonable notice from the road authority of their intention to alter the level of the road 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.

Application of road materials excavated in construction of works.

23. Any paving metalling or material excavated by the Company in the construction of the tramways or in the exercise of the powers of this Act from any road under the jurisdiction or control of any road authority may be applied by the Company

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so far as may be necessary in or towards the reinstatement of the street or road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act 1870 required to maintain 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 of the road authority or to such person or persons 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 duly given 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 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 settled by a referee to be nominated by the Board of Trade on the application of either party.

Power to make additional cross-overs and to double tramway lines.

24.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs passing places sidings turnouts junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or existing tramways or for providing access to any generating stations warehouses stables or carriage-houses or works of the Company or to any premises near any part of the tramways or for forming junctions with other tramways.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways or existing tramways and if at any time the road in which any of such tramways or any part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not (except with the consent of the Board of Trade) be so laid if the owners or occupiers of one third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Temporary tramways may be made when necessary.

25. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways or existing tramways are or is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramways 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 the tramway so removed or discontinued If any difference arises between the Company and the road authority with respect to the reasonableness of any 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 differences in the said section mentioned.

Sanitary authority to have access to sewers.

26. Every sanitary authority and as regards road drains the county council when the county council is the road 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 said authority or the county council as the case may be as if the same were a pipe for the supply of gas or water.

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As to removal of snow &c.

27. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company shall at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road:

Provided that any dirt or other matter removed by the Company from the grooves of the rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Company.

Agreements between Company and road authorities.

28. The Company and any road authority may subject to the provisions of this Act and of the Tramways Act 1870 incorporated with this Act enter into any agreements with respect to the mode of constructing and to the maintaining working removing renewing repairing and using of the tramways and existing tramways along or across any road situate within the district of such road authority and the rails plates chairs sleepers posts conductors wires tubes mains cables apparatus and works connected therewith and the facilitating of the traffic over and along the same.

For protection of West Sussex County Council.

29. For the protection of the county council the following provisions shall unless otherwise agreed between the county council and the Company have effect (that is to say):—

(1) Before constructing any part of the tramways in the road or roads extending from Norfolk Bridge westwards to the borough of Worthing the Company shall at their own expense cause such road or roads to be widened so as to make the same of a width of not less than twenty-one feet or twenty-seven feet where there is a double line of rails and no part of the tramways situate in the road or roads to be widened as aforesaid shall be constructed except with the consent in writing of the road authorities of such road or roads respectively or their respective surveyors until the carriageway throughout the length of such road or roads respectively in which such tramways are to be situate shall have been widened as aforesaid and the widened portions metalled to the reasonable satisfaction of such road authorities respectively or their respective surveyors:

(2) Where any existing kerbing and channelling of any footway on any of the roads of which the county council

are the road authority or towards which they make any payment for maintenance and along which the said tramways are intended to be laid shall be broken up or disturbed by any works of the Company the Company shall at their own expense re-kerb and channel such footways and shall also at the like expense and to the reasonable satisfaction of the county council or their surveyor make all alterations to existing drains and provide all new drains gullies gratings and catchpits which shall be rendered necessary for the proper drainage of the road or roads along which the said tramways are proposed to be laid by reason of any such works :

(3) In addition to the portion of any such road or roads which the Company are by section 28 of the Tramways Act 1870 required to maintain and keep in good condition and repair they shall in like manner keep in good condition and repair the whole portion of the road between the outside of the footpath or edge of the road and the nearest rail of the tramway in all cases where a space of not more than three feet shall intervene between the outside of the footpath or edge of the road and such nearest rail :

The provisions of the section of this Act the marginal note of which is "Repair of part of road where tramway is laid" shall in like manner apply to the additional portion required by this subsection to be kept in good condition and repair :

(4) When the Company in consequence of an alteration by the road authority of the level of any such road or roads as aforesaid have to raise the rails of the tramways they shall also (notwithstanding that by the Tramways Act 1870 they may not be required to do more) raise the level of so much of the roadway as they are liable to maintain Provided that in case the Company object to any works required by this section they may appeal to an arbitrator to be appointed for the purpose by the Board of Trade whose decision shall be final :

(5) Before constructing the tramways upon the Kingston railway arches and the approaches thereto the Company shall widen or add to the same at their expense so as to provide a footpath six feet in width on the north side thereof with an outside fence such works to be executed

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according to plans approved by and to the reasonable satisfaction of the county council or their surveyor and no part of any tramway authorised by this Act to be worked or used shall without the consent of the county council be worked or used over any portion of such arches or of the approaches thereto until such arches and approaches respectively have been widened or added to as aforesaid:

(6) Steam power shall not be used upon the tramways in any such road or roads as aforesaid without the consent of the county council:

(7) Not more than two tramcars shall be coupled together on the tramways in any such road or roads as aforesaid without the consent of the county council.

For protection of East Sussex County Council.

30. The provisions of the section of this Act the marginal note of which is "For protection of West Sussex County Council" except subsections (1) and (5) of that section shall extend and apply to the construction of such of the tramways by this Act authorised as may be laid on any roads situate within the urban district of Portslade-by-Sea as if the expression "county council" meant the county council of the administrative county of East Sussex.

For protection of London Brighton and South Coast Railway Company.

31. Notwithstanding anything in this Act contained the following provisions shall have effect for the protection of the London Brighton and South Coast Railway Company (hereinafter called "the Brighton Company") unless otherwise agreed between the Brighton Company and the Company:—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans in relation thereto the Company shall not without the consent in writing of the Brighton Company under their common seal enter upon take or use any of the lands or property of the Brighton Company numbered on the deposited plans 1 and 2 in the parish of Kingston-by-Sea:

(2) The Company shall not (except for the purposes of the construction of the footpath on the north side thereof as authorised by this Act) in any way alter or interfere with the structure of the bridge known as Kingston Arches carrying the Brighton and Shoreham Road over the railway sidings and premises of the Brighton Company or the approaches thereto and they shall so construct and

maintain the tramways works and apparatus over the said bridge and approaches and shall construct the said footpath on the north side thereof so as not injuriously to affect the said bridge or the railway sidings and premises of the Brighton Company thereunder and so as not to give any less headway than now existing under the said bridge and according to plans sections and specifications to be previously submitted to and approved by the engineer of the Brighton Company:

(3) In order that the property of the Brighton Company beneath the said footpath shall not be interfered with more than is absolutely necessary the said footpath shall be carried on iron columns and the superstructure shall be constructed in such a manner as to allow the Brighton Company to have the full use of their property beneath the said footpath except such as will be occupied by the said iron columns and the works of the said superstructure shall be carried out in such a manner as to allow the Brighton Company to have free and unobstructed access over and on to the said footpath and road respectively along the entire length of the said bridge:

(4) For the purposes of the construction of the said footpath the Company shall not be at liberty to purchase or acquire any portion of the property of the Brighton Company but the Company may acquire and the Brighton Company shall sell and grant to the Company an easement or right of constructing the said footpath thereover as herein-before provided:

(5) If the engineer of the Brighton Company does not within twenty-eight days after submission to him of any plans sections and specifications under subsection (2) hereof signify his disapproval of such plans sections and specifications he shall be deemed to have approved thereof and any difference which may arise between the Company and the Brighton Company as to the reasonableness of the withholding of such approval shall be determined by arbitration as herein-after provided:

(6) In the event of any injury being caused to the structure of the said bridge or approaches by the adaptation of the existing tramways for working by electric traction or by the maintenance repairing use or removal of the said

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tramways works or apparatus the Brighton Company may at the expense of the Company restore the structure of the said bridge and approaches or the part or parts thereof which shall be injured to as good a state and condition as the same were in before such injury was occasioned:

(7) The Company shall be responsible for and make good to the Brighton Company all losses damages and expenses which may be occasioned to the Brighton Company by or by reason of the execution or failure of any of the intended works or apparatus or by or by reason of any act or omission of the Company or their contractors or any person in the employ of either of them and the Company shall effectually indemnify the Brighton Company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission:

(8) The Company shall on demand pay to the Brighton Company the reasonable expense of the employment by them during the construction execution or repair of the said footpath or of any work or apparatus affecting the said bridge or approaches of a sufficient number of inspectors watchmen and signalmen to be appointed by the Brighton Company for preventing all interference obstruction danger and accident from any of the operations acts or defaults of the Company or their contractors or of any person in their employ or otherwise but the appointment by the Brighton Company of such inspectors watchmen and signalmen shall not in any way relieve the Company from the liabilities imposed upon them by this section:

(9) Whenever and so often as the Brighton Company shall require to widen lengthen strengthen reconstruct alter or repair the said bridge or approaches thereto or to widen or alter their railways thereunder or to lift or support the said bridge or approaches owing to the subsidence thereof and it shall be necessary for effecting any of such purposes that the working and user of any portion of the existing tramways over the said bridge or approaches shall be wholly or partially stopped or delayed or that such portion of the said tramways should be temporarily diverted or be wholly or in part taken up or removed and shall (except in case of emergency) give to the Company seven clear

days' notice in writing requiring such stoppage delay or diversion taking up or removal then the working and user of such portion of the tramways shall be stopped or delayed or the said tramways shall be diverted or taken up or removed accordingly at the expense of the Company and under their superintendence if they shall give such superintendence but only for so long as may be absolutely necessary for effecting such purposes and without the Brighton Company being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage delay or diversion taking up or removal or in any way relating thereto:

(10) The Company shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may incur in effecting any such widening lengthening strengthening reconstruction alteration or repair as is mentioned in the preceding subsection by reason of any of the works by this Act authorised:

(11) If and whenever the engineer of the Brighton Company and (in case of difference between such engineer and the Company) an engineer to be appointed by the Board of Trade on the application of either the Brighton Company or the Company shall be of opinion that any strengthening reconstruction or alteration of the said bridge is necessary or desirable owing to the weight of the carriages or other vehicles used or intended to be used on the existing tramways imposing a greater strain on such bridge than the ordinary traffic of the road it shall be lawful for the Brighton Company after fourteen days' notice in writing to the Company to effect and complete such strengthening reconstruction or alteration at the reasonable expense in all respects of the Company and the Company shall on demand pay to the Brighton Company all moneys properly expended by them in or about the execution of the works aforesaid:

(12) All works which may be necessary in adapting and maintaining the existing tramways or for working such tramways by mechanical power over the said bridge or approaches shall be executed and maintained in all things by and at the expense of the Company and to the reasonable satisfaction of the engineer of the Brighton Company

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or in case of difference of an engineer to be appointed by the Board of Trade on the application of either the Brighton Company or the Company:

(13) The Company shall not in any manner in the execution maintenance or repair of the works by this Act authorised or of any of their tramways works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to or worked by the Brighton Company or any traffic thereon:

(14) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Attachment of brackets to buildings" no brackets wires or apparatus shall without the consent in writing of the Brighton Company under the hand of their secretary be affixed or attached to any house building or property belonging to or occupied by the Brighton Company or to any bridge belonging to or maintainable or repairable by the Brighton Company:

(15) Any matter in difference between the Company and the Brighton Company under any of the provisions of this section shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party.

For protection of Sir Edmund Giles Loder Baronet.

32. For the protection of Sir Edmund Giles Loder Baronet and his sequels in estate (herein-after in this section called "the owner") the following provisions shall apply:—

Notwithstanding anything shown on the deposited plans to the contrary the Company shall not without the consent of the owner acquire the lands numbered 34 36 39 40 41 and 45 on the deposited plans in the parish and borough of Worthing belonging or reputed to belong to the owner and shall construct Tramway No. 8 where it passes the said property of the owner as a double-single line instead of a double line as shown on the deposited plans.

For protection of urban district council of New Shoreham.

33. For the protection of the urban district council of New Shoreham (in this section called "the council") the following provisions shall have effect except so far as may be otherwise agreed between the Company and the council (that is to say):—

(1) No part of Tramway No. 10 which will be situate in High Street in the district of the council shall be opened for public traffic until the widening of the said street

shown on the plan signed by E. R. Harmsworth on behalf of the council and Stephen Sellon on behalf of the Company shall have been carried out to the reasonable satisfaction of the council so as to make the said street of a width of thirty-six feet between the building lines:

(2) Before opening any portion of Tramway No. 10 to be situate in High Street or Lower Road in the district of the council for public traffic the Company shall set back the frontage of the East Street Arms public house and the adjoining property to Lower Road as shown on the said plan:

(3) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Power to make additional cross-overs and to double tramway lines" Tramway No. 10 so far as the same may be situate in High Street aforesaid shall be constructed as a single line with passing places in the positions shown on the deposited plans and no alteration shall be made in the position of the said lines or passing places in the said street shown on the deposited plans and no additional passing places shall be constructed in the said street without the consent in writing of the council.

For protection of corporation of Brighton.

34. Whenever the construction or alteration of any tramways or execution of any other works by this Act authorised necessitates the alteration of or interference with any mains pipes electric lines or apparatus of the mayor aldermen and burgesses of the county borough of Brighton (in this section referred to as "the corporation") the work so necessitated shall if the corporation within seven days from the receipt of notice from the Company of their intention to alter or interfere with such main pipe electric line or apparatus by notice in writing so desire be effected by the corporation and all expenses reasonably incurred by the corporation in so doing shall be repaid to them by the Company on demand Provided that all such alterations shall be carried out to the reasonable satisfaction of the engineer of the Company and with all reasonable despatch.

For protection of James Martin Carr-Lloyd.

35. The following provisions for the protection of James Martin Carr-Lloyd and the estate in the parish of Lancing in the county of Sussex of which he is or claims to be tenant for life and other the owner or owners for the time being of the said

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estate (who with the said James Martin Carr-Lloyd are in this section meant by and included in the expression "the owner") shall unless otherwise agreed in writing between the owner and the Company apply and have effect (that is to say):—

(1) No works or operations of the Company affecting any embankment or sea defence of the said estate shall at any time be done unless and until such new and additional work shall have been executed to such embankment or sea defence as will render the same when the works or operations of the Company shall have been completed as strong and well protected as the same shall be before the commencement of such works or operations All such works or operations of the Company and all such new and additional work as aforesaid shall be carried out in accordance with plans and specifications to be reasonably approved by the engineer of the owner and in all respects to his reasonable satisfaction:

(2) The Company shall repay the owner all reasonable costs and expenses incurred in supervising any works of the Company affecting any such embankment or sea defence:

(3) The Company shall not use any of the lands of the owner which they may acquire under the provisions of this Act otherwise than for the purpose of widening the road or the execution of any works mentioned in this section and the owner shall have and enjoy the same rights of frontage to the road as widened as he at present has and enjoys to the existing road:

(4) If any difference shall arise between the Company and the owner under this section the same shall be settled at the request of either party by an arbitrator to be appointed by the Board of Trade.

For protection of corporation of Worthing.

36. For the protection of the mayor aldermen and burgesses of the borough of Worthing (in this section called "the corporation") the following provisions shall unless otherwise agreed between the Company and the corporation have effect (that is to say):—

(1) The Company shall not commence to construct Tramway No. 8 or the portion of Tramway No. 9 which lies between the commencement thereof and South Street Lancing previously to the first day of January one thousand nine

hundred and six nor after that date unless or until they shall have—

(*a*) reconstructed and adapted for working by electric traction the existing tramways which they are by this Act authorised to reconstruct and adapt for working by electric traction ;

(*b*) also have constructed the tramways by this Act authorised so far as the same are situate eastward of the western end of Norfolk Bridge ; and

(*c*) subsequently to such reconstruction and construction have constructed the tramways between the western end of Norfolk Bridge and South Street Lancing :

Provided that the powers of the Company for the construction of Tramway No. 8 and the said portion of Tramway No. 9 shall in any event cease and determine if previously to the first day of January one thousand nine hundred and six or during the construction of the tramways between the western end of Norfolk Bridge and South Street Lancing the corporation shall have substantially commenced to construct and shall proceed with and complete the construction of the tramways authorised by the Worthing Corporation Tramways Act 1903 from South Street Lancing to a point nine yards eastwards of the junction of High Street with Brighton Road Worthing :

(2) When and so soon as the corporation shall have constructed the last-mentioned tramways and the Company have reconstructed the existing tramways and constructed the tramways by this Act authorised other than and except so much of the same as extends westwards from South Street Lancing the Company shall be entitled to run cars over the said tramways of the corporation between South Street Lancing and the said point nine yards eastward of the junction of High Street with Brighton Road Worthing upon such terms and conditions as failing agreement may be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade :

(3) The Company shall not seek to obtain running powers over any other tramways constructed by the corporation in the borough of Worthing without the consent of the corporation under their common seal.

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For protection of corporation of Hove.

37. For the protection of the mayor aldermen and burgesses of the borough of Hove (in this section called "the corporation") the following provisions shall unless otherwise agreed between the Company and the corporation have effect (that is to say) :—

(1) Notwithstanding anything contained in the sections of this Act of which the marginal notes are "As to purchase of undertaking" and "As to purchase of tramways in borough of Hove and Portslade-by-Sea Urban District" the corporation if by resolution passed in manner prescribed by section 43 of the Tramways Act 1870 they so decide may at any time after the expiration of two years and six months and before the expiration of seven years from the passing of this Act by six months' previous notice in writing require the Company to sell to the corporation the portion of the undertaking situate within the borough of Hove and thereupon upon the expiration of such notice the Company shall sell and the corporation shall purchase the same :

(2) If the corporation require the Company to sell the said portion of the undertaking the corporation shall pay to the Company—

(A) The value thereof as at the passing of this Act (exclusive of any allowance for past or future profits for compulsory sale or other consideration whatsoever) as prescribed in section 43 of the Tramways Act 1870 such value failing agreement to be determined under and in manner prescribed by such section within six months from the passing of this Act ;

(B) A sum equal to the amount expended by the Company up to the expiration of such notice in reconstructing adapting and equipping for working by electric traction the portion of the existing tramways within the borough of Hove less (if required by the corporation) such sum (to be determined failing agreement by arbitration) as shall represent the depreciation (if any) of such tramways by wear and tear between the date of the completion of the reconstruction adaptation and equipment thereof and the expiration of such notice Provided always that the term "equipping" shall not include the provision of any rolling stock or of a generating station :

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(3) Upon the completion of the sale the corporation shall grant to the Company and the Company shall accept a lease of the portion of the undertaking so purchased for the period of twenty-one years from the date of the lease on such terms and conditions as shall failing agreement be determined by arbitration and during the continuance of such lease the Company may subject to the terms and conditions contained in such lease work and use the undertaking thereby leased and subject to such terms and conditions demand take and recover in respect thereof tolls fares and charges not exceeding the tolls fares and charges authorised to be taken thereon by this Act or by any subsequent Act or Order relating to or regulating the same:

(4) If during the continuance of any lease granted by the corporation to the Company under the immediately preceding subsection the corporation are authorised to construct and work and do construct and work a system of tramways within the borough of Hove connecting with the tramways comprised in such lease the corporation shall be entitled during the continuance of such lease to run over and use with their engines and carriages officers and servants the tramways comprised in such lease on and subject to such terms and conditions as shall failing agreement be determined by arbitration:

(5) The corporation may pay the purchase money and all expenses incurred by them under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in paying for obtaining and carrying into effect a Provisional Order obtained by them under the Tramways Act 1870:

(6) Any matter to be determined by arbitration under this section or any other matter in difference between the Company and the corporation under any of the provisions of this section shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either the Company or the corporation.

For protection of Portslade-by-Sea

38. The provisions of the section of this Act of which the marginal note is "For protection of corporation of Hove" shall apply to the portion of the undertaking within the urban

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Urban District Council.

district of Portslade-by-Sea as if the Portslade-by-Sea Urban District Council were substituted for the mayor aldermen and burgesses of the borough of Hove and the corporation and the urban district of Portslade-by-Sea for the borough of Hove throughout such section.

For protection of Brighton and Hove General Gas Company.

39. For the protection of the Brighton and Hove General Gas Company the following provisions shall unless otherwise agreed have effect (that is to say) :—

(1) For the purposes of section 30 of the Tramways Act 1870 the adaptation of the existing tramways for working by electric traction shall be deemed to be the laying down of a tramway :

(2) Nothing in this Act contained shall empower the Company or any local authority company or person to construct or lay in under or over that part of the towing-path of Shoreham Harbour situate between the electricity works of the Brighton Corporation and its junction with the High Road leading from Brighton to Shoreham any electric conduit wire rail or cable for the transmission of electric energy.

Provisions as to motive power.

40. The carriages used on the tramways and on the existing tramways may be moved by animal power and 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 such tramways and for regulating the use of electrical power :

(3) The Company or any company or person using any mechanical power on such 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 not exceeding five pounds for every day during which such offence is continued after conviction thereof :

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

(A) That the Company or such company or person 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 or such company or person 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 or such company or person 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.

Power to adapt and equip tramways for working by mechanical power.

41.—(1) The Company may adapt the existing tramways for working by mechanical power either in substitution for or in addition to any motive power now or hereafter in use on such tramways.

(2) The Company may accordingly make all such alterations in the existing tramways as may be necessary to adapt the same for the purpose of working by mechanical power and the Company may for the purpose of working the tramways and the existing tramways by mechanical power subject to the provisions of this Act erect lay down and maintain on in under or over any street road or bridge (including the footways thereof) footpath or public place in which the said tramways are or will be situate or on in under or over which it may be necessary or convenient so to do such posts conductors cables wires tubes mains plates boxes and apparatus as may be necessary or convenient either for the working of all or any of such tramways or any portion thereof or for forming connexions with any generating station of the Company or of any local authority company or person who may under the powers of this Act supply electrical energy to the Company or with any depôt or car-shed or for the purposes of any junction with any other tramway tramroad wagonway or light railway and may remove replace or alter the position of any lamp post or letter box and the powers and obligations of the Company under this Act with respect to the opening or breaking up of any street or road shall so far as they are applicable apply with respect to any such footway or footpath.

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Attachment of brackets to buildings.

42. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways or existing tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

Special provisions as to use of electrical power.

43. The following provisions shall apply to the use of electrical 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 the 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 electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The electrical 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 :

(4) 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 :

(5) 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 :

(6) 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

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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:

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

Alteration of telegraph lines of Postmaster-General.

44. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of post office telegraph lines.

45. In the event of the tramways or existing 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 the undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His 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 the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration:

(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 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) Before any electric line is laid down or any act or work for working such tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to

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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 Any difference which arises between the Postmaster-General and the Company as to any requirements so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of the undertaking the engineer-in-chief of the post office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

(5) 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 :

(6) 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 cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed 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

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execution thereof stating the reason for doing or executing the same without previous notice:

(7) 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:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

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

(10) 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:

(11) 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:

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways or the existing tramways.

Electrical power works to be subject to sections 26 to 33 and 41 of Tramways Act 1870.

46. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts pipes wires tubes and other apparatus used or to be used by the Company for the purposes of electrical power were parts of the tramways or existing tramways.

Byelaws by Board of Trade.

47.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any tramways upon which under the powers of this Act 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 engines 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 such tramways 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 byelaws and Board of Trade regulations in force for the time being in relation to such tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) 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.

Mechanical power on existing tramways.

48. The provisions of this Act regulating the use of mechanical power on the existing tramways shall extend and apply to such tramways in substitution for the provisions in relation thereto contained in the Act of 1882 and sections 19 20 21 23 25 and 26 of and the schedule to that Act are hereby repealed.

Fares for passengers.

49. The Company may demand and take for every passenger conveyed upon the tramways and existing tramways or any part or parts thereof including the use of such tramways and of the carriages and for motive power and every other expense incidental to such conveyance any fare not exceeding one penny per mile or fraction of a mile.

As to fares on Sundays or holidays.

50. The Company or any other company or person working or using the tramways or existing tramways shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days.

Passengers' luggage.

51. Every passenger travelling upon the tramways or existing 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 luggage to be carried by hand and at the responsibility of the passenger and

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not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Tolls for use of tramways.

52. The Company may subject to the provisions of this Act demand and take for the use of the tramways and existing tramways by any other company or person such reasonable tolls as they think fit.

Rates for goods.

53. The Company may demand and take in respect of any goods animals or things conveyed by them on the tramways or existing tramways including every expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any rates or charges not exceeding those specified in the Second Schedule to this Act according to the regulations therein contained.

Cheap fares for labouring classes.

54.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and any Bank holiday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but the Company shall not be bound to accept any fare less than one penny On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

Periodical revision of rates and charges.

55. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this section

in respect of the tramways or any portion thereof 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 fares or other 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 the referee report that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof 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.

As to mode of payment &c. of fares.

56. The fares rates and charges by this Act authorised to be demanded and taken by the Company in respect of the tramways and existing tramways shall be paid at such times and places and to such persons upon or near to such tramways as the Company may from time to time by notice to be annexed to the list of fares appoint.

Penalty imposed unless tramways opened within limited time.

57. 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 amounts to five per centum on the estimated cost of the uncompleted tramways 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

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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 was prevented from completing or opening any tramway 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.

58. 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 also 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 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.

Agreements with local authorities

59. The Company on the one hand and any local authority company or person authorised by any Act or Order to produce

as to supply of electric power.

supply or use electrical energy in whose district or area of supply any portion of the tramways or existing tramways is or will be situate on the other hand may from time to time enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

(1) The supply to the Company by any such local authority company or person of electrical energy for working and lighting any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act whether such tramways are or are not partly situate beyond the district of such authority company or person :

(2) The payments to be made or other consideration to be given in respect of any such supply of energy.

For the purpose of such supply any such local authority company or person may lay pipes tubes and wires from any generating station of such local authority company or person from or to the tramways and existing tramways across or along any street or road (including the footways thereof) bridge footpath or public place in any borough district or parish in which the tramways or existing tramways will be or are situate Provided always that the laying by such local authority company or person of such pipes tubes and wires shall be carried out only in accordance with and subject to the provisions of the Act or Order authorising such local authority company or person to produce supply or use electrical energy.

Traffic and other agreements with Brighton Corporation.

60. Subject to the provisions of this Act the Company on the one hand and the mayor aldermen and burgesses of the borough of Brighton (herein-after called "the corporation of Brighton") are hereby empowered to enter into contracts and agreements for effecting the following or some of the following purposes (that is to say) :—

The working running over use management maintenance and leasing (for any period) by the contracting parties of their respective tramways and works or any part or parts thereof respectively and the employment of officers and servants ;

The making of all necessary junctions ;

The supply and maintenance during the continuance and for the purposes of any such agreement as aforesaid of stock

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and plant necessary for the purposes of such agreement and the supply of motive power;

The payments to be made and the conditions to be performed with respect to the matters aforesaid;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the tramways of the contracting parties;

The fixing collection payment appropriation apportionment and distribution between the contracting parties of the rates income and profits levied taken or arising from the tramways and works of the contracting parties or any part thereof Provided that the amount of the rates fixed by any contract or agreement made in pursuance of this section shall not exceed the maximum rates and charges authorised in respect of the tramway with respect to which the contract or agreement is made:

And in accordance with the terms of any such agreement and to the extent provided thereby the Company or the corporation of Brighton as the case may be may work run over use manage maintain and lease the tramways the subject of such agreement and shall have and may exercise in relation thereto all such and the like powers rights authorities and privileges as are for the time being vested in or exerciseable by the owners or lessees thereof.

As to purchase of undertaking.

61. Section 43 of the Tramways Act 1870 shall in its application to the undertaking be modified as follows (that is to say):—

(1) The Company shall not be required to sell any part of the said undertaking unless each of the local authorities in whose districts the same is situate shall pass a resolution and serve a notice as provided by the said section:

(2) The period of forty-two years from the third day of July one thousand nine hundred and three shall be substituted for the period of twenty-one years mentioned in the said section:

(3) The terms upon which the Company may be required to sell the undertaking or any part thereof shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase:

(4) On any sale to the local authorities such arrangements as may be approved by the Board of Trade shall be made for

vesting in each local authority the portion of the undertaking situate in their district and for a scheme or schemes for the future maintenance management and working of the undertaking and the sale shall not take effect until an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements.

As to purchase of tramways in borough of Hove and Portslade-by-Sea Urban District.

62. Subsections (1) (2) and (4) of the section of this Act of which the marginal note is "As to purchase of undertaking" shall not apply to the existing tramways within the borough of Hove and the urban district of Portslade-by-Sea respectively but in its application to such tramways section 43 of the Tramways Act 1870 shall be read as if the period of thirty years from the third day of July one thousand nine hundred and three were substituted for the period of twenty-one years mentioned in the said last-mentioned section.

Company may take a lease of tramways from local authorities.

63. The Company may upon the completion of any sale to any local authority of any portion of the undertaking accept and take from such local authority and such local authority may notwithstanding anything in the Tramways Act 1870 contained grant a lease or leases of the portion of the undertaking so purchased from the Company and all works and conveniences connected therewith on such terms and conditions and for such period not exceeding a period of forty-two years from the date of the lease as may be agreed between the Company and such authority and during the continuance and subject to the terms and conditions of any such lease the Company may work maintain and use the undertaking thereby leased and demand take and recover in respect thereof tolls fares and charges not exceeding the tolls fares and charges authorised to be taken thereon by this Act or by any subsequent Act or Order relating to or regulating the same.

Tramways on Norfolk Bridge.

64. The tramways shall be constructed over the Norfolk Bridge subject to the following provisions (that is to say):—

(1) The tramways shall be laid in such manner as may be agreed on between the owner for the time being of the bridge and the Company so as to distribute the rolling load over the bridge to as uniform an extent as possible and so far as practicable shall be laid as a double line:

(2) If the Company determine to work the tramways by mechanical power they shall give one month's notice of

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such determination to the owner of the said bridge and the owner may before the Company commence to lay down the tramways over the said bridge and at any time after the opening of the same for public traffic execute such works (if any) as may be agreed on between the owner and the Company or determined (as herein-after provided) to be necessary for the proper strengthening of the bridge subject to the provisions herein-after contained and the provisions of section 32 of the Tramways Act 1870 shall so far as applicable extend and apply to the said owner as if the said owner were the road authority within the meaning of the said section :

(3) The reasonable cost of the execution of the said works so far as the same were rendered necessary by the additional weight imposed upon the said bridge through the construction and working of the tramways over the said bridge apart from the ordinary traffic thereover shall be repaid to the owner by the Company :

(4) If any difference shall arise between the owner and the Company with respect to any of the provisions of this section such difference shall be referred to the decision of an arbitrator to be appointed by the Board of Trade.

Purchase of Norfolk Bridge by county council.

65. The county council may purchase and the Most Noble Henry Duke of Norfolk the owner of the Norfolk Bridge his heirs or assigns may sell and transfer to the county council the Norfolk Bridge including the approaches thereof and all the property rights and privileges including the right of levying tolls at present vested in or exerciseable by the owner in or in connexion with such bridge under the Norfolk Bridge Act or otherwise and on the completion of such purchase and transfer all the said property rights powers and privileges shall be vested in and exerciseable by the county council but subject to all subsisting liabilities in relation thereto.

County council may borrow money for purchase of Norfolk Bridge.

66. Any money which may be paid by the county council to the owner for the purchase of the Norfolk Bridge and the approaches and appurtenances thereof and also any sum expended by the county council in surveying or in any matter having reference to such purchase may be borrowed by the county council on the security of all or any of the funds rates and revenues of the county council either by the creation of stock or in any other manner in which the county council are for the

time being authorised to borrow and such sums may be borrowed without the consent of the Local Government Board or any other authority Provided always that the amount which the county council may borrow under the provisions of this section shall not except with the consent of the Local Government Board exceed the sum of eight thousand five hundred pounds in the whole and the amount so borrowed shall be repaid within thirty years from the date of borrowing and the provisions of subsections (3) (4) (6) (7) and (8) of section 69 of the Local Government Act 1888 shall apply to all sums which shall be borrowed by the county council under this Act.

Contributions to county council by corporations and councils.

67. The county council on the one hand and the mayors aldermen and burgesses of the county borough of Brighton and the boroughs of Hove and Worthing (herein-after called "the corporations") and the district councils of the urban districts of Portslade-by-Sea Southwick and New Shoreham and the rural district of Steyning West (herein-after called "the councils") or any of them on the other hand may enter into and carry into effect agreements for annual or other contributions to be made by the corporations and the councils respectively to the county council and for the application of such contributions and of moneys of the county council to be appropriated for the purpose and of the tolls to be received or any annual sums received by way of composition for tolls by the county council for the use of the Norfolk Bridge to the purposes herein-after mentioned (that is to say):—

(1) In payment of the costs and expenses of collecting the said tolls and in payment of the rates taxes and other outgoings in respect of the said bridge with its approaches and appurtenances and of the costs and expenses of maintaining and keeping the same in repair:

(2) In discharging or providing by sinking fund or otherwise for the discharge of any money to be borrowed by the county council under the provisions of this Act and the interest thereon:

(3) In payment of the costs of the reconstruction when necessary and the improvement of the said bridge and its approaches and appurtenances:

(4) In the investment and accumulation by the county council in any securities in which trustees are for the time being by any Act of Parliament passed or to be passed authorised

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to invest trust money or moneys in the hands of or available by the county council not required for immediate application for the purposes aforesaid and of the resulting income of such investments so as to form a fund for the future repair and reconstruction of the bridge when the same shall be necessary and for the application of such fund so far as may be necessary for the purposes aforesaid or any of them and for or in relation to any of the matters aforesaid:

Provided always that any such agreements as aforesaid may provide for the reduction of the tolls payable under the Norfolk Bridge Act or any of them and for the acceptance by the county council from time to time from persons liable to pay the said tolls or any of them of annual or other sums as a composition for such tolls and for the discontinuance of the said tolls or any of them before the expiration of the period of thirty years.

Contingent extinction of Norfolk Bridge tolls.

68. In the event of the transfer of the Norfolk Bridge to the county council the tolls authorised to be taken at the Norfolk Bridge shall after the expiration of a period of thirty years from the date of the said transfer cease to be paid or payable and the toll gate shall thereupon be removed and the said bridge shall at all times thereafter be free from tolls and subject to the provisions of this Act as to contributions and otherwise the said bridge shall in the event of such transfer be a county bridge of the administrative county of West Sussex to be repaired maintained and improved as other county bridges in West Sussex are that is to say out of bridge rates levied on the rapes in which such bridges respectively are situate.

As to commutation of tolls for use of Norfolk Bridge.

69. The Company shall in the event of the purchase of the Norfolk Bridge by the county council contribute and pay to the county council in commutation of tolls for the use of that bridge by their cars so long as such tolls shall be payable an annual sum of two hundred and two pounds.

Payment of contributions by urban authorities and power to borrow.

70. Any moneys which the corporations and the councils other than the council of the rural district of Steyning West may contribute under this Act towards the purchase maintenance repair or renewal of Norfolk Bridge may be paid out of the district fund or general district rate of their respective districts and any sums of money required for contribution as aforesaid towards the purchase or renewal of such bridge may be borrowed under and subject to the same conditions as money authorised to

be borrowed under the Public Health Act 1875 for the purposes of that Act and all the provisions of sections 233 to 244 of that Act shall apply to the corporations and except as aforesaid the councils respectively in respect of such moneys.

Payment of contribution by the council of the rural district of Steyning West and power to borrow.

71. Any moneys which the council of the rural district of Steyning West may contribute under this Act towards the purchase maintenance repair or renewal of Norfolk Bridge and incidental thereto shall be deemed to be general expenses of their district and any sums required for the purpose of contributions towards the purchase or renewal of Norfolk Bridge may be borrowed under and subject to the same conditions as money authorised to be borrowed under the Public Health Act 1875 for the purposes of that Act and the provisions of sections 233 to 244 of that Act shall apply to the council of the rural district of Steyning West in respect to such moneys.

Return to Local Government Board as to repayment of debt by county council.

72.—(1) The county treasurer or other officer appointed by the county council for the purpose shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by a statutory declaration of the county treasurer or other officer as aforesaid showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the county treasurer or other officer as aforesaid shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action

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on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the county council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Return to Local Government Board as to repayment of debt by urban authorities.

73.—(1) The town clerk of each of the corporations and the clerk of each of the councils shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be

liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the corporation or council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Composition for tolls.

74. In the event of the said transfer of the Norfolk Bridge the county council may during the subsistence of the tolls at the Norfolk Bridge agree with any person or persons to charge such annual or other sums as they may think reasonable by way of compounding for the said tolls but so that no preference be in any case given to any person.

Purchase of Norfolk Bridge by Company.

75. If the county council shall not before the twenty-fifth day of December next enter into an absolute agreement with the Duke of Norfolk to purchase the Norfolk Bridge the said duke his heirs and assigns may at any time after such date sell and transfer to the Company and the Company may buy and accept a transfer of the Norfolk Bridge and all the property rights powers and privileges (including the right of taking tolls) belonging or appurtenant thereto or exerciseable in connexion therewith under the Norfolk Bridge Act or otherwise and on the completion of such purchase the Norfolk Bridge and all the said property rights powers and privileges and all tolls or sums of money authorised to be taken in respect of such bridge shall be vested in and be exerciseable and receivable by the Company and all liabilities in relation to or affecting the same shall be transferred and attach to the Company.

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Transfer to Company of undertaking of Brighton and Shoreham Tramways Company Limited.

76. From and after the passing of this Act the undertaking of the Brighton and Shoreham Tramways Company Limited shall be transferred to and vested in the Company together with all works plant material equipment lands buildings powers rights and privileges and subject to the duties and obligations of the said Brighton and Shoreham Tramways Company Limited and the Company shall have and may exercise in relation to the undertaking so transferred all the powers and authorities of the Act of 1882 as modified by this Act.

Byelaws by local authority.

77. 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 or existing 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.

Penalty for malicious damage.

78. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the tramways or existing tramways anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any such tramway shall be liable to a penalty not exceeding twenty pounds.

Orders &c. of Board of Trade.

79. 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.

80. 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.

Consents of local or road authority &c.

81. Where the consent or approval of any local or road authority or of the surveyor or other officer of any such authority is by this Act required before the exercise of any powers by the Company such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Provisions as to arbitration.

82. Where under the provisions of the Tramways Act 1870 or this Act any matter in difference is referred to the arbitration of any person to be nominated by the Board of Trade the provisions of the Arbitration Act 1889 or any act or rules whereby the same has been or may be modified or superseded shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

83. With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):—

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

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

Railway and Canal Traffic Acts 1854 to 1894 to apply to Company.

84. The provisions of the Railway and Canal Traffic Acts 1854 to 1894 shall apply to the Company in relation to the undertaking as if they were a railway company.

Conveyance of Mails Act 1893 to apply to tramways.

85. Notwithstanding any provision in any Act relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to the existing tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Company as the body or person owning or working such tramways

Copy of Act to be registered.

86. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered 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 default

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continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Provision as to general Tramway Acts.

87. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN.

Parish.	Numbers on deposited Plans.
Parish of Worthing - -	26 27 28 29 30 31 32 33 34 35 36 37 38 42 43 44 46 47.
Parish of Lancing - -	5.
Parish of New Shoreham -	11 12 23 24 30.

SECOND SCHEDULE.

MAXIMUM RATES AND CHARGES FOR GOODS MINERALS ARTICLES AND THINGS CONVEYED BY THE COMPANY ON THE TRAMWAYS.

Animals.

For every horse mule or other beast of draught or burden fourpence per head per mile;

For every ox cow bull or head of cattle threepence per head per mile;

For calves pigs sheep and small animals one penny halfpenny per head per mile.

Goods.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways twopence per ton per mile;

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron brick slag and stone stones for building pitching and paving tiles slates and clay (except fire-clay)

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and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs twopence halfpenny per ton per mile ;

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton per mile ;

For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton per mile ;

For every carriage of whatever description one shilling per mile.

Small Parcels.

For any parcel not exceeding seven pounds in weight twopence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fourpence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sixpence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Company may think fit :

Provided that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Single Articles of Great Weight.

The Company shall not be bound to carry single articles of great weight but if they do carry such articles they may charge :—

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile ;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Company may think fit.

Regulations as to Rates.

For animals goods or things conveyed on the tramways for any less distance than two miles the Company may demand rates and charges as for two miles ;

In computing the said rates and charges a fraction of a mile shall be deemed a mile ;

For the fraction of a ton the Company may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight;

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity;

In the case of goods and single articles of great weight the Company may demand such charges as are reasonable for loading and unloading the same and if any difference shall arise as to the reasonableness of any such charge the matter in difference shall be settled by the Board of Trade.

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