any byelaw made and approved in accordance with the powers conferred by this Act.

Enforcing of orders under 40 & 41 Vict. c. 42. s. 10.

8. Any order made by the Inspectors of Irish Fisheries, with the approval of the Lord Lieutenant, under the provisions of section ten of the Fisheries (Oyster, Crab, and Lobster) Act, 1877, shall and may be enforced by the persons appointed by the Inspectors of Irish Fisheries, with the approval of the Lord Lieutenant, under section twelve of the same Act.

Short title.

9. This Act may be cited as the Mussels, Periwinkles, and Cockles (Ireland) Act, 1898.

CHAPTER 29.

An Act to amend the Law with respect to the use of Locomotives on Highways, and with respect to extraordinary Traffic. [2nd August 1898.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions as to the weight carried by waggons.

1.—(1.) The council of a municipal borough as regards any highway situated in the borough, and the county council as regards any highway situated in their county but not in a borough, may permit any waggons drawn or propelled by a locomotive on the highway to carry weights in excess of those mentioned in section four of the Locomotive Act, 1861.

24 & 25 Vict. c. 70.

(2.) If any person without such permission uses any waggon drawn or propelled by a locomotive on any highway to carry weights in excess of those mentioned in section four of the Locomotive Act, 1861, as amended by this Act, or, being the owner of the waggon, permits it so to be used, that person shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

(3.) The proviso to section four of the Locomotive Act, 1861, is hereby repealed, and in lieu thereof it is enacted as follows:—

Provided that the regulation of weight herein mentioned shall not extend to any waggon carrying only one block, plate, cable, roll, vessel of stone or metal, or other single article, being of greater weight than sixteen tons, but the fellies, tires, or shoes of such waggon shall not be less than eight inches in breadth, and any damage arising from the user of any such waggon shall be deemed to be damage caused by excessive weight within the meaning of section twenty-three of the Highways and Locomotives Amendment Act, 1878, as amended by this Act.

41 & 42 Vict. c 77.

Weight of waggons to be affixed thereon.

2. The weight unloaded of every waggon drawn or propelled by a locomotive shall be conspicuously and legibly affixed thereon, and every owner not having affixed such weight shall be liable for each offence, on summary conviction, to a fine not exceeding five pounds,

and any owner who shall fraudulently affix thereon any incorrect weight shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

Limit to number of waggons

3.—(1.) A locomotive shall not be used on any highway to draw more than three loaded waggons (exclusive of any waggon solely used for carrying water for the locomotive) without the consent, so far as regards highways situated in a municipal borough, of the council of the borough, and, so far as regards highways not so situated, of the county council.

(2.) If any person uses a locomotive in contravention of this section, or being an owner of a locomotive permits it to be so used, that person shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

Erection and use of weighing machines.

4.—(1.) Road authorities shall have power to erect in their districts machines for weighing locomotives and loaded waggons drawn by them, and shall have power by their servants to require the persons in charge of such locomotives and waggons to proceed thither for the purpose of having such locomotives and waggons weighed: Provided that the road authority making such requirement shall pay for any loss caused by the delay if the weight should be found to be within the limits authorised by law, and that any person in charge of a locomotive who refuses or neglects to comply with any such requirement shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

(2.) Where a road authority and the engine owner fail to agree as to the amount of compensation to be paid under this section, the differences between them shall be settled by arbitration under the Arbitration Act, 1889.

52 & 53 Vict. c. 49.

Where a road authority weighs locomotives and waggons under this section, a certificate of weight shall be given which shall exempt such locomotives and waggons from being weighed during the continuance of that journey.

(3.) For the purposes of this section the council of any county borough and any district council may borrow under and subject to the provisions of the Public Health Act, 1875.

38 & 39 Vict. c. 55.

Regulations for locomotives passing on highways.

5.—(1.) When a locomotive is passing on any highway—

(*a*) two persons shall be employed in driving or attending to the locomotive; and

(*b*) in the case of any locomotive not being a steam roller another person shall be employed to accompany the locomotive in such a manner as to be able to give assistance to any person with horses or carriages drawn by horses meeting or overtaking the locomotive, and shall give such assistance when required; and

(*c*) when a locomotive is drawing more than three waggons, another person shall be employed for the purpose of attending to the waggons:

Provided that it shall not be necessary in the case of two locomotive plough engines (including their necessary gear) closely following one another, to employ more than five persons in all

under the foregoing enactment, but one of these persons shall be employed to accompany the engines and give assistance in manner thereby required.

(2.) So long as the fires of a locomotive are alight, or the locomotive contains in itself sufficient motive power to move it, one person shall remain in attendance whilst it is on any highway although it is stationary.

(3.) The lights required to be carried on a locomotive, whether stationary or passing on any highway, shall be carried between the hours of one hour after sunset and one hour before sunrise during the six months beginning the first day of April in any year, and between sunset and sunrise during the six months beginning the first day of October in any year, and there shall be carried in addition during those hours an efficient red light on the rear of the locomotive, or if it is drawing waggons on the rear of the last waggon, fixed in such a manner as to be conspicuous.

(4.) Every light carried on a locomotive, or on a waggon drawn by a locomotive, shall be fitted with such shutters or other contrivances as will enable the light to be temporarily screened in an effective manner.

(5.) If any of the provisions of this section are not complied with in the case of any locomotive, the owner of the locomotive shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

Restriction of locomotive traffic by byelaw.

6.—(1.) The council of a county and of any borough containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, may by byelaw—

(*a*) prohibit or restrict the use of locomotives on any specified highway in their county or borough on account of the highway being crowded or unfitted for locomotive traffic, or of the inconvenience caused to inhabitants, or of any other reasonable cause; and

(*b*) regulate the use of locomotives and of waggons drawn by locomotives on any highway; and

(*c*) prohibit or restrict the use of a locomotive on any specified bridge in their county or borough, if they are satisfied that such bridge is unsuited for locomotive traffic, or that such use would be attended with damage to the bridge or danger to the public.

Provided that the council of any such county or borough may, where their byelaw prohibits the use of locomotives on any highway, give special authority for the use of a locomotive on the highway, if in any case it appears necessary for the purpose of the delivery of goods or for any other particular purpose. Provided also that the council of any such county or borough shall not give any such special authority for the use of a locomotive on any bridge except with consent of the person liable to the repair of such bridge, and the council of any such county or borough may with such consent give such special authority subject to payment being made by the person applying for such special authority to the person liable to the repair of such bridge of

the cost of temporarily strengthening such bridge on each occasion of such use.

(2.) If any person in charge of a locomotive acts in contravention of any byelaw under this section, and without any such special authority, he shall be liable for each offence, on summary conviction, to a fine not exceeding five pounds.

(3.) Any byelaw made under this section shall be subject to confirmation by the Local Government Board, and sections one hundred and eighty-four, one hundred and eighty-five, and one hundred and eighty-six of the Public Health Act, 1875 (which relate to the confirmation, printing, and evidence of byelaws), shall accordingly apply to any byelaws under this section as they apply to byelaws made by a local authority under that Act. Provided that, in addition to the notice of intention to apply for confirmation of any byelaw which is required by section one hundred and eighty-four of the said Act, notice of such intention shall in the case of any byelaw made under this section be given in the London Gazette one month at least before making the application. 38 & 39 Vict. c. 55.

(4.) The Local Government Board in connexion with the confirmation of any byelaw under this section shall have all proper regard to the necessities of through locomotive traffic, and of persons who own or use locomotives, and shall consider any representations made to them by any local authority concerned, and shall also have regard to the advantage of byelaws being uniform in adjoining areas except where uniformity is, in their opinion, made inexpedient by difference in the circumstances of the areas.

(5.) The mayor, aldermen, and commons of the city of London may make byelaws under this section as to the city of London in the same manner as the council of a borough.

(6.) For the purpose of byelaws under this section, a borough, the council of which may make such byelaws, shall not form part of the administrative county in which it is situate.

Appeal against restrictions on passing over bridges. 24 & 25 Vict. c. 70.

7.— (1.) Where the owner of a locomotive is aggrieved by any restriction or prohibition placed, either before or after the passing of this Act, on the passing of locomotives over any bridge, either under section six of the Locomotive Act, 1861, or under any byelaw made under this Act, or any enactment repealed by this Act, that owner may appeal to the Local Government Board, and that Board, if they consider that the bridge is sufficient to bear the weight of locomotives, and that there is no other reasonable cause for imposing the restriction or prohibition, may order the restriction or prohibition to be removed, or, if they consider that it may reasonably be varied in any respect, to be varied.

(2.) The authority by whom a restriction or prohibition has been imposed shall comply within a time to be specified in the order with any order of the Local Government Board made under this section.

(3.) The Local Government Board may determine any appeal under this section either as arbitrators or otherwise at their option, and, where they determine any such appeal as arbitrators, section

51 & 52 Vict. c. 41. 59 & 60 Vict. c. 9.

sixty-three of the Local Government Act, 1888, as amended by the Local Government (Determination of Differences) Act, 1896, shall apply for the purpose.

(4.) An order of the Local Government Board under this section with regard to any bridge shall not prevent the imposition of any restriction or prohibition with regard to the bridge at a future time, if the authority having power to impose the restriction or prohibition consider that it is necessary to do so, having regard to any change in the circumstances of the bridge or the traffic, but the imposition of any such restriction or prohibition shall be subject to appeal under this section.

(5.) The Local Government Board may refuse to consider any appeal under this section with regard to any bridge if the question raised by the appeal has been already considered by them either on the confirmation of a byelaw or under a former appeal.

(6.) In the case of any bridge which a railway company is liable to repair, the Board of Trade shall be substituted for the Local Government Board, and this section shall be read and construed accordingly.

Locomotives not to meet on a bridge.

8. No locomotive shall be taken across any bridge so as to meet or pass any other locomotive upon such bridge, and any person who acts in contravention of this section shall be subject, on summary conviction, to a penalty not exceeding five pounds for every offence.

Licences for locomotives.

9.—(1.) Every locomotive shall be licensed by a county council, provided that this enactment shall not apply to any agricultural locomotive, to any locomotive not used for haulage purposes, to any steam roller, or to any locomotive belonging to a road authority when used by them within their district.

(2.) The licence shall be taken out in the county in which the locomotive is at the time ordinarily used, or to be used, and shall remain in force for one year from the date on which it is granted and no longer: Provided that, if any question arises as to the county in which a licence is to be taken out under this section, such question shall be determined by agreement between the chairmen of the councils of the counties concerned, or in case of their failing to agree by an arbitrator appointed by them, or in their default by the Local Government Board.

(3.) The council of a county shall grant a licence under this section on the payment of a fee not exceeding ten pounds if the weight of the locomotive (exclusive of water and coal) is not more than ten tons, with an addition not exceeding two pounds for every ton or fraction of a ton by which that weight exceeds ten tons in the case of a locomotive exceeding that weight.

(4.) The council of a county shall on the grant of a licence provide the person to whom the licence is granted with a licence plate, having marked upon it the date and number of the licence and the name of the council by which it is granted.

(5.) The licence plate shall be fixed in a conspicuous position to the locomotive in respect of which it is provided, and shall not be

removed, whilst the licence is in force, without the consent of the council by whom the licence has been granted.

(6.) A licence may, with the consent of the council by which it has been granted, be transferred from one locomotive to another locomotive belonging to the same owner.

(7.) Where a locomotive is licensed in accordance with this section in any county, an additional licence may be taken out in any other county in the same manner and subject to the same provisions as in the case of the original licence, except that such additional licence shall expire on the same date as the original licence, and except that with regard to the payment to be made for licences a fee not exceeding five pounds shall be substituted for a fee not exceeding ten pounds, and an addition not exceeding one pound for an addition not exceeding two pounds.

(8.) A locomotive in respect of which such an additional licence granted under this section by the council of any county is in force shall for the purpose of the use of the locomotive in that county be deemed to be licensed in that county.

(9.) A locomotive shall not be used on any highway in a county in which it is not licensed, except on payment to the council of the county of a fee not exceeding two shillings and sixpence for each day on which it is so used.

(10.) If any person—

(*a*) uses on any highway a locomotive which is required to be, but is not, licensed in accordance with this section; or

(*b*) uses a locomotive on any highway in a county in which the locomotive is not licensed without payment of the fee required by this section; or

(*c*) fails to affix the licence plate to a locomotive in accordance with this section, or removes it in contravention thereof,

that person shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

(11.) Any sums received on account of fees under this section, shall be carried to the county fund.

Agricultural locomotives and steam rollers.

10.—(1.) All locomotives not required to be licensed under this Act shall be registered in the county in which they are ordinarily used or to be used in such manner as the county council may direct.

(2.) The county council may charge such a fee not exceeding two shillings and sixpence for registration under this section as they think fit, and on registration shall provide the person applying for registration with a plate with the registered number marked upon it.

(3.) The plate shall be fixed in a conspicuous position to the locomotive in respect of which it is provided, and shall not be removed without the consent of the council by whom the locomotive is registered.

(4.) If any person—

(*a*) uses on any highway a locomotive which is required to be but is not registered in accordance with this section; or

(*b*) fails to affix the registration plate in accordance with this section, or removes it in contravention thereof,

that person shall be liable for each offence, on summary conviction, to a fine not exceeding five pounds.

(5.) Any sums received on account of fees for registration under this section shall be carried to the county fund.

(6.) This section shall not apply in the case of the use by any road authority of steam rollers belonging to them within their district.

Penalty for forging licence or registration plate.

11. Every person who shall forge, counterfeit, or tamper with, or who shall cause or procure to be forged, counterfeited, or tampered with, any licence plate, or registration plate, or who shall knowingly use any locomotive having thereon a licence plate or registration plate which has been forged, counterfeited, or tampered with, shall be liable, on summary conviction, to pay a fine not exceeding twenty pounds.

Amendments as to proceedings for extraordinary traffic damage.

12.—(1.) Section twenty-three of the Highways and Locomotives (Amendment) Act, 1878 (which relates to the recovery of expenses of extraordinary traffic), shall be amended as follows:—

(*a*.) Expenses under that section shall cease to be recoverable in a summary manner, but may be recovered if not exceeding two hundred and fifty pounds in the County Court, and if exceeding that sum in the High Court.

(*b*.) Proceedings for the recovery of any expenses incurred after the passing of this Act shall be commenced within twelve months of the time at which the damage has been done, or where the damage is the consequence of any particular building contract, or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

(*c*.) There shall be substituted for the words "by whose order" the words "by or in consequence of whose order."

(2.) Nothing in this section shall affect the prosecution and determination of any proceedings which have been commenced before this Act shall come into operation.

Power of owner of locomotive to exempt himself from fine on the conviction of the actual offender.

13.—(1.) Where an offence under any Act or byelaw relating to locomotives on highways, for which the owner of a locomotive or waggon is liable to a penalty, has, in fact, been committed by some servant, workman, or other person, that servant, workman, or other person shall be liable to the same penalty as if he were the owner.

(2.) Where the owner is charged with any such offence, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the owner

proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the other person had committed the offence in question without the owner's knowledge, consent, or connivance, that other person shall be summarily convicted of the offence, and the owner shall be exempt from any fine.

Action of county councils.

14. For the purposes of this Act the council of a county or borough may act through their surveyor or other authorised officer.

Inquiries by inspectors of Local Government Board.

15.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any of their powers under this Act, and the Board and their inspectors shall for the purposes of any such inquiry have the same powers as they respectively have for the purpose of an inquiry under the Public Health Act, 1875.

(2.) The expenses incurred by the Local Government Board in respect of inquiries under this Act shall be paid by such authorities and persons, and out of such funds and rates as the Board may by order direct, and the Board may certify the amount of the expenses so incurred, and any sum so certified and directed by the Board to be paid by any authority or person shall be a debt from that authority or person to the Crown.

(3.) Such expenses may include the salary of any inspector or officer of the Board engaged in the inquiry, not exceeding three guineas a day.

For the protection of the Menai Bridge.

16. No locomotive to which this Act applies shall be driven over the Menai Bridge when prohibited by notice exhibited thereon by the authority of the Commissioners of Her Majesty's Works and Public Buildings, and nothing in section seven of this Act shall have any application to such bridge.

If any person in charge of a locomotive acts in contravention of this section, he shall be liable for each offence, on summary conviction, to a fine not exceeding five pounds.

Interpretation and saving.

17.—(1.) In this Act, unless the context otherwise requires,—

The expression "county" means an administrative county, and includes a county borough;

The expressions "council of a county" and "county council" include the council of a county borough;

In the case of a county borough the expression "chairman" includes the mayor, and the expression "county fund" includes borough fund;

The expression "locomotive" means a locomotive propelled by steam or other than animal power;

The expression "waggon" includes any truck, cart, carriage, or other vehicle;

The expression "agricultural locomotive" includes—

(*a*) any locomotive used solely for threshing, ploughing, or any other agricultural purpose; and

(*b*) any locomotive, the property of one or more owners or occupiers of agricultural land employed solely for the purposes of their farms, and not let out on hire.

59 & 60 Vict. c. 36.

(2.) Nothing in this Act shall affect light locomotives within the meaning of the Locomotives on Highways Act, 1896.

(3.) The mayor, aldermen, and commons of the city of London shall have the same powers with regard to the licensing and registration of locomotives in the city of London as the council of a county have in their county, and shall apply as part of their income any fees or other money received in connexion with such powers.

Repeal.

18.—(1.) The Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2.) Provided that such repeal shall not affect any byelaws made under any enactment mentioned in the said schedule, so far as the same relate to preventing the use of locomotives upon bridges, or for a period of twelve months from the passing of this Act any other byelaws made under any such enactment, except so far as the same may be repealed or altered by byelaws made under this Act.

(3.) Nothing in this Act shall affect or derogate from the provisions of any local Act dealing with the licensing of locomotives (whatever the payments in respect of the licence may be) or otherwise relating to locomotives in any borough or other area.

Short title.

19. This Act may be cited as the Locomotives Act, 1898.

Application of Act.

20. This Act shall not apply to Scotland or Ireland.

Commencement of Act.

21. This Act shall not, except so far as regards the making and confirming of byelaws hereunder, come into operation until the first of January, one thousand eight hundred and ninety-nine.

SCHEDULE.

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 70.	The Locomotive Act, 1861.	Section six, from "And in case" to the end of the section.
28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	Section three, the paragraph commencing with the word "Firstly" and ending with the word "carriages" and from "but it shall be lawful "for such owner" to the end of the section.
		Section three, the words "between the hours of one hour after sunset and one hour before sunrise."
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Sections twenty-nine, thirty-one, and thirty-two.