CHAPTER lxxvii.

An Act to provide for the control and regulation of Overhead Wires in the Administrative County of London. A.D. 1891.

[3rd July 1891.]

WHEREAS the number of wires and cables placed overhead within the administrative county of London has increased and is increasing and such wires and cables are subject to no efficient system of control or regulation and it is expedient that provision should be made as in this Act contained for the control and regulation of all such wires under byelaws made as herein-after provided and for the removal or alteration of such wires and cables in certain cases:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same (as follows):—

Short title and extent of Act.

1. This Act may be cited for all purposes as the London Overhead Wires Act 1891 and shall extend and apply to the administrative county of London.

Interpretation.

2. In this Act—

The expression "the Council" means the London County Council;

The expression "the county" means the administrative county of London;

The expression "Local Authority" means—

As regards any street road embankment bridge park garden or open space vested in the Council or under their control and management the Council;

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Subject as aforesaid—

As regards the city of London the Commissioners of Sewers of the city of London;

As regards any parish named in Schedule A to the Metropolis Management Act 1855 or any parish which under any subsequent Act is to be dealt with as if named in the said schedule the vestry of that parish as constituted under the said Acts;

As regards any district mentioned in Schedule B of the Metropolis Management Act 1855 and not dissolved by any Act amending the same the district board of such district as constituted under the said Acts;

And as regards any place mentioned in Schedule C of the Metropolis Management Act 1855 the Council;

The expression "the Company" means and includes any Company or person having placed or claiming any power to place any wire overhead in the county;

The expression "street" has the meaning assigned thereto in the Metropolis Management Act 1855 and the Metropolis Management Amendment Act 1862;

The expression "wire" includes any wire conductor or cable and any support or attachment thereto any part of which is placed or shall hereafter be placed over any street or any part of any street and also any wire conductor cable support or attachment placed or intended to be placed on or over any building or land and situate at any point within a distance of fifty feet from any street but shall not include any such wire conductor cable support or attachment which is placed or may be placed wholly upon or over any railway or any land belonging to a railway company and used as a railway station siding or yard or any part of any such wire conductor or cable being upon or over any railway or such land;

The expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

New overhead wires not to be placed except in accordance with byelaws.

3. From and after the passing of this Act the Company shall within one month after they shall have placed any wire overhead give notice in writing to the Council and the Local Authority specifying the locality and position in which the wire has been placed and after byelaws in relation to wires shall have been made under the powers of this Act it shall not be lawful to place any wire overhead otherwise than subject to and in accordance with such byelaws.

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Rights over private property not to be acquired except by agreement.

4. The Company by carrying a wire over any land or building or supporting such wire thereon or attaching the same thereto shall not otherwise than by agreement with the owner of and persons interested in such land or building acquire any right which shall in any way interfere with any right of such owner or other person and if at any time by reason of any alteration re-building or otherwise it becomes necessary for any such owner or person to require the Company to alter or remove any such wire the Company shall alter or remove the same accordingly on being required so to do by notice in writing by such owner or person:

And in the event of the Company refusing or neglecting for the space of one month after such requisition to alter or remove the same it shall be lawful for any inspector officer or workman duly appointed by the Council with the consent of such owner or person to remove or alter the same and to enter upon the land or building for that purpose and the costs and expenses of and incidental to such removal shall be repaid by the Company to the Council on demand and in default of payment may be recovered in a summary way:

As regards the city of London this section shall be read and have effect as if the Commissioners of Sewers were named therein instead of the Council.

Byelaws.

5. Subject to the provisions of this Act the Council may from time to time make and vary byelaws with respect to any of the following matters:—

The identification of overhead wires by registration or otherwise;

The regulation of wires;

The strength of the materials to be employed in placing maintaining and supporting wires; and

The removal of wires erected or placed otherwise than in accordance with such byelaws and of disused wires:

And they may by such byelaws fix and determine the penalties to be imposed on the Company or any person failing to comply with any of the provisions of this Act and the continuing penalties to be imposed in the event of any such offence being continued after conviction thereof:

Provided that no such byelaw shall have any force or effect until it shall have been approved by the Board of Trade who may prescribe to whom and in what manner notices of the intended byelaws shall be given and provided also that before any such byelaws are proposed to the Board of Trade for confirmation notice thereof with copies of the intended byelaws shall be given to the Postmaster General:

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After the making of any such byelaws a copy thereof shall be published in the London Gazette and in such other newspapers as the Board of Trade may direct:

Provided also that the Board of Trade may exempt any then existing wire from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof.

Enforcement of byelaws by Local Authority.

6. Byelaws under this Act shall subject to the provisions of this Act be enforced and administered by the Local Authority.

Providing for uniformity in enforcement of byelaws.

7. If in any case in any one or more of the parishes or districts within the county any byelaw under this Act is in the opinion of the Council inadequately enforced or if in any two or more of such parishes or districts owing to want of uniformity in the method of administering any byelaw the Council consider it is expedient in the public interest that provision should be made for duly enforcing such byelaw or establishing uniformity in the application and enforcement of the same the Council may apply to the Board of Trade who may after hearing any vestry or district board concerned if they desire to be heard make under the hand of a secretary or assistant secretary such order for securing the enforcement of such byelaw or for establishing uniformity in the administration thereof as they may think expedient Any such order may include a power to the Council to enforce any byelaw in any case in any parish or district and to recover any expenses incidental thereto from the vestry or district board.

Inspectors of overhead wires.

8. It shall be lawful for the Council or the Local Authority as the case may be to appoint and employ an inspector or inspectors of wires and such other officers and workmen as they may find requisite for the purposes of this Act.

Removal of existing overhead wires.

9. If at any time on the report of any of their inspectors it shall appear to the Local Authority that any wire is in such a condition that danger to the public using the streets may be apprehended the Local Authority may serve notice in writing on the Company requiring them to remove renew or alter the same and to place such wire in such position as the Local Authority may reasonably determine and in the event of such requisition not being complied with within such reasonable time as shall be therein specified it shall be lawful for the Local Authority to apply to a court of summary jurisdiction to issue a summons calling on the Company to show cause why the wire should not be dealt with in accordance with such requisition and such court may make an order authorising the Local

Authority or any of their inspectors or officers to remove or alter any such wire and to charge the expenses of such removal or alteration on the Company to whom the wire belongs as may be prescribed in such order And such expenses may be recovered under the provisions of the Summary Jurisdiction Acts:

Provided that the Local Authority may at any time after byelaws shall have been made and published under the provisions of this Act proceed under this section without any such notice or requisition in the case of any wire not being in accordance with such byelaws and at any time after such byelaws are made and published it shall be lawful for the Council or Local Authority to remove any such wire if they are unable to ascertain the owner thereof.

As to liability for accidents.

10. Nothing in this Act or in any byelaw made under this Act or any compliance with any of the provisions of this Act or of any such byelaw shall relieve the Company from any liability in respect of damage caused by any wire or support or attachment or the failure thereof or otherwise due to any works or operations of the Company.

Arbitrator.

11. Where under the provisions of this Act any matter is referred to an arbitrator the reference shall be to an arbitrator who shall be appointed by the Board of Trade on the application of the Council Local Authority or the Company to whom the question refers.

Notice to be given of legal proceedings.

12. No writ shall be issued and no proceeding shall be instituted against the Council Local Authority or any officer or person acting under their authority in reference to this Act except after such notice and subject to such conditions as are specified in section 106 of the Metropolis Management Amendment Act 1862 which section shall be deemed to be incorporated with this Act.

Recovery of penalties.

13. Every sum of money required by this Act to be paid to the Council or Local Authority and every penalty imposed by any byelaw made in pursuance of this Act may be recovered by the Council or Local Authority in a summary way.

Application of penalties.

14. All penalties which may be recovered under any of the byelaws made under the powers of this Act shall notwithstanding anything contained in an Act made and passed in the session holden in the second and third years of the reign of Her present Majesty chapter 71 or in any other Act or Acts to the contrary if recovered by the Council be paid to the Council and be carried by them to the credit of the county fund or if recovered by the Local Authority be paid to their treasurer to their account or if recovered by the

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Commissioners of Sewers be carried to the credit of their consolidated rate.

Evidence of byelaws.

15. The production of a written copy of a byelaw made under this Act if authenticated by the corporate seal of the Council shall until the contrary is proved be sufficient evidence of the due making and existence of the byelaw and of the byelaw having been approved by the Board of Trade.

Wires not to be inconsistent with regulations of Board of Trade.

16. The Company shall not under the powers of this Act or any byelaw made under this Act be required to place any wire in any manner which shall be inconsistent with any regulation or condition for securing the safety of the public or for the protection of the electric lines and works of the Postmaster General made prescribed or imposed by the Board of Trade under the Electric Lighting Acts 1882 and 1888 or under any special Act or Provisional Order or license under the provisions of the Electric Lighting Acts 1882 and 1888 or either of them.

As to authorised electric lighting undertakers and wires.

17. Nothing in this Act or any byelaw made in pursuance thereof shall apply or extend to any undertakers acting under special Act Provisional Order or license under the Electric Lighting Acts 1882 and 1888 or to any wires of such undertakers.

Exempting private wires.

18. Nothing in this Act shall extend to any wire placed by any person for his private use over land belonging to him or in his occupation which does not extend over any street and is so constructed and placed that neither the wire nor any support thereof or attachment thereto would be liable to fall into any public street.

Not to authorise placing unauthorised wires overhead.

19. Nothing in this Act contained shall be deemed to authorise the Council to confer any powers of placing wires for electric lighting purposes overhead on any company body or person not authorised so to place such wires by a special Act Provisional Order or license under the provisions of the Electric Lighting Acts 1882 and 1888.

Exemption of Government and Crown property from powers as to overhead wires.

20. Nothing in this Act shall authorise any wire to be carried over supported on or attached to any land building or structure in the occupation and under the management of or maintained by Her Majesty or Her Majesty's Duchy of Lancaster or the Duchy of Cornwall or any department of Her Majesty's Government or shall authorise any entry upon any such land building or structure without in each case the consent of the department of Her Majesty's Government or of the officer or body charged with the management of such land building or structure.

Saving for Postmaster General.

21. Nothing in this Act or in any byelaws made in pursuance of this Act shall be deemed to apply or extend (except by way of protection) to any telegraphic line belonging to or used by the Postmaster General or to any support or attachment thereof and nothing in this Act or in any such byelaws shall be deemed to take away abridge or prejudicially affect any right power or privilege enjoyed by the Postmaster General.

As to payments by Local Authorities under this Act.

22. All costs and expenses of any vestry or district board in the execution of this Act or any byelaws under this Act shall be paid as part of the expenses of such vestry or district board of executing the Metropolis Management Act 1855 and the Acts amending the same and all costs and expenses of the Commissioners of Sewers in the execution of this Act or any byelaws under this Act shall be paid out of the consolidated rate as part of the expenses of such Commissioners.

As to payments under this Act.

23. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner.

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