CHAPTER cxxxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Paisley District Tramways. [22nd July 1904.]

A.D. 1904.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

Be it therefore 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:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Paisley District Tramways Order Confirmation Act 1904.

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SCHEDULE.

PAISLEY DISTRICT TRAMWAYS.

Provisional Order to extend the time limited by the Paisley District Tramways Order 1901 *for the completion of the Tramways thereby authorised and for other purposes.*

WHEREAS by the Paisley District Tramways Order 1901 (herein-after called "the Order of 1901") the Paisley District Tramways Company (herein-after called "the Company") was incorporated and empowered to construct the tramways and works therein described:

And whereas the time limited by the Order of 1901 for the completion of the tramways and works will expire on the seventeenth day of August one thousand nine hundred and four and it is expedient that the period so limited and the other periods herein-after mentioned should respectively be extended as by this Order provided:

And whereas the Company were by the Order of 1901 empowered to acquire and have acquired and adapted for working by electrical power the tramways of the Paisley Tramway Company Limited and constructed about 12 miles of single track out of the 19 miles 5 furlongs 3·05 chains or thereabouts of single track of the new tramways authorised by the Order of 1901 and have incurred liabilities in respect thereof amounting as at the thirtieth day of April one thousand nine hundred and four to the sum of two hundred thousand pounds and upwards:

And whereas none of the authorised capital of the Company has yet been raised and it will facilitate the raising thereof if the Company are empowered to raise a portion thereof by the creation and issue of preference shares as herein-after provided:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited for all purposes as the Paisley District Tramways Order 1904 and shall come into operation at the date of the passing of the Act confirming the same which date is herein-after referred to as "the commencement of this Order."

Extension of time for construction of tramways.

2. The powers granted by the Order of 1901 for the construction of the tramways and works thereby authorised are hereby extended and may be exercised by the Company for the period of two years from the seventeenth day of August one thousand nine hundred and four and section 22 (Period for completion of tramways) of the Order of 1901 shall be read and construed as if the period limited by this Order for the completion of the tramways and works had been the period limited by that Order for the completion thereof and sections 40 (Deposit fund not to be repaid except so far as tramways are opened) 41 (Application of deposit fund) 42 (Further provisions as to application of deposit fund) and 81 (As to payment of interest out of capital during construction) of the Order of 1901 shall be read and construed as if the time by this Order limited for the completion of the said tramways and works had been the time then limited for the completion thereof.

If the said tramways and works be not completed within the period limited by this Order then on the expiration of that period the powers for making and completing the same and otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

For protection of corporation of Paisley.

3. Whereas it is provided by the Order of 1901 section 75 (1) that if the provost magistrates and councillors of the burgh of Paisley (therein and herein-after called "the corporation") shall in manner set forth in the said section so resolve they may supply and the Company shall take from them the electrical energy required for working the tramways at the rates specified in the said section provided that on the expiry of seven years from the date of the Act confirming the Order of 1901 either the Company or the corporation may require an alteration of the said rates And whereas the corporation duly resolved to supply electrical energy to the Company and it is right that in view of the extension by this Order of the time limited by the Order of 1901 for the construction of the tramways and works the period of seven years

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mentioned in the said section should also be extended for a similar period Therefore it is hereby enacted that section 75 (3) of the Order of 1901 shall be read as if the words "nine years from the date of the Act confirming this Order" had been inserted therein in place of the words "seven years from the date of the Act confirming this Order."

For protection of Postmaster-General.

4. Section 78 (For protection of the Postmaster-General) of the Order of 1901 shall be and is hereby amended as follows :—

(1) Subsection (3) thereof shall be read as if the words within brackets "or the laying of lines crossing the lines of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point" were omitted and such words shall be deemed to be omitted from the said subsection :

(2) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section :—

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 their 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.

Power to raise portion of capital as preferential capital.

5. Subject to the provisions of Part II. of the Companies Clauses Act 1863 incorporated with the Order of 1901 the Company may raise not exceeding one hundred and fifty thousand pounds part of the capital of three hundred thousand pounds authorised to be raised by shares by the Order of 1901 by the creation and

issue of preference shares with a preferential dividend or interest not exceeding the rate of five pounds per centum per annum.

Restriction on displacing persons of labouring class.

6.—(1) The Company shall not under the powers of this Order or the Order of 1901 purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December next before the commencement of this Order or of the Order of 1901 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland 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 Order 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 Secretary for Scotland by action in the Court of Session 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.

Saving rights of local authorities and railway companies.

7. Except as is herein-before expressly enacted nothing in this Order contained shall be construed to repeal alter or affect the special provisions of the Order of 1901 for the protection of the Renfrewshire county authorities the burghs of Paisley Renfrew and Johnstone the Paisley and Barrhead District Railway Company and the Glasgow and South Western Railway Company the Caledonian Railway Company the Glasgow and Paisley Joint Line Committee and the Glasgow and Renfrew District Railway Company.

Provision as to general Tramway Acts.

8. Nothing in this Order 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

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Order or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by the Order of 1901.

Costs of Order.

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

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