to a royal, parliamentary, or police burgh having within its boundaries for police purposes a population according to the returns of the last published census for the time being of ten thousand or upwards, and the words "references to a county " borough shall be construed as references to a royal burgh, " parliamentary burgh, or burgh under the Burgh Police (Scot- 55 & 56 Vict. " land) Act, 1892," in section eight of the principal Act are c. 55. hereby repealed.

6. This Act may be cited as the Military Manœuvres Act, 1911, and the principal Act and this Act may be cited together as the Military Manœuvres Acts, 1897 and 1911. Short title.

CHAPTER 45.

An Act to amend the Law in Ireland with respect to the use of Locomotives on Public Roads, and with respect to extraordinary Traffic. [16th December 1911.]

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:

1.—(1) Where, by a certificate of their surveyor, it appears to the county council or urban district council which is liable or has undertaken to repair any public road, whether a main road or not, that, having regard to the average expense of repairing that road, extraordinary expenses have become necessary for the purpose of repairing the road by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, the council may recover from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have become necessary by reason of the damage arising from such weight or traffic as aforesaid: Power of authority to recover expenses of extraordinary traffic.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such council as is mentioned in this section for the payment to them of a composition in respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

(2) Subject to the provisions of this section in relation to road contractors and to regulations to be made by the Local Government Board, any expenses recovered under this section by the council of any county, not being a county borough, in respect of damage done to a road, shall be applied in aid of the expenses of repairing that road, and any composition received

under this section by the council of any county, not being a county borough, in respect of any weight or traffic shall be applied in aid of the expenses of repairing the road or roads affected by the weight or traffic; and every sum so recovered or received shall be credited to such account or accounts and in such manner as may be prescribed in those regulations.

(3) Where any damage, in respect of which expenses are recovered or a composition is received by a county council or urban district council under this section, is done to a road during the continuance of a contract to keep the same in repair, if the contractor, under and in accordance with the terms of the contract, repairs the damage to the satisfaction of the county surveyor or town surveyor as the case may be, the council, in the absence of any stipulation in the contract to the contrary, shall pay to the contractor, in addition to any sums payable to him under the contract, such sum as the surveyor may certify to have been duly expended by the contractor in repairing that damage, not exceeding in any event the amount actually recovered or received by the council and applicable to the repair of that damage; and if in consequence of the neglect or failure of the contractor to repair that damage under and in accordance with the terms of the contract, the council, or the surveyor on their behalf, cause the same to be repaired, then in calculating the amount that may be deducted from the sum payable to the contractor under the contract, or may be recovered from him or his sureties, credit shall be allowed for the amount actually recovered or received by the council under this section and applicable to the repair of that damage.

(4) Expenses under this section may be recovered, if not exceeding two hundred and fifty pounds, in the county court, and, if exceeding that sum, in the High Court.

(5) Proceedings in the county court under this section may be taken in the county court within the jurisdiction of which the damage is done, or within the jurisdiction of which the defendants, or any of them, reside or carry on business, and, subject to rules of court, an appeal shall lie from any order of the county court under this section as in the case of an ordinary civil bill; and the provisions of the County Courts (Ireland) Acts, 1851 to 1889, relative to appeals shall apply accordingly.

(6) Rules of court may regulate the practice and procedure in the county court and on appeals under this section, including costs and the service of civil bill processes in any part of Ireland.

(7) Proceedings for the recovery of any expenses under this section shall be commenced within twelve months of the time at which the damage was done, or, where the damage is in 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.

Weight of locomotives and construction of wheels.

2. It shall not be lawful to use on any public road a locomotive constructed, otherwise than in accordance with the following provisions (that is to say) :—

(1) A locomotive not drawing any waggon, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons ; and

(2) A locomotive drawing any waggon shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches ; and

(3) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided ; and

(4) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal crossbars of not less than three inches in width nor more than three-quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such crossbar shall not exceed three inches : Provided that the requirements of this subsection may be from time to time varied by order of the Local Government Board.

Penalty for breach of foregoing provisions.

3.—(1) The owner of any locomotive used contrary to the provisions of the last preceding section shall, for every such offence, be liable to a fine not exceeding five pounds : Provided that any county council or urban district council may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any public road or part of a public road which the council are liable or have undertaken to repair under such conditions (if any) as to them may appear desirable :

Provided also that the owner of the locomotive used contrary to the provisions of subsection (2) of the last preceding section shall not be deemed guilty of an offence under that section if he proves to the satisfaction of the court having cognizance of the case that such locomotive was constructed before the passing of this Act, and that the tires of the wheels thereof are not less than nine inches in width.

24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

(2) Section three of the Locomotive Act, 1861, and section five of the Locomotives Act, 1865, are hereby repealed.

Regulations for locomotives on highways.

4.—(1) When a locomotive is passing on any public road—

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

(*b*) one of such persons shall, when required, give assistance to any person with a horse or horses or carriages or other vehicles drawn by a horse or horses meeting or overtaking the locomotive; and

(*c*) when the locomotive is drawing more than three waggons another person shall be employed for the purpose of attending to the waggons, and such third person shall be seated at or remain near the rear of the last waggon so as to observe and be able to give assistance to any person with any carriage or vehicle of whatever kind or with a horse or horses or other animals overtaking such last waggon, and shall give such assistance when 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 public road although it is stationary.

(3) The lights required to be carried on a locomotive, whether stationary or passing on any public road, 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 to a fine not exceeding ten pounds.

(6) The paragraphs numbered "firstly" and "secondly," respectively, of section three of the Locomotives Act, 1865, are hereby repealed.

Steam locomotives to be constructed so as to consume their smoke.

5.—(1) Every locomotive used on any public road shall be constructed on the principle of consuming its own smoke and fitted with apparatus to prevent the escape of sparks and to prevent the dropping of live embers and cinders on the road; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, or not fitted with such apparatus as aforesaid, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such public road.

(2) Section eight of the Locomotive Act, 1861, is hereby repealed.

Power of county authority to license locomotives.

6.—(1) A county council may, from time to time, make, alter, and repeal byelaws for granting annual licences to locomotives used within their county, and the fee (not exceeding ten pounds) to be paid in respect of each licence; and the owner of any locomotive for which a licence is required under any byelaw so made who uses or permits the same to be used in contravention of any such byelaw shall be liable to a fine not exceeding forty shillings for every day on which the same is so used.

All fees received under this section shall be applied in aid of the expenses of repairing the public roads in the county in such manner as may be prescribed.

(2) The provisions of the Public Health (Ireland) Act, 1878, relative to byelaws, shall, with the necessary modifications, apply in the case of every byelaw made under this section. 41 & 42 Vict. c. 52.

(3) This section shall not apply to any agricultural locomotive.

Recovery of penalties.

7.—(1) Offences under this Act, or under any byelaw made in pursuance of this Act, may be prosecuted, and fines recoverable under this Act, or under any byelaw made in pursuance of this Act, may be recovered in the manner provided by the Summary Jurisdiction Acts.

(2) Where an offence under this Act, or under any byelaw made in pursuance of this Act, 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.

(3) 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 court is satisfied that the owner 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.

Interpretation and saving.

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

The expression "Local Government Board" means the Local Government Board for Ireland, and the expression "prescribed" means prescribed by that Board;

The expression "road" includes "bridge";

The expression "county" includes a county borough, and the expression "county council" includes the council of a county borough;

The expression "locomotive" means a locomotive propelled by steam or other than animal power, but does not include any light locomotive or motor car within the meaning of the Motor Car Acts, 1896 and 1903. 59 & 60 Vict. c. 36. 3 Edw. 7. c. 36.

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 purpose of their farms and not let out on hire;

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

(2) 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 licences may be), or otherwise relating to locomotives in any county borough or other area.

(3) Nothing in this Act shall authorise any person to use a locomotive which is so constructed or used as to be a public nuisance at common law, or shall affect the right of any person to recover damages in respect of any injury sustained in consequence of the use of a locomotive.

Extent and short title.

9. This Act shall apply to Ireland only and may be cited as the Public Roads (Ireland) Act, 1911.

CHAPTER 46.

An Act to amend and consolidate the Law relating to Copyright. [16th December 1911.]

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:

PART I.

IMPERIAL COPYRIGHT.

Rights.

Copyright.

1.—(1) Subject to the provisions of this Act, copyright shall subsist throughout the parts of His Majesty's dominions to which this Act extends for the term hereinafter mentioned in every original literary dramatic musical and artistic work, if—

(*a*) in the case of a published work, the work was first published within such parts of His Majesty's dominions as aforesaid; and

(*b*) in the case of an unpublished work, the author was at the date of the making of the work a British subject or resident within such parts of His Majesty's dominions as aforesaid;