CHAPTER cxxxvi.

An Act to empower the Mayor Aldermen and Citizens of the City of Sheffield to work and use their Sheffield Tramways Undertaking. [20th July 1896.]

A.D. 1896.

WHEREAS by the Sheffield Tramways Act 1872 (in this Act called "the Act of 1872") the Sheffield Tramways Company (in this Act called "the company") were incorporated and authorised to form lay down work and maintain the existing tramways undertaking within the city of Sheffield:

And whereas by clauses inserted in and under the terms of an agreement scheduled to and confirmed by the Act of 1872 it was provided amongst other things that the mayor aldermen and burgesses of the then borough of Sheffield (in this Act called "the Corporation") might within two months after the passing of the Act of 1872 elect to be substituted in place of the company for the purposes of the said Act and that in the event of the Corporation so electing to be substituted for the company all rights powers and authorities conferred by the said Act should subject to the provisions therein contained be transferred to and vested in and thenceforward be exercised by the Corporation as if the Corporation had been named in the said Act instead of the company but that the Corporation should grant and the company should accept a lease of the said tramways undertaking for a period of twenty-one years:

And whereas the Corporation did so elect to be substituted in place of the company and two several leases of the different parts of the tramways undertaking of the Corporation were granted to the company in accordance with the terms of the said scheduled agreement:

And whereas the leases of the said tramways undertaking to the company will expire on the tenth day of July one thousand eight hundred and ninety-six:

A.D. 1896.

And whereas it is expedient that power be conferred upon the Corporation to work and use the said tramways undertaking on the expiration of the existing lease thereof to the company:

And whereas it is expedient that the Act of 1872 should be amended as in this Act provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas an absolute majority of the whole number of the council at a meeting held on the eleventh day of December one thousand eight hundred and ninety-five after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Sheffield Daily Telegraph a local newspaper published or circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged to the borough fund or borough rate district fund or general district rate or such other public funds or rates as the council should deem advisable:

And whereas such resolution was published twice in the said Sheffield Daily Telegraph newspaper and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eighth day of January one thousand eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the city by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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 (that is to say):—

Short title.

1. This Act may be cited as the Sheffield Corporation Tramways Act 1896.

Interpretation.

2. In this Act unless the subject or context otherwise requires—

"The city" means the municipal city of Sheffield:

"The Corporation" means the mayor aldermen and citizens of the city:

"The council" means the council of the city:

"The tramways undertaking" means the tramways undertaking of the Corporation and includes all tramways and the works in connexion therewith for the time being belonging to the Corporation.

Execution of Act.

3. This Act shall be carried into execution by the Corporation acting by the council.

Power to work tramways.

4. Section 47 of the Act of 1872 is hereby repealed and notwithstanding anything contained in the Tramways Act 1870 the Corporation may subject to the provisions of this Act and the regulations contained in the schedule to this Act place and run carriages on and work and use any tramways belonging to them within the city and may provide such plant materials and things as may be requisite or convenient therefor and in such case the provisions of the Act of 1872 relating to the working of the said tramways and the taking of tolls rates and charges therefor shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the Corporation.

Corporation not to take increased fares on Sundays or bank holidays.

5. It shall not be lawful for the Corporation or company or person using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

As to deficiency in receipts.

6. Any deficiency in the revenues or receipts of the Corporation on account of the tramways undertaking shall be from time to time made good out of the borough fund and borough rate.

Carriages may be moved by animal steam or mechanical power.

7. The carriages used on the tramways may subject to the provisions of this Act be moved by animal power or steam or mechanical power Provided always that the Corporation shall use such system only of steam or mechanical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Corporation to cease to use such system and the Corporation shall thereupon cease to use such system and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Definition of mechanical power and power to generate electricity.

8. For the purposes of this Act the expression "mechanical power" shall include electrical cable pneumatic gas oil and any other mechanical power and for the purposes of working any of their tramways the Corporation may erect construct maintain and use dynamos and other electrical apparatus steam-engines works and buildings and may construct erect lay down make and maintain

A.D. 1896.

on above or below the surface of any street road or place post electric conductors wires apparatus subways tunnels cables tubes and openings and may affix to any house or building and maintain posts electric conductors wires and apparatus Provided that the Corporation shall make compensation to any person sustaining injury by the affixing of any such post or thing to any house or building the amount of such compensation to be determined in default of agreement by arbitration under the Tramways Act 1870 Provided also that nothing in this section shall exempt the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land used for the purposes of this section.

Provisions as to use of electric power.

9. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Corporation 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 their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

(3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance 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 Corporation using electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject 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 continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Corporation in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Corporation to cease to use electric power and thereupon the Corporation shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

(5) The Corporation shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Corporation shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Corporation 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper 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 If any difference arises between the Corporation and any other

A.D. 1896.

party with respect to anything in this subsection 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 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:

(6) Nothing in this section shall apply to the use of any electric line or circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:

(7) The expression "the Corporation" in this section shall include their lessees and the licencees and any person owning working or running carriages over any tramway of the Corporation.

Penalty for using steam or mechanical power contrary to Act or regulations.

10. The Corporation or any company or person using steam or mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject 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 continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Corporation or any company or person using steam or mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Corporation or such company or person to cease to exercise the powers aforesaid and thereupon the Corporation or such company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

11. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which steam or mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine 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 the 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 regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

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.

As to recovery of penalties.

12. The provisions of the Summary Jurisdiction Acts shall apply to the recovery of any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

13. The provisions of the Tramways Act 1870 relating to the making of byelaws by the Corporation with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

Orders byelaws.

14. All orders 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.

For protection of the Postmaster-General.

15. In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect :—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in

A.D. 1896.

all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her 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 their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation 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) (A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line 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) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation 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;

(B) Any difference which arises between the Postmaster-General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration:

(4) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation 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:

(5) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work 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 execution thereof stating the reason for doing or executing the same without previous notice:

(6) 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:

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section:

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

(9) 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 Corporation or their agents were a company within the meaning of that Act:

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

A.D. 1896.

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

Expenses of Act.

16. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

SCHEDULE referred to in the foregoing Act.

Break power of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of engines &c.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

The Board of Trade shall on the application of the Corpo ration and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through moveable facing points shall not exceed the rate of four miles an hour.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.