CHAPTER 59.

An Act to make further provision respecting Telegraphs.

[28th June 1892.]

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:

Issue of money out of Consolidated Fund for purposes of Telegraph Acts.

1. Whereas it is expedient to raise money with a view to carry into effect the scheme of the Postmaster-General for the development of that part of the telegraphic system of the United Kingdom which is called the telephonic system, and in particular with a view to purchase and provide the main lines of telephonic communication:

Be it therefore enacted as follows:—

(1.) The Treasury may, with the above view, issue out of the Consolidated Fund, or the growing produce thereof, such sums not exceeding in the whole the sum of one million pounds as may be required by the Postmaster-General for the purposes of the Telegraph Acts, 1863 to 1889, and this Act, according to estimates approved by the Treasury.

(2.) The Treasury may, if they think fit, with a view to provide money for sums so authorised to be issued out of the Consolidated Fund or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities, for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3.) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof, at such times in each year as may be fixed by the Treasury.

The annuities shall be created by warrant of the Treasury to the Bank of England directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

Power of Railway and Canal Commission to make provisional order for construction of work on private land.

2.—(1.) If the Postmaster-General considers that the inhabitants of any district or any public authority are debarred from the public convenience of telegraphic communication owing to the refusal or failure of any person being the occupier, lessee, or owner of any land or building to consent to the construction or maintenance of a work by the Postmaster-General, he may, without prejudice to any other power of proceeding under the Telegraph Acts, 1863 and 1878, or this Act, apply to the Railway and Canal Commission, and that Commission, if satisfied, after holding a local inquiry and giving an opportunity for all persons interested to be heard that the inhabitants or authority are so debarred as aforesaid, may make an Order consenting to the construction or maintenance of the work either unconditionally or subject to such pecuniary or other terms, conditions and stipulations as the Commission think just, and such consent shall have effect as a consent given by the said person to the construction or maintenance of such work, but

26 & 27 Vict. c. 112.

subject as aforesaid all the provisions of the Telegraph Act, 1863, shall apply to such work, and such person shall have and enjoy all the protection and benefit of such provisions.

(2.) If the said person presents to the Commission, within one month after the service of such Order on him, a petition praying that the Order shall be laid before Parliament, and does not withdraw that petition, such Order shall have no effect until confirmed by Parliament with such modifications (if any) as Parliament may approve or direct; but if such petition is not presented, or though presented is withdrawn, the Railway and Canal Commission shall certify the fact, and after the date of that certificate such Order shall have full effect.

(3.) The Postmaster-General may cause to be introduced into Parliament a public Bill confirming any such Order, and the Order when so confirmed, with any modification made therein by Parliament, shall have full effect.

(4.) If while a Bill confirming an Order under this section is pending in either House of Parliament a petition is presented against the Order, the Bill, so far as it relates to that Order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a private Bill.

(5.) The Railway and Canal Commission may hold a local inquiry for the purposes of this Act by any one or two of their members, or by any officer of the Commission whom they may direct to hold the same, and Parts One and Four of the Railway and Canal Traffic Act, 1888, except the sections relating to appeal, shall apply as if herein re-enacted and in terms made applicable to the purposes of this section, and any officer appointed to hold the inquiry shall have power to administer an oath.

51 & 52 Vict. c. 25.

(6.) The Railway and Canal Commission may make an interlocutory order for the continuance of an existing work while proceedings under this section are pending.

Extension of certain provisions of Telegraph Acts.

3. The provisions of the Telegraph Acts, 1863 and 1878, relating to streets, public roads, lands, and buildings within the limits of any city or municipal borough, or town corporate, or any town having a population of thirty thousand inhabitants or upwards shall, as amended by this Act, extend to streets, public roads, lands, and buildings within the limits of any urban sanitary district; and for the purposes of those Acts the terms public road and street shall respectively include a public highway for carriages and a public way, although not repairable in manner in the Telegraph Act, 1863, mentioned, and the term "public road" shall include a public highway for horses and a private road which is also a public footpath, if such highway or road is enclosed between hedges, walls, or other fences.

Telegraph lines constructed irregularly or by persons other than the Postmaster-General.

4.—(1.) Where a telegraphic line of the Postmaster-General has been constructed, either before or after the passing of this Act, whether by him or a person through whom he claims, and has been constructed independently of or without compliance with the Telegraph Acts, 1863 and 1878, or this Act, any road authority, owner, lessee, occupier, or person whose consent would have been required if the line had been constructed in accordance with the

Acts, and who is aggrieved, or who would, if the line had been constructed in accordance with the Acts, be entitled to require its removal, may require the removal of such line, but until the removal is required in pursuance of this section the line shall be deemed to have been lawfully constructed: Provided, that if and so far as the telegraphic line is constructed under or along a street or public road, sections three, four, and five of the Telegraph Act, 1878, shall apply as if the requisition to remove were a failure to consent within the meaning of those sections. 41 & 42 Vict. c. 76.

(2.) Where, either before or after the passing of this Act, any consent for the construction of a telegraphic line along a street or public road has been given, subject to any term, condition, or stipulation, to a person through whom the Postmaster-General claims, the Postmaster-General may give a notice to the authority or person giving the consent asking for the withdrawal of that term, condition, or stipulation, and if the authority or person fail to withdraw it within twenty-one days after the notice is given, a difference shall be deemed to have arisen between that authority or person and the Postmaster-General, and shall be determined in manner provided by sections four and five of the Telegraph Act, 1878.

Application of Acts to licensee of Postmaster-General. 26 & 27 Vict. c. 112. 52 & 53 Vict. c. 34. 41 & 42 Vict. c. 76.

5.—(1.) Where the Postmaster-General has, either before or after the passing of this Act licensed any company or person to transmit any telegrams within the meaning of the Telegraph Acts, 1863 to 1889, he may by the same or any other licence, authorise such company or person (in this Act referred to as the licensee) during the time and within the area specified in the licence, to exercise the powers which are conferred on the Postmaster-General by the Telegraph Acts, 1863 and 1878, and by the provisions of this Act relating to Provisional Orders, or such of those powers as are specified in the licence, and thereupon the enactments conferring those powers or relating to the exercise thereof, including any penal provisions, shall apply accordingly:

(2.) Provided as follows:—

(*a.*) A licensee shall not exercise any powers under the said enactments except in an urban sanitary district or such area adjoining an urban sanitary district as is described in the licence:

(*b.*) Notwithstanding anything in the Telegraph Act, 1878, a licensee shall not exercise any powers under the said enactments without the consent, in London of the county council, and in any urban sanitary district outside London of the urban sanitary authority, and elsewhere of the county council, and shall be subject to any terms and conditions which the county council or urban sanitary authority may attach to any such consent, and shall comply with any regulations of such council or authority from time to time in force in relation to telegraphic lines.

Agreement with electric lighting company. 45 & 46 Vict. c. 56.

6.—(1.) Any company or person authorised to lay an electric line within the meaning of the Electric Lighting Act, 1882, may, with the approval of the Board of Trade, and with the consent of the local authority as defined by the Electric Lighting Act, 1882, for the district within which such electric line is laid, and by agreement with the Postmaster-General, or, if so authorised by the

Postmaster-General, with his licensee, place, or authorise the Postmaster-General or his licensee to place, telegraphs in the trenches, tubes, pipes, or apparatus used for the purpose of such electric line.

(2.) The enactments relating to the company or person in relation to the powers, operations, trenches, tubes, pipes, and apparatus of such company or person for the purpose of the electric line shall, so far as applicable, extend to the said telegraphs, and to anything done in pursuance of this section.

Saving for railways and canals.

7. Nothing in this Act shall apply to the undertaking of any railway or canal company authorised by an Act of Parliament.

Extension of 26 & 27 Vict. c. 112. and 41 & 42 Vict. c. 76.

8. The provisions of the Telegraph Acts, 1863 and 1878, and this Act, shall apply to any pneumatic and other tubes used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication in like manner as they apply to telegraphs underground.

Definitions.

9. In this Act, unless the context otherwise requires,—

The expression "road authority" means the body having the control of a street or public road, and where a street or public road is not repairable at the public expense, means the body which would have control of such street or road if it were repairable at the public expense.

38 & 39 Vict. c. 55.

54 & 55 Vict. c. 76.

The expression "urban sanitary authority" means an urban sanitary authority within the meaning of the Public Health Act, 1875, and a sanitary authority within the meaning of the Public Health (London) Act, 1891, and the expression "urban sanitary district" means a district within the meaning of the said Acts of such sanitary authority.

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

Expressions referring to the construction and maintenance of a telegraphic line along a street or public road, mean the placing and maintaining of a telegraph over, along, or across a street or public road, and the placing and maintaining of posts in or upon a street or public road.

Expressions referring to the refusal or failure to give a consent shall include a reference to a withdrawal of a consent, and to the attaching to a consent of any terms, conditions, or stipulations to which the Postmaster-General objects.

Other expressions have the same meaning as in the Telegraph Acts, 1863 and 1878.

Application of Act to Scotland.

10. In the application of this Act to Scotland, the following modifications shall be made—

30 & 31 Vict. c. 101.

"Burgh" as defined by the Public Health (Scotland) Act, 1867, shall be substituted for "urban sanitary district," and the road authority within such burgh shall be substituted for urban sanitary authority.

Application of Act to Ireland.

11. In the application of this Act to Ireland, the following modifications shall be made:—

41 & 42 Vict. c. 52.

A reference to the Public Health Act, 1875, shall be construed to refer to the Public Health (Ireland) Act, 1878, and the Acts amending the same:

A reference to the county council shall be construed to refer to the grand jury.

12. This Act shall extend to the Isle of Man, with the following modifications, that is to say:— Application of Act to the Isle of Man.

"Local Government districts" shall be substituted for urban sanitary districts and "the commissioners of a local government district" for urban sanitary authority:

"The Governor and Executive Council of the Isle of Man" shall be substituted for "the Railway and Canal Commission," and "any one or two commissioners appointed by the Governor and Executive Council" shall be substituted for "any one or two of the members of the Commission:"

"Court of Tynwald" shall be substituted for "Parliament," and "either branch of the Court of Tynwald" shall be substituted for "either House of Parliament."

13. This Act may be cited as the Telegraph Act, 1892. Short title.

The Telegraph Acts, 1863 to 1889, and this Act may be cited collectively as the Telegraph Acts, 1863 to 1892. 26 & 27 Vict. c. 112. 52 & 53 Vict. c. 34.

CHAPTER 60.

An Act to continue various Expiring Laws.

[28th June 1892.]

WHEREAS the Acts mentioned in column one of Part I. of the First Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December one thousand eight hundred and ninety-two:

And whereas the Act mentioned in column one of Part II. of the First Schedule to this Act is, to the extent aforesaid, limited to expire on the first day of November one thousand eight hundred and ninety-two:

And whereas the Act mentioned in column one of Part III. of the First Schedule to this Act is, to the extent aforesaid, limited to expire at the end of the session of Parliament next after the nineteenth day of July one thousand eight hundred and ninety-two:

And whereas the Act mentioned in column one of the Second Schedule to this Act is, to the extent aforesaid, limited to expire on the thirty-first day of March one thousand eight hundred and ninety-three:

And whereas the Act mentioned in column one of the Third Schedule to this Act is, to the extent aforesaid, limited to expire on the first day of August one thousand eight hundred and ninety-two:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending the same:

Be it therefore 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:

1.—(1.) The Acts mentioned in column one of Parts I. II. and III. of the First Schedule to this Act shall, to the extent specified Continuance of Acts in schedule.