



CHAPTER xliv.

An Act to repeal the London Overhead Wires Act 1891 and to make other provision for the control and regulation of overground wires and other apparatus in the administrative county of London. A.D. 1933.
[18th July 1933.]

WHEREAS by the London Overhead Wires Act 1891 certain powers of control and regulation of overhead wires and other apparatus in the administrative county of London were conferred upon the London County Council the mayor aldermen and commons of the city of London in common council assembled and the councils of metropolitan boroughs or their respective predecessors :

And whereas it is expedient that the said Act should be repealed and that the provisions contained in this Act should be enacted in lieu thereof :

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

May it therefore please Your Majesty that it may be enacted and 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 (that is to say) :—

1. This Act may be cited as the London Overground Wires &c. Act 1933. Short title.

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Interpre-
tation.

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

“the Council” means the London County Council;

“the common council” means the mayor aldermen and commons of the city of London in common council assembled;

“local authority” means—

(a) as regards the Inner Temple and the Middle Temple and any bridge park garden or open space vested in the Council or under their control and management and so much as is so vested or under such control and management of the approaches to any such bridge the Council; and

(b) subject as aforesaid as regards the city of London and any bridge vested in the mayor and commonalty and citizens of the city of London trustees of the Bridge House Estates or in the common council or under their respective control and management and so much as is so vested or under such control and management of the approaches to any such bridge the common council; and

(c) subject as aforesaid as regards any metropolitan borough the council of that borough;

“street” includes any highway road bridge lane mews footway square court alley passage whether a thoroughfare or not and any part of any such highway road bridge lane mews footway square court alley or passage;

“wire” means any cable wire conductor or other similar apparatus and any support thereof or attachment thereto (other than a support or attachment to which the provisions of Part VI or Part VII of the London Building Act 1930 apply) of which the whole or part is erected or placed (whether before or after the commencement of this Act) or proposed to be erected or

placed above ground in the administrative county of London over or upon— A.D. 1933.

(a) any street in that administrative county;
or

(b) any land and situate at any point within a distance of fifty feet from any such street;

“owner” where used in relation to a wire means the person for the time being responsible for the maintenance of the wire and in the absence of proof to the contrary the person who erected or placed or caused to be erected or placed the wire or the successor in title of that person shall be deemed to be the person responsible for the maintenance of the wire; and

“telegraphic line” has the same meaning as in the Telegraph Act 1878.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

3.—(1) It shall not be lawful for any person—

(a) to erect or place any wire over or upon any street without the consent of the local authority or otherwise than upon and subject to such reasonable terms and conditions either general or specific (not being a term or condition requiring the payment of a royalty or other monetary payment in the nature of a royalty as a condition of the granting of consent) as the local authority may attach to such consent (if given); or

(b) in the case of any wire erected or placed over or upon any street after the commencement of this Act to retain such wire otherwise than upon and subject to the terms and conditions attached to the consent of the local authority to such erection or placing.

(2) Not later than twenty-eight days from the date of the receipt of an application for consent under this section the local authority shall intimate in writing to the applicant their decision on such application and in any case in which terms or conditions are attached

Placing
retention
and removal
of wires
over streets.

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A.D. 1933. — to a consent such intimation shall be accompanied by particulars of the terms and conditions.

(3) Any consent under this section shall be in writing authenticated by the local authority and may relate to more than one wire.

(4) Any person aggrieved by the withholding of any consent under this section or by any terms or conditions attached to any such consent may appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.

(5) Any person who contravenes the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and if any wire in respect of which a person is convicted of an offence under this section is retained after such conviction to a penalty not exceeding two pounds for each day on which the wire is so retained.

(6) Notwithstanding anything contained in subsection (5) of this section the local authority may at any time after the date of any conviction of an offence under this section remove the wire in respect of which the offence was committed. Provided that nothing in this subsection shall prejudice or affect any powers with reference to the removal of wires which may be exerciseable pursuant to any other provision of this Act or any byelaws made under this Act.

Notice of placing of wires.

4.—(1) Any person who proposes to erect or place any wire shall two clear days before beginning to erect or place the wire give notice thereof in writing to the local authority specifying the locality and position in which the wire is to be erected or placed and if he makes default in giving such notice he shall be liable to a penalty not exceeding two pounds.

(2) Nothing in this section shall prejudice or affect the provisions of the section of this Act of which the marginal note is "Placing retention and removal of wires over streets."

Making and confirmation of byelaws.

5.—(1) The Council may make byelaws with respect to any of the following matters:—

(a) the identification of wires by registration or otherwise and the charging of fees upon such registration;

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- (b) the regulation of wires;
- (c) the strength of wires; and
- (d) the removal of disused wires and of wires erected placed or retained otherwise than in accordance with the provisions of this Act or of the byelaws made thereunder;

and may by such byelaws impose on offenders against the same such reasonable penalties as they think fit including penalties for each day on which an offence is continued after conviction thereof but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

(2) Byelaws made under this section shall have no force or effect until they have been confirmed by the Minister of Transport who may when confirming them fix a date upon which they shall come into operation.

(3) The Minister of Transport may prescribe to whom and in what manner notice of any intended byelaws shall be given and before they are submitted to him for confirmation notice thereof shall be given and copies thereof shall be supplied to the Postmaster-General.

(4) All byelaws shall after confirmation be printed and open to public inspection at the County Hall without payment and copies thereof shall be delivered to any person applying for them on payment of such sum not exceeding one shilling per copy as the Council direct and notice of the confirmation of such byelaws shall be published in the London Gazette.

(5) The production of a printed copy of the byelaws authenticated by the Council shall be sufficient evidence of the existence and of the due making confirmation and publication of the byelaws in all prosecutions or other proceedings thereunder without adducing proof of the making confirmation or publication of the byelaws.

(6) Notwithstanding anything contained in the section of this Act of which the marginal note is "Placing retention and removal of wires over streets" it shall not be lawful to erect or place any wire or to retain any wire (whether erected or placed before or after the commencement of this Act) otherwise than subject to and in accordance with byelaws made confirmed and published under this Act.

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Enforcement
of Act and
byelaws.

6. The provisions of this Act and the byelaws made thereunder shall be administered and enforced by the local authority.

Special
powers of
London
County
Council.

7.—(1) If the Council are satisfied that the provisions of this Act or any byelaws made thereunder are not enforced or are inadequately enforced in any metropolitan borough they may apply to the Minister of Transport who may upon such application and after hearing any local authority concerned who may desire to be heard and notwithstanding anything contained in this Act make such order for securing the enforcement of those provisions or of the byelaws as he may deem expedient.

(2) Any order made under this section may substitute the Council for the local authority for any of the purposes of this Act or of any byelaws made thereunder and may empower the Council to recover from the local authority any expenses incurred by the Council in the exercise of any powers conferred upon them by the order.

Officers of
local
authorities.

8.—(1) It shall be lawful for the local authority to appoint such officers as they may deem requisite for the purposes of this Act or of any byelaws made thereunder and any such officer may for any of those purposes enter with a sufficient number of workmen on any land over or upon which any part of a wire is erected or placed but he shall if required so to do produce a written authority to enter authenticated by the local authority.

(2) Any person who refuses to admit any officer authorised to enter on land under this section or obstructs any officer in the execution of his duties shall be liable to a penalty not exceeding five pounds.

Removal of
wires.

9.—(1) A local authority may—

(a) if it appears to them that any wire is in such a condition or position that danger to persons using a street may be apprehended or that obstruction of the traffic in a street is or may be caused—

(i) serve notice in writing on the owner of the wire requiring him to remove or renew the wire or to alter it and place it in such a position as the local authority may reasonably determine; and

(ii) in the event of the notice not being complied with within such reasonable time as shall be specified therein apply to a court of summary jurisdiction to issue a summons calling on the owner of the wire to show cause why the wire should not be dealt with in accordance with the requisition in the notice;

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(b) if any wire is not in accordance with any byelaws made under this Act—

(i) if they are unable to ascertain the owner of the wire remove the wire; and

(ii) in any other case proceed in the manner provided in sub-paragraphs (i) and (ii) of paragraph (a) of this subsection.

(2) Upon any proceeding arising out of a summons issued under subsection (1) of this section the court may make an order authorising the local authority to remove or alter the wire.

(3) In any summons or order issued pursuant to this section it shall be sufficient to describe the owner of the wire as "the owner" and the provisions of subsections (2) and (3) of the section of this Act of which the marginal note is "Authentication and service of notices &c." (other than the provisions as to service by post) shall extend and apply to any such summons or order.

10. The costs and expenses of and incidental to the removal or alteration of a wire by a local authority under or in pursuance of this Act or any byelaw made thereunder shall be recoverable from the owner of the wire.

Costs of removal of wires to be recoverable.

11. No person shall under this Act or any byelaw made thereunder or under any term or condition attached to any consent given under this Act be required to place any wire in any manner which is inconsistent with any regulation or condition for securing the safety of the public or for the protection of the telegraphic lines and works of the Postmaster-General made prescribed or imposed by the Board of Trade or the Minister of Transport or the Electricity Commissioners or the Postmaster-General under a special Act or Order or under the Electricity (Supply) Acts 1882 to 1928 or a

Saving for safety regulations.

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— in accordance with the provisions of those Acts.

Liability for
accidents.

12. Nothing in this Act or in any byelaw made or consent given thereunder nor any compliance with any of the provisions of this Act or of any such byelaw or with the terms and conditions attached to any such consent shall relieve the owner of a wire from liability in respect of damage caused by the wire or the failure thereof or otherwise due to any works or operations of the owner in relation to the wire.

Saving for
private
rights.

13. Nothing in this Act or in any byelaw made or consent given thereunder shall confer upon any person any right to erect or place or to retain a wire over or upon any land in any case where if this Act had not been passed it would not have been lawful for him to erect or place or to retain the wire.

Saving for
Postmaster-
General.

14. Nothing in this Act or in any byelaw made thereunder 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 thereof or attachment thereto and nothing in this Act or in any such byelaw shall be deemed to take away abridge or prejudicially affect any right power or privilege enjoyed by the Postmaster-General.

Saving for
authorised
electricity
undertakers.

15. Nothing in this Act or in any byelaw made thereunder shall apply or extend to any person carrying on an electricity undertaking under a special Act or under a Provisional Order Special Order or licence made or granted in accordance with the Electricity (Supply) Acts 1882 to 1928 in his capacity of such undertaker or to any wires of such person erected or placed or proposed to be erected or placed in connection with such undertaking.

Limit of
powers of
local
authorities.

16. Nothing in this Act or in any byelaw made thereunder shall be deemed to authorise a local authority to confer any powers of erecting placing or retaining electric lines as defined in the Electric Lighting Act 1882 upon any person not authorised to erect or place or to retain such electric lines under a special Act or a Provisional Order Special Order or licence made or granted in accordance with the Electricity (Supply) Acts 1882 to

1928 or with the consent of the Minister of Transport under those Acts. A.D. 1933.
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17. Nothing in this Act or in any byelaw made thereunder shall extend or apply to— Exemption
of certain
wires.

(a) any wire of which the whole is erected or placed (whether before or after the commencement of this Act) or proposed to be erected or placed or is for the time being maintained—

(i) by any person for his private use over or upon land (not being or forming part of a street) belonging to him or in his occupation if the wire is or is proposed to be so erected or placed that no part thereof is liable to fall into any street dedicated to public use; or

(ii) in connection with any tramway light railway or trolley vehicle undertaking; or

(b) any wire or part thereof erected or placed (whether before or after the commencement of this Act) or proposed to be erected or placed or for the time being maintained by any railway company—

(i) over or upon any railway (including a bridge carrying a railway over a street) of that company; or

(ii) over any street and situate alongside and at a distance of not more than fifteen feet from any such bridge provided that the wire is used for railway purposes and is at a height above the surface of the street not less than the height from such surface to the crown of the arch or the underside of the girders of such bridge; or

(iii) over or upon any land belonging to or held on lease by that company and used or intended to be used for railway purposes.

18.—(1) In this section “the society” means in relation to Lincoln’s Inn the Inner Temple the Middle Temple or Gray’s Inn the Honourable Society of the Inn or Temple in relation to which that expression is used. For protec-
tion of Inns
of Court.

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(2). The provisions of the sections of this Act of which the marginal notes are respectively "Placing retention and removal of wires over streets" and "Notice of placing of wires" shall not apply to the erection placing or retention by or with the consent of the society of any wire over or upon any property of the society within the precincts of Lincoln's Inn the Inner Temple the Middle Temple or Gray's Inn but the person by whom any such wire shall have been erected or placed shall within one month after the erection or placing of such wire give notice in writing thereof to the local authority specifying the locality and position in which the wire has been erected or placed.

Saving for
Port of
London
Authority.

19. Nothing in this Act or in any byelaw made thereunder shall extend or apply to any wire or part thereof—

- (a) over any land or premises situate within the Customs fence surrounding the premises of any dock of the Port of London Authority; or
- (b) used or proposed to be used for the purposes of the dock or warehouse undertaking of the said authority and erected or proposed to be erected over any street or portion of a street if and so long as such street or portion of a street is bounded on both sides by property belonging or leased to the said authority and used for or in connection with the said undertaking.

For pro-
tection of
certain
navigation
authorities.

20. Nothing in this Act or in any byelaw made thereunder shall extend or apply to any wire or part of a wire (whether placed before or after the commencement of this Act) belonging to and maintained by the Grand Union Canal Company or the Lee Conservancy Board (each of whom is hereinafter referred to in this section as "the undertakers") and exclusively over or upon any canal navigation towing path dock wharf lock lay-bye bridge depot or other similar work of the undertakers or any land belonging to the undertakers and used for the purposes of their canal or navigation :

Provided that this section shall not apply in the case of any towing path which is for the time being subject to any public rights of way thereover.

21.—(1) Nothing in this Act or in any byelaw made thereunder shall extend or apply to (a) any illuminated sign affixed or proposed to be affixed to any building or (b) any wire placed or proposed to be placed between any such illuminated sign and any part of the external wall of the building to which such illuminated sign is affixed or proposed to be affixed for the purpose of connecting the illuminated sign with that building or for the purpose of supplying electricity or any other means of illumination to the illuminated sign.

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Saving for
illuminated
signs &c.

(2) In and for the purposes of this section the expression "illuminated sign" includes an illuminated portico and any lamp or other appliance for providing outside lighting or flood lighting.

22.—(1) Where any notice or other document under this Act or any byelaw made thereunder requires authentication it shall be sufficient authentication for that purpose if the notice or other document is signed—

Authentica-
tion and
service of
notices &c.

(a) in the case of the Council by the clerk of the Council or other officer of the Council duly authorised in that behalf;

(b) in the case of the common council by the town clerk of the city of London or other officer of the common council duly authorised in that behalf; and

(c) in the case of the council of a metropolitan borough by the town clerk of that borough or other officer of the borough council duly authorised in that behalf;

without the necessity of adducing proof of such signature.

(2) Notices and other documents required or authorised to be served or given under this Act or any byelaw made thereunder may be served or given by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner of a wire by delivering the same or a true copy thereof to some person on any premises to or upon which such wire is attached or supported or if there is no person on any such premises who can be so served by fixing the same on some conspicuous part of any such premises Provided that—

(a) in the case of a company any such notice or document shall be delivered or sent by post

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addressed to the secretary of the company at its registered office or at its principal office or place of business;

- (b) in the case of a firm any such notice or document may be delivered or sent by post addressed to the firm by their business name at their principal place of business and any notice or document so delivered or sent shall be deemed to have been delivered or sent to each partner in the firm (the expressions "firm" "business name" and "partner" where used in this proviso having the same respective meanings as in the Registration of Business Names Act 1916).

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice or document as aforesaid which is required to be served on or given to the owner of a wire may be addressed by the description of "the owner" of the wire (describing the wire) in respect of which the notice is given without further name or description.

Recovery of penalties &c.

23. All offences against this Act or any byelaw made thereunder and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder may be prosecuted and recovered in a summary manner Provided that costs charges and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid to authorities taking proceedings.

24. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered under or in pursuance of this Act or any byelaw made under this Act shall be payable to the authority taking the proceedings leading to the recovery of the penalty.

Recovery of demands.

25. Proceedings for the recovery of any demand made under the authority of this Act or any byelaw made thereunder whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction

in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1933. —

26. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

27. Nothing in this Act or any byelaw made or consent given thereunder shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act or any byelaw made thereunder made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act or any byelaw made thereunder. Provided that nothing in this Act or any byelaw made thereunder shall make a person liable to be punished more than once for the same offence. Saving for indictment.

28. In respect of the exercise of any powers or duties conferred on the Minister of Transport under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board." Inquiries by Minister of Transport.

29. Nothing in this Act shall authorise any wire to be carried over supported on or attached to any property belonging to or enjoyed by His Majesty in right of the duchy of Cornwall or to or by the Duke of Cornwall for the time being or shall authorise any entry upon any such property without the consent of the person charged with the management thereof. Saving for property of duchy of Cornwall.

30. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown. Crown rights.

31. Except as otherwise provided by this Act—
(a) all costs and expenses incurred by the Council under this Act shall be defrayed as payments for general county purposes within the Payments under this Act.

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meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be defrayed by the Council in like manner;

(b) all expenses incurred by the common council under this Act shall be defrayed out of the general rate authorised to be levied by them; and

(c) all expenses incurred by the council of a metropolitan borough under this Act shall be defrayed out of the general rate authorised to be levied by them.

Powers of Act to be cumulative.

32. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament law or custom and such other powers may be exercised in the same manner as if this Act had not been passed.

Repeal.

33. The London Overhead Wires Act 1891 is hereby repealed but such repeal shall not affect any byelaw made under that Act and in force at the commencement of this Act and all such byelaws shall for the purposes of this Act be deemed to have been made confirmed and published under this Act and shall have effect accordingly.

Commencement of Act.

34. This Act shall come into operation on the first day of January one thousand nine hundred and thirty-four and in this Act the expression "the commencement of this Act" means the said first day of January.

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