



# Tramways Act 1870

1870 CHAPTER 78 33 and 34 Vict

## *PRELIMINARY*

**1 Short title.**

This Act may be cited for all purposes as “The Tramways Act 1870.”

**2 Limitation of Act.**

This Act shall not extend to Ireland.

**[<sup>F13</sup> Interpretation of terms. E+W**

For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them: that is to say,

The terms “local authority” and “local rate” shall mean respectively the bodies of persons and rate named in the table in Part One of the schedule (A.) to this Act annexed:

The term “road” shall mean any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same:

The term “road authority” shall mean, in the districts specified in the table in Part Two of the schedule (A.) to this Act annexed, the bodies of persons named in the same table, and elsewhere any local authority, board, town council, body corporate, commissioners, trustees, vestry, or other body of persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road.

The term “district” in relation to a local authority or road authority, shall mean the area within the jurisdiction of such local authority or road authority:

The term “prescribed” shall mean prescribed by any rules made in pursuance of this Act:

The term “the Lands Clauses Acts” means, so far as the Provisional Order in which that term is used relates to England, the <sup>M1</sup>Lands Clauses Consolidation Act 1845; and so far as the same relates to Scotland, the <sup>M2</sup>Lands Clauses

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

Consolidation (Scotland) Act 1845; together with, in each case, the <sup>M3</sup>Lands Clauses Consolidation Acts Amendment Act 1860:

<sup>F2</sup> . . . ]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F1** S. 3 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (C. 42), ss. 65(1)(b), 68(1), Sch. 4 Pt. I; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt. 1**
- F2** Words in s. 3 repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(3)** (with Sch. 14 para. 7(2), 36(9)); S.I. 2000/1920, art. 3(c)

#### Marginal Citations

- M1** 1845 c. 18.  
**M2** 1845 c. 19.  
**M3** 1860 c. 106.

### [<sup>F80</sup>3 Interpretation of terms. **S**

For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them: that is to say,

The terms “local authority” and “local rate” shall mean respectively the bodies of persons and rate named in the table in Part One of the schedule (A.) to this Act annexed:

[<sup>F81</sup>The term “road” shall mean the carriageway of any public road within the meaning of section 151(1) of the Roads (Scotland) Act 1984:]]

The term “road authority” shall mean, in the districts specified in the table in Part Two of the schedule (A.) to this Act annexed, the bodies of persons named in the same table, and elsewhere any local authority, board, town council, body corporate, commissioners, trustees, vestry, or other body of persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road.

The term “district” in relation to a local authority or road authority, shall mean the area within the jurisdiction of such local authority or road authority:

The term “prescribed” shall mean prescribed by any rules made in pursuance of this Act:

The term “the Lands Clauses Acts” means, so far as the Provisional Order in which that term is used relates to England, the <sup>M5</sup>Lands Clauses Consolidation Act 1845; and so far as the same relates to Scotland, the <sup>M6</sup>Lands Clauses Consolidation (Scotland) Act 1845; together with, in each case, the <sup>M7</sup>Lands Clauses Consolidation Acts Amendment Act 1860:

<sup>F82</sup> . . .

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

**Extent Information**

**E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

**Textual Amendments**

**F80** S. 3 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (C. 42), ss. 65(1)(b), 68(1), Sch. 4 Pt. I; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt. I**

**F81** Definition substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 6**

**F82** Words in s. 3 repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(3)** (with Sch. 14 para. 7(2), 36(9)); S.I. 2000/1920, art. 3(c)

**Marginal Citations**

**M5** 1845 c. 18.

**M6** 1845 c. 19.

**M7** 1860 c. 106.

**PART I**

*Provisional Orders authorizing the Construction of Tramways*

**F3**<sup>4</sup> .....

**Textual Amendments**

**F3** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**F4**<sup>5</sup> .....

**Textual Amendments**

**F4** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**F5**<sup>6</sup> .....

**Textual Amendments**

**F5** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

F6~~7~~ .....

**Textual Amendments**

**F6** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

F7~~8~~ .....

**Textual Amendments**

**F7** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

F8~~9~~ .....

**Textual Amendments**

**F8** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

F9~~10~~ .....

**Textual Amendments**

**F9** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

F10~~11~~ .....

**Textual Amendments**

**F10** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

F11~~12~~ .....

**Textual Amendments**

**F11** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

<sup>F12</sup>13 .....

**Textual Amendments**

**F12** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

<sup>F13</sup>14 .....

**Textual Amendments**

**F13** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

<sup>F14</sup>15 .....

**Textual Amendments**

**F14** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

<sup>F15</sup>16 .....

**Textual Amendments**

**F15** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

<sup>F16</sup>17 .....

**Textual Amendments**

**F16** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

<sup>F17</sup>18 .....

**Textual Amendments**

**F17** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

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**F18**<sup>19</sup> .....

**Textual Amendments**

**F18** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**F19**<sup>20</sup> .....

**Textual Amendments**

**F19** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**F20**<sup>21</sup> .....

**Textual Amendments**

**F20** Ss. 4-21 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

## PART II

**Modifications etc. (not altering text)**

- C1** Pts. II and III (ss. 22-64) modified by Greater Manchester (Light Rapid Transit System) Act 1991 (c. xvi), **s.10**
- C2** Pts. II and III (ss. 22-64) modified (12.11.1992) by Greater Manchester (Light Rapid Transit System) Act 1992 (c. xviii), **s.10**

### *Construction of Tramways*

**[**<sup>F21</sup>**22** **As to incorporation of Parts II and III of this Act with Provisional Order and special Acts.**

Part II and Part III of this Act shall apply to every tramway which is hereafter authorized by any Provisional Order or Act of Parliament, and shall be incorporated with such Provisional Order or Act, and all the said provisions of this Act, save so far as they shall be expressly varied or excepted by any such Provisional Order or Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, with the provisions of every other Act or part of any Act which shall be incorporated therewith, form part of the said Provisional Order or Act, and be construed therewith as forming one Provisional Order or Act, as the case may be.]

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

### Textual Amendments

- F21** Ss. 22-24 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

### [<sup>F22</sup>23 “Special Act.”

In Part II and Part III of this Act, the term “special Act” shall be construed to mean any Act of Parliament which shall be hereafter passed or any Provisional Order authorizing the construction of a tramway, and with which the said parts of this Act shall be incorporated as aforesaid.]

### Textual Amendments

- F22** Ss. 22-24 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2, [Sch. 2 Pt.I](#)

### [<sup>F23</sup>24 “Promoters.”

The term “the promoters” shall mean any person, persons, corporation, company, or local authority authorized by special Act to construct a tramway.]

### Textual Amendments

- F23** Ss. 22-24 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2, [Sch. 2 Pt.I](#)

## 25 Mode of formation of tramways.

[<sup>F24</sup> Every tramway which is hereafter authorized by special Act shall be constructed on such gauge as may be prescribed by such special Act, and if no gauge is thereby prescribed, on such gauge as will admit of the use upon such tramways of carriages constructed for use upon railways of a gauge of four feet eight inches and half an inch; and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road; <sup>F25</sup> . . .]

### Textual Amendments

- F24** Words in s. 25 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt. I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt. I](#)
- F25** Words in s. 25 repealed (5.4.1994) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1994/718, art. 2, [Sch.](#) (subject to transitional provisions in art. 3)

### Modifications etc. (not altering text)

- C3** S. 25 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

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- S. 25 excluded (21.7.1994) by 1994 c. xi, s. 7(5)  
 C4 S. 25 restricted (16.3.1992) by Midland Metro Act 1992 (c. vii), s. 5(5)

[<sup>F26</sup> **26 Power to break up streets, &c.**

The promoters from time to time, for the purpose of making, forming, laying down, maintaining, and renewing any tramway duly authorized, or any part or parts thereof respectively, may open and break up any road, subject to the following regulations:

- (1) They shall give to the road authority notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:
- (2) They shall not open, or break up, or alter the level of any road, except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work;
- (3) They shall pay all reasonable expenses to which the road authority is put on account of such superintendence:
- (4) They shall not, without the consent of the road authority, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the promoters shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards.

Where the carriageway over any bridge forms part of or is a road within the jurisdiction of a road authority, but such bridge is vested in some person or persons, corporation, or company, distinct from such road authority, any work which the promoters may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the promoters) and to the reasonable satisfaction of such person, persons, corporation, or company, unless after notice to be given by the promoters seven days at least before the commencement of such work such superintendence is refused or withheld.

Where the carriageway in or upon which any tramway is proposed to be formed or laid down is crossed by any railway or tramway on the level, any work which the promoters may be empowered to construct, and which affects or in anywise interferes with such railway or tramways, or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the promoters) and to the reasonable satisfaction of the person, corporation, or company owning such railway or tramway, unless after notice to be given by the promoters seven days at least before the commencement of such work such superintendence is refused or withheld.]

**Textual Amendments**

- F26** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**



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#### Modifications etc. (not altering text)

C5 S. 26 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

### [<sup>F27</sup>27] Completion of works and reinstatement of road.

When the promoters have opened or broken up any portion of any road, they shall be under the following further obligations, namely,

- (1) They shall, with all convenient speed, and in all cases within four weeks at the most (unless the road authority otherwise consents in writing) complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby:
- (2) They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night:
- (3) They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the promoters aforesaid fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding [<sup>F28</sup>level 2 on the standard scale]], and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

#### Textual Amendments

- F27** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); [S.I. 1992/2784](#), art. 2(b), [Sch. 2 Pt.I](#)
- F28** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

### [<sup>F29</sup>28] Repair of part of road where tramway is laid.

The promoters shall, at their own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the road authority shall direct and to their satisfaction, so much of any road whereon any tramway belonging to them is laid as lies between the rails of the tramway and (where two tramways are laid by the same promoters in any road at a distance of not more than four feet from each other) the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. If the promoters abandon their undertaking, or any part of the same, and take up any tramway or any part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing) fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the road

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upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the promoters fail to comply with the provisions of this section, the road authority, if they think fit, may themselves at any time, after seven days notice to the promoters, open and break up the road, and do the works necessary for the repair and maintenance or restoration of the road, to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the promoters.]

#### Textual Amendments

- F29** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### Modifications etc. (not altering text)

- C6** S. 28 restricted by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100
- C7** S. 28 excluded (13.3.2006) by [Greater Manchester \(Light Rapid Transit System\) Order 2006 \(S.I. 2006/405\)](#), arts. 1, 6

### [<sup>F30</sup>29] **Road authority and promoters may contract for paving roads on which tramways are laid.**

The road authority on the one hand and the promoters on the other hand may from time to time enter into and carry into effect, and from time to time, alter, renew, or vary, contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of the roadway of any road on which the promoters shall lay any tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.]

#### Textual Amendments

- F30** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### Modifications etc. (not altering text)

- C8** S. 29 incorporated (with modifications) (21.7.1994) by [1994 c. xi, s. 4\(1\)\(2\)\(a\)\(b\)\(3\)](#)

### [<sup>F31</sup>30] **Provision as to gas and water companies.**

For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the promoters may from time to time, where and as far as it is necessary, or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; (that is to say,)

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- (1) Before laying down a tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid, the promoters shall, whether they contemplate altering the position of any such mains or pipes, wires or apparatus, or not, give seven days notice to the company, persons, or person to whom such mains or pipes, tubes, wires, or apparatus may belong or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company or person that the construction of the tramway as proposed would endanger any such main or pipe, tube, wire, or apparatus, or interfere with or impede the supply of water or gas or the telegraphic or other communication, such company or person (as the case may be) may give notice to the promoters to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the promoters and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of such company or person or of their surveyor or engineer if they or he think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the promoters are hereby required to give:
- (2) The promoters shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such company or person, or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall at the expense of the promoters have been first made and laid down in lieu thereof and ready for use, and to the satisfaction of the surveyor or engineer of such water or gas or other company, or of such person, or, in case of disagreement between such surveyor or engineer and the promoters, as an engineer appointed by the Board of Trade shall direct:
- (3) The promoters shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company, or relating to telegraphs:
- (4) The promoters shall make good all damage done by them to property belonging to or controlled by any such company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person supplied by any such company or person with water or gas:
- (5) If by any such operations as aforesaid the promoters interrupt the supply of water or gas in or through any main or main pipe they shall be liable to a penalty not exceeding twenty pounds for every day upon which the supply shall be so interrupted.]

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#### Textual Amendments

- F31** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### Modifications etc. (not altering text)

- C9** S. 30 extended by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 93(3)
- C10** S. 30 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

### [<sup>F32</sup>31 For protection of sewers, &c.

Where in any district any tramway or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work in such district, or in any way affects the sewerage or drainage of such district, the promoters shall not commence any tramway or work until they shall have given to the proper authority fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such authority with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid, and the promoters shall comply with and conform to all reasonable directions and regulations of the said authority in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such authority shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to, or by reason of the tramways, and shall save harmless the said authority against all and every the expense to be occasioned thereby; and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the said authority, at the reasonable costs, charges, and expenses in all respects of the promoters; and when any new, altered, or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the promoters under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said authority and be maintained by them as any sewers or works.]

#### Textual Amendments

- F32** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

### [<sup>F33</sup>32 Rights of authorities and companies, &c. to open roads.

Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in any local authority or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas [<sup>F34</sup>or water], or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

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such power every such local authority, road authority, company, body, or person shall be subject to the following restrictions; (that is to say,)

- (1) They shall cause as little detriment or inconvenience to the promoters and lessees as circumstances admit:
- (2) Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters and lessees, if there be any, notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
- (3) They shall not be liable to pay to the promoters or lessees any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:
- (4) Whenever for the purpose of enabling them to execute such work the local authority or the road authority shall so require, the promoters or lessees shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable expedition:
- (5) Any company, body, or person shall not execute such work so far as it immediately affects the tramway except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work; and they shall execute such work at their own expense, and to the reasonable satisfaction of the promoters: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the promoters.

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#### Textual Amendments

- F33** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt. I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt. I](#)
- F34** Words repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), [Sch. 27 Part I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

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#### Modifications etc. (not altering text)

- C11** S. 32 applied by (S.) [Water \(Scotland\) Act 1980 \(c. 45\)](#), [Sch. 3 para. 2\(3\)](#)
- C12** S. 32(1)–(5) applied with modifications (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 153(1), [Sch. 19 para. 2\(7\)\(9\)\(11\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#))
- C13** S. 32(1)–(5) extended (with modifications) (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 178, 225(2), [Sch. 22, para. 3\(6\)](#) (with ss. 179, 222(3), [Sch. 22 para. 1, Sch. 23 para. 6](#))

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

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[<sup>F35</sup>33] **Difference between promoters and road authority, &c.**

If any difference arises between the promoters or lessees on the one hand and any local authority or road authority, or any gas or water company, or any company, body, or person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control, exercised, or claimed to be exercised, by them or him, or on their or his behalf, or by the promoters or lessees by virtue of this Act, in relation to any tramway or work, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the promoters or lessees, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.]

**Textual Amendments**

- F35** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

**PART III**

GENERAL PROVISIONS

**Modifications etc. (not altering text)**

- C14** Pts. II and III (ss. 22-64) modified by [Greater Manchester \(Light Rapid Transit System\) Act 1991 \(c. xvi\)](#), [s.10](#)
- C15** Pts. II and III (ss. 22-64) modified (12.11.1992) by [Greater Manchester \(Light Rapid Transit System\) Act 1992 \(c. xviii\)](#), [s.10](#)

*Carriages*

[<sup>F36</sup>34] **Power for promoters to use tramways with flange-wheeled carriages, &c.**

The promoters of tramways authorized by special Act and their lessees may use on their tramways carriages with flange wheels or wheels suitable only to run on the rail prescribed by such Act; and, subject to the provisions of such special Act and of this Act, the promoters and their lessees shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on the prescribed rail.

All carriages used on any tramway shall be moved by the power described by the special Act, and where no such power is prescribed, by animal power only.

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

No carriage used on any tramway which is hereafter authorized by special Act shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.]

#### Textual Amendments

**F36** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); [S.I. 1992/2784](#), art. 2(b), [Sch. 2 Pt.I](#)

#### Modifications etc. (not altering text)

**C16** S. 34 incorporated (with modifications) (21.7.1994) by [1994 c. xi, s. 4\(1\)\(2\)\(a\)\(b\)\(3\)](#)

### *Licences to use Tramways*

#### [<sup>F37</sup>35 **Licences to use the tramway may in certain events be granted to third parties by the Board of Trade.**

If at any time after any tramway or part of any tramway shall have been for three years opened for public traffic in any district it shall be represented in writing to the Board of Trade by the local authority of such district or by twenty inhabitant ratepayers of such district, or by the road authority of any road in which such tramway or part of a tramway is laid, that the public are deprived of the full benefit of the tramway, the Board of Trade may (if they consider that prima facie, the case is one for inquiry) direct an inquiry by a referee under this Act into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may from time to time grant licences to any company or person to use such tramway in addition to the promoters or their lessees, for such traffic as is authorized by the special Act, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; that is to say,

- (1) The licence shall be for any period not less than one year nor more than three years from the date of the licence, but shall be renewable by the Board, if they upon inquiry think fit:
- (2) The licence shall be to use the whole of such tramway for the time being opened for public traffic, or such part or parts of such tramway as the Board, having reference to the cause for granting the licence, shall think right:
- (3) The licence shall direct the number of carriages which the licensee or licensees shall run upon such tramway, and the mode in which and times at which such carriages shall be run:
- (4) The licences shall specify the tolls to be paid to the promoters or to their lessees by the licensee or licensees for the use of the tramways:
- (5) The licensee or licensees, and their officers and servants, shall permit one person duly authorized for that purpose by the promoters, or by their lessees, to ride free of charge in or upon each carriage of the licensee or licensees run upon the tramways for the whole or any part of the journey:
- (6) The Board of Trade may at any time after the granting of any licence revoke, alter, or modify the same for good cause shown to them.]

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

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#### Textual Amendments

**F37** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### Modifications etc. (not altering text)

**C17** S. 35 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100

### [<sup>F38</sup> 36 In default of payment of tolls licensee's carriages may be detained and sold.

If on demand any licensee fails to pay the tolls due in respect of any passengers carried in any carriage it shall be lawful for the promoters or their lessees, to whom the same are payable, to detain and sell such carriage, or if the same shall have been removed from the tramway or premises of such promoters or lessees, to detain and sell any other carriages on such tramway or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys and such of the carriages as shall remain unsold to the person entitled thereto.]

#### Textual Amendments

**F38** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### Modifications etc. (not altering text)

**C18** S. 36 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100

### [<sup>F39</sup> 37 Licensees to give account of passengers carried by them.

Every licensee shall on demand give to an officer or servant authorized in that behalf by the promoters or their lessees entitled to be paid tolls by such licensee, an exact account in writing signed by such licensee of the number of passengers conveyed by any and every carriage used by him on the tramways.]

#### Textual Amendments

**F39** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### Modifications etc. (not altering text)

**C19** S. 37 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100



*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

[<sup>F40</sup>38] **Licensees not giving account of passengers carried liable to penalty.**

If any such licensee fails to give such account to such officer or servant demanding the same as aforesaid, or if any such licensee with intent to avoid the payment of any tolls gives a false account, he shall for every such offence forfeit to the promoters, or to their lessees entitled to be paid tolls by such licensee, a sum not exceeding five pounds, and such penalty shall be in addition to any tolls payable in respect of the passengers carried by any such carriage.]

**Textual Amendments**

**F40** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

**Modifications etc. (not altering text)**

**C20** S. 38 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100

[<sup>F41</sup>39] **Disputes as to amount of toll to be settled by justice.**

If any dispute arise concerning the amount of the tolls due to the promoters or to their lessees from any licensee, or concerning the charges occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled in England by two justices, and in Scotland by the sheriff or two justices, and it shall be lawful for the promoters or their lessees in the meanwhile to detain the carriage, or (if the case so require) the proceeds of the sale thereof.]

**Textual Amendments**

**F41** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

**Modifications etc. (not altering text)**

**C21** S. 39 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100

[<sup>F42</sup>40] **Owners of carriages liable for damage done by their servants.**

Every licensee shall be answerable for any trespass or damage done by his carriages or horses, or by any of the servants or persons employed by him, to or upon the tramway, or to or upon the property of any other person, and, without prejudice to the right of action against the licensee or any other person, every such servant or other person may lawfully be convicted of such trespass or damage in England before two justices, and in Scotland before the sheriff or two justices, either by the confession of the party offending or by the oath of some credible witness; and upon such conviction every such licensee shall pay to the promoters, lessees, or persons injured, as the case may be, the damage, to be ascertained by such justices, so that the same do not exceed fifty pounds.]

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#### Textual Amendments

- F42** Ss. 26-40 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

#### Modifications etc. (not altering text)

- C22** S. 40 excluded by London Passenger Transport Act 1933 (c. 14), s. 100

### *Discontinuance of Tramways*

<sup>F43</sup> **41** .....

#### Textual Amendments

- F43** S. 41 repealed (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

#### Modifications etc. (not altering text)

- C23** S. 41 expressed to be incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

### *Insolvency of Promoters*

<sup>F44</sup> **42** .....

#### Textual Amendments

- F44** S. 42 repealed (1.1.1993) by Transport and Works Act 1992 (c.42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

### *Purchase of Tramways*

#### [<sup>F45</sup> **43** **Future purchase of undertaking by local authority.**

Where the promoters of a tramway in any district are not the local authority, the local authority, if, by resolution passed at a special meeting of the members constituting such local authority, they so decide, may within six months after the expiration of a period of twenty-one years from the time when such promoters were empowered to construct such tramway, and within six months after the expiration of every subsequent period of seven years or within three months after any order made by the Board of Trade under either of the two next preceding sections, with the approval of the Board of Trade, by notice in writing require such promoters to sell, and thereupon such promoters shall sell to them their undertaking, or so much of the same as is within such district, upon terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever) of the tramway, and all lands, buildings, works, materials, and plant of the

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promoters suitable to and used by them for the purposes of their undertaking within such district, such value to be in case of difference determined by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference to be borne and paid as the referee directs. And when any such sale has been made, all the rights, powers, and authorities of such promoters in respect to the undertaking sold, or where any order has been made by the Board of Trade under either of the next preceding sections, all the rights, powers, and authorities of such promoters previous to the making of such order in respect of the undertaking sold, shall be transferred to, vested in, and may be exercised by the authority to whom the same has been sold, in like manner as if such tramway was constructed by such authority under the powers conferred upon them by a Provisional Order under this Act, and in reference to the same they shall be deemed to be the promoters.

No such resolution shall be valid unless a month's previous notice of the meeting, and of the purpose thereof, has been given in manner in which notices of meetings of such local authority are usually given, nor unless two thirds of the members constituting such local authority are present and vote at the meeting, and a majority of those present and voting concur in the resolution; provided that if in Scotland the local authority be the road trustees, it shall not be necessary that two thirds of such trustees shall be present at the meeting, but the resolution shall not be valid unless two thirds of the members present vote in favour of such resolution, and unless the said resolution is confirmed in like manner at another meeting called as aforesaid and held not less than three weeks and not more than six weeks thereafter; and it shall be lawful for the chairman of any such meeting, with the consent of a majority of the members present, to adjourn the same from time to time.

The local authority in any district may pay the purchase money and all expenses incurred by them in the purchase of any undertaking under the authority of this section [<sup>F46</sup>out of the like rate]] and shall have the like powers to borrow [<sup>F46</sup>on the security of the same] as if such expenses were incurred in applying for, obtaining, and carrying into effect any Provisional Order obtained by them under this Act.

Where the local rate is limited by law to a certain amount, and is by reason of such limitation insufficient for the payment of such purchase money and expenses, the Board of Trade may by Provisional Order extend the limit of such local rate to such amount as they shall think fit and prescribe for the payment of such purchase money and expenses.

Every such Provisional Order shall be confirmed in like manner as a Provisional Order under the authority of Part I of this Act, and until such confirmation such Provisional Order shall not have any operation.

Subject and according to the preceding provisions of this section two or more local authorities may jointly purchase any undertaking or so much of the same as is within their districts.

#### Textual Amendments

- F45** Ss. 43-47 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**
- F46** Words repealed by (E.W. except London), Local Government Act 1933 (c. 51), **Sch. 11 Pt. IV** and (S.), Local Government (Scotland) Act 1947 (c. 43), **Sch. 14**

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

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**Modifications etc. (not altering text)**

**C24** S. 43 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100

[<sup>F47</sup> **44** **Power of sale.**

Where any tramway in any district has been opened for traffic for a period of six months the promoters may, with the consent of the Board of Trade, sell their undertaking to a person, persons, corporation, or company, or to the local authority of such district; and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of such promoters in respect to the undertaking sold shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, corporation, company, or local authority to whom the same has been sold, in like manner as if such tramway was constructed by such person, persons, corporation, company, or local authority under the powers conferred upon them by special Act, and in reference to the same they shall be deemed to be the promoters.

Provided always, that a local authority shall not purchase any undertaking under the provisions of this section unless they shall decide to make such purchase by resolution passed at a special meeting of the members constituting such local authority, which resolution shall be made in the same manner and shall be subject to the same conditions as to validity as resolutions made in regard to the purchase by the next preceding section authorized.

Where any purchase is made by any local authority under the provisions of this section, such local authority [<sup>F48</sup> may pay the purchase money and all expenses incurred by them in making such purchase out of the like funds, and for such purposes]] shall have all and the like powers and be subject to all the like conditions as if such purchases were made under the authority of the next preceding section.

**Textual Amendments**

- F47** Ss. 43-47 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**
- F48** Words repealed by (E.W. except London), [Local Government Act 1933 \(c. 51\)](#), **Sch. 11 Pt. IV** and (S.), [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), **Sch. 14**

**Modifications etc. (not altering text)**

**C25** S. 44 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100

*Tolls*

[<sup>F49</sup> **45** **Tolls, &c.**

The promoters or lessees of a tramway authorized by special Act may demand and take, in respect of such tramway, tolls and charges not exceeding the sums specified in such special Act, subject and according to the regulations therein specified. A list of all the tolls and charges authorized to be taken shall be exhibited in a conspicuous place inside and outside each of the carriages used upon the tramways.]

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

#### Textual Amendments

**F49** Ss. 43-47 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

### *Byelaws*

#### [<sup>F50</sup> 46 **Byelaws by local authority. Promoters may make certain regulations.**

Subject to the provisions of the Special Act authorizing any tramway and this Act,

The local authority of any district in which the same is laid down may, from time to time, make regulations as to the following matters:

The rate of speed to be observed in travelling upon the tramway:

The distances at which carriages using the tramway shall be allowed to follow one after the other:

The stopping of carriages using the tramway:

The traffic on the road in which the tramway is laid.

The promoters of any tramway and their lessees may from time to time make regulations,—

For preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them:

For regulating the travelling in or upon any carriage belonging to them.

And for better enforcing the observance of all or any of such regulations, it shall be lawful for such local authority and promoters respectively to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws, and make new byelaws, provided that such byelaws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect.

Notice of the making of any byelaw under the provisions of this Act shall be published by the local authority or the promoters making the same, by advertisement, according to the regulations contained in Part II of the schedule (C.) to this Act annexed; and unless such notice is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade.

No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such byelaw shall have been laid before the Board; and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the Board of Trade, and shall be delivered to the promoters of such tramway if the same was made by the local authority, and to such local authority if made by the promoters.]

#### Textual Amendments

**F50** Ss. 43-47 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

**[<sup>F51</sup>47 Penalties may be imposed in byelaws.**

Any such byelaw may impose reasonable penalties for offences against the same, not exceeding [<sup>F52</sup>level 1 on the standard scale]] for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence [<sup>F53</sup>50p] for every day during which the offence continues; but all byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

**Textual Amendments**

- F51** Ss. 43-47 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**
- F52** Words substituted by (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 40, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G
- F53** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)

**Modifications etc. (not altering text)**

- C26** S. 47 amended by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46(2)

**[<sup>F54</sup>48 .....**

**Textual Amendments**

- F54** S. 48 repealed (8.7.1996) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1996/1609, art. 2, **Sch.**

*Offences*

**[<sup>F55</sup>49 Penalty for obstruction of promoters in laying out tramway.**

If any person wilfully obstructs any person acting under the authority of any promoters in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purposes of setting out the line of tramway, or damages or destroys any property of any promoters, lessees, or licensees, he shall for every such offence be liable to a penalty not exceeding [<sup>F56</sup>level 1 on the standard scale]] .

**Textual Amendments**

- F55** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**
- F56** Words substituted by (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

**Modifications etc. (not altering text)**

- C27** S. 49 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

**[<sup>F57</sup>50 Penalties for wilful injury or obstruction to tramways &c.**

If any person, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things; (namely,)

Interferes with, removes, or alters any part of a tramway or of the works connected therewith;

Places or throws any stones, dirt, wood, refuse, or other material on any part of a tramway;

Does or causes to be done anything in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon;

Or knowingly aids or assists in the doing of any such thing; he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding [<sup>F58</sup>level 1 on the standard scale]] .

**Textual Amendments**

**F57** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

**F58** Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

**Modifications etc. (not altering text)**

**C28** S. 50 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

**[<sup>F59</sup>51 Penalty on passengers practising frauds on the promoters.**

If any person travelling or having travelled in any carriage on any tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding [<sup>F60</sup>level 1 on the standard scale]] .

**Textual Amendments**

**F59** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

**F60** Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G

**[<sup>F61</sup>52 Transient offenders.**

It shall be lawful for any officer or servant of the promoters or lessees of any tramway, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown

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to such officer or servant, until such person can be conveniently taken before a justice, or until he be otherwise discharged by due course of law.]

#### Textual Amendments

- F61** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### [<sup>F62</sup>53] **Penalty for bringing dangerous goods on the tramway.**

No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature; and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding [<sup>F63</sup>level 2 on the standard scale]] for every such offence; and it shall be lawful for such promoters or lessees to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

#### Textual Amendments

- F62** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)
- F63** Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

#### Modifications etc. (not altering text)

- C29** S. 53 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

#### [<sup>F64</sup>54] **Penalty for persons using tramways with carriages with flange wheels, &c.**

If any person (except under a lease from or by agreement with the promoters, or under licence from the Board of Trade, as by this Act provided,) uses a tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of such tramway, such person shall for every such offence be liable to a penalty not exceeding [<sup>F65</sup>level 2 on the standard scale]].

#### Textual Amendments

- F64** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)
- F65** Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

#### Modifications etc. (not altering text)

- C30** S. 54 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)



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### Miscellaneous

#### [<sup>F66</sup>55 Promoters or lessees to be responsible for all damages.

The promoters or lessees, as the case may be, shall be answerable for all accident, damages, and injuries happening through their act or default, or through the Act or default of any person in their employment by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.]

##### Textual Amendments

**F66** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

#### [<sup>F67</sup>56 Recovery of tolls, penalties, &c.

All tolls, penalties, and charges under this Act, or under any byelaw made in pursuance of this Act, may be recovered and enforced as follows; in England before two justices of the peace in manner directed by the Summary Jurisdiction (England) Acts, and in Scotland before the sheriff or two justices as penalties under the <sup>M4</sup>Railways Clauses Consolidation (Scotland) Act 1845.]

##### Textual Amendments

**F67** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

##### Marginal Citations

**M4** 1845 c. 33

#### [<sup>F68</sup>57 Right of user only.

Notwithstanding anything in this Act contained the promoters of any tramway shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any tramway . . . <sup>F69</sup>]

##### Textual Amendments

**F68** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**F69** Words repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

##### Modifications etc. (not altering text)

**C31** S. 57 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

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<sup>F70</sup>58 .....

**Textual Amendments**

**F70** S. 58 repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

[<sup>F71</sup>59 **Reservation of rights of owners, &c. of mines.**

Nothing in this Act shall limit or interfere with the rights of any owner, lessee, or occupier of any mines or minerals lying under or adjacent to any road along or across which any tramway shall be laid to work such mines and minerals; nor shall any such owner, lessee, or occupier be liable to make good or pay compensation for any damage which may be occasioned to such tramway by the working in the usual and ordinary course of their mines or minerals.]

**Textual Amendments**

**F71** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**Modifications etc. (not altering text)**

**C32** S. 59 excluded by Coal Mining (Subsidence) Act 1957 (c. 59), s. 18(2)

[<sup>F72</sup>60 **Reserving powers of street authorities to widen, &c. roads.**

Nothing in this Act shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have by law to widen, alter, divert, or improve any road, railway, tramway, or inland navigation.]

**Textual Amendments**

**F72** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

[<sup>F74</sup>61 **Power for [<sup>F73</sup>local authorities and police] to regulate traffic in roads.**

Nothing in this Act shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters or of lessees as to the traffic of other persons.]

**Textual Amendments**

**F73** Words in s. 61 substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 60**; S.I. 2011/3019, art. 3, Sch. 1

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**F74** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

[<sup>F75</sup>**62** **Reservation of right of public to use roads.**

Nothing in this Act or in any byelaws made under this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable only to run on the rail of the tramway.]

**Textual Amendments**

**F75** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

[<sup>F76</sup>**63** **Regulating inquiries before referee appointed by the Board of Trade.**

Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions:

- (1) The inquiry shall be held in public before an officer to be appointed in that behalf by the Board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him:
- (2) Ten days notice at the least shall be given by the referee to the parties upon whose representation the Board of Trade shall have directed the inquiry, of the time and place at which the inquiry is to be commenced:
- (3) The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time as may be necessary to such time and place as he may think fit:
- (4) The referee by summons shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee, and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons or refuses to answer any question put to him by such referee for the purposes of the said inquiry shall be liable to a penalty not exceeding [<sup>F77</sup>level 1 on the standard scale] : Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case in obedience to any such summons to travel more than ten miles from his place of abode:
- (5) The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry:
- (6) Any person who upon oath or affirmation wilfully gives false evidence before the referee shall be deemed guilty of perjury:

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870. (See end of Document for details)*

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- (7) The referee shall make his report to the Board of Trade in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

#### Textual Amendments

- F76** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)
- F77** Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

#### Modifications etc. (not altering text)

- C33** S. 63 excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), s. 100

### [<sup>F78</sup>64 Rules for carrying Act into effect.

The Board of Trade may from time to time make, and, when made, may rescind, annul, or add to, rules with respect to the following matters:

- (1) The proceedings to be had before the Board under this Act:
- (2) The payment of money or lodgement of securities by way of deposits, the repayment and forfeiture of the same, the investment of the same, the amount and payment of interest or dividends from time to time accruing due on such deposits:
- (3) The plans and sections of any works to be deposited by promoters under this Act:
- (4) As to any other matter or thing in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.

.....<sup>F79</sup>.....

Any rules made in pursuance of this section shall be laid before Parliament . . .<sup>F79</sup>]

#### Textual Amendments

- F78** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)
- F79** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

#### Modifications etc. (not altering text)

- C34** S. 64(2) amended by [Administration of Justice Act 1965 \(c. 2\)](#), [Sch. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Tramways Act 1870.