



# Railway and Canal Traffic Act 1888

1888 CHAPTER 25 51 and 52 Vict

## PART III

### CANALS

36— .....<sup>F1</sup>  
37.

#### Textual Amendments

**F1** Ss. 25–37 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. I](#)

38 .....<sup>F2</sup>

#### Textual Amendments

**F2** S. 38 repealed by [Statute Law Revision Act 1959 \(c. 68\)](#)

### 39 Returns by canal companies.

- (1) Every canal company shall, on or before the first day of January in every year . . .<sup>F3</sup> send to the registrar of joint stock companies a return stating the name of the company, a short description of their canal, the name of their principal officer, and the place of their office, or, if they have more than one office, of their principal office.
- (2) Every canal company shall . . .<sup>F3</sup> from time to time, whenever required by the Board of Trade, not being oftener than once in every year, forward to the Board of Trade in such form and manner as the Board may from time to time prescribe, such returns as the Board of Trade may require for the purpose of showing the capacity of such canal for traffic, and the capital, revenue, expenditure, and profits of the canal company.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Railway and Canal Traffic Act 1888, Part III. (See end of Document for details)*

- (3) When the canal of a canal company, or any part thereof, is intended to be stopped for more than two days, the company shall report to the Board of Trade, stating the time during which such stoppage is intended to last, and when the same is re-opened the company shall so report to the Board of Trade.
- (4) A company failing to comply with this section shall be liable, on summary conviction, to a fine not exceeding five pounds for every day during which their default continues, and any director, manager, and officer of the company who knowingly and wilfully authorises and permits the default shall be liable, on summary conviction, to the like fine.

#### Textual Amendments

**F3** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

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

**C1** [S. 39](#) excluded by [Transport Act 1962 \(c. 46\), s. 24\(4\)](#)

## 40 Byelaws of canal companies.

- (1) Every canal company shall, before such date as the Board of Trade may prescribe, forward to the Board of Trade true copies, certified in such manner as the Board of Trade direct, of any byelaws or regulations of such company which are in force at the commencement of this Act; and the byelaws of any canal company, copies of which are not forwarded to the Board of Trade as provided by this section, shall from and after the said date cease to have any operation . . . <sup>F4</sup>
- (2) A byelaw or regulation of any canal company hereafter to be made under any power which has been, or which may hereafter be, conferred on any canal company, shall not have any force or effect until two months after a true copy of such byelaw or regulation, certified in such manner as the Board of Trade direct, has been forwarded to the Board of Trade, unless the Board of Trade before expiration of such period have signified their approbation thereof.
- (3) The Board of Trade may, at any time after any existing or future byelaws or regulations of a canal company have been forwarded to them, notify to the company their disallowance thereof, or of any of them, and in case such byelaws or regulations are in force at the time of the disallowance, the time at which the said byelaws or regulations shall cease to be in force. A byelaw or regulation disallowed by the Board of Trade shall not after such disallowance have any force or effect whatever, save (as regards any byelaw or regulation which may be in force at the time of the disallowance thereof) in so far as any penalty may have been already incurred under the same.
- (4) The Board of Trade may from time to time make, rescind, and vary such regulations as they think fit with respect to the publication by canal companies of their byelaws and regulations, and with respect to the publication by canal companies of their intention to apply to the Board of Trade for the allowance of any intended byelaws and regulations. . . . <sup>F5</sup>

#### Textual Amendments

**F4** Words repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

*Status: Point in time view as at 01/02/1991.*

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**F5** Words repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), **Sch. 1 Pt. XII**

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

**C2** S. 40 excluded by Petroleum Consolidation Act 1928 (c. 32), s. 9(4) and Transport Act 1968 (c. 73), s. 113(6)

**41 Inspection of canals.**

Whenever the Board of Trade are, through their officers or otherwise, informed that the works of any canal are in such a condition as to be dangerous to the public, or to cause serious inconvenience or hindrance to traffic, the Board of Trade may direct such officer or other person as they appoint for the purpose to inspect the said canal and report thereon to the Board of Trade, and for the purpose of making any inspection under this section the officer or person appointed for the purpose shall, in relation to the canal or works to be inspected, have all the powers of an inspector appointed under the <sup>M1</sup>Regulation of Railways Act 1871.

**Marginal Citations**

**M1** 1871 c. 78.

**42** ..... **F6**

**Textual Amendments**

**F6** S. 42 repealed by Statute Law Revision Act 1960 (c. 56)

**43 Canal companies may agree for through tolls, &c.**

(1) Any canal company may make and enter into contracts and arrangements with any other canal company or canal companies for the passage over and along their respective canals, or any of them, of boats, barges, vessels, and other through traffic, and for the use, by such traffic, of the wharves, landing places, and other works of any such canal, upon payment of such through tolls, rates, and charges, and subject to such conditions and restrictions as may be agreed upon between such companies; and for the collection and recovery by any one of the companies on behalf of themselves and the other companies interested of the tolls, rates, and charges payable in respect of such through traffic; and for the division and apportionment of the tolls, rates, and charges; and any such contract may contain provisions for the erection and maintenance of or otherwise for providing warehouses, offices, and other buildings and conveniences, and any other provisions for the purpose of carrying into effect any such arrangement, and any company may apply their funds or moneys for the same purpose.

(2) ..... **F7**

(3) ..... **F8**

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**Textual Amendments**

**F7** Ss. 43(2), 44 repealed by [Transport Act 1962 \(c. 46\)](#) s. 95(3), Sch. 12 Pt. I

**F8** Ss. 43(3), 49, 53 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. X**

**44** ..... **F9**

**Textual Amendments**

**F9** Ss. 43(2), 44 repealed by [Transport Act 1962 \(c. 46\)](#) s. 95(3), Sch. 12 Pt. I

**45** ..... **F10**

**Textual Amendments**

**F10** S. 45 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. III**

**46** **Definition of “canal company.”**

In this part of this Act the expression “canal company” shall include a “railway and canal company,” so far as relating to any canal of any such last-mentioned company.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Railway and Canal Traffic Act 1888, Part III.