



# Tramways Act 1870

1870 CHAPTER 78 33 and 34 Vict

## PART III

### GENERAL PROVISIONS

#### *Licences to use Tramways*

**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:

*Status: Point in time view as at 01/02/1991.*

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

- (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.

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

C1 S. 35 excluded by [London Passenger Transport Act 1933 \(c. 14\), s. 100](#)

**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.

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

C2 S. 36 excluded by [London Passenger Transport Act 1933 \(c. 14\), s. 100](#)

**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.

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

C3 S. 37 excluded by [London Passenger Transport Act 1933 \(c. 14\), s. 100](#)

**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.

*Status: Point in time view as at 01/02/1991.*

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

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

C4 S. 38 excluded by [London Passenger Transport Act 1933 \(c. 14\), s. 100](#)

**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.

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

C5 S. 39 excluded by [London Passenger Transport Act 1933 \(c. 14\), s. 100](#)

**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.

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

C6 S. 40 excluded by [London Passenger Transport Act 1933 \(c. 14\), s. 100](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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Licences to use Tramways.