



Highways and Locomotives (Amendment) Act 1878

1878 CHAPTER 77

PART I

AMENDMENT OF HIGHWAY LAW

Extraordinary Traffic

23 Power of road authority to recover expenses of extraordinary traffic

Where by a certificate of their surveyor it appears to the authority which is liable or has undertaken to repair any highway, whether a main road or not, that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, such authority may recover in a summary manner from any person by whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by such authority by reason of the damage arising from such weight or traffic as aforesaid.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of, a composition in, respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.