



# Highways and Locomotives (Amendment) Act 1878

## 1878 CHAPTER 77

### PART II

#### AMENDMENT OF LOCOMOTIVE ACTS, 1861 AND 1865

#### 28 **Weight of locomotives and construction of wheels**

Section three of the Locomotive Act, 1861, and section five of the Locomotive Act, 1865, are hereby repealed, so far as relates to England, and in lieu thereof be it enacted that it shall not be lawful to use on any turnpike road or highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say,)

- (1) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons ; and
- (2) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches; and
- (3) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided ; and
- (4) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less , than three inches in width nor more than three quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such crossbar shall not exceed three inches.

The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable to a fine not exceeding five pounds: Provided that the mayor, aldermen, and commons in the city of London, and the Metropolitan Board o Works

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in the metropolis, exclusive of the city of London, and the council of any borough which has a separate court of quarter sessions, and the county authority of any county, may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any turnpike road or highway within the areas respectively above mentioned, or part of any such road or highway, under such conditions (if any) as to them may appear desirable. Provided also, that the owner of a locomotive used contrary to the provisions of sub-section two of this section shall not be deemed guilty of an offence under this section if he proves to the satisfaction of the court having cognizance of the case that such locomotive was constructed before the passing of this Act, and that the tires of the wheels thereof are not less than nine inches in width.

**29 Amendment of section three of Locomotive Act, 1865**

The paragraph numbered " secondly" of section three of the Locomotive Act, 1865, is hereby repealed, so far as relates to England, and in lieu thereof the following paragraph is hereby substituted; namely,

“Secondly, one of such persons, while the locomotive is in " motion, shall precede by at least twenty yards the locomotive " on foot, and shall in case of need assist horses, and carriages " drawn by horses, passing the same.”

**30 Steam locomotives to be constructed so as to consume their smoke**

Section eight of the Locomotive Act, 1861, is hereby repealed, so far as relates to England ; and in lieu thereof, be it enacted that every locomotive used on any turnpike road or highway shall be constructed on the principle of consuming its own smoke; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such turnpike road or highway.

**31 Power to local authorities to make orders as to hours during which locomotives may pass over roads**

Section eight of the Locomotive Act, 1865, is hereby repealed, so far as relates to England; and in lieu thereof, be it enacted that the mayor, aldermen, and commons in the city of London, and the Metropolitan Board of Works in the metropolis, exclusive of the city of London, and the council of any borough which has a separate court of quarter sessions, and the county authority of any county, may make byelaws as to the hours during which locomotives are not to pass over the turnpike roads or highways situate within the areas respectively above-mentioned, the hours being in all cases Consecutive hours and no more than eight out of the twenty-four, and for regulating the use of locomotives upon any highway, or preventing such use upon every bridge where such authority is satisfied that such use would be attended with danger to the public ; and any person in charge of a locomotive acting contrary to such byelaws shall be liable to a fine not exceeding five pounds.

**32 Power of county authority to license locomotives**

A county authority may from time to time make, alter, and repeal byelaws for granting annual licenses to locomotives used within their county, and the fee (not exceeding ten pounds) to be paid in respect of each license; and the owner of any locomotive for

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which a license is required under any byelaw so made who uses or permits the same to be used in contravention of any such byelaw shall be liable to a fine not exceeding forty shillings for every day on which the same is so used.

All fees received under this section shall be carried to and applied as part of the county rate.

This section shall not apply to any locomotive used solely for agricultural purposes.

### **33 Duration of Part II of Act**

This part of this Act shall remain in force so long only as the Locomotive Act, 1865, continues in force.