



Locomotives Act 1898

1898 CHAPTER 29

7 Appeal against restrictions on passing over bridges.

- (1) Where the owner of a locomotive is aggrieved by any restriction or prohibition placed, either before or after the passing of this Act, on the passing of locomotives over any bridge, either under section six of the Locomotive Act, 1861, or under any byelaw made under this Act, or any enactment repealed by this Act, that owner may appeal to the Local Government Board, and that Board, if they consider that the bridge is sufficient to bear the weight of locomotives, and that there is no other reasonable cause for imposing the restriction or prohibition, may order the restriction or prohibition to be removed, or, if they consider that it may reasonably be varied in any respect, to be varied.
- (2) The authority by whom a restriction or prohibition has been imposed shall comply within a time to be specified in the order with any order of the Local Government Board made under this section.
- (3) The Local Government Board may determine any appeal under this section either as arbitrators or otherwise at their option, and, where they determine any such appeal as arbitrators, section sixty-three of the Local Government Act, 1888, as amended by the Local Government (Determination of Differences) Act, 1896, shall apply for the purpose.
- (4) An order of the Local Government Board under this section with regard to any bridge shall not prevent the imposition of any restriction or prohibition with regard to the bridge at a future time, if the authority having power to impose the restriction or prohibition consider that it is necessary to do so, having regard to any change in the circumstances of the bridge or the traffic, but the imposition of any such restriction or prohibition shall be subject to appeal under this section.
- (5) The Local Government Board may refuse to consider any appeal under this section with regard to any bridge if the question raised by the appeal has been already considered by them either on the confirmation of a byelaw or under a former appeal.
- (6) In the case of any bridge which a railway company is liable to repair, the Board of Trade shall be substituted for the Local Government Board, and this section shall be read and construed accordingly.