



CHAPTER xciii.

An Act to extend the time for completion of Tramways authorised by "The Birmingham Tramways Act, 1870," to be constructed ; and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS by "The Birmingham Tramways Act, 1870," the Birmingham Tramways Company (herein-after referred to as the Company) were incorporated and authorised to construct certain tramways in the suburbs of Birmingham, and the time for the completion of those tramways was limited to three years from the passing of that Act, and it is expedient that such time be extended : 33 & 34 Vict. c. clxxvii.

And whereas it is expedient that the Company be authorised to make from time to time, with the consent of the road authorities, such crossing places, sidings, and other conveniences as may be necessary for the more efficient working of the said tramways :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Birmingham Tramways Act, 1873." Short title.

2. This Act and the recited Act as altered by this Act shall be read and construed together as one Act. This Act and recited Act to be read as one Act.

3. The time limited by the recited Act for the completion of the tramways by that Act authorised is hereby extended until the first day of August one thousand eight hundred and seventy-four, and section 67 of the recited Act shall be read and construed as if the extended period had been originally named in that Act ; provided, that if the said tramways be not completed within the Extending time for completion of tramways authorised by recited Act.

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A.D. 1873. — period limited by this Act, then on the expiration of that period the powers by the recited Act and this Act granted to the Company for making and completing the said tramways, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed.

Additional crossings, passing places, &c. may be made when necessary.

4. The Company may, subject to the provisions of the recited Act, from time to time make, maintain, alter, and remove such crossings, junctions, passing places, sidings, and other works and conveniences in addition to those specified in the recited Act as may be necessary to or convenient for the efficient working of the said tramways or any part thereof, or for providing access to any stables, carriage sheds, yards, or works of the Company or their lessees, assignees, or licensees: Provided that no such crossings, junctions, passing places, sidings, works, or conveniences shall be made, altered, or removed in any public road without the consent in writing of the road authority having the control over such road: Provided also, that in the construction of any such works, no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if the owner or owners, or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto.

Rights of Birmingham Canal Company to open roads.

5. Nothing in this Act shall take away, or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in the Company of Proprietors of the Birmingham Canal Navigations (herein-after called the Canal Company) for the purpose of constructing, raising, lowering, repairing, altering, rebuilding, or removing any bridge or any approach thereto, or otherwise, but in the exercise of such power the Canal Company shall be subject to the following restrictions; (that is to say,)

1. They shall cause as little detriment or inconvenience to the Company as circumstances admit:
2. Before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
3. They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for

the reasonable exercise of the powers so vested in them as
aforesaid : A.D. 1873.

4. Whenever for the purpose of enabling them to execute such work the Canal Company shall so require the Company shall either stop the traffic on the tramway to which the notice shall refer where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there ; provided that such work shall always be completed by the Canal Company as the case may be with all reasonable expedition :

5. The Canal Company shall not execute such work so far as it immediately affects the tramway except under the superintendence of the Company, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work, and they shall execute such work at their own expense, and to the reasonable satisfaction of the Company ; provided that any additional expense imposed upon the Canal Company by reason of the existence of the tramway in any road or place where any such bridge shall have been made before the construction of such tramway shall be borne by the Company.

6. If any difference arises between the Company on the one hand, and the Canal Company on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or on their behalf or by the Company by virtue of this Act, in relation to any tramway or work or in relation to any work or proceeding of the Canal Company, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the Canal Company, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Difference between the Company and the Birmingham Canal Company.

7. If the Company desire under the authority of this Act to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus or other works belonging to or controlled by the Birmingham and Staffordshire Gaslight Company, the Company shall give to that company fourteen days notice of such desire, and the

For protection of the works of the Birmingham and Staffordshire Gaslight Company.

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— (without prejudice nevertheless to the protection afforded them by sub-section 2 of section 30 of “The Tramways Act, 1870,”) make such removal or displacement as may be necessary and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Company.

Saving
clause in
favour of
that com-
pany.

8. Nothing contained in this Act shall interfere with the exercise by the Birmingham and Staffordshire Gaslight Company of the powers and privileges conferred upon them by any Act or Acts of Parliament of laying down and maintaining, and as occasion may require of repairing or altering any mains or pipes in and under any of the roads or thoroughfares upon which any tramways may be laid under the authority of this Act, and the provisions of sub-section 4 of section 32 of “The Tramways Act, 1870, ” in favour of the local authority or the road authority shall be extended to and include the Birmingham and Staffordshire Gaslight Company.

Expenses of
Act.

9. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.