

[41 & 42 VICT.] *Tramway Order Confirmation* [Ch. ccxxxii.]
(No. 3) Act, 1878.



CHAPTER ccxxxii.

An Act to confirm, with amendments, a Provisional Order made by the Board of Trade under the Tramways Act, 1870, relating to Glasgow and Ibrox Tramway.

A.D. 1878.

[16th August 1878.]

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made a Provisional Order which has been amended by Parliament, and is, as so amended, set out in the schedule to this Act annexed :

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the Provisional Order made by the Board of Trade under the authority of the said Act, as set out in the schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore 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 Tramway Order Confirmation (No. 3) Act, 1878. Short title.

2. The Order set out in the schedule to this Act annexed shall be and the same is hereby confirmed ; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the date thereof shall be the date of the passing of this Act. Confirmation of Order in schedule.

A.D. 1878.

SCHEDULE

GLASGOW AND IBROX TRAMWAY.

*Glasgow
and Ibrox.*

*Order conferring further powers on the Glasgow and Ibrox
Tramway Company.*

Short title.

1. This Order may be cited as "The Glasgow and Ibrox Tramway Order, 1878."

Construction
of Order.

2. The Glasgow and Ibrox Tramway Act, 1877 (in this Order referred to as "the Act of 1877"), and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.

Interpretation
of terms.

3. In this Order--

The expression "the Promoters" shall mean the Glasgow and Ibrox Tramway Company.

The expression "the Railway Commissioners" shall mean the persons for the time being holding office as Commissioners under the Regulation of Railways Acts, 1873 and 1874, and any Acts continuing, altering, affecting, or amending the same.

The term "person" shall include any corporation.

Motive Power.

Carriages may
be moved by
animal or
mechanical
power.

4. The carriages used on the tramways may, subject to the provisions of this Order, be moved by animal power, or the mechanical power produced by compressed air applied on the system now usually known as Scott Moncrieff's.

Conditions as
to use of
mechanical
power.

Provided always, that the exercise of the powers hereby conferred with respect to the use of mechanical power shall be subject to the restrictions, requirements, and conditions set forth in the Schedule A. to this Order annexed respectively, and to any restrictions, requirements, and conditions which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of mechanical power on the tramways.

Penalty for
using mecha-
nical power
contrary to re-
strictions, &c.

5. The Promoters or any person using mechanical power on any of the tramways contrary to any of the restrictions, requirements, and conditions set forth in the Schedule A. to this Order annexed, or to any restriction, requirement, or condition added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Order, shall for every such offence forfeit to Her Majesty a sum not exceeding one hundred pounds, and also in the case of a continuing offence a further sum not exceeding fifty pounds for every day after the first during which such offence continues, and

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any sum so forfeited may be recovered in any court of record. Provided always, that, whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the Promoters or any person using the mechanical power on the tramways under the authority of this Order have or has made default in complying with any of the restrictions, requirements, and conditions set forth in the Schedule A. to this Order annexed, or with any restriction, requirement, or condition which may have been added thereto or substituted therefor as aforesaid, may by order direct the Promoters or such person to cease to exercise the powers aforesaid, and thereupon the Promoters or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same, or any of the same, unless with the authority of the Board of Trade.

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6. Subject to the provisions of this Order, the Board of Trade may from time to time make, and when made may rescind, annul, or add to byelaws with regard to any tramway upon which mechanical power may be used under the authority of this Order for all or any of the following purposes; that is to say,

Byelaws.

For regulating the speed at which engines and carriages may be driven or propelled along the tramways:

For limiting the speed at which engines and carriages may be driven or propelled along the tramways when approaching facing points or any places specified in any such byelaw:

For regulating the use of the bell, whistle, or other warning apparatus fitted to the engine:

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places as the Board of Trade may deem proper for securing safety:

For regulating the entrance to, exit from, and accommodation in the carriages and on the tramways, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages:

For providing for the due publicity of all byelaws in force for the time being in relation to the tramways.

7. Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Order shall be liable to a penalty not exceeding forty shillings.

Penalty for
breach of
byelaws.

The provisions of the Tramways Act, 1870, with respect to penalties imposed by byelaws, and the recovery of such penalties, shall apply to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Order.

8. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that prescribed by this Order at which engines are to be driven or propelled on the tramways under the authority of this Order, but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Amendment of
the Tramways,
Act, 1870,
as to by-
laws by local
authority.

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Orders,
byelaws.

As to contracts
with road
authorities
where mecha-
nical power is
to be used.

9. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by the Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

10. Where the Promoters or any person intend to use mechanical power under the authority of this Order on the tramways, or any part thereof, they or he shall give two months previous notice of such intention to every road authority within whose district the tramways, or any part thereof, upon which they or he intend to use such power are or is situated.

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Promoters or such person by such notice, or for such road authority, by notice to be served upon the Promoters or such person, not later than two months after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall, from and after the commencement of the use of mechanical power upon such tramways, or such part thereof, be determined and of no effect.

Before using mechanical power on the tramways, or any part thereof, and thereafter from time to time, the Promoters or such person, and every such road authority, may enter into any contract, agreement, or arrangement with respect to the user by the Promoters, or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Promoters or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Promoters or such person, or the Promoters or such person after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be

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determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Promoters and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed. Provided always, that while any such appeal is pending the Board of Trade may order that no mechanical power shall be used on the tramways to which such appeal relates, and in case no such contract, agreement, or arrangement, or renewal thereof, shall be made, no mechanical power shall be used on such tramways.

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Any moneys which may from time to time be received by such road authority under any such contract, agreement, or arrangement, or any renewal thereof as aforesaid, shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

11. Where mechanical power is used by the Promoters on the tramways or any part thereof, no contract, agreement, or arrangement with respect to the user by the Promoters or such person, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Promoters or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years.

Where mechanical power is used, contract with road authority not to be for longer than seven years at a time.

Miscellaneous.

12. The Promoters or any person using the tramways under the authority of this Order on the one hand, and any other company or person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such other company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Power to enter into agreements with respect to traffic, &c.

In case any person deem himself aggrieved by any contract, agreement, or arrangement, or any renewal thereof, made under the authority of this section, by reason of the same affording undue preference or inequality of treatment as to tolls or charges or facilities to any person, to the prejudice of such first-mentioned person, then and in every such case such first-mentioned person may appeal against the same or any part thereof to the Railway Commissioners, and after the expiration of one month after notice of such appeal has been served by such first-mentioned person upon the parties to such contract, agreement, or arrangement in such manner as the Railway Commissioners may from time to time order and direct, the Railway Commissioners may hear and

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determine the subject matter of such appeal, or, if they think fit, and where necessary, any such contract, agreement, or arrangement may be determined by the Railway Commissioners, whose decision in respect of any such contract, agreement, or arrangement, or the determination thereof, shall be final and conclusive and binding on all parties. The expenses of such appeal shall be borne and paid as the Railway Commissioners may order.

Provided always, that an appeal under this section may be made to the Railway Commissioners by a municipal or other public corporation, local authority, or road authority, against any such contract, agreement, or arrangement, or any renewal thereof, without proof that the appellants are aggrieved by any such contract, agreement, or arrangement, or renewal, but such appeal shall not be entertained by the Railway Commissioners in pursuance of this section unless such appeal is accompanied by a certificate of the Board of Trade to the effect that in their opinion the case in respect of which such appeal is made is a proper one to be submitted for adjudication to the Railway Commissioners by such municipal or other public corporation, local authority, or road authority.

Saving for
general
Acts.

13. Notwithstanding anything contained in this Order, the Promoters and any persons using any tramways to which the same applies, shall be subject and liable to the provisions of any general Act which may hereafter be passed during this or any future session of Parliament relating to the tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by any Act relating to the Promoters, and to any condition, regulation, or restriction which may be imposed upon the use of tramways, or upon the use on tramways of animal power or mechanical power by any such general Act as aforesaid.

14. This Order shall remain in force until the expiration of two years from the passing of the Act confirming the same, and no longer.

SCHEDULE A.

Break-power
of engines.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient.

As to fittings
of engines, &c.

Every engine used on the tramway shall be fitted—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ; and

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary.

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Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails.

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The Board of Trade shall be at liberty from time to time to inspect any engine used on the tramways and the machinery therein, and may whenever they think fit prohibit the use on the tramways of any such engine which in their opinion may not be safe for use on the tramways.

Inspection of
engines.

The speed at which engines may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.

As to speed.

The speed at which engines may pass through movable facing points shall not exceed the rate of four miles an hour.

