



CHAPTER xxviii.

An Act to extend the time for completing the Folkestone
Sandgate and Hythe Tramways and for other purposes. A.D. 1888.
[28th June 1888.]

WHEREAS by the Folkestone Sandgate and Hythe Tramways Act 1884 (herein-after called "the Act of 1884") the Folkestone Sandgate and Hythe Tramways Company (herein-after called "the Company") were incorporated and were authorised to construct certain tramways in the county of Kent:

And whereas by the Folkestone Sandgate and Hythe Tramways Act 1886 (herein-after called "the Act of 1886") the Company were authorised to abandon a portion of the tramway authorised by the Act of 1884 and to construct additional tramways and the time limited by the Act of 1884 for the completion of the unabandoned portions of the tramways authorised by that Act was extended:

And whereas the time limited by the Act of 1884 as extended by the Act of 1886 for the completion of the unabandoned portions of the tramways authorised by the Act of 1884 will expire on the thirty-first day of May 1888 and for the completion of the tramways authorised by the Act of 1886 will expire on the twenty-fifth day of June 1888 and it is expedient that the respective periods so limited as aforesaid for the completion of the tramways should be extended as by this Act provided:

And whereas the objects and purposes 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 Folkestone Sandgate and Hythe Tramways Act 1888. Short title.

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Tramways Act, 1888.

- A.D. 1888. 2. The time limited for the completion of the tramways authorised by the Act of 1884 so far as it affects the unabandoned portions of such tramways is hereby further extended and enlarged until the thirty-first day of May one thousand eight hundred and eighty-nine and that time shall be deemed to be the time limited by the Act of 1884 and extended by the Act of 1886 and section 46 of the Act of 1884 shall be read accordingly.
- Extension of time for completing tramways authorised by Act of 1884.
3. The time limited for the completion of the tramways authorised by the Act of 1886 is hereby extended and enlarged until the twenty-fifth day of June one thousand eight hundred and eighty-nine and that time shall be deemed to be the time limited by the Act of 1886 and section 16 of that Act shall be read accordingly.
- Extension of time for completing tramways authorised by Act of 1886.
4. If the unabandoned portions of the tramways authorised by the Act of 1884 and the tramways authorised by the Act of 1886 are not completed within the times limited by this Act then on the expiration thereof the powers granted to the Company by the Act of 1884 the Act of 1886 and this Act in relation thereto shall cease except as to so much of the tramways as shall then be completed.
- If tramways not completed within extended periods powers to cease.
5. The Company may with the consent of the Board of Trade construct the unabandoned portions of the tramways authorised by the Act of 1884 and the tramways authorised by the Act of 1886 or some part or parts thereof respectively on a gauge of three feet six inches Provided always that the Company shall not construct the Tramway No. 3 described in and authorised by the Act of 1886 without the previous consent in writing of the Right Honourable Jacob Earl of Radnor his heirs or assigns.
- Gauge of tramways.
6. The Company shall not under the powers of the Act of 1884 the Act of 1886 or this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers.
- Restriction on displacing persons of labouring class.
- For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week

and the families of any such persons who may be residing with them. A.D. 1888.

7. Sections 32 to 40 both inclusive of the Act of 1886 are hereby repealed. Repeal of certain provisions of Act of 1886.

8. The carriages used on the tramways or on any part or parts of the tramways may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by steam or electric power or any mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of steam electric or any mechanical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations 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 Act conferred with respect to the use of steam electric or any mechanical power on the tramways Provided also that no locomotive power other than horse power or electric power shall be used upon that portion of the tramway within the district of the Sandgate Local Board of Health unless and until the said Board shall by resolution under their common seal approve of the particular form of locomotive power proposed to be used. Carriages may be moved by animal steam electric or mechanical power.

9. The Company or any other company or person using steam electric or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam electric or any mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to Penalty for using steam electric or mechanical power contrary to order or regulations.

A.D. 1888. — this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or 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 and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

10. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which steam electric or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

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

For regulating the emission of smoke or steam from engines used on the tramways :

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the carriages used 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 regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

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

As to
recovery of
penalties.

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

Amendment
of the Tram-
ways Act
1870 as to

12. 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 tramways shall not

authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

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 byelaws by
 local
 authority.

13. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Orders
 byelaws.

14. Where the Company or any other company or person intend to use steam electric or any mechanical power under the authority of this Act 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.

As to
 contracts
 with road
 authorities
 where steam
 electric or
 mechanical
 power is to
 be used.

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 Company or such other company or 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 Company or such other company or 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 Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days 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 steam electric or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam electric or any mechanical power on the tramways or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping

A.D. 1888. — 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 Company or such other company or 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 Company or such other company or 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 Company or such other company or person or the Company or such other company or 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 with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead 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 with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company 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 steam electric or mechanical power shall be used on the tramways to which such appeal relates.

No steam electric or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portion of the tramways a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section 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.

15. Where steam electric or any mechanical power is used by the Company or any other company or person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of steam electric or mechanical power as aforesaid with respect to the user by the Company or such other company or 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 Company or such other company or 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 at any one time after the commencement of the use of steam electric or mechanical power as aforesaid or the making of such contract agreement or arrangement Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof.

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Where steam electric or mechanical power is used contract with road authority not to be for longer period than two years at a time.

16. Notwithstanding anything in this Act contained the Company shall not use steam power on any of their tramways except on Tramway (No. 1) described in and authorised by the Act of 1886 and on the unabandoned portion of the tramways firstly described in and authorised by the Act of 1884.

Steam power to be used only on certain tramways.

17. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by the Act of 1884.

Provisions as to general Tramway Act.

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

Costs of Act.

A.D. 1888.

SCHEDULE.

- 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 tramways shall have its number shown in some conspicuous part thereof and shall be fitted—
With an indicator by means of which the speed shall be shown :
With a suitable fender to push aside obstructions :
With a special bell whistle or other apparatus to be sounded as a warning when necessary : and
With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.
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 and all fire used on such engine shall be concealed from view.
- As to carriages.** Every carriage used on the tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.
- Inspection of engines and carriages.** The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine or carriage which in their opinion may not be safe for use on the tramways.
- As to speed.** The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour.
The speed at which engines and carriages may pass through movable facing points shall not exceed the rate of four miles an hour.

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