



## CHAPTER cxxxii.

An Act to extend the time limited for the completion of the works authorised by the Weston-super-Mare Clevedon and Portishead Tramways Act 1885 and for other purposes. A.D. 1890.  
[25th July 1890.]

WHEREAS by the Weston-super-Mare Clevedon and Portishead Tramways Act 1885 (in this Act called "the Act of 1885") the Weston-super-Mare Clevedon and Portishead Tramways Company (in this Act called "the Company") were incorporated and were authorised to construct the tramways with a new road and bridge in connexion therewith in the county of Somerset in that Act more particularly described:

And whereas by the Act of 1885 the time for the completion of the works thereby authorised was limited to five years from the passing of such Act which received the Royal Assent on the sixth day of August one thousand eight hundred and eighty-five and it is expedient that that time should be extended and that the Act of 1885 should be amended in manner herein-after provided:

And whereas the purposes of this Act 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 Weston-super-Mare Clevedon and Portishead Tramways Act 1890. Short title.

2. The provisions of Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and in construing the provisions of that Act the expression "the railway" Incorporation of Act.

A.D. 1890. — shall for the purposes of this Act be deemed to mean the tramways authorised by the Act of 1885.

Extension of  
time for com-  
pletion of  
works.

3. The time limited by the Act of 1885 for the completion of the works thereby authorised is hereby extended to one year from the sixth day of August one thousand eight hundred and ninety and that period shall for the purposes of sections 36 and 37 of the Act of 1885 be deemed to be the period originally limited for the construction of the tramways authorised by that Act and if the said works are not completed within the period limited by this Act then on the expiration of such period the powers by the Act of 1885 and this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Steam power  
to include  
electrical  
power.

4. The expression in the Act of 1885 "steam power" shall be deemed to include electrical power and the provisions of the Act of 1885 relating to steam power shall so far as applicable apply mutatis mutandis to the use of electrical power for moving carriages and trucks on the tramways authorised by that Act and the Company may from time to time enter into and carry into effect contracts agreements and arrangements with any other company body or persons for or with respect to the working of their tramways by any such mechanical power as aforesaid.

For the pro-  
tection of  
telephone  
company.

5. For the protection of the Western Counties and South Wales Telephone Company Limited its successors and assigns (in this section called "the telephone company") the following provisions shall have effect in the event of any tramways of the Company being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say):—

(1) The Company shall so construct their electric circuits and other works of all descriptions and shall so work their tramway in all respects as to prevent so far as reasonably may be any injurious interference by induction or otherwise with the electric circuits from time to time used by the telephone company for the purpose of telephonic communication or with the currents in such circuits. Provided that as regards electric circuits erected or laid down by the telephone company after the passing of this Act this subsection shall only apply if in the erection laying down and working of such circuits reasonable and proper precautions against injurious interference with other electric circuits have been taken and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Company:

(2) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the telephone company and lawfully laid down or placed in any position by them may be injuriously affected the Company shall unless otherwise agreed with the telephone company give to that company notice in writing specifying the course nature and gauge of such electric line and the amount and nature of the current intended to be sent along the same and the Company shall conform with such reasonable requirements as may from time to time be made by the telephone company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid :

A.D. 1890.

(3) If any difference arises between the Company and the telephone company with respect to anything in this section contained such difference shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company and the telephone company were companies within the meaning of that Act :

(4) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

6. In the event of any of the tramways of the Company being worked by electricity the following provisions shall have effect :—

Provisions for  
protection of  
the Post-  
master  
General.

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

A.D. 1890.

- (2) (A) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work :
- (B) Any difference which arises between the Postmaster General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :
- (3) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (4) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (5) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

[53 & 54 VICT.] *Weston-super-Mare, Clevedon, and* [Ch. cxxxii.]  
*Portishead Tramways Act, 1890.*

- (6) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section : A.D. 1890.
- (7) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (8) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
- (9) Nothing in this section contained shall be held to deprive the Postmaster General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid .

7. Nothing in this Act contained shall exempt the Company or the tramways authorised by the Act of 1885 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 fares and charges or of the rates for small parcels authorised by the Act of 1885. Provision as to general Tramway Acts.

8. All 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. Costs of Act.

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