



# Tramways Act 1870

1870 CHAPTER 78 33 and 34 Vict

## PART III

### GENERAL PROVISIONS

#### *Miscellaneous*

[<sup>F1</sup>55] **Promoters or lessees to be responsible for all damages.**

The promoters or lessees, as the case may be, shall be answerable for all accident, damages, and injuries happening through their act or default, or through the Act or default of any person in their employment by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.]

#### Textual Amendments

**F1** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

[<sup>F2</sup>56] **Recovery of tolls, penalties, &c.**

All tolls, penalties, and charges under this Act, or under any byelaw made in pursuance of this Act, may be recovered and enforced as follows; in England before two justices of the peace in manner directed by the Summary Jurisdiction (England) Acts, and in Scotland before the sheriff or two justices as penalties under the <sup>M1</sup>Railways Clauses Consolidation (Scotland) Act 1845.]

*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870, Cross Heading: Miscellaneous. (See end of Document for details)*

#### Textual Amendments

- F2** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

#### Marginal Citations

- M1** 1845 c. 33

### [<sup>F3</sup>57 **Right of user only.**

Notwithstanding anything in this Act contained the promoters of any tramway shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any tramway . . . <sup>F4</sup>]

#### Textual Amendments

- F3** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)
- F4** Words repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

#### Modifications etc. (not altering text)

- C1** S. 57 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

### <sup>F5</sup>58 .....

#### Textual Amendments

- F5** S. 58 repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

### [<sup>F6</sup>59 **Reservation of rights of owners, &c. of mines.**

Nothing in this Act shall limit or interfere with the rights of any owner, lessee, or occupier of any mines or minerals lying under or adjacent to any road along or across which any tramway shall be laid to work such mines and minerals; nor shall any such owner, lessee, or occupier be liable to make good or pay compensation for any damage which may be occasioned to such tramway by the working in the usual and ordinary course of their mines or minerals.]

#### Textual Amendments

- F6** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

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**Modifications etc. (not altering text)**

**C2** S. 59 excluded by [Coal Mining \(Subsidence\) Act 1957 \(c. 59\)](#), **s. 18(2)**

**[<sup>F7</sup>60 Reserving powers of street authorities to widen, &c. roads.**

Nothing in this Act shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have by law to widen, alter, divert, or improve any road, railway, tramway, or inland navigation.]

**Textual Amendments**

**F7** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**[<sup>F9</sup>61 Power for [<sup>F8</sup>local authorities and police] to regulate traffic in roads.**

Nothing in this Act shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters or of lessees as to the traffic of other persons.]

**Textual Amendments**

- F8** Words in s. 61 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 60**; S.I. 2011/3019, art. 3, Sch. 1
- F9** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

**[<sup>F10</sup>62 Reservation of right of public to use roads.**

Nothing in this Act or in any byelaws made under this Act shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable only to run on the rail of the tramway.]

**Textual Amendments**

**F10** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), **Sch. 4 Pt.I**; S.I. 1992/2784, art. 2(b), **Sch. 2 Pt.I**

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### [<sup>F11</sup>63] **Regulating inquiries before referee appointed by the Board of Trade.**

Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions:

- (1) The inquiry shall be held in public before an officer to be appointed in that behalf by the Board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him:
- (2) Ten days notice at the least shall be given by the referee to the parties upon whose representation the Board of Trade shall have directed the inquiry, of the time and place at which the inquiry is to be commenced:
- (3) The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time as may be necessary to such time and place as he may think fit:
- (4) The referee by summons shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee, and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons or refuses to answer any question put to him by such referee for the purposes of the said inquiry shall be liable to a penalty not exceeding [<sup>F12</sup>level 1 on the standard scale] : Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case in obedience to any such summons to travel more than ten miles from his place of abode:
- (5) The referee may and shall administer an oath, or an affirmation where an affirmation in lieu of an oath would be admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry:
- (6) Any person who upon oath or affirmation wilfully gives false evidence before the referee shall be deemed guilty of perjury:
- (7) The referee shall make his report to the Board of Trade in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

#### **Textual Amendments**

- F11** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)
- F12** Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

#### **Modifications etc. (not altering text)**

- C3** [S. 63](#) excluded by [London Passenger Transport Act 1933 \(c. 14\)](#), [s. 100](#)

### [<sup>F13</sup>64] **Rules for carrying Act into effect.**

The Board of Trade may from time to time make, and, when made, may rescind, annul, or add to, rules with respect to the following matters:

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- (1) The proceedings to be had before the Board under this Act:
- (2) The payment of money or lodgement of securities by way of deposits, the repayment and forfeiture of the same, the investment of the same, the amount and payment of interest or dividends from time to time accruing due on such deposits:
- (3) The plans and sections of any works to be deposited by promoters under this Act:
- (4) As to any other matter or thing in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.

F14

Any rules made in pursuance of this section shall be laid before Parliament . . . F14]

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**Textual Amendments**

**F13** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 65(1)(b), 68(1), [Sch. 4 Pt.I](#); S.I. 1992/2784, art. 2(b), [Sch. 2 Pt.I](#)

**F14** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

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**Modifications etc. (not altering text)**

**C4** S. 64(2) amended by [Administration of Justice Act 1965 \(c. 2\)](#), [Sch. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Tramways Act 1870, Cross Heading: Miscellaneous.