



# Tramways Act 1870

1870 CHAPTER 78 33 and 34 Vict

## PART III

### GENERAL PROVISIONS

#### *Offences*

**[<sup>F1</sup>49] Penalty for obstruction of promoters in laying out tramway.**

If any person wilfully obstructs any person acting under the authority of any promoters in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purposes of setting out the line of tramway, or damages or destroys any property of any promoters, lessees, or licensees, he shall for every such offence be liable to a penalty not exceeding [<sup>F2</sup>level 1 on the standard scale] .

#### **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- F1** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss.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
- F2** 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)**

- C1** S. 49 incorporated (with modifications) (21.7.1994) by 1994 c. xi, **s. 4(1)(2)(a)(b)(3)**

**[<sup>F3</sup>50] Penalties for wilful injury or obstruction to tramways &c.**

If any person, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things; (namely,)

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

Interferes with, removes, or alters any part of a tramway or of the works connected therewith;

Places or throws any stones, dirt, wood, refuse, or other material on any part of a tramway;

Does or causes to be done anything in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon;

Or knowingly aids or assists in the doing of any such thing; he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding [<sup>F4</sup>level 1 on the standard scale]

#### 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- F3** Ss. 49-64 repealed (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order) (1.1.1993) by Transport and Works Act 1992 (c. 42), ss.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 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)

- C2** S. 50 incorporated (with modifications) (21.7.1994) by 1994 c. xi, **s. 4(1)(2)(a)(b)(3)**

### [<sup>F5</sup>51] **Penalty on passengers practising frauds on the promoters.**

If any person travelling or having travelled in any carriage on any tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding [<sup>F6</sup>level 1 on the standard scale]

#### Textual Amendments

- F5** 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**
- F6** Words substituted by (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

### [<sup>F7</sup>52] **Transient offenders.**

It shall be lawful for any officer or servant of the promoters or lessees of any tramway, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a justice, or until he be otherwise discharged by due course of law.]

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#### 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>F8</sup>53] Penalty for bringing dangerous goods on the tramway.

No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature; and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding [<sup>F9</sup>level 2 on the standard scale] for every such offence; and it shall be lawful for such promoters or lessees to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

#### Textual Amendments

- F8** 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](#)
- F9** 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. 53 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

#### [<sup>F10</sup>54] Penalty for persons using tramways with carriages with flange wheels, &c.

If any person (except under a lease from or by agreement with the promoters, or under licence from the Board of Trade, as by this Act provided,) uses a tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of such tramway, such person shall for every such offence be liable to a penalty not exceeding [<sup>F11</sup>level 2 on the standard scale].

#### 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](#)
- F11** 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)

- C4** S. 54 incorporated (with modifications) (21.7.1994) by 1994 c. xi, s. 4(1)(2)(a)(b)(3)

**Status:**

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**Changes to legislation:**

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