



# Tramways Act 1870

1870 CHAPTER 78 33 and 34 Vict

## PART II

### *Construction of Tramways*

#### **[<sup>F1</sup>32 Rights of authorities and companies, &c. to open roads.**

Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in any local authority or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas [<sup>F2</sup>or water]], or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power every such local authority, road authority, company, body, or person shall be subject to the following restrictions; (that is to say,)

- (1) They shall cause as little detriment or inconvenience to the promoters and lessees as circumstances admit:
- (2) Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters and lessees, if there be any, notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
- (3) They shall not be liable to pay to the promoters or lessees any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:
- (4) Whenever for the purpose of enabling them to execute such work the local authority or the road authority shall so require, the promoters or lessees shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable expedition:

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*Changes to legislation: There are currently no known outstanding effects for the Tramways Act 1870, Section 32. (See end of Document for details)*

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- (5) Any company, body, or person shall not execute such work so far as it immediately affects the tramway except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work; and they shall execute such work at their own expense, and to the reasonable satisfaction of the promoters: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the promoters.

#### Textual Amendments

- F1** Ss. 26-40 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 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), [Sch. 27 Part I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

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

- C1** S. 32 applied by (S.) [Water \(Scotland\) Act 1980 \(c. 45\)](#), [Sch. 3 para. 2\(3\)](#)
- C2** S. 32(1)–(5) applied with modifications (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 153(1), [Sch. 19 para. 2\(7\)\(9\)\(11\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 57(6), 58)
- C3** S. 32(1)–(5) extended (with modifications) (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), ss. 178, 225(2), [Sch. 22](#), para. 3(6) (with ss. 179, 222(3), [Sch. 22](#) para. 1, [Sch. 23](#) para. 6)

**Changes to legislation:**

There are currently no known outstanding effects for the Tramways Act 1870, Section 32.