

TRAMWAYS

[See also the titles "London Transport," "Road Traffic and Vehicles" and "Transport, Ministry of".]

Transfer of powers of the Board of Trade to the Minister of Transport
see the title "Ministers of the Crown (Transfer of Functions, &c.)".

Provisional Orders, &c.

BOARD OF TRADE RULES, DATED JANUARY 1892, WITH
RESPECT TO PROVISIONAL ORDERS AND OTHER MATTERS
UNDER THE TRAMWAYS ACT, 1870 (33 & 34 VICT.
C. 78).

NOTES

(1) *All memorials, objections, and other documents should be on paper of foolscap size.*

(2) *Promoters who desire to be incorporated must register themselves under the Companies Act, 1862.*

[*Note*:—Here follows a reprint of portions of Sections 4 and 3 of the Act of 1870, and the whole of Schedule A thereto: the effect of the Local Government and other Acts is to greatly modify that Schedule.]

RULES OF THE BOARD OF TRADE

Rule I.—When the application is made by any local authority, the evidence of approval required as above by Schedule A (Part III) of the Act must be given at the time fixed for proving compliance with the Act and these Rules, by (a) a certified copy of the resolution approving of the intention to make the application, (b) a certified copy of the notice convening the special meeting to consider the application, and (c) a certified statement of the number of members constituting the local authority, and of the number present and voting at such special meeting.

Approval of application made by local authorities.

Rule II.—Where an application is made by promoters, not being the local authority of the district in which the tramway is proposed to be laid, evidence of the consent required by Part I, section 4 of the Act, must be given at the time fixed for proving compliance with the Act and these Rules, by (a) a certified copy of the resolution passed at a meeting of the local or road authority, as the case may be, at which the application was approved, (b) a copy of the notice convening the meeting, which notice must contain a statement that the subject of the proposed tramway will be brought before the meeting.

Consent to applications not made by local authorities.

Similar evidence of the consent of the local and road authorities must be produced in cases in which the promoters seek to use steam or other mechanical power on any tramway or tramways already authorised.

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ADVERTISEMENT AND NOTICES IN OCTOBER OR NOVEMBER AND DECEMBER

Advertisement and notices of intended application and deposits.

Section 6.—“The promoters intending to make an application for a Provisional Order shall proceed as follows:—

- (1) In the months of October and November next before their application, or in one of those months, they shall publish notice of their intention to make such application by advertisement; and they shall, on or before the fifteenth day of the following month of December, serve notice of such intention, in accordance with the Standing Orders (if any) of both Houses of Parliament for the time being in force with respect to Bills for the construction of tramways. (See Schedule B, Part I.)
- (2) On or before the thirtieth day of the same month of November they shall deposit the documents described in part two of the same (a) schedule, according to the regulations therein contained:
- (3) On or before the twenty-third day of December in the same year they shall deposit the documents described in part three of the same (b) schedule, according to the regulations therein contained.”

* * * * *

“Schedule B—(Part I)

Contents of advertisement of intended advertisement.

- (1) Every advertisement is to contain the following particulars:—
 1. The objects of the intended application.
 2. A general description of the nature of the proposed works, if any.
 3. The names of the townlands, parishes, townships, and extra-parochial places in which the proposed works, if any, will be made.
 4. The times and places at which the deposit under Part II of this schedule will be made.
 5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft Provisional Order, when deposited, and of the Provisional Order, when made, will be obtainable as herein-after provided.
- (2) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking.
- (3) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by the proposed undertaking, where the proposed works, if any, will be made; or if there be no such newspaper, then in some one and the same newspaper published in the county in which every such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.
- (4) The advertisement is also, in every case, to be inserted once at least in the London or Edinburgh Gazette, accordingly as the district is situate in England or Scotland.”

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- (a) Schedule B (on page 266 below).
(b) Schedule B (on page 268 below).

Provisional Orders, &c,

Rule III.—The tramways mentioned in the advertisement of the intended application should be described in the manner prescribed in Rule XVI, but the length need not be inserted.

Description of tramways in advertisement.

Rule IV.—The advertisement must specify at what point or points, and on which side of the street or road, it is proposed to lay such tramway, so that for a distance of thirty feet or upwards a less space than nine feet six inches, or if it is intended to run thereon carriages or trucks adapted for use upon railways, a less space than ten feet six inches shall intervene between the outside of the footpath on the side of the street or road and the nearest rail of the tramway. The notice shall also specify the gauge to be adopted, and what power it is intended to employ for moving carriages or trucks upon the tramway.

Advertisement as to narrow places.

Rule V.—In the months of October and November, or one of them, immediately preceding the application for any Provisional Order, a notice thereof shall be posted for fourteen consecutive days in every street or road, along which it is proposed to lay the tramway in such manner as the authority having the control of such street or road shall direct; and if after application to such authority no such direction shall be given, then in some conspicuous position in such street or road; and such notice shall also state the place or places at which the plans of such tramway will be deposited.

Street notice.

Rule VI.—On or before the 15th day of December immediately preceding the application for any Provisional Order for laying down a tramway crossing any railway or tramway on the level, or crossing any railway, tramway, or canal by means of a bridge, or otherwise affecting or interfering with such railway, tramway, or canal, notice in writing of such application shall be served upon the owner or reputed owner and upon the lessee or reputed lessee of such railway, tramway, or canal, and such notice shall state the place or places at which the plans of the tramway to be authorised by such Provisional Order have been or will be deposited.

Notice to owners and lessees of railways, tramways, and canals.

Similar notice must also be given to county councils and to proprietors of navigable rivers in respect of their bridges or other works which are proposed to be crossed or otherwise interfered with.

Every notice under this Rule must be accompanied by a copy of Rule XVII, omitting the first paragraph, and must state where copies of the draft Provisional Order, when deposited at the Board of Trade, can be obtained.

Rule VII.—Where the promoters make application for an extension of time for the construction of, or for authority to abandon, any tramways, they must, on or before the 15th day of December, serve notice of such application upon all the local and road authorities affected.

Notice to local and road authorities.

Intimation to intending objectors.

Rule VIII.—The preceding advertisement and notices, other than the street notice, must state that every company, corporation, or person desirous of making any representation to the Board of Trade, or of bringing before them any objection respecting the application, may do so by letter, addressed to the Assistant Secretary of the Railway Department of the Board of Trade, *on or before the 15th January* next ensuing; that copies of their objections must at the same time be sent to the promoters; and that in forwarding to the Board of Trade such objections, the objectors or their agents should state that a copy of the same has been sent to the promoters or their agents.

Notice to frontagers.

Rule IX.—On or before the 15th day of December immediately preceding the application for a Provisional Order, notice in writing must be given to the owners or reputed owners, lessees or reputed lessees, and occupiers of all houses, shops, or warehouses abutting on any part of any street or road where, for a distance of thirty feet or upwards, it is proposed that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

This notice should be given in respect of such premises on both sides of the road, and must contain a notification that if such owner, lessee, or occupier dissents from the tramway being so laid, he may express his dissent by a statement in writing, addressed to the Assistant Secretary of the Railway Department of the Board of Trade, *on or before the 1st January* next ensuing, and that he must at the same time send a copy of his dissent to the promoters.

DEPOSITS ON OR BEFORE 30TH NOVEMBER.

“*Schedule B—(Part II)*”

Deposits on 30th November.

(1) The promoters are to deposit—

1. A copy of the advertisement published by them.
2. A proper plan and section of the proposed works, if any, such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

(2) The documents aforesaid are to be deposited for public inspection—

In England, in the office of the clerk of the peace for every county, riding, or division, and of the parish clerk of every parish, and the office of the local authority of every district in or through which any such undertaking is proposed to be made; in Scotland, in the office of the principal sheriff clerk for every county, district, or division which will be affected by the proposed undertaking, or in which any proposed new work will be made.

(3) The documents aforesaid are also to be deposited at the office of the Board of Trade.”

Map and diagram.

Rule X.—A published map of the district on a scale of not less than six inches to a mile (or, if no map on such a scale be published, then the best map obtainable), with the line of the proposed tramway marked thereon, and a diagram on a scale of not less than two inches to a mile prepared in accordance with the specimen appended to these rules, must also be deposited on or before the 30th of November.

Rule XI.—The plans to be deposited must also comply with the following requirements:—

Requirements
as to plans.

The plans shall indicate whether it is proposed to lay the tramway along the centre of any street or road, and if not along the centre, then on which side of, and at what distance from, an imaginary line drawn along the centre of such street or road, and whether or not, and if so, at what point or points, it is proposed to lay such tramways, so that for a distance of thirty feet or upwards a less space than nine feet six inches, or if it is intended to run thereon carriages or trucks adapted for use upon railways, a less space than ten feet six inches, shall intervene between the outside of the footpath on either side of the street or road and the nearest rail of the tramway.

All lengths shall be stated on the plan and section in miles, furlongs, chains, and decimals of a chain.

The distance in miles and furlongs from one of the termini of each tramway shall be marked on the plan and section.

Each double portion of tramway, whether a passing-place or otherwise, shall be indicated by a double line.

The total length of the street or road upon which each tramway is to be laid shall be stated (i.e. the length of route of each tramway).

The length of each double and single portion of such tramway, and the total length of such double and single portions respectively, shall also be stated.

In the case of double lines (including passing-places), the distance between the centre lines of each line of tramway shall be marked on the plans. This distance must in all cases be sufficient to leave at least 15 inches between the sides of the widest carriage and engines to be used on the tramways when passing one another.

The gradient of the street or road on which each tramway is to be laid shall be marked on the section.

Every crossing of a railway, tramway, river, or canal shall be shown, specifying in the case of railways and tramways whether they are crossed over, under, or on the level.

All tidal water shall be coloured blue.

All places where for a distance of 30 feet and upwards there will be a less space than nine feet six inches between the outside of the footpath on either side of the street or road and the nearest rail of the tramway, shall be indicated by a thick dotted line on the plans on the side or sides of the line of tramway where such narrow places occur, as well as noted on the plans, and the width of the street or road at these places shall also be marked on the plans.

Note.—The Section of each tramway should, where practicable, be shown on the same page as the plan.

Rule XII.—The plans to be deposited with the clerk of the peace or sheriff clerk (as the case may be) must be in duplicate. (See Standing Order of the House of Lords and of the House of Commons.)

Plans in
certain cases
to be in
duplicate.

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Portions only of plans required in certain cases.

Rule XIII.—In cases where the proposed works are intended to be made in or through one or more parishes or districts, the deposit with the parish clerks or local authorities need consist only of a copy of so much of the plans and sections as relates to their respective parishes or districts.

Plans, &c., to be deposited in Parliament.

Rule XIV.—The following Standing Orders must also be complied with(a):—

Standing Order of the House of Lords

“Whenever plans, sections, books of reference, or maps are deposited in the case of an application to any public department or county council for a Provisional Order or Certificate, duplicates of the said documents shall at the same time be deposited in the office of the Clerk of the Parliaments, provided that with regard to such deposits as are so made at any public department or with any county council after the prorogation of Parliament and before the thirtieth day of November in any year, such duplicates shall be so deposited on or before the thirtieth day of November.”

Standing Order of the House of Commons

“Whenever plans, sections, books of reference, or maps are deposited in the case of an application to any public department or county council for a Provisional Order or a Provisional Certificate, duplicates of the said documents shall at the same time be deposited in the Private Bill Office, provided that with regard to such deposits as are so made at any public department or with any county council after the prorogation of Parliament and before the thirtieth day of November in any year, such duplicates shall be so deposited on the thirtieth day of November.”

DEPOSITS ON OR BEFORE 23RD DECEMBER.

“Schedule B—(Part III)

Deposits on 23rd December.

- (1) The promoters are to deposit at the office of the Board of Trade—
1. A memorial signed by the promoters, headed with a short title descriptive of the undertaking (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
 2. A printed draft of the Provisional Order as proposed by the promoters, with any schedule referred to therein.
 3. An estimate of the expense of the proposed works, if any, signed by the persons making the same.
- (2) They are also to deposit a sufficient number of such printed copies at the head office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than one shilling each.
- (3) The memorial of the promoters (to be written on foolscap paper, bookwise, with a quarter margin) is to be in the following form, with such variations as circumstances require.

(a) These Standing Orders refer to *amended* as well as to original plans.

Provisional Orders, &c.

[*Short Title of Undertaking*]

To the Board of Trade.

The memorial of the promoter of [*short title of undertaking.*]
Showeth as follows:

1. Your memorialists have published, in accordance with the requirements of the Tramways Act, 1870, the following advertisement:

[*Here advertisement to be set out verbatim(a).*]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement and [*here state deposit of the several matters required by Act.*]

“Your memorialists, therefore, pray that a Provisional Order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

“ A.B. } Promoters.”
“ C.D. }

Rule XV.—The following documents, &c., must also be deposited at the Board of Trade on or before the 23rd December, viz.:—

(1) A complete list of every railway, tramway, and canal proposed to be crossed or otherwise affected or interfered with, together with the names and addresses of the owners or reputed owners, and of the lessees or reputed lessees thereof, and a certified copy of the notice served upon them. List of railways, tramways, and canals, and copy of the notice.

(2) A complete list of the local and of the road authorities through whose district the proposed tramway is to pass (including in such list the clerk to the county council in cases where it is proposed to cross county bridges), and if any such district is or forms part of a highway district, under the provisions of the Highway Acts, a statement to that effect must accompany the deposit. Also a separate list of the local and road authorities affected by any application relating to the use of steam or other mechanical power on authorised tramways, or to an extension of time or abandonment; together with a copy of any notice served under Rule VII. Lists of local and road authorities and copy of notice.

(3) A certified copy of the notice which is required by Rule V. to be posted in the streets in October or November next before the application. Copy of street notice.

(4) In all cases where for a distance of 30 feet or upwards it is proposed that a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway, or a less space than ten feet six inches if it is intended to run on the tramway carriages or trucks adapted for use upon railways, a complete list of the owners or reputed owners, lessees or reputed lessees, and occupiers of all houses, shops or warehouses abutting upon any part of the highway, where such less space is proposed, together with a certified copy of the notice which was served on them on or before the 15th December, as required by Rule IX. List of front-agers and copy of notice.

(a) This advertisement may be in print and affixed to the body of the memorial.

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(The list should be so prepared as to show distinctly and separately every length of street or road where for a distance of 30 feet or upwards such less space is proposed and in respect of every such length of street or road it should indicate in parallel columns the name of the street, the name or number of the house, shop, or warehouse, and the names of the owner or reputed owner, the lessee or reputed lessee, and of the occupier.)

Description of land.

(5) A description of the land (if any) which the promoters propose to purchase for the construction of the tramway. (The contracts for the purchase of all the lands required must be produced at the time of proving compliance with the Act and these Rules.)

Memo-
randum of
association,
etc.

(6) A list of every Provisional Order or Act of Parliament (if any) of the promoters; and where the promoters are a company incorporated under the Companies Act, 1862, a printed copy of the memorandum of association, articles of association, and any registered special resolution of the company, and in the case of a company incorporated in any other manner, a copy of every deed or instrument of settlement or incorporation.

Fee.

(7) A fee of £35 by cheque payable to "An Assistant Secretary of the Board of Trade." (This fee will not necessarily be taken to cover the cost of inquiries or other matters arising out of the application. With respect to costs in such matters, security must be given from time to time by the promoters as the Board of Trade may require.)

DRAFT PROVISIONAL ORDER

Form of draft
Provisional
Order.

Rule XVI.—The following rules must be observed in regard to the draft Provisional Order:

(1) The draft Provisional Order must be deposited in triplicate and be printed on *one side only of the page*, so as to leave the back of the page blank, and any schedule annexed must begin a new page.

(2) The draft Provisional Order must describe where each tramway is to commence and terminate, and must state the streets and roads along which it is to pass, and the total length of the double and single portions respectively of such tramway in miles, furlongs, chains, and decimals of a chain.

(3) Each double and single portion of such tramway, with its commencement and termination, must also be described. (This can be done by stating that each line or branch line will be double or single throughout, except at certain specified places where it will be single or double.)

(4) Every passing-place must be described as a double line in accordance with the Standing Order of the House of Lords, which provides that "*two lines of tramway running side by side shall be described as a double line.*"

(5) In cases where the promoters are individuals their addresses as well as names should be inserted in the draft Order.

(6) The names and addresses of the agents for the Provisional Order must be printed on the outside of the draft Order, and there must be a notice at the end of it stating that objections are to be addressed to the Assistant Secretary of the Railway Department of the Board of Trade on or before the 15th January next ensuing, that copies of objections must at the same time be sent to the promoters, and that in forwarding to the Board of Trade such objections, the objectors or their agents should state that a copy of the same has been sent to the promoters or their agents.

PROOFS OF COMPLIANCE WITH THE ACT AND RULES

Rule XVII.—The agents should be prepared to prove compliance with the provisions of the Act and these Rules by the 15th *January*, and all such proofs must be completed on or before the 22nd of February. Six days' notice will be given of the day and hour at which the agents are to attend for the purpose at the Board of Trade, and printed forms of proof will accompany the notice. These forms should be filled up by the agents, and brought with the requisite documents to the Department at the time fixed for proving compliance.

Proofs of compliance with Act and Rules.

If any local or road authority, or any railway, tramway, or canal company, or any other company, body, or person desire to have any clauses or other amendments inserted in the Order, they must deliver the same to the agents for the Order, and also to the Board of Trade not later than the 8th February.

On or before the 22nd February the agents must deposit at the Board of Trade a filled up draft printed Order (in duplicate) containing in manuscript all such clauses or other amendments as have been agreed upon.

If any of the clauses or other amendments which have been delivered to the agents are not settled with the consent of both parties the agents must, so far as they can, on or before the 22nd February, show what are the amendments, if any, which each party would be willing to accept.

After the 22nd February no further proposals for clauses will be entertained by the Board of Trade.

DEPOSIT AND ADVERTISEMENT OF ORDER AS MADE

“Section 13.—When a Provisional Order has been made as aforesaid and delivered to the promoters, the promoters shall forthwith publish the same by deposit and advertisement according to the regulations contained in Part IV of the Schedule (B) to this Act.”

Deposit advertisement of Order as made.

“Schedule B—(Part IV)

(1) The promoters are to deposit printed copies of the Provisional Order, when settled and made, for public inspection in the offices of clerks of the peace and sheriff clerks, where the documents required to be deposited by them under Part II of this schedule were deposited.

(2) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the price of not more than (a) each.

(a) The Board of Trade consider that the price to be here inserted should not be more than one shilling.

(3) They are also to publish the Provisional Order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published, or, in case the same shall no longer be published, in some other newspaper published in the district."

(Note.—Section 14 of the Act requires that the Order as made shall be deposited and advertised *not later* than the 25th April.)

Deposit of amended plan and section.

Rule XVIII.—Should any alteration of the plan and section originally deposited for the purposes of the Order be made, with the approval of the Board of Trade, before the Order is granted, a copy of such plan and section (or of so much thereof as may be necessary), showing such alteration, must, before the Order is introduced into a Confirmation Bill, be deposited by the promoters for public inspection:—

In England, in the office of the clerk of the peace for every county, riding, or division, and of the parish clerk of every parish, and the office of the local authority of every district, affected by such alteration: and

In Scotland, in the office of the principal sheriff clerk for every county, district, or division affected by such alteration.

Copies of such documents are at the same time to be deposited at the office of the Board of Trade in the office of the clerk of the Parliaments and at the Private Bill Office.

Proofs of deposit and advertisement of Order as made.

Rule XIX.—When a Provisional Order has been made, and before it is introduced into the Confirmation Bill, the promoters will be required to submit to the Board of Trade the following proofs, viz.:—

(1) The receipt of the clerk of the peace or sheriff clerk, or proof by affidavit of the deposit of the Order with such officer as required by Part IV of Schedule B. to the Act.

(2) A copy of the local newspaper containing the advertisement of the Order. This advertisement must have a short heading stating that the Order has been made by the Board of Trade under the Tramways Act, 1870, previous to its being introduced into a Confirmation Bill, and must also state the name of the office where printed copies of the Order can be obtained.

(3) Proof must also be given that the advertised Order is a correct copy of the Order delivered by the Board of Trade to be advertised, that it was inserted in the newspaper in which the original advertisement of the application for the Order was published, and that a sufficient number of printed copies of the Order were deposited for sale at the office named in the original advertisement, with a statement of the price for which they may be obtained.

(4) Receipts or proof by affidavit of the deposit of amended plans as required by Rule XVIII.

Printed forms for these proofs will be furnished by the Board of Trade when the Order is sent to the promoters to be advertised, and one of these forms must be filled up by the promoters, and brought or forwarded to the Department with the requisite documents *as soon as possible* after the advertisement and deposit have been made.

DEPOSIT OF MONEY, PENALTY FOR NON-COMPLETION OF
TRAMWAYS, AND RELEASE OF DEPOSIT

Rule XX.—After the Provisional Order is ready, and before the same is introduced by the Board of Trade into a confirming Bill, the promoters (unless they are a local authority), shall, if they are not possessed of a tramway already open for public traffic, which has during the year last paid dividends on their ordinary share capital, pay as a deposit a sum of money not less than five per centum on the amount of the estimate of the expense of the construction of the tramway, as follows, namely,

Deposit of money in the Chancery Division under section 12 of Act.

Where the tramway or any part thereof will be situate in England,—to the account of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England to the credit of the particular tramway;

Where the tramway will be situate wholly in Scotland,—either to the account of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in manner aforesaid, or (at the option of the promoters) into a bank in Scotland established by Act of Parliament or Royal Charter, in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland *ex parte* the particular tramway.

The Board of Trade may issue their warrant to the promoters for such payment into court, which warrant shall be a sufficient authority for the persons therein named, not exceeding five in number, or the majority or survivors of them, to pay the money therein mentioned to the account of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England or into the bank therein mentioned, in the name and with the privity of the officer therein mentioned, if any, and for that officer to issue directions to such bank to receive the same, to be placed to his account there according to the method (prescribed by statute, or general rules or orders of court or otherwise), for the time being in force respecting the payment of money into the said courts respectively, and without fee or reward.

Provided, that in lieu, wholly or in part, of the payment of money, the promoters may bring into court as a deposit an equivalent sum of bank annuities, or of any stocks, funds, or securities on which cash under the control of the respective courts is for the time being permitted to be invested, or of exchequer bills (the value thereof being taken at the price at which the promoters originally purchased the same, as appearing by the broker's certificate of that purchase); and in that case the Board of Trade shall vary their warrant accordingly by directing the transfer or deposit of such amount of stocks, funds, securities, or exchequer bills by the persons therein named.

Where money is so paid into the Supreme Court of Judicature, the court may, on the application of the persons named in the warrant of the Board of Trade, or of the majority or survivors of them, order that the same be invested in such stocks, funds, or securities as the applicants desire and the Court thinks fit.

In the subsequent provisions of these Rules, the term "the deposit fund" means the money deposited, or the stocks, funds, or securities in which the same is invested, or the bank annuities, stocks, funds, securities, or exchequer bills transferred or deposited, as the case may be; and the term "the depositors" means the persons named in the warrant of the Board of Trade authorising the deposit, or the majority or survivors of those persons, their executors, administrators, or assigns.

Penalty for non-completion of tramways.

Rule XXI.—If the promoters empowered by the Order to make the tramway are possessed of a tramway already opened for public traffic, and which has during the year last paid dividends on their ordinary share capital, no deposit will be required; but if such promoters (unless they are a local authority) do not, within the time in the Order prescribed, or within the time as prolonged by the special direction of the Board of Trade under section 18 of the Tramways Act, 1870, and if none is prescribed, or if the time has not been prolonged as aforesaid, then within two years from the passing of the Act confirming the Order, complete the tramway authorised by the Order, they will be liable to a penalty of 50*l.* a day for every day after the expiration of the period so limited, until the said tramway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per cent. on the estimated cost of the works and the said penalty may be applied for by any road authority claiming to be compensated in accordance with the provisions of Rule XXII, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such Court or Judge as is specified in the said third section of the Act 17 & 18 Vict. c. 31, to an account opened or to be opened in the name and with the privity of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England [the Queen's Remembrancer of the Court of Exchequer in Scotland, (according as the tramway is situated in England or Scotland)], in the bank named in such Order, and shall not be paid thereout, except as provided by Rule XXII, but no penalty will accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the promoters were prevented from completing or opening such tramway by unforeseen accident or circumstances beyond their control; Provided that the want of sufficient funds will not be held to be a circumstance beyond their control.

Application of deposit.

Rule XXII.—If the promoters empowered by the Order to make the tramway do not within the time in the Order prescribed, or within the time as prolonged by the special direction of the Board of Trade under section 18 of the Tramways Act, 1870, and if none is prescribed, or if the time has not been prolonged as aforesaid, then within two years from the passing of the Act confirming the Order, complete the tramway, and open it for public traffic, then and in every such case the deposit fund, or so much thereof as shall not have been repaid to the depositors (or any sum of money recovered by way of such penalty as aforesaid), shall be applicable, and after due notice in the London or Edinburgh Gazette, as the case may require, shall be applied towards compensating all road authorities for the expense incurred by them in taking up any

tramway or materials connected therewith placed by the promoters in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramway, and for which expense or damage no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation in such manner and in such proportions as to the Supreme Court of Judicature in England, or Court of Exchequer in Scotland, as the case may be, may seem fit; and if no such compensation shall be payable, or if a portion of the said deposit fund (or of the sum or sums of money recovered by way of penalty aforesaid) shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said deposit fund (or the sum or sums of money recovered by way of penalty aforesaid), or such portion of it as may not be required as aforesaid shall in the discretion of the Court if the promoters are a company and a receiver has been appointed, or if such company is insolvent and has been ordered to be wound up be paid or transferred to such receiver, or to the liquidator or liquidators of the company, or be applied in the discretion of the Court as part of the assets of the company, for the benefit of the creditors thereof. Subject to such application as aforesaid, the deposit fund may be repaid or retransferred to the depositors or as they shall direct.

Rule XXIII.—The Court in which the deposit is made shall, on the application of the depositors, order the deposit fund to be paid or transferred to the applicants, or as they shall direct, if, within the time by the Order prescribed, or within the time prolonged by the special direction of the Board of Trade under Section 18 of the Tramways Act, 1870, and if none is prescribed, or if the time has not been prolonged as aforesaid, then within two years from the passing of the Act confirming the Order, the promoters thereby empowered to make the tramway, complete it, and open it for public traffic after inspection by an inspector appointed by the Board of Trade, and upon a certificate of the Board of Trade that the tramway is fit for public traffic, as provided by Rule XXV.: Provided, that if within such time as aforesaid any portion of a line of tramway authorised by an Order is opened for public traffic, after such inspection as aforesaid, and on such certificate under Rule XXV. as aforesaid, then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramway so opened bears to the entire length of the tramway authorised by the Order the Court in which the deposit is made shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them, or as they shall direct.

Release of
deposit.

Rule XXIV.—The depositors shall be entitled to receive payment of any interest or dividends from time to time accruing on the deposit fund while in Court; and the Court in which the deposit is made may from time to time, on the application of the depositors, make such Order as seems fit respecting the payment of the interest or dividend accordingly.

Miscellaneous
as to deposits.

If either House of Parliament refuse to confirm any Provisional Order in respect whereof a deposit has been made under these Rules, or authorise a portion only of any tramway comprised in such Order, or if any such Provisional Order be withdrawn before the same is confirmed by Parliament, the Court shall, upon production of a certificate of the Board of Trade, order the deposit fund, or a proportionate part thereof, as the case may be, to be paid to the depositors, or as they shall direct.

The issuing in any case of any warrant or certificate relating to deposit or to the deposit fund, or any error in any such warrant or certificate or in relation thereto, shall not make the Board of Trade, or the person signing the warrant or certificate on their behalf, in any manner liable for or in respect of the deposit fund, or the interest of or dividends on the same, or any part thereof respectively.

Any application under these Rules to the Supreme Court of Judicature shall be made in a summary manner by summons at Chambers.

OPENING OF TRAMWAYS

Opening of tramways.

Rule XXV.—The promoters shall give to the Board of Trade at least 14 days' notice in writing of their intention to open any tramway, or portion of a tramway, and such tramway or portion of tramway shall not be opened for public traffic until an inspector appointed by the Board of Trade has inspected the same, and the Board of Trade has certified that it is fit for such traffic. The above-mentioned notice should be accompanied by the following documents, viz.:

- (1) A copy of the Act or Provisional Order authorising the construction of the tramways.
- (2) A copy or tracing of so much of the deposited plans and sections as relates to the portion of tramway proposed to be opened, distinguishing between double and single line, and showing in red ink any variations therefrom in the tramways as constructed.
- (3) A list of the local and road authorities concerned.
- (4) A diagram of the lines submitted for inspection, on a scale of about two inches to a mile.

PROLONGATION OF TIME FOR THE COMMENCEMENT OR COMPLETION OF WORKS

Prolongation of time for commencement or completion of works.

The Board of Trade, under the powers conferred upon them by section 18 of the Tramways Act, 1870, have made the following Rules with respect to applications for a prolongation of time for the commencement or the completion of the works authorised by any Order made under the above-named Act:—

1. The application should be in the form of a memorial setting forth the grounds on which the application is made, and must be made *at least one month before* the expiration of the time prescribed for the commencement or the completion of the works, as the case may be.

2. The promoters of any tramway undertaking authorised by any Order, who intend to apply to the Board of Trade for a prolongation of the time limited for the commencement or the completion of the works authorised by such Order, shall publish by advertisement, once at least in each of two successive weeks, in some one and the same newspaper published in the district affected by such Order, a notice of their intention to apply to the Board of Trade for a prolongation of time.

3. The notice must state the period to which it is proposed to prolong the time limited for the commencement or the completion of the works, as the case may be, and must contain a notification that all persons desirous of making any representation to the Board of Trade, or of bringing before them any objection respecting the application, may do so by letter, addressed to the Assistant Secretary (Railway Department), Board of Trade, on or before a day to be named in the advertisement, being not less than 21 days from the date of the first publication of the advertisement, and that copies of their representations or objections should at the same time be sent to the promoters.

4. A similar notice must be delivered to every local and road authority *before* the second publication of the notice. Copies of newspapers containing the notice, and a statement that a copy of it has been duly served on the local and road authorities as required by these Rules, must be sent to the Board of Trade with the application.

5. Before the Board of Trade comply with the application, they will impose such conditions (if any) as they think fit.

Courtenay Boyle.

Board of Trade (Railway Department),
January, 1892.