



Highways and Locomotives (Amendment) Act 1878

1878 CHAPTER 77 41 and 42 Vict

An Act to amend the Law relating to Highways in England and the Acts relating to Locomotives on Roads; and for other purposes. [16th August 1878]

Commencement Information

II Act wholly in force at Royal Assent

PRELIMINARY

1 Short title.

This Act may be cited as the Highways and Locomotives (Amendment) Act 1878.

2 Application of Act.

This Act shall not apply to Scotland or Ireland; . . . ^{F1}

Textual Amendments

^{F1} Words repealed by [Statute Law Revision Act 1898 \(c. 22\)](#) and [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

PART I

AMENDMENT OF HIGHWAY LAW

3—25. ^{F2}

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Highways and Locomotives (Amendment) Act 1878 (repealed 5.11.1993). (See end of Document for details)

Textual Amendments

F2 Ss. 3–25, 27 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

Byelaws by County Authority

26 †Power of county authority to make byelaws.

[^{F3}[^{F4}The council of a county or metropolitan district may, with respect to all or any of the highways in that county or district, and] the council of a London borough or the Common Council of the City of London may, with respect to all or any of the highways for which they are the highway authority, make and] when made alter or repeal, byelaws for all or any of the purposes following; (that is to say,)

- (1) For prohibiting or regulating the use of any waggon wain cart or carriage drawn by animal power and having wheels of which the fellies or tires are not of such width in proportion to the weight carried by, or to the size of, or to the number of wheels of such waggon wain cart or carriage as may be specified in such byelaws; and
- (2) For prohibiting or regulating the use of any waggon wain cart or other carriage drawn by animal power not having the nails on its wheels countersunk in such manner as may be specified in such byelaws, or having on its wheels bars or other projections forbidden by such byelaws; and
- (3) For prohibiting or regulating the locking of the wheel of any waggon wain cart or carriage drawn by animal power when descending a hill, unless there is placed at the bottom of such wheel during the whole time of its being locked a skidpan slipper or shoe in such manner as to prevent the road from being destroyed or injured by the locking of such wheel; and
- (4) . . . ^{F5}

Fines to be recovered summarily may be imposed by any such byelaws on persons breaking any byelaw made under this section, provided that no fine exceeds for any one offence the sum of [^{F6}level 1 on the standard scale] , and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the fine.

Textual Amendments

- F3** Words substituted by [London Government Act 1963 \(c. 33\)](#), **Sch. 17 para. 1**
- F4** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 8, **Sch. 4 para. 45**
- F5** [S. 26\(4\)\(5\)](#) repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25** and [Local Government Act 1888 \(c. 41\)](#), **s. 85(1)** respectively
- F6** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 36, 46**

Modifications etc. (not altering text)

C1 Unreliable marginal note

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Textual Amendments

F7 Ss. 3–25, 27 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

PART II

28— ^{F8}
33.

Textual Amendments

F8 Ss. 28–33 repealed by [Road Traffic Act 1930 \(c. 43\)](#), **Sch. 5**

PART III

Procedure and Definitions

34 ^{F9}

Textual Amendments

F9 S. 34 repealed by [Highways Act 1959 \(c. 25\)](#), **Sch. 25**

35 Confirmation of byelaws.

A byelaw made under this Act, and any alteration made therein and any repeal of a byelaw, shall not be of any validity until it has been submitted to and confirmed by the Local Government Board.

A byelaw made under this Act shall not, nor shall any alteration therein or addition thereto or repeal thereof, be confirmed until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the authority making the same in one or more local newspapers circulating in their county or district.

Modifications etc. (not altering text)

C2 Functions of Local Government Board under s. 35 now exercisable by Secretary of State: [Ministry of Health Act 1919 \(c. 21\)](#), **s. 3**, [Ministry of Transport Act 1919 \(c. 50\)](#), **s. 2**, [S.I. 1965/319](#), art. 3(1), Sch. 2 Pt. I, 1970/1681, art. 2 1979/571, art. 2 and 1981/238, arts. 2(2), 3(2)(3)

36 Recovery of penalties and expenses.

All offences fines and expenses under . . . ^{F10} any byelaw made in pursuance of this Act, may be prosecuted, enforced, and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

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... F11

The expression “court of summary jurisdiction” means and includes any justice or justices of the peace, metropolitan police magistrates, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts: Provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty session, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Textual Amendments

F10 Words repealed by [Highways Act 1959 \(c. 25\)](#)

F11 Definition repealed by [Statute Law Revision Act 1894 \(c. 56\)](#)

37 Form of appeal to quarter sessions.

If any party thinks himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act, the party so aggrieved may appeal therefrom . . . ^{F12} to [^{F13}the Crown Court] . . . ^{F12}

Textual Amendments

F12 Words repealed by [Summary Jurisdiction Act 1884 \(c. 43\)](#), [Sch.](#)

F13 Words substituted by virtue of [Courts Act 1971 \(c. 23\)](#), s. 56(2), [Sch. 9 Pt. I](#)

38 Interpretation.

In this Act—

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“Person” includes a body of persons corporate or unincorporate.

Textual Amendments

F14 Definitions repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#) and [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

Status:

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Changes to legislation:

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