



# Railway and Canal Traffic Act 1888

1888 CHAPTER 25 51 and 52 Vict

## PART IV

### MISCELLANEOUS

47 ..... F1

#### Textual Amendments

F1 S. 47 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

48 ..... F2

#### Textual Amendments

F2 S. 48 repealed by [Transport Act 1962 \(c. 46\), s. 95\(3\), Sch. 12 Pt. I](#)

49 **Recovery and application of penalties.**

..... F3

#### Textual Amendments

F3 Ss. 43(3), 49, 53 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. X](#)

50, 51. .... F4

*Changes to legislation: There are currently no known outstanding effects for the Railway and Canal Traffic Act 1888, Part IV. (See end of Document for details)*

**Textual Amendments**

**F4** Ss. 50, 51 repealed by [Railway and Canal Commission \(Abolition\) Act 1949 \(c. 11\)](#), [Sch.](#)

**52 Saving of powers conferred on Commissioners and Board of Trade.**

The powers and jurisdiction conferred by this Act on the . . . <sup>F5</sup> Board of Trade shall be in addition to and not in substitution for any powers and jurisdiction vested in the . . . <sup>F5</sup> Board of Trade by any statute.

**Textual Amendments**

**F5** Words repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. I](#)

**53 Proceedings of Board of Trade.**

..... <sup>F6</sup>

**Textual Amendments**

**F6** Ss. 43(3), 49, 53 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. X](#)

**54 Expenses of local authorities.**

- (1) Where any local authority having power under this Act . . . <sup>F7</sup> to enter into any agreement to pay the whole or a portion of the expenses of complying with an order of . . . <sup>F7</sup> the Board of Trade, or to make any application for the abandonment or acquisition of a canal under this Act, incur any expenses in or incidental to such complaint, opposition, agreement, or application, such expenses may be defrayed out of the rates or funds out of which the expenses incurred by such authority in the execution of their ordinary duties are defrayed, . . . <sup>F8</sup>
- (2) A local authority may enter into any contract involving the payment by themselves and their successors of any expenses authorised by this section to be defrayed.
- [<sup>F9</sup>(3) Where any such local authority have no power to borrow money for the purpose of defraying any expenses authorised by this section, such authority . . . <sup>F10</sup> may, with the consent of the Board of Trade in the case of any harbour board or conservancy authority, and with the consent of [<sup>F11</sup>the Secretary of State] in the case of any other authority, borrow money in manner provided by the <sup>M1</sup>Local Loans Act 1875, on the security of the rates or funds out of which the expenses are authorised to be defrayed, and the prescribed period for the loan shall be such period as the Board giving such consent may approve.
- (4) On the request of any board whose consent is required for such loan, the Board of Trade . . . <sup>F7</sup> shall certify such particulars respecting the amount of the said expenses and the propriety of incurring the same and of borrowing for the payment thereof as may be requested by such board.]
- (5) In Ireland, any authority borrowing in pursuance of this section may borrow in manner provided by the <sup>M2</sup>Public Health (Ireland) Act 1878 in like manner as if the provisions

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of that Act with respect to borrowing were re-enacted in this section, and in terms made applicable thereto.

#### Textual Amendments

- F7** Words repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), [Sch. 12 Pt. I](#)
- F8** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F9** [S. 54\(3\)\(4\)](#) repealed (E.W.) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194, [Sch. 12 Pt. I](#)
- F10** Words repealed by [Highways Act 1959 \(c. 25\)](#), [Sch. 25](#) and [London Government Act 1963 \(c. 33\)](#), [Sch. 6 para. 70](#)
- F11** Words substituted by virtue of [Ministry of Health Act 1919 \(c. 21\)](#), s. 3(1)(a) [Sch. 1 para. 1](#), S.I. 1951/142 (1951 I, p. 1348), art. 3(1), 1951/753 (1951 I, p. 1354), arts. 2(1), 8(1), 1951/1900 (1951 I, p. 1347), (W.) 1965/319, arts. 2(1) 10(1)(a), [Sch. 1 Pt. I](#) and (E.) 1970/1681, arts. 2(1), 6(3)

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

- C1** Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R.& O. 1923/405 (Rev. V, p. 298; 1923 p. 400), art. 2

#### Marginal Citations

- M1** [1875 c. 83](#).
- M2** [1878 c. 52](#).

## 55 Definitions.

In this Act, unless the context otherwise requires,—

Terms defined by the <sup>M3</sup>Regulation of Railways Act 1873, have the meanings thereby assigned to them:

[<sup>F12</sup>The term “conservancy authority” means any persons who are otherwise than for private profit intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of any tidal or inland water or navigation:

The term “harbour board” means any persons who are otherwise than for private profit intrusted with the duty or invested with the power of constructing, improving, managing, regulating, and maintaining a harbour, whether natural or artificial, or any dock:

... <sup>F13</sup>]

#### Textual Amendments

- F12** Words repealed (E.W.) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194, [Sch. 12, Pt. I](#)
- F13** Definitions repealed by [Statute Law Revision Act 1908 \(c. 49\)](#) and [Transport Act 1962 \(c. 46\)](#), [Sch. 12 Pt. I](#)

#### Marginal Citations

- M3** [1873 c. 48](#).

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56— ..... F14  
59.

**Textual Amendments**

**F14** Ss. 56–59, Sch. repealed by Statute Law Revision Act 1908 (c. 49)

**Changes to legislation:**

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