



## CHAPTER clxvii.

An Act for empowering the Dudley Stourbridge and District Electric Traction Company Limited to work their tramways by mechanical or electrical power and for other purposes.

A.D. 1903.

[11th August 1903.]

**W**HEREAS the Dudley Stourbridge and District Electric Traction Company Limited (in this Act called “the Company”) are the owners of the tramways (in this Act referred to as “the tramways”) constructed under the powers of the Dudley Stourbridge and Kingswinford Tramways Order 1881 the Dudley and Kingswinford Tramways Order 1885 and the Dudley Stourbridge and Kingswinford Tramways Order 1881 Amendment Order 1886 (in this Act respectively referred to as “the Order of 1881” “the Order of 1885” and “the Order of 1886” and collectively as “the recited Orders”):

And whereas it is expedient that powers should be conferred upon the Company to work the tramways by electrical power or other mechanical power as provided by this Act:

And whereas it is expedient that the powers vested in the local authorities of some of the districts in which the tramways are situate under the recited Orders or otherwise with respect to the purchase of the portions of the tramways within their respective districts should be modified as provided by this Act:

And whereas it is expedient that the several Orders relating to the Company should be amended as provided by this Act:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King’s most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

[Ch. clxvii.] *Dudley Stourbridge and District  
Tramways Act, 1903.* [3 EDW. 7.]

A.D. 1903. and Commons in this present Parliament assembled and by the  
— authority of the same as follows:—

Short title. 1. This Act may be cited as the Dudley Stourbridge and  
District Tramways Act 1903.

Incorporation of Tram-  
ways Act  
1870. 2. Section 3 (Interpretation of terms) and Parts II. and III.  
of the Tramways Act 1870 are so far as applicable to and except  
where expressly varied by this Act incorporated with and form  
part of this Act.

Interpreta-  
tion. 3. In this Act unless there be something in the subject or  
context repugnant to such construction—

The expressions “the tramways” and “the undertaking”  
mean the tramways and the undertaking authorised by the  
recited Orders;

The expression “mechanical power” includes steam electrical  
and every other motive power not being animal power;

The expression “engine” includes motor.

Provisions as  
to motive  
power. 4. Notwithstanding anything contained in the recited Orders  
or any of them the carriages used on the tramways may be moved  
by animal power or subject to the following provisions by mechanical  
power (that is to say):—

(1) The mechanical power shall not be used except with the  
consent of and according to a system approved by the Board  
of Trade:

(2) The Board of Trade shall make regulations (in this Act  
referred to as “the Board of Trade regulations”) for  
securing to the public all reasonable protection against  
danger arising from the use under this Act of mechanical  
power on the tramways and for regulating the use of  
electrical power:

(3) The Company or any other company or person using any  
mechanical power on the tramways contrary to the provi-  
sions of this Act or of the Board of Trade regulations shall  
for every such offence be liable to a penalty not exceeding  
ten pounds and also in the case of a continuing offence to  
a further penalty not exceeding five pounds for every day  
during which such offence is continued after conviction  
thereof:

(4) The Board of Trade if they are of opinion—

(A) That the Company or such other company or person  
have or has made default in complying with the provisions  
of this Act or of the Board of Trade regulations whether

a penalty in respect of such non-compliance has or has not been recovered; or A.D. 1903.

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public; may by order either direct the Company or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company or such other company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

The provisions contained in the Schedule A. to the Order of 1881 and the Schedule A. to the Order of 1885 are hereby repealed.

**5.** The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:— Special provisions as to use of electrical power.

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and

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employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

For protec-  
tion of Post  
Office tele-  
graphs.

**6.**—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any tramways of the Company being worked by electricity or of electrical energy being supplied under the powers of this Act by the Company for any purpose the following provisions shall have effect :—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work the undertaking in

all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of the undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity or for the supply of electrical energy is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the

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Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the

Company or their agents were a company within the meaning of that Act: A.D. 1903.

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid :

(12) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways of the Company.

**7.—(1)** The Company may adapt the tramways for working by mechanical power either in substitution for or in addition to any motive power now or hereafter in use on the tramways.

Power to adapt and alter tramways &c. for working by mechanical power.

(2) The Company may accordingly make all such alterations in the tramways as may be necessary to adapt the same for the purpose of working by mechanical power and the Company may for the purpose of working the tramways by mechanical power lay down construct erect and maintain in on under or over the surface of any road or street (including the footways thereof) or bridge in or on which the tramways are situate or in under or over which it may be necessary or convenient so to do such cables electric mains wires posts plates tubes apparatus and appliances and make and maintain such openings under any such surface as may be necessary or convenient either for that purpose or for providing access to or forming connections with any generating station depôt car stand mains feeders machinery or apparatus and for those purposes the Company may alter remove and interfere with telegraphic telephonic and electric wires posts and apparatus.

(3) All works or operations executed or acts done by the Company prior to the passing of this Act for adapting the tramways for working by mechanical power are hereby sanctioned and confirmed as if the same had been executed and done after the passing of this Act.

**8.** The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power.

Attachment of brackets to buildings.

**9.—(1)** The Company may with the consent of the local and road authorities (which shall not be unreasonably withheld) and of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time

Power to alter tramways.

A.D. 1903. — the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consents take up or reconstruct such tramway or part thereof in such position as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Width of  
carriages.

**10.** So much of section 12 of the recited Order of 1881 and of section 13 of the recited Order of 1885 as limits the extent of the carriages used on any tramway beyond the edge of the wheels of such carriage or the width of such carriages is hereby repealed and so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages as aforesaid shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed six feet six inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Apparatus  
used for  
mechanical  
power to be  
deemed part  
of tramway.

**11.** The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all openings posts standards wires tubes ways and other works used or to be used by the Company for the purposes of mechanical power were parts of the tramway.

For protec-  
tion of Staf-  
fordshire  
County  
Council.

**12.** For the protection of the county council of the administrative county of Stafford (in this section called "the county council") the following provisions shall unless otherwise agreed between the Company and the county council have effect (that is to say):—

(1) The Company shall not in the construction alteration repair or renewal of the tramways and works by this Act authorised without the previous consent in writing of the county council under the hand of their clerk interfere with



the structure of any county bridge or approach repairable by or under the control of the county council :

- (2) In addition to the requirements of section 26 of the Tramways Act 1870 the promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of laying down double or interlacing lines on any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of laying down such lines and a statement of the materials intended to be used therein and the promoters shall not commence the laying down of any such lines until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act :
- (3) If the county council intend to widen any road vested in them and consider that it will be necessary in consequence of such widening that the position of any of the tramways situate in such road or any posts mains pipes wires or other works of the Company connected therewith should be altered and they shall give notice in writing to the Company that they intend to widen such road and that they consider such alteration necessary then and in such case unless the county council and the Company shall agree as to the necessity for such alteration and as to the mode of carrying out such alteration and as to the apportionment of the cost of such alteration between the county council and the Company the matter in difference shall be referred to and determined by the Board of Trade and if the Board of Trade shall determine that such alteration will be necessary the Company shall after the completion of the widening carry out the alteration in accordance with such determination and the county council shall repay to the Company the whole or so much of the cost thereof as shall have been determined by the Board of Trade to be payable by them :
- (4) If at any time the Company under the powers of this Act lay double or interlacing lines in lieu of single lines over any county bridge or the approaches thereto and it becomes necessary in consequence thereof to strengthen the structure of such bridge or approaches the Company

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shall at their own expense execute such works as may be reasonably necessary for so strengthening the structure of such bridge and approaches :

- (5) Where the tramway is laid along or across any road the rails of the tramways shall be laid and maintained so that the uppermost surface thereof shall be on a level with the surface of the road Provided that if the county council alters the level of any road along or across which any portion of the tramways is laid or authorised to be laid the Company shall at their own cost alter or (as the case may be) lay the rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered :
- (6) If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways the Company shall at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road Provided that any dirt or other matter removed by the Company from the grooves of the rails of the tramways shall not be allowed to remain on the road but shall be at once taken away by the Company :
- (7) The Company shall so construct maintain and use the tramways over any bridge or culvert belonging to the county council as not injuriously to affect the same and in the event of any injury or damage being caused to any such bridge or culvert by the construction maintenance or user of the tramways the Company shall make good at their own expense and restore the same to the reasonable satisfaction of the surveyor of the county council :
- (8) If any difference shall arise between the county council and the Company under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

Application  
of road  
materials  
excavated  
in construc-  
tion of works.

**13.** Any paving metalling or material excavated by the Company in the construction of their works from any road may be applied by the Company in or towards the reinstating of such road and the maintenance for six months after completion of any of the tramways and works hereby authorised of so much of such road as the Company are required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes

aforesaid to the surveyor of the road authority or to such person or persons as he shall appoint. Provided that if within seven days after notice in writing to the road authority that any such surplus is ready for removal such surplus is not removed by the said surveyor or by some other person or persons named by him for that purpose such surplus shall vest in and belong to the Company. A.D. 1903.

**14.** Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :— Byelaws.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages :

For regulating the emission of smoke or steam from engines used on the tramways :

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

**15.** Notwithstanding anything in this Act contained the Company shall not use any mechanical power other than electrical power upon any of the tramways in either of the urban districts of Brierley Hill and Stourbridge and the rural district of Kingswinford without the consent in writing of the council of that district. Mechanical power other than electrical power not to be used in certain districts without consent of district councils.

**16.—(1)** The Company shall at all times after the opening of the tramways or any portion thereof for public traffic provide such service of cars as may be reasonably required in the public interests. Service of cars.

(2) If complaint is made to the Board of Trade by any local authority that a proper and sufficient service is not provided the

A.D. 1903. Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to comply with any order made by the Board of Trade under this section.

Cheap fares  
for labouring  
classes.

17.—(1) The Company at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday and Bank Holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but the Company shall not be required to take any fare less than one penny On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

18.—(1) The Company may construct lay down use maintain repair renew and remove electric mains and lines with all proper and convenient tubes openings and other works between any generating station from which electrical energy is supplied for the purpose of working any tramways or light railways of the Company and any part or parts of the said tramways or light railways or between any such tramways or light railways or any part or parts thereof and for the purposes aforesaid may enter upon and open the surface of or otherwise interfere with any streets roads footpaths and other public places both in any district in which such tramways or light railways or any of them are situate and in any other district in which it may be necessary or convenient to lay down such electric mains and lines for the purposes aforesaid :

Power to  
break up  
streets for  
conveying  
electrical  
energy by  
pipes and  
mains.

Provided that the powers of this section shall not be exercised with respect to any street or road in which no such tramway or light railway is situate without the consent in writing of the local authority but such consent shall not be unreasonably withheld. A.D. 1903.

(2) Any electric lines laid down by the Company under the powers by this section granted under any street shall be laid in such line or route and in a trench of such dimensions and in such position as may be agreed between the Company and the local authority or as failing agreement shall be settled by the Board of Trade :

Provided that where the local authority of any borough or district object to any proposed line or route on the ground that it would traverse the principal thoroughfares or busy streets of such borough or district and indicate an alternative route or deviation which in the opinion of the Board of Trade is reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted.

(3) The reasonable and proper costs charges and expenses incurred by any local authority in relation to any reference to the Board of Trade under this section shall unless the Board of Trade shall certify that the action of the local authority in the matter has been unreasonable be paid by the Company.

(4) For the purposes of this section the provisions of sections 12 13 14 and 15 of the Electric Lighting Act 1882 and sections 10 (B) and 11 to 20 (Works) of the Schedule to the Electric Lighting (Clauses) Act 1899 shall be deemed to be incorporated with and form part of this Act and shall extend and apply to any works executed by the Company under this section and to the Company in relation thereto.

19. For the protection of the Great Western Railway Company (hereinafter referred to as "the Great Western Company") the following provisions shall apply and have effect (that is to say):—

For protec-  
tion of Great  
Western  
Railway  
Company.

(1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus :

(2) The Company shall so maintain and use their tramways works and apparatus as not to injuriously affect any bridge belonging to or maintainable by the Great Western Company and in the event of any injury being occasioned to such

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bridge by the maintenance or user of the said tramways works and apparatus upon across or over the same the Great Western Company may make good the injury and may recover from the Company the reasonable expenses of so doing :

- (3) If by reason of the reconstruction of the tramways or of the character of the motive power proposed or used by the Company any bridge belonging to or maintainable by the Great Western Company and upon which the tramways are laid though otherwise of sufficient strength and having been kept in proper repair is or is in danger of becoming too weak for the traffic upon it and it is therefore necessary to strengthen the same the Great Western Company shall give notice accompanied by sufficient plans and specifications to the Company of such works as may be reasonably necessary and may after fourteen days from the date of the notice or forthwith in case of emergency with all due despatch execute the same but in all things at the expense of the Company and the Great Western Company may recover from the Company all moneys reasonably expended by them in the execution of such works as aforesaid :
- (4) The Company shall not in any manner in the maintenance user or repair of any of their works or apparatus obstruct or interfere with the free uninterrupted and safe user of any railway siding canal reservoir or other work belonging to the Great Western Company or any traffic thereon :
- (5) The Company shall subject to the provisions of this Act be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to the Great Western Company or any of their works or property or to the traffic on their railways or to any company or person using the same or otherwise by or by reason of the execution or failure of any of the intended works or apparatus or by or by reason of any act or default or omission of the Company or of any person in their employ or of any contractors for the intended works or any part thereof or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims against them by reason of such execution or failure or of any such act default or omission :
- (6) Whenever the Great Western Company shall hereafter require to widen lengthen strengthen reconstruct alter or

repair any bridge over their railway canal or other works or the approaches thereto or to widen or alter their railway canal or other works or to lift or support any such bridge owing to the subsidence thereof caused by the minerals thereunder having been or being worked the Company shall afford to the Great Western Company all reasonable and proper facilities for those purposes or any of them and if it shall be necessary for any such purposes that the working or user of any portion of the tramway over such bridge or approaches shall be wholly or in part taken up or removed and the Great Western Company shall give to the Company seven days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such portion of the tramway shall be stopped or delayed or such portion of the tramway shall be taken up or removed as stated in such notice at the expense of the Great Western Company and under the superintendence of the Company if they shall give such superintendence but the working or user of such portion shall not be stopped or delayed for a longer period than may be absolutely necessary for effecting such purposes as aforesaid and such portion of the tramway shall be restored with all possible despatch and the Great Western Company shall not be liable for any compensation claims damages or expenses in respect of such delay stoppage or taking up or removal as aforesaid :

(7) The Company shall from time to time pay to the Great Western Company any additional expense which the Great Western Company may incur in effecting any such widening lengthening strengthening reconstructing altering lifting or supporting as is mentioned in the preceding subsection and in maintaining any such bridge by reason of the existence thereon or thereunder of any apparatus of the Company :

(8) If having regard to the position of any works of the Company by this Act authorised when considered in relation to the position of the works of the Great Western Company at any point where the tramways will be reconstructed over any railway of the Great Western Company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Great Western Company

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shall be altered the Great Western Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company :

- (9) Nothing in this section shall extend to any matter to which the section of this Act the marginal note whereof is "Special provisions as to use of electrical power" relates :
- (10) If any difference arises under this section between the Company and the Great Western Company that difference shall be referred to an arbitrator to be appointed on the application of either party by the Board of Trade.

For protec-  
tion of Stour-  
bridge Navi-  
gation.

**20.** Where any of the tramways are constructed upon a bridge carrying a road over the canal of the company of proprietors of the Stourbridge Navigation (hereinafter called "the protected company") the following provisions shall unless otherwise agreed between the Company and the protected company apply (that is to say) :—

- (1) The Company shall maintain and use all works for working the tramways by mechanical power and shall execute and carry out all works and operations in connection therewith so as not to injuriously affect the structure of the bridge or the approaches thereto or to obstruct or interfere with the traffic on the canal or the towing-path thereof and in the event of any such injury obstruction or interference being occasioned by the Company the Company shall forthwith make good or remove such obstruction or interference and in case of their default the protected company may do so and recover from the Company the expenses of so doing as a simple contract debt :
- (2) The Company shall give seven days' notice in writing to the protected company of the intention to commence any works or operations which may affect or interfere with the structural works of any such bridge or the canal and shall at the same time send sufficient specifications or other information to show the nature of such works or operations and such works and operations shall be carried on under the superintendence and to the reasonable satisfaction of the protected company :
- (3) If any question arises between the Company and the protected company under this section the same shall be referred to and determined by a single arbitrator to be appointed by the Board of Trade.



21. For the protection of the owner lessee and occupier of any colliery or iron or steel works abutting upon or in the neighbourhood of the roads in which the tramways are constructed (in this section called "the owner") the following provisions shall except so far as it may be otherwise agreed between the Company and the owner have effect (that is to say):—

A.D. 1903.  
For protection of owners of collieries and iron and steel works.

(1) In maintaining and working the tramways the Company shall not interfere with any existing railways or tramways of the owner which are crossed by the tramways of the Company (which existing railways or tramways are in this section called "the railway") except so far as may be reasonably necessary for the purposes of the undertaking. Provided that the owner shall so work the railway as not to interfere with or impede the traffic upon the tramways or cause any inconvenience or injury to the passengers and servants of the Company and the traffic on the tramways shall take precedence of the traffic on the railway and no vehicle upon the railway shall be permitted to approach within ten yards of any crossing at any time when any vehicle on the tramways is approaching the crossing and is within thirty yards thereof and no vehicle shall be allowed to stand upon the railway on or within ten yards of the crossing and notice of the approach of the vehicles on the railway shall be given by sounding a bell whistle or other apparatus:

(2) If any difference arises under this section between the Company and the owner that difference shall be referred to arbitration.

22. The Company on the one hand and any local authority company or person having powers under any Act or Order to supply or use electrical energy on the other hand may enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):—

Agreements with local authorities as to supply of electric power.

(1) The supply to the Company by any such local authority company body or person of electrical energy for working any of such tramways or light railways whether such tramways or light railways are or are not partly situate beyond the district of such authority:

(2) The supply to any such local authority company body or person by the Company of electrical energy for any purpose

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for which such authority company body or person are for the time being authorised to supply or use the same :

(3) The payments to be made or other considerations to be given in respect of any such supply of energy.

As to future purchase of tramways by local authorities.

**23.**—(1) Notwithstanding anything contained in section 43 of the Tramways Act 1870 or in any of the recited Orders with which that section is incorporated the powers of the local authorities of the several districts hereinafter mentioned to purchase the portions of the tramways within their respective districts shall not be exercised until the following dates respectively and then only in accordance with any agreements between the Company or their predecessors or successors in title and the councils for the time being in force (that is to say) :—

As regards the portion of the tramways in the urban district of Brierley Hill the nineteenth day of November one thousand nine hundred and twenty-one ;

As regards the portion of the tramways in the urban district of Stourbridge the first day of November one thousand nine hundred and twenty-two ;

As regards the portion of the tramways in the urban district of Amblecote the eighteenth day of May one thousand nine hundred and twenty-one ;

And as regards the portion of the tramways in the rural district of Kingswinford the tenth day of May one thousand nine hundred and twenty-one :

But the respective local authorities may exercise such powers in accordance with the provisions of this section within six months after those respective dates or within six months after the expiration of every subsequent period of seven years :

Provided that as regards the portions of the tramways in the urban district of Amblecote and the rural district of Kingswinford the Company shall not be required to sell the same unless all the local authorities of the districts in which the tramways or the light railways authorised by the Dudley and District Light Railways Act 1898 are situate shall have given notice to purchase the portions of the same within their respective districts.

(2) All works executed or confirmed under the section of this Act whereof the marginal note is “Power to adapt and alter tramways &c. for working by mechanical power” or under any agreement with the local authority shall for the purposes of section 43 of the Tramways Act 1870 be deemed to form part of the tramways.

**24.** Notwithstanding any provision in any Act or Provisional Order relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Company as if the same had been authorised by an Act of Parliament passed after the 1st day of January 1893 and to the Company as the body or person owning or working such tramways.

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Conveyance of mails.

**25.** Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Company such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Consents of local or road authority.

**26.** The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily.

Copy of Act to be registered.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

**27.** Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken by the Company.

Provision as to general Tramway Acts

**28.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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