

**CHAPTER lxiii.**

An Act to confirm a Provisional Order made by the Minister of Transport under the Tramways Act 1870 relating to Leicester Corporation Tramways.

A.D. 1926.

[4th August 1926.]

WHEREAS the Minister of Transport has made the Provisional Order set out in the schedule to this Act under the authority of the Tramways Act 1870 :

33 & 34 Vict.
c. 78.

And whereas a Provisional Order made by the Minister of Transport under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is requisite that the said Provisional Order should be confirmed by Act of Parliament :

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Tramways Provisional Order Act 1926.

Short title.

2. The Order as amended and set out in the schedule to this Act shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the dates of the same respectively shall be the date of the passing of this Act.

Confirma-
tion of
Order in
schedule.

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SCHEDULE.

LEICESTER CORPORATION.

Order authorising the Corporation of Leicester to construct additional Tramways in the City of Leicester and for other purposes.

Short title.

1. This Order may be cited as the Leicester Corporation Tramways Order 1926.

Incorporation of
Lands
Clauses Act
and Tram-
ways Act
1870.

2. The provisions of the Lands Clauses Act (except with respect to the purchase and taking of land otherwise than by agreement and with respect to the entry upon lands by the Promoters of the tramway undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpreta-
tion.

3. The several words terms and expressions to which by the Tramways Act 1870 meanings are assigned have in this Order (except so far as is otherwise expressly provided by this Order or unless the context otherwise requires) the same respective meanings.

And in this Order—

The expressions “the Act of 1902” and “the Act of 1913” mean respectively the Leicester Corporation Act 1902 and the Leicester Corporation Act 1913;

The expression “the tramways” means the tramways and deviation of tramway and other works by this Order authorised;

The expression “the Corporation tramways” has the meaning assigned thereto by the Act of 1913;

The expression “the tramway undertaking” means the tramway undertaking of the Promoters for the time being authorised;

The expression “the city” means the city of Leicester.

Promoters.

4. The mayor aldermen and citizens of the city acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.”

5. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Ministry of Transport for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramways and deviation of tramway hereinafter described with all necessary and proper rails plates sleepers channels tubes cables mains wires and electric lines junctions turntables turnouts crossings passing-places poles posts conduits section boxes tramway plant machinery apparatus appliances works and conveniences connected therewith or as may be necessary or proper therefor and for connecting and using the same with and as part of the Corporation tramways.

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Construction
of tramways.

The tramways and deviation of tramway will be wholly situated within the city and are as follows :—

A deviation of the northernmost track of the existing tramway of the Promoters in Uppingham Road such deviation commencing at a point 2·8 chains or thereabouts west of the western side of Coleman Road and terminating at a point 1·44 chains or thereabouts east of the eastern side of Coleman Road.

A Tramway No. 1 (2 furlongs 4·54 chains or thereabouts in length) commencing in Uppingham Road by a junction with the existing tramway in that road at a point 0·36 chain or thereabouts west of the western side of Coleman Road passing thence into and along Coleman Road to a point 1·55 chains or thereabouts southward of the southern side of the bridge carrying the London and North Eastern Railway over Coleman Road and thence on to and along certain land acquired or to be acquired by the Promoters for the widening of Coleman Road on the western side thereof and terminating on that land at a point 0·5 chain or thereabouts westward of the centre of Coleman Road and 0·14 chain or thereabouts northward of the fence forming the northern boundary of Green Lane.

The said Tramway No. 1 will be single line throughout except (a) between the point of commencement thereof and a point in Coleman Road 1·3 chains or thereabouts southward of an imaginary line drawn across the northern end of Coleman Road in continuation of the frontage line of the buildings on the southern side of Uppingham Road and (b) between points respectively 6·77 chains and 9·04 chains southward of the said imaginary line.

A Tramway No. 1A (single line 1·82 chains or thereabouts in length) to be constructed wholly on the land acquired or to be acquired by the Promoters as aforesaid commencing by a junction with Tramway No. 1 at a

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point 0·35 chain or thereabouts westward of the western side of Coleman Road and 1·96 chains or thereabouts northward of the fence forming the northern boundary of Green Lane and terminating at a point 0·11 chain or thereabouts westward of the western side of Coleman Road and 0·14 chain or thereabouts northwards of the said fence.

Gauge of tramways.

6. The tramways shall be constructed on a gauge of four feet eight and a half inches and the Promoters shall not run thereon carriages or trucks adapted for use upon railways.

As to overhang of carriages on tramways.

7. So much of section 34 of the Tramways Act 1870 as limits the distance by which any carriages used on any tramway may extend beyond the outer edge of the wheels of such carriages shall not apply to carriages used on the tramways Provided that the Promoters shall not use on the tramways any car so constructed that the maximum overall width thereof exceeds seven feet and three inches or that the clearance between any two such cars passing at any point on the tramways shall be less than one foot and three inches.

Separate track not to form part of carriageway.

8.—(1) Where any part of the tramways is shown on the deposited plans as intended to be constructed on a track separate from the carriageway the provisions of sections 25 and 62 of the Tramways Act 1870 shall not apply thereto.

(2) The Promoters shall at all times provide adequate ways across such separate track to the satisfaction of the Minister of Transport and with his approval may vary the position and number of such ways as they may deem expedient or as may be required by him.

(3) If and when Coleman Road is widened to embrace the area upon which such separate track is to be constructed the provisions of sections 25 and 62 of the Tramways Act 1870 shall apply thereto and in that event the track shall be relaid if required by the Minister of Transport in such position in the carriageway as the Minister may approve.

(4) Nothing in this section contained shall prejudice alter or affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1925 and under section 15 (Use of tramway posts by Postmaster-General) of the Act of 1913 and each such separate track shall be deemed to be a "street" or "public road" for the purposes of the said Acts and section respectively.

Tramways to form part of tramway undertaking.

9. Subject to the provisions of this Order the tramways shall for all purposes form part of the Corporation tramways and of the tramway undertaking.

Application of certain

10. The following sections of the Act of 1902 and of the Act of 1913 and section 13 (For protection of Post Office

telegraph lines) of the Leicester Corporation Tramways Order 1923 as amended by this Order shall extend and apply to the tramways and to the Promoters in respect thereof (that is to say):

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 —
 provisions
 of Act of
 1902 Act of
 1913 and
 Leicester
 Corporation
 Tramways
 Order 1923.

| Section. | Marginal Note. |
|----------------|---|
| Act of 1902 :— | |
| 15 | Penalty for not maintaining rails and roads. |
| 19 | Temporary tramway to be made where necessary. |
| 21 | Corporation may reduce width of footway for constructing tramway. |
| 24 | Provisions as to motive power. |
| 25 | Special provisions as to use of electrical power. |
| 27 | Power to attach brackets &c. to buildings. |
| 28 | Corporation may take up lines for purposes of constructing others. |
| 32 | Alteration of telegraph lines of Postmaster-General. |
| 39 | Traffic upon tramways. |
| 40 | Rates for passengers. |
| 41 | Corporation not bound to carry goods. |
| 42 | Provisions as to carriage of animals goods &c. in separate carriages. |
| 43 | Animals and goods. |
| 45 | Payment of tolls. |
| 47 | As to fares on Sundays or holidays. |
| 48 | Cheap fares for labouring classes. |
| 49 | Periodical revision of rates and charges. |
| 50 | Byelaws. |
| 51 | Amendment of Tramways Act 1870 as to byelaws by Corporation. |
| 52 | Byelaws as to street traffic. |
| 54 | Recovery of penalties. |

Act of 1913 :—

- 6 Special provision as to construction of certain tramways.
- 8 Inspection by Board of Trade.
- 9 Tramways to be kept on level of surface of road.
- 10 As to rails of tramways.
- 11 Further provisions as to construction of tramways.
- 12 Passing places to be constructed where less than a certain width left between footway and tramway.
- 14 As to erection of posts &c. on carriageway.
- 15 Use of tramway posts by Postmaster-General.

Provided that in construing the said sections for the purposes of such application—

- (a) References to the Minister of Transport shall be substituted for references to the Board of Trade;

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- (b) References to "the tramways" shall be construed as references to the tramways authorised by this Order;
- (c) References to "this Act" shall be construed as references to this Order;
- (d) References to "the Corporation" shall be construed as references to the Promoters:

Provided also that section 9 of the Act of 1913 shall not apply to any such part of the tramways as is referred to in the section of this Order of which the marginal note is "Separate track not to form part of carriageway" until Coleman Road is widened to embrace the area upon which such part of the tramways is constructed.

For protec-
tion of Post-
master-
General.

11. Subsection (1) (d) of section 13 of the Leicester Corporation Tramways Order 1923 shall be read and have effect as if the words "generated or used by or supplied to the Promoters" were inserted in that subsection in substitution for the words "generated by the Promoters."

Lands.

12. The Promoters may—

- (a) subject to the sanction of the Minister of Health and under such conditions as he may prescribe from time to time appropriate and use for the purposes of the tramways but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them being part of their corporate estate;
- (b) by agreement from time to time purchase and acquire for the purposes of the tramways such lands as they may require. Provided that they shall not at any time hold for such purposes under the provisions of this Order more than two acres of land.

Agreements
with London
and North
Eastern
Railway
Company.

13. The Promoters and the London and North Eastern Railway Company may enter into and carry into effect agreements and arrangements with respect to the construction of the Tramway No. 1 authorised by this Order under the bridge carrying the London and North Eastern Railway over Coleman Road and to the strengthening alteration or underpinning of the said bridge in connection with such construction or the lowering of the level of the said road.

As to
definition of
local rate.

14. The term "local rate" where used in section 20 of the Tramways Act 1870 as incorporated with this Order shall be deemed to mean the district fund and the general district rate of the city and the Promoters may include in any mortgage of the local rate made under the said section all the revenues of the Promoters from time to time arising from the lands undertakings and other property for the time being of the Promoters and the rates and moneys leviable by or on the precept of the Promoters.

15. The widening of the carriageway or footway of any street under or for the purposes of this Order and the lowering of the level of Coleman Road between points respectively 2·65 chains or thereabouts northward of the northern side of the bridge carrying the London and North Eastern Railway over Coleman Road and 2·18 chains or thereabouts southward of the southern side of the said bridge and the construction of sewers drains and other works in connection with such lowering of level and the strengthening underpinning or other alteration of the said bridge shall for the purposes of section 20 of the Tramways Act 1870 as incorporated with this Order be deemed to be purposes of this Order and shall be deemed to be included in the expression "tramway purposes" where used in section 108 (Application of revenue) of the Act of 1902.

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Certain works to be deemed purposes of this Order.

16. For the protection of the London and North Eastern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed apply and have effect:—

For protection of London and North Eastern Railway Company.

- (1) If and when the Promoters desire that a widening should be made of Coleman Road under the bridge carrying the railway of the company over that road the Promoters shall at their own expense construct the necessary lengthening of the said bridge:
- (2) The lowering of the level of Coleman Road and the works connected therewith referred to in this Order so far as they may affect the bridge carrying the railway of the company over Coleman Road shall be executed to the reasonable satisfaction of the engineer of the company and so as not to interfere in any way with the foundations of the said bridge except with the consent of the said engineer.

17. The Promoters shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the tramway undertaking.

Accounts to be furnished to Minister of Transport.

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