



## CHAPTER xliv.

An Act to confirm a Provisional Order made A.D. 1927.  
by the Minister of Transport under the Tram-  
ways Act 1870 relating to Cardiff Corporation  
Tramways. [29th July 1927.]

**W**HEREAS the Minister of Transport has made the  
Provisional Order set out in the schedule to this  
Act annexed 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 Provisional Order  
set out in the schedule to this Act annexed 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 Cardiff Corporation Short title.  
Tramways Order Confirmation Act 1927.

2. The Order as amended and set out in the Confirmation of  
schedule to this Act annexed shall be and the same is Order in  
hereby confirmed and all the provisions thereof in schedule.  
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 date of the same  
shall be the date of the passing of this Act.

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SCHEDULE.

CARDIFF CORPORATION TRAMWAYS  
PROVISIONAL ORDER.

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

Short title.

1. This Order may be cited as the Cardiff Corporation Tramways Order 1927.

Incorporation of Tramways Act 1870.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

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 1898" "the Order of 1903" and "the Act of 1920" mean respectively the Cardiff Corporation Act 1898 the Cardiff Corporation Tramways (Extension) Order 1903 and the Cardiff Corporation Act 1920;

The expression "the tramways" means the tramways and other works by this Order authorised;

The expression "the Corporation tramways" has the meaning assigned thereto by the Act of 1920;

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 Cardiff.

Promoters.

4. The lord 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."

Construction of tramways.

5. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and

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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 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 :

Provided that no post or other apparatus shall be erected on the carriageway of any street or road except with the consent of the Minister of Transport.

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

A Tramway No. 1 (6 furlongs 7·2 chains or thereabouts in length) commencing by a junction with the existing tramway of the Corporation in Whitchurch Road at a point 2·2 chains or thereabouts south-eastward of the present termination of the said tramway in that road and proceeding thence along Whitchurch Road across North Road into and along and terminating in St. Athans Road at a point 0·5 chain or thereabouts north-eastward of the centre line of Mynachdy Road ;

The said Tramway No. 1 will be double line throughout except (a) between a point 1·1 chains or thereabouts westward of the centre of Sackville Avenue and a point opposite the centre of Flaxland Avenue and (b) between a point 1·8 chains or thereabouts eastward of the centre of Longspears Avenue and a point 2 chains or thereabouts westward of St. Mark's Avenue ;

A Tramway No. 2 (double line 1 furlong 2·12 chains or thereabouts in length) commencing by a junction with the existing tramway of the Corporation in Moira Terrace at a point 0·7 chain southward of the centre line of Moira Place and proceeding thence along Moira Terrace into and terminating in Meteor Street by a junction with the existing tramway of the Corporation in that street at a point 1·5 chains or thereabouts north-westward of the centre line of Planet Street ;

Tramway No. 3 (double line 2 furlongs 4·15 chains or thereabouts in length) commencing by a junction with the existing tramway of the Corporation in Cathedral Road at a point opposite the centre of Berthwin Street and proceeding thence along Cathedral Road into and in a straight line in continuation of the said intended

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tramway in Cathedral Road along an intended street through Llandaff Fields to and terminating at a point in the said Llandaff Fields 6 chains or thereabouts north-westward of the entrance to the said Llandaff Fields;

Tramway No. 4 (2 miles 9·4 chains or thereabouts in length) commencing by a junction with the existing tramway of the Corporation in Cowbridge Road at a point 3·45 chains or thereabouts eastward of the present termination of the said existing tramway in that road and proceeding thence along Cowbridge Road (including the bridge and approaches carrying that road over the Great Western Railway at Ely) along Grand Avenue into and terminating in an intended continuation of Grand Avenue at a point 2 furlongs 1·5 chains or thereabouts westward of the centre line of Wilson Road;

The said Tramway No. 4 will be double line throughout except (a) between a point 0·7 chain or thereabouts westward of the centre of Mayfield Avenue and a point 8·4 chains or thereabouts westward thereof and (b) between a point 1 chain or thereabouts westward of the centre of Ely Road and a point 3·65 chains or thereabouts westward thereof.

As to construction of portions of Tramways No. 1 and No. 4.

6. Notwithstanding anything contained in this Order or shown on the deposited plans—

(1) The Promoters shall not construct so much of Tramway No. 1 by this Order authorised as is situate in Whitchurch Road between a point twenty yards or thereabouts south-eastward of the centre of Canada Road and a point forty yards or thereabouts north-westward of the centre of Newfoundland Road unless or until they shall have increased the width of the carriageway of Whitchurch Road between those points to not less than thirty-two feet seven inches by setting back the kerb or kerbs of the footpath or footpaths on one side or both sides of the said portion of road :

(2) The Promoters shall lay so much of the said Tramway No. 1 in Whitchurch Road as is situate—

(a) between points respectively twenty-two yards or thereabouts south-eastward and thirty yards or thereabouts north-westward of the centre of Heathfield Road; and

(b) between the western side of Maitland Street and a point fifty-three yards or thereabouts north-westward of the centre of that street ;

so that a clear space of not less than eleven feet will intervene between the kerb on the southern side of Whitchurch Road and the nearest rail of the said portions of tramway :

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Provided that not less than one month before commencing to construct otherwise than in the line shown on the deposited plans either of the portions of tramway referred to in this subsection so that at any place a less space than nine feet six inches would intervene between the nearest rail and the outside of the footpath on the northern side of Whitchurch Road the Corporation shall give notice in writing to every owner and occupier of houses shops or warehouses abutting on both sides of the said road at that place and if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto the said portions of tramway shall not except with the consent of the Minister of Transport be so laid but shall be laid in the line shown on the deposited plans or in such other position in the road as may be approved by the said Minister :

- (3) The Promoters shall not construct so much of Tramway No. 4 by this Order authorised as is situate in Cowbridge Road between Windway Road and the bridge carrying the Great Western Railway over Cowbridge Road unless or until they shall have increased the width of the carriageway of Cowbridge Road between those points to not less than twenty-five feet by setting back the kerb or kerbs of the footpath or footpaths on one side or both sides of the said portion of road.

7. 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.

Gauge of tramways.

8. 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 :

As to overhang of carriages on 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 or between the sides of cars and the kerb or any standing work shall be less than one foot and three inches.

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 Separate track not to form part of carriageway.

9.—(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 except at places where such separate track is crossed by any way provided pursuant to subsection (2) of this section.

(2) The Promoters shall at all times provide and maintain 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) 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 1926 and under section 57 (Use of tramway posts by Postmaster-General) of the Act of 1920 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.

10. 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 provisions of Acts of 1898 and 1920 and Order of 1903.

11. The following sections of the Act of 1898 and of the Order of 1903 and of the Act of 1920 shall extend and apply to the tramways and to the Promoters in respect thereof (that is to say) :—

Section.

Marginal Note.

Act of 1898 :—

17	Inspection by Board of Trade ;
18	Tramways to be kept on level of surface of road ;
19	Further provisions as to construction of tramways ;
20	As to rails of tramways ;
21	Penalty for not maintaining rails and roads ;
24	Application of road materials excavated in construction of works ;
25	Apportionment of cost of constructing tramways &c. ;
26	Temporary tramway to be made where necessary ;
29	Rates for passengers ;
30	Passengers' luggage ;
31	Animals goods small parcels &c. ;
32	Corporation not bound to carry goods ;
33	As to fares on Sundays or holidays ;
35	Periodical revision of rates and charges ;

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Section.	Marginal Note.	A.D. 1927.
36	Provisions as to motive power ;	
37	Special provisions as to use of electric power ;	
39	Byelaws ;	
40	Amendment of Tramways Act 1870 as to byelaws by Corporation ;	
42	Recovery of penalties.	

The Order of 1903 :—

12	Power to make additional crossovers and to double &c. tramway lines ;
14	Mechanical power works ;
15	Mechanical power works to be subject to Tramways Act 1870 ;
16	For protection of Postmaster-General (as amended by this Order) ;
17	Cheap fares for labouring classes ;
18	Power to Corporation to work tramways ;
19	Regulations ;
20	Working agreements ;
21	Protection of local authority ;
22	Provisions as to arbitration.

The Act of 1920 :—

57	Use of tramway posts by Postmaster-General ;
58	Power to alter position of tramways ;
60	Power to use trailer and coupled carriages ;
61	Attachment of brackets to buildings ;
62	Use of Corporation tramways for carriage of road materials :

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 ;
- (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 the said section 18 of the Act of 1898 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 ” ;

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Provided also that subsection (B) (4) of section 16 (For protection of Postmaster-General) of the Order of 1903 shall be read and have effect as if the words "generated or used by or supplied to the Promoters enter any of the Promoters' works" were inserted in that subsection in substitution for the words "generated for tramway purposes at any works of the Promoters enter thereon."

For protec-  
tion of  
Cardiff Gas  
Light and  
Coke Com-  
pany.

12. For the protection of the Cardiff Gas Light and Coke Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Promoters and the gas company apply and have effect (that is to say) :—

(1) Any plans and sections relating to the making forming or laying down of a tramway which the Promoters are required when exercising the powers of section 30 of the Tramways Act 1870 for the purposes of this Order to submit to the gas company shall be submitted to the gas company at least fourteen days before the commencement of any works to which the said plans and sections relate and shall be accompanied by a description of the proposed works and notice of the date on which the Promoters propose to commence the same and if the gas company give any notice under the said section in relation to such proposed works the same shall not be commenced except in case of emergency until the requirements of the gas company have been agreed or settled by arbitration as hereinafter provided. Whenever it shall be agreed or determined pursuant to the said section that the execution of any such works as aforesaid necessitates the lowering or alteration of any apparatus (meaning and including all or any mains pipes syphons tubes fittings or other apparatus) of the gas company and the gas company before the Promoters are entitled to commence any such work elect by notice in writing to the Promoters so to do the gas company may themselves execute the lowering or alteration of such apparatus under the superintendence and to the reasonable satisfaction of the engineer of the Promoters and the amount reasonably expended by the gas company in so doing shall be repaid to them by the Promoters but if for seven days after giving any such notice the gas company do not proceed with due diligence to execute any such lowering or alteration as aforesaid the Promoters may forthwith execute the same :

(2) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation



from any other powers rights or privileges whether statutory or otherwise of the gas company : A.D. 1927.

- (3) Any dispute or difference which may arise between the Promoters and the gas company or their engineers touching any of the matters referred to in this section or concerning any plans sections or descriptions to be delivered to the gas company thereunder shall unless otherwise agreed be determined by an engineer to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

13. For the protection of the Great Western Railway Company (in this section hereinafter referred to as "the Great Western Company") the following provisions shall unless otherwise agreed between the Corporation and the Great Western Company apply and have effect (that is to say) :—

For protection of Great Western Railway Company.

- (1) Before commencing any works under the powers of this Order affecting any of the Great Western Company's railways or affecting any bridges over or under any of the railways or the roadway under or on any such bridge or over the immediate approaches to any such bridge the Corporation shall submit plans sections and all necessary particulars of such works to the Great Western Company for their approval and if so approved the said works shall be constructed and carried into effect in conformity with plans sections and particulars and under the superintendence and to the reasonable satisfaction of the engineer to the Great Western Company All such works shall thereafter be maintained and repaired by the Corporation under the like superintendence and to the reasonable satisfaction of the engineer to the Great Western Company and if and whenever the Corporation fail so to do the Great Western Company may make and do in and upon as well the lands of the Corporation as their own lands all such works as they may think reasonably necessary in that behalf and the Corporation shall repay to the Great Western Company the reasonable expenditure incurred by them in so doing and in default thereof the same may be recovered by the Great Western Company from the Corporation The approval as aforesaid of the Great Western Company shall not be unreasonably withheld and it shall be deemed to have been given unless the Great Western Company signify their disapproval within twenty-eight days after submission of the said plans and sections :

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- (2) The Corporation shall not in the construction alteration maintenance or use of the said works by this Order authorised injure alter or interfere with the railways of the Great Western Company or with the structure of any bridge over or under any of those railways or cause any interruption to or interference with the traffic on any of those railways :
- (3) If any such injury or interruption shall arise from or in any way be owing to any of the works or operations of the Corporation by this Order authorised in over under or near any railway bridge approach land works or property of the Great Western Company the Corporation shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed to be determined by arbitration in the manner hereinafter provided :
- (4) The Corporation shall on demand pay to the Great Western Company the reasonable expense of lighting and watching the railways and works of the Great Western Company with reference to and during the execution or repair by the Corporation under this Order of any work affecting any bridge railway or other work belonging to the Great Western Company for preventing so far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them :
- (5) If by reason of the construction or erection of any work apparatus or equipment by this Order authorised upon across or over any bridge or other work of the Great Western Company or the user of tramway vehicles thereover it becomes necessary to strengthen or reconstruct such bridge the Great Western Company shall give notice accompanied by sufficient plans and specifications to the Corporation 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 proceed to execute the same but in all things at the expense of the Corporation and the Great Western Company may recover from the Corporation all moneys reasonably expended by the Great Western Company in the execution of such works as aforesaid or in connection therewith :
- (6) If having regard to the proposed position of any works of the Corporation by this Order authorised when considered in relation to the position of the works of the Great Western Company at any point where the

wires of the Great Western Company pass over or under the tramways it is advisable in the reasonable opinion of the Great Western Company that the electrical telegraph telephonic or signal wires or apparatus belonging to or maintainable by the Great Western Company shall be altered the Great Western Company may after reasonable notice to the Corporation execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Corporation :

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- (7) If the Great Western Company shall at any time hereafter require either to lift widen strengthen reconstruct alter or repair their said railways or bridges under or upon which the works in connection with the tramways by this Order authorised are laid and if it shall be necessary for such purpose that the working or user of the tramway vehicles or any apparatus used in connection therewith shall be wholly or in part stopped or delayed or any apparatus or equipment be temporarily taken up diverted or removed and if the Great Western Company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up diversion or removal then the working or user of the tramway vehicles or apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable despatch but the Great Western Company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :
- (8) The Corporation shall from time to time pay to the Great Western Company any additional expense which the Great Western Company may reasonably incur in effecting such lifting widening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance or renewal of any bridge or other work of the Great Western Company by reason of the existence or user of the said tramways apparatus or equipment :
- (9) If and when the Great Western Company shall require to reconstruct alter repair or paint any bridge under

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which any electric wire of the Corporation used in connection with the tramways has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the tramways under such bridge at such time or times as shall be reasonably required by the engineer of the Great Western Company unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been reasonably approved by the said engineer :

- (10) If any difference shall arise between the Corporation or their surveyor and the Great Western Company or their engineer as to the meaning of this section or as to any plans and sections or as to any work or method of executing the same or as to the reasonableness of any work which the Great Western Company require to be carried out or as to any expenses referred to in this section the same shall be determined by an arbitrator to be agreed upon between the Corporation and the Great Western Company or failing agreement to be nominated by the President of the Institution of Civil Engineers on the application of any of the parties and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such arbitration.

Accounts to be furnished to Minister of Transport.

14. 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.

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