



CHAPTER xxxiii.

An Act to extend the time for completing and opening the Brighton and Rottingdean Seashore Electric Tramroad to raise additional Capital and for other purposes. A.D. 1896.
[2nd July 1896.]

WHEREAS by the Brighton and Rottingdean Seashore Electric Tramroad Act 1893 (herein-after called the Act of 1893) the Brighton and Rottingdean Seashore Electric Tramroad Company (herein-after called the Company) were incorporated and empowered to make a tramroad along the seashore from Brighton to Rottingdean in the county of Sussex with a jetty or landing stage at Rottingdean and to raise twenty thousand pounds by shares and five thousand pounds by borrowing :

And whereas the Company proceeded to construct the tramroad in a more substantial manner than was originally contemplated and have expended the whole of the share and loan capital authorised by the Act of 1893 in completing upwards of three-fourths of the total length thereof but it may be impossible to complete and open the same for the public conveyance of passengers within the time limited by the said Act and it is expedient that the time limited as aforesaid for the completion and opening of the tramroad should be extended and that the Company be authorised to raise additional capital as in this Act provided for completing the tramroad and other purposes of their undertaking :

And whereas it is expedient that the Company should be authorised to enter into and carry into effect such traffic agreements and arrangements as are provided for by this Act :

And whereas it is expedient that the other provisions contained in this Act should be conferred upon the Company :

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 Queen's most Excellent Majesty by and with

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A.D. 1896. — 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:—

Short title. 1. This Act may be cited as the Brighton and Rottingdean Seashore Electric Tramroad Act 1896.

Incorporation of Acts. 2. The following Acts and parts or provisions of Acts are (so far as the same are applicable and except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say) Part II of the Railways Clauses Act 1863 (relating to extension of time) and the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested herein;

Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

Power to raise additional capital.

3. The Company may from time to time subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole eight thousand pounds by the issue at their option of new ordinary or preference shares or wholly or partially by either of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

As to votes of proprietors of new shares.

4. The proprietors of any shares to be issued under the authority of this Act shall be entitled to such number of votes in respect

thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares of the Company
The capital in new shares so created shall form part of the capital of the Company.

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5. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares. Provided that the Company may attach a dividend not exceeding six per centum per annum to any preference shares created under the authority of this Act.

Dividends on new shares.

6. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares.

7. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by shares and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares.

New shares raised under this Act and any other Act may be of same class.

8. The Company may in respect of the additional capital of eight thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole two thousand pounds but no part thereof shall be borrowed until the whole of the additional capital of eight thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act. 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and also that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to borrow.

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Extending
time for
completing
and opening
tramroad.

9. The period limited by the Act of 1893 for completing and opening the tramroad for the public conveyance of passengers is hereby extended to the twenty-seventh day of July one thousand eight hundred and ninety-eight and subject as herein-after provided the said Act shall be read and construed as if the time therein mentioned or referred to for completing and opening the tramroad for the public conveyance of passengers was the twenty-seventh day of July one thousand eight hundred and ninety-eight :

Provided that the portion of the tramroad and undertaking of the Company which is situate within the borough of Brighton shall be completed in conformity in all respects with the plans sections and specifications approved by the borough surveyor of the said borough in accordance with the provisions of section 32 of the Act of 1893 before the twenty-seventh day of July one thousand eight hundred and ninety-seven and the provisions of sub-section 10 of that section shall apply to any failure of the Company so to complete the said portion of the tramroad to the satisfaction of the said borough surveyor in like manner as to the failure of the Company to complete and open the whole of the tramroad and works for public conveyance of passengers within the time limited by the said Act as extended by this Act.

If tramroad
not opened
within ex-
tended time
powers to
cease.

10. If the tramroad is not completed and opened for the public conveyance of passengers within the extended period by this Act granted to the Company for completing and opening the same then on the expiration of that period the powers by the recited Act and this Act conferred on the Company for making and completing the tramroad or otherwise in relation thereto shall cease.

Agreements
as to traffic
with other
companies.

11. The Company may from time to time enter into and carry into effect traffic agreements and arrangements with any steamboat omnibus or other company or parties conveying traffic to or from the Company's tramroad with respect to the transmission interchange and accommodation of traffic coming to or destined for the tramroad of the Company on such terms as may be agreed upon between the respective companies and parties.

Repeal of sec-
tion 24 of Act
of 1893.

12. Section 24 of the Act of 1893 is hereby repealed.

Provisions
as to use of
electric
power.

13. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1) The Company shall employ 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 :
- (3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (herein-after referred to as the prescribed regulations) and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of uninsulated metallic returns of low resistance 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 using electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject 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 continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :
- (5) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or telegraphic telephonic or electric signalling communication or

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the currents in such wire line or apparatus. Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. If any difference arises between the Company and any other party with respect to anything in this sub-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:

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

Prohibiting
payment of
interest out
of capital.

14. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Provision as
to general
Acts.

15. Nothing in this Act contained shall exempt the Company or the tramroad of the Company from the provisions of any general Act relating to tramroads or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament

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of the maximum rates and charges or of the rates for small parcels authorised to be taken by the Company. A.D. 1896.

16. 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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