

to the approval of the Board of Trade as to any part of the tramway which is laid upon a road.

8.—(1) The carriages used on the tramway may be moved by animal power or, with the consent of the Board of Trade, by steam power, electrical power, or any mechanical power, and the power so authorised shall accordingly be the power prescribed by the Provisional Order within the meaning of Section 6 of the principal Act.

(2) The consent of the Board of Trade, under this section, to the use of any power, may be given for such period and subject to such terms and conditions as the Board think fit.

(3) A power other than animal power shall not be used as a motive power on the tramway until byelaws or regulations have been made with regard thereto under Section 8 of the principal Act, and shall not be used otherwise than in accordance with these regulations.

9.—(1) A person shall not wilfully injure, obstruct, or trespass on the tramway or any engine or carriage used upon it.

(2) If any person acts in contravention of this provision, that person shall, for each offence, be liable to a fine not exceeding five pounds.

10. Sections 49 and 50 of the Tramways Act, 1870, which provide penalties in the case of obstruction in laying out the tramway, and in the case of wilful injury or obstruction to the tramway, shall apply in the case of the tramway authorised by this Order as they apply in the case of a tramway under the said Act.

11. The Admiralty shall cause notice of any byelaws or regulations made with regard to the tramway under Section 8 of the principal Act to be published in such manner as the Board of Trade direct.

12. In the event of the tramway or any portion thereof being worked by electricity, the Admiralty shall conform with any conditions the Board of Trade may impose, with a view to prevent injury caused by fusion for electrolytic action, or the interference with any electric wire, line, or apparatus, and with any conditions which the Postmaster-General may impose for the protection of any electric wire, line, apparatus, or work belonging to or used by him.

Provisions as to Roads.

13. The provisions of the Tramways Act, 1870, mentioned in paragraph (a) of Section 4 of the principal Act (being Sections 26 to 33 (both inclusive) of the said Tramways Act, 1870), are incorporated with and form part of this Order so far as regard the construction and maintenance of the tramway if it is laid across any road being a carriageway on the level, subject as follows:—

The provisions of Sections 27 and 30 of the Tramways Act, 1870, with respect to penalties, and so much of Section 28 of the said Act as authorises the road authority, in the event of the promoters failing to comply with the provisions of the said section, themselves to do the works therein mentioned at the expense of the promoters, shall not be incorporated with this Order, and the following provisions shall apply and have effect in lieu thereof, viz:—

In any case in which it is represented in writing to the Board of Trade by the road authority of any district in which the tramway is situate, or by twenty inhabitant ratepayers of that district, that the Admiralty has made any default in complying with any of the requirements of Sections 27 or 28 of the Tramways Act, 1870, as respects any road in the district, the Board of Trade may, if they think fit, direct an

inquiry as to the matters in dispute by an officer to be appointed by the Board, and that officer shall make a report in writing to the Board, and if the Board certify that the default mentioned in the representation has been proved to their satisfaction, the Admiralty shall make good the default in the manner and within the time specified in the certificate, and if they fail to do so the road authority may themselves at any time after seven days' notice to the Admiralty make good the default in the manner so specified, and the expense incurred by the road authority in so doing shall be repaid to them by the Admiralty out of any moneys to be provided by Parliament and applicable for that purpose.

14. The following provisions shall in addition to the other provisions of this Order, and of any enactments incorporated therewith, apply with respect to such parts, if any, of the tramways as are by this Order authorised to be laid across any road being a carriageway on the level, viz:—

- (1) The rails shall be such as the Board of Trade approve.
- (2) The tramway shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and if any road authority hereafter alter the level of the road whereon any of such tramways is laid or authorised to be laid, the Admiralty shall 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.
- (3) The Admiralty shall at all times maintain and keep in good condition and repair to the satisfaction of the road authority, and so as not to be a danger or annoyance to traffic, the rails of which any of such tramways for the time being consist, and the substructure upon which the same rest, and if the Admiralty fail to comply with this provision the same provisions shall apply as apply under this Order in the case of the failure by the Admiralty to comply with the requirements of Sections 27 or 28 of the Tramways Act, 1870, as incorporated with this Order.

15. Every local authority shall at all times have free access to and communication with all their sewers and drains underneath any part of a road across which the tramway is laid on the level, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Admiralty, and the provisions contained in Sections 32 and 33 of the Tramways Act, 1870, shall be applicable in the case of any such sewer or drain of or under the control of the local authority as if the same were a pipe for the supply of gas and water.

16. Sections 61 and 62 of the Tramways Act, 1870, which relate to the right to regulate traffic on roads, and the right of the public to use roads, shall apply with reference to any road across which the tramway is laid under the Order as they apply with reference to roads across which a tramway is laid under that Act.

17. Nothing in this Order shall take away any power of any road authority to widen, alter, divert, or improve any road across which the tramway is laid.

18. Notwithstanding anything in this Order, the Admiralty shall not acquire or be deemed to acquire any right other than that of user of any road across which the tramway is laid.