



THE TRAMWAYS ACT, 1886



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THE TRAMWAYS ACT, 1886

¹ACT No. XI OF 1886

[12th March, 1886]

An Act to facilitate the construction and to regulate the working of Tramways

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways;
It is hereby enacted as follows :—

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the ²* Tramways Act, 1886 ;
and

(2) It shall come into force at once.

2. Local extent.—³[(1) It extends in the first instance to ⁴[the Punjab] and the ⁵[North-West Frontier Province].]

⁶[(2) This Act may by notification in the official Gazette be extended to the whole or any part of the said territories by the Provincial Government concerned.]

3. Definitions. In this Act, unless there is something repugnant in the subject or context,—

(1) “local authority” means a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by ⁷[the ⁸[Federal Government] or any Provincial Government] with, the control or management of a municipal or local fund:

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¹For Statement of Objects and Reasons, see Gazette of India, 1885, Pt. V, p. 308 ; for Report of the Select Committee, see *ibid.*, 1886, Pt. IV, p. 131; and for Proceedings in Council, see *ibid.*, 1885, Supplement, p. 1544 ; and *ibid.*, 1886, Supplement, pp. 7 and 418.

This Act has been extended to the town of Karachi and its suburbs, see Bombay Gazette, 1887, Pt. I. p. 899.

For separate Acts on the subject of tramways in-
Karachi, see the Karachi Tramways Act, 1883 (Bom. 2 of 1883).

²The word “Indian” omitted by A.O.,1949, Sch.

³Subs. *ibid.*, for the original sub-section(I).

⁴Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8, for “West Punjab”.

⁵Subs. by F.A.O, 1975, Art. 2 and Sch., for “North West Frontier” which was amended by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), to read as above.

⁶Subs. by A.O.,1937, for the original sub-section(2).

⁷Subs. *ibid.*, for “the Govt.”.

⁸Subs. by F. A.O., 1975 , Art. 2 and Table, for “Central Government”.

⁹Clause (1a) which was ins. by A.O.,1961, Art. 2 and Sch. (with effect from the 23rd March, 1956), has been omitted by A.O.,1964, Art. 2 and Sch.

- (2) “road” means the way of a road, street, thorough fare, passage or place along or across which a tramway authorized under this Act is, or is intended to be, laid, and includes the surface-soil and sub-soil of a road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road:
- (3) “road-authority”, in relation to a road, means—
- (a) if a local authority maintains and repairs the road, then that authority;
 - (b) if a local authority does not maintain and repair the road, and the road is neither vested in ¹[Government] nor maintained and repaired by ²[the ³[Federal Government] or any Provincial Government], then the person in whom the road is vested; and
 - (c) if a local authority does not maintain and repair the road, and the road is vested in ¹[Government] or maintained and repaired by ²[the ³[Federal Government] or any Provincial Government], then ⁴[the Government for whose purposes a road is so vested or by which the road is maintained and repaired, as the case may be] :
- (4) “circle” , in relation to a local authority or road authority, means the area within the control of that authority:
- ⁵[(5) “tramway” means a tramway having one, two or more rails, and includes—
- (a) any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway;
 - (b) any electrical equipment of a tramway; and
 - (c) any electric supply-line transmitting power from a generating station or sub-station to a tramway or from a generating station to a sub-station from which power is transmitted to a tramway.]
- (6) “order” means an order authorizing the construction of a tramway under this Act, and includes a further order substituted for, or amending, extending or varying, that order:
- (7) “promoter” means a local authority or person in whose favour an order has been made, and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act as to the construction, maintenance and use of the tramway, have devolved:

¹Subs. by A.O., 1961, Art. 2, for “Her Majesty” (with effect from the 23rd March, 1956).

²Subs. by A.O., 1937, for “the Govt.”.

³Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

⁴Subs. by A.O., 1937, for “the L. G.”.

⁵Subs. by the Indian Tramways (Amdt.) Act, 1911 (5 of 1911), s. 2, for the original clause.

- (8) “undertaking” includes all moveable and immoveable property of the promoter suitable to and used by him for the purposes of the tramway:
- (9) “carriage”, in the case of a tramway on which steam-power or any other mechanical power ¹[or electrical power] is used, includes an engine worked on the tramway for the purpose of producing ¹[or utilizing] that power:
- (10) “toll” includes any charge leviable in respect of the use of a tramway:
- (11) “lessee” means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorized tolls:
- (12) “District Magistrate” includes an officer empowered by the ²[Government] by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act:
- (13) “District Court” means a principal Civil Court of original jurisdiction, and includes a High Court having ordinary original civil jurisdiction:
- (14) “Collector” means the chief officer in charge of the revenue-administration of a district, and includes an officer empowered by the ²[Government] by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act: ^{3*}
- (15) “prescribed” means prescribed by rules made by the ²[Government] under this Act: ⁴[and
- ⁵[(16) “Government” means the Provincial Government].]

ORDERS AUTHORIZING THE CONSTRUCTION OF TRAMWAYS

4. Application for and consent necessary to making of order.—(1) The ²[Government] may make an order authorizing the construction of a tramway in a circle on application made :—

- (a) by the local authority of the circle with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not itself the road-authority; or

¹ Ins. by the Indian Tramways (Amdt.) Act, 1911 (5 of 1911), s. 3.

² Subs. by A. O., 1937, for “L. G.”.

³ The word “and” rep., *ibid.*

⁴ Ins. *ibid.*

⁵ Clause (16) which was ins. by A.O., 1937, and subsequently amended by A.O., 1949, Sch. and A.O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956), has been subs. by A. O., 1964, Art. 2 and Sch.