

Tramways Act, 1886

Section 35 - DIFFERENCES BETWEEN PROMOTERS OR LESSEES AND AUTHORITIES

1) If any difference arises between the promoter or lessee on the one hand and the 41[Government], or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph lines, gas pipes, water-pipes or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by or on behalf of, either party by virtue of this or any other Act, or of the order or the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the 41[Government] or the road-authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled, on the application of either party, by a referee. (2) Where the difference is- (a) between the promoter or lessee on the one hand and the 41[Government] either as such or as the road-authority, on the other, or (b) between the promoter on the one hand and the local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22 -, the referee shall be the District Court within the jurisdiction of which the tramway is situate, or, where the tramway is within the jurisdiction of more than one District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate. (3) In other cases the referee shall be appointed by the 41[Government]. (4) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed. (5) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22-, an appeal shall lie to the High Court from the award of the referee as from an original decree of the District Court. (6) In the case of every other difference the award of the referee shall be final