CHAPTER clxii.

An Act to provide for the purchase by the corporation of Bristol of the undertaking of the Bristol Tramways and Carriage Company Limited to empower the corporation to work any tramways purchased by or belonging to them to enter into agreements for the purchase or working of tramways and for other purposes. A.D. 1914.

[7th August 1914.]

WHEREAS the lord mayor aldermen and burgesses of the city of Bristol (hereinafter referred to as "the Corporation") are the local authority within the meaning and for the purposes of the Tramways Act 1870 for the city of Bristol (hereinafter referred to as "the city") and are accordingly entitled by virtue of that Act to exercise certain powers of purchasing compulsorily or by agreement tramways within the city:

And whereas the Bristol Tramways and Carriage Company Limited (hereinafter referred to as "the company") are possessed of and are now working an undertaking authorised by the Bristol Tramways Acts 1872 to 1911 or some of them which comprises certain tramways of which the greater portion is situate within the city and certain portions are situate outside the city and a light railway which is situate partly within and partly outside the city:

And whereas certain of the tramways comprised in the said undertaking were authorised by the Bristol Tramways (Extensions) Act 1898 (hereinafter referred to as "the Act of 1898") and by section 55 of that Act it was provided that the date on which the Corporation might first exercise the powers given to them by section 43 of the Tramways Act 1870 to purchase so much of the said undertaking authorised by the Act of 1898

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and the previous Acts and Orders of the company as lay within the city as existing at the date of the passing of the Act of 1898 should (notwithstanding any provision to the contrary in the Tramways Act 1870 or in the Act of 1898 or any other Act Provisional Order or agreement relating to or affecting the company or their said undertaking) be the first day of May one thousand nine hundred and fifteen and that the subsequent periods of seven years mentioned in the said section 43 should be reckoned as from the said first day of May one thousand nine hundred and fifteen:

And whereas the light railway comprised in the said undertaking was authorised by the St. George and Hanham Light Railway Order 1898 (hereinafter referred to as "the Order of 1898") and by virtue of that Order the Corporation are entitled within six months after the twenty-eighth day of November one thousand nine hundred and twenty-eight or within six months after the expiration of every subsequent period of seven years to purchase compulsorily so much of the said light railway as is situate within the city as existing at the date of the passing of this Act upon terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase:

And whereas the Order of 1898 authorised the company at any time with the consent of the Board of Trade to sell (inter alia) to the Corporation so much of the said light railway as was within the city and further provided that when the undertaking thereby authorised or part thereof had been sold under the Order of 1898 all the rights powers authorities and obligations of the company in respect of the said undertaking or part thereof sold should be transferred to vested in and might be exercised by and should attach to the purchasers (subject to certain provisions contained in the Order of 1898 as to approval by the Board of Trade of a scheme for the working of the said light railway in the event of the same being purchased compulsorily by the Corporation and by the local authority for the district outside the city within which part of the said light railway is situate) in like manner as if the said light railway had been constructed by such purchasers under powers conferred upon them by an Order under the Light Railways Act 1896 and that in reference to the same such purchasers should be deemed to be the company:

And whereas certain other of the tramways comprised in the said undertaking (such tramways being partly within and partly outside the city as the same existed on the first day of January one thousand nine hundred and four) were authorised by the Bristol Tramways (Extensions) Act 1904 (hereinafter referred to as "the company's Act of 1904") and by that Act the provisions of the said section 55 of the Act of 1898 were extended to so much of the said undertaking as was authorised by the company's Act of 1904 and the previous Acts and Orders of the company and as was within the city as the same existed on the said first day of January one thousand nine hundred and four:

And whereas by virtue of the said section 43 of the Tramways Act 1870 as modified by the said section 55 of the Act of 1898 and by the company's Act of 1904 the Corporation are entitled within six months after the said first day of May one thousand nine hundred and fifteen and within six months after the expiration of every subsequent period of seven years with the approval of the Board of Trade by notice in writing to require the company to sell to them so much of their tramway undertaking as is within the city as existing on the said first day of January one thousand nine hundred and four:

And whereas by virtue of the Bristol Corporation Act 1904 (hereinafter referred to as "the Corporation's Act of 1904") the boundaries of the city were extended as from the first day of October one thousand nine hundred and four so as to include certain areas in which parts of the tramways authorised by the company's Act of 1904 are situate but other parts of those tramways are situate outside the city as so extended and as existing at the date of the passing of this Act:

And whereas by virtue of sections 29 and 30 of the company's Act of 1904 such of the tramways constructed by the company under the powers of that Act as are situate in the area added by the Corporation's Act of 1904 to the city as existing before the commencement of that Act are purchaseable by the Corporation within six months after the fifteenth day of August one thousand nine hundred and forty-six or within six months after the expiration of every subsequent period of seven years upon terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase:

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And whereas by virtue of section 44 of the Tramways Act 1870 the Corporation are empowered with the consent of the Board of Trade and by agreement with the company to purchase at any time all or any part of the tramway undertaking of the company within the city as existing at the date of the passing of this Act but with respect to such portions of the said undertaking as are situate outside the city as existing at that date the Corporation have no powers of purchase either compulsorily or by agreement:

And whereas the Corporation are not empowered to place or run carriages upon any tramway constructed by them under the authority of a Provisional Order made and confirmed under the Tramways Act 1870 or acquired by them under the provisions of that Act or to demand and take tolls and charges in respect of the use of such carriages:

And whereas it is expedient that the provisions contained in this Act with respect to the purchase by the Corporation of the undertaking of the company should be made and that such powers of working tramways as are contained in this Act should be conferred upon the Corporation:

And whereas it is expedient that such further powers for the taking on lease working or user of tramways or tramway undertakings outside the city as existing for the time being as are contained in this Act should be conferred on the Corporation:

And whereas it is expedient that the Corporation should be authorised to raise money for the purpose of defraying the cost of purchasing the undertaking of the company and to defray the cost of the poll of the parochial electors of the city held on the thirteenth day of June one thousand nine hundred and fourteen with reference to the provisions contained in the Bill for this Act:

And whereas it is expedient that such further powers should be conferred and such further provisions should be enacted as are contained in this Act:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

Short title.

1. This Act may be cited as the Bristol Corporation (Tramways) Act 1914.

Interpretation.

2. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The city" means the city and county of Bristol as existing at the date of the passing of this Act and includes also any extensions of the said city and county which may hereafter be authorised;

"The Corporation" means the lord mayor aldermen and burgesses of the city;

"The company" means the Bristol Tramways and Carriage Company Limited;

"Undertaking" where used in reference to the company means the undertaking of the company authorised by the Bristol Tramways Acts 1872 to 1911 (including the St. George and Hanham Light Railway Order 1898);

"Tramways" includes the light railway authorised by the said St. George and Hanham Light Railway Order 1898;

"The borough fund" and "the borough rate" mean respectively the borough fund and the borough rate of the city.

Corporation to have same powers of working tramways purchased by them as were possessed by previous owners.

3. It shall be lawful for the Corporation to exercise with respect to any tramways which shall be purchased by them (whether compulsorily or by agreement) the same powers of working such tramways respectively as were possessed immediately before such purchase or acquisition by the persons from whom such tramways were respectively purchased or acquired including any powers vested in such persons of providing and using mechanical or electrical power for such working.

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Power to Corporation to run carriages on tramways belonging to them and to take fares &c.

4. The Corporation may provide place and run carriages on any tramways purchased acquired or constructed by them or which may for the time being belong or be leased to them and may demand and take tolls fares and charges in respect of the use of such carriages not exceeding the tolls fares and charges which the company are by virtue of the Bristol Tramways Acts 1872 to 1911 authorised to demand and take.

Agreements as to leasing &c. of tramways belonging to Corporation.

5. It shall be lawful for the Corporation on the one hand and any local authority company body or person on the other hand to enter into and carry into effect agreements and arrangements for and with respect to the leasing working use management and maintenance of any tramways for the time being belonging or leased to the Corporation:

Provided that as regards any tramways leased to the Corporation nothing in this section shall authorise the Corporation to grant any lease of or rights of working using managing or maintaining such tramways for any period extending beyond the term of the lease or respective leases under which the same are held by the Corporation or shall relieve the Corporation from any covenant obligation or restriction to which they may be subject under or by virtue of any such lease as last aforesaid.

Agreements as to running powers.

6. It shall be lawful for the Corporation on the one hand and any local authority company body or person owning working or using any tramway connected with any tramway for the time being belonging or leased to the Corporation on the other hand to enter into and carry into effect agreements with respect to the exercise of running powers either by the Corporation over the tramways of such local authority company body or person or by such local authority company body or person over the tramways of the Corporation:

Provided that during the currency of any such agreement all enactments byelaws and regulations relating to the use of or the running of carriages upon the tramways used and the taking of tolls fares and charges therefor shall so far as applicable extend and apply to and shall be observed by the Corporation or such local authority company body or person (as the case may be) exercising such running powers.

Certain agreements to be subject to approval of

7. Any agreements under the sections of this Act of which the marginal notes are respectively "Agreements as to leasing &c. of tramways belonging to Corporation" and "Agreements

as to running powers" or either of those sections shall be subject to the approval of the Board of Trade. Board of Trade.

Provisions which may be included in agreements under Act.

8. Any agreement entered into under the powers of this Act may provide for the following matters or any of them (that is to say):—

(*a*) The interchange of traffic between the systems of the parties to such agreement:

(*b*) The supply by any of the parties to any such agreement to any other or others of such parties under and during the continuance of such agreement of the rolling stock necessary for the purposes of such agreement and of motive power and the maintenance of such rolling stock but nothing in this Act shall authorise any party to any such agreement as aforesaid to manufacture rolling stock:

(*c*) The fixing (subject to the authorised maximum tolls fares and charges) and the taking collection demanding appropriation and division of tolls fares and charges (including through tolls fares and charges for routes composed partly of the tramways of one of the parties to such agreement and partly of the tramways of the other or others of such parties).

Maximum fares &c. to be charged by Corporation in certain cases.

9. For the purpose of calculating the maximum fares rates and charges which may be levied or taken by the Corporation—

(*a*) Any tramways purchased by the Corporation under the powers conferred by this Act shall be deemed to be one undertaking:

(*b*) Any tramways worked by or leased to the Corporation in pursuance of any agreement made under the powers of this Act and any tramways so purchased as aforesaid shall during the continuance of such agreement be deemed to be one undertaking:

(*c*) Any tramways run over by the Corporation in pursuance of any agreement made under the powers of this Act and any tramways so purchased or worked by or leased to the Corporation as aforesaid shall during the continuance of the agreement or agreements relating to such running or working and of any such lease be deemed to be one undertaking.

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Maximum fares &c. to be charged for use of tramways of Corporation in certain cases.

10. For the purpose of calculating the maximum fares rates and charges which may be levied or taken by any local authority company body or person in respect of any tramways leased to or worked used or run over by them under the provisions of this Act such tramways and any other tramways worked used or run over by such local authority company body or person shall during the continuance of any agreement with or lease to such local authority company body or person made under the provisions of this Act be deemed to be one undertaking.

Saving existing rights of purchase by other authorities.

11. Nothing in this Act or done thereunder shall in any way prejudice or affect any rights of purchasing tramways outside the city which may at the passing of this Act be vested in the local or other authority for the district in which such tramways are situate or in the county council of Gloucestershire as provided by section 9 of the Bristol Tramways (Extensions) Act 1904.

Power to borrow.

12.—(1) The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any other Act borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

(*a*) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for that purpose:

(*b*) For the acquisition of the undertaking of the company the sum requisite for that purpose.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge as regards purpose (*a*) the borough fund and borough rate and as regards purpose (*b*) the revenue to be derived from the working of the undertaking of the company or any tramways or tramway undertaking otherwise belonging or leased to the Corporation for the time being and the borough fund and borough rate.

Borrowing powers under other Acts not to be limited.

13. In calculating the sums which the Corporation may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing

under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Period for payment off of money borrowed.

14. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

All moneys borrowed for the purpose (*a*) mentioned in the section of this Act of which the marginal note is "Power to borrow" within five years from the passing of this Act;

All moneys borrowed for the purpose (*b*) mentioned in the said section within such period not exceeding forty years from the date or respective dates of borrowing as the Board of Trade may prescribe:

And such repayment shall be effected—

Either by equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund.

Every such instalment shall be paid out of the revenue or the fund and rate on the security of which the principal moneys in respect of which it is so paid were borrowed The first payment by instalments or to the sinking fund shall be made within one year from the time of the borrowing in respect of which such payment is made.

Incorporation of certain sections of Bristol Corporation Act 1897 and Bristol Docks and Railways Act 1901.

15.—(1) The following sections of the Bristol Corporation Act 1897 (that is to say):—

Section 73 (Power to borrow [under Local Loans Act 1875);

Section 74 (Incorporation of sections of Public Health Act 1875);

Section 76 (As to sinking fund);

Section 79 (Annual return with respect to sinking funds &c.);

Section 80 (Application of moneys borrowed);

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and the following sections of the Bristol Docks and Railways Act 1901 (that is to say):—

Section 102 (For protection of lenders);

Section 103 (Priority of existing mortgages);

Section 104 (Corporation not to regard trusts);

shall extend and apply mutatis mutandis to and in relation to the borrowing of moneys by the Corporation on mortgage under the powers of this Act and to the repayment and application of moneys so borrowed and otherwise in respect of such mortgages as if those sections had been re-enacted in this Act with reference thereto.

(2) For the purposes of the above-mentioned sections of the said Bristol Corporation Act 1897 as applied by this section the periods prescribed for repayment of borrowed moneys by the section of this Act of which the marginal note is "Period for payment off of money borrowed" shall respectively be deemed to be the prescribed period referred to in those sections or some of them.

Power to re-borrow.

16.—(1) The Corporation shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

As to purchase by Corporation of undertaking of company.

17. If the Corporation exercise any of the statutory powers of purchase vested in them with respect to any part of the undertaking of the company then the following provisions shall apply and have effect:—

(1) Notwithstanding anything contained in the Bristol Tramways Acts 1872 to 1911 (including in that expression where used in this section the St. George and Hanham Light Railway Order 1898) the Corporation shall purchase and the company shall sell to the Corporation the whole of the undertaking of the company upon the terms and in manner following (that is to say):—

As to so much of the undertaking (other than the light railway portion thereof) as is within the city as the same existed on the first day of January one thousand nine hundred and four upon the terms of section 43 of the Tramways Act 1870;

As to the remainder of the undertaking (including the light railway portion thereof) upon such terms as failing agreement shall be determined by an arbitrator to be fair having regard to all the circumstances of the case:

(2) The payment to be made by the Corporation to the company for the undertaking shall failing agreement be determined by an engineer or other fit person nominated as arbitrator by the President of the Institution of Civil Engineers on the application of either party:

(3) The purchase of the undertaking of the company shall be carried into effect with all due diligence and shall be completed by a deed of conveyance duly stamped

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and upon the completion of the said conveyance the undertaking of the company shall be transferred to the Corporation and as from such transfer all the rights powers and authorities of the company in respect of the undertaking of the company shall be transferred to and vested in and may be exercised by the Corporation:

(4) For the purposes of this section the expression "the undertaking of the company" means the undertaking of the company authorised by the Bristol Tramways Acts 1872 to 1911 as existing at the date of such purchase.

Payment of cost of poll of electors.

18. It shall be lawful for the Corporation to defray out of the borough fund and borough rate the cost of the poll of the parochial electors of the city held with reference to the provisions contained in the Bill for this Act on the thirteenth day of June one thousand nine hundred and fourteen.

Costs of Act.

19. All the costs charges and expenses incurred by the Corporation preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of moneys to be borrowed by the Corporation under this Act or at the option of the Corporation out of the borough fund or borough rate and moneys so paid as last aforesaid may be recouped by and charged to the moneys to be borrowed under this Act.

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