CHAPTER xxii

An Act to confirm a Provisional Order made by the Minister of Transport under the Derby Corporation Act 1930 relating to Derby Corporation trolley vehicles. [1st August 1952.]

WHEREAS under the authority of section thirty-three of the Derby Corporation Act, 1930, the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Minister of Transport under the authority of the said section is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the authority of the said section and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

Be it therefore enacted by the Queen'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:—

Confirmation of Order in schedule.

1. The Order set out in the schedule to this Act annexed shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the date of the same shall be the date of the passing of this Act.

Short title.

2. This Act may be cited as the Derby Corporation (Trolley Vehicles) Order Confirmation Act 1952.

SCHEDULE

DERBY CORPORATION (TROLLEY VEHICLES)

Provisional Order authorising the mayor aldermen and burgesses of the borough of Derby to use trolley vehicles upon an additional route in that borough.

Short and collective titles.

1.—(1) This Order may be cited as the Derby Corporation (Trolley Vehicles) Order 1952.

(2) The Derby Corporation (Trolley Vehicles) Act and Orders 1930 to 1946 and this Order may be cited together as the Derby Corporation (Trolley Vehicles) Act and Orders 1930 to 1952.

Interpretation.

2. In this Order the following expressions have the meanings hereby assigned to them respectively (that is to say) :—

"The borough" means the borough of Derby ;

"The Corporation" means the mayor aldermen and burgesses of the borough ;

"The Act of 1930" means the Derby Corporation Act 1930 ;

"The Order of 1936" means the Derby Corporation (Trolley Vehicles) Order 1936 ;

"Trolley vehicle" has the meaning assigned to it by section 4 (Interpretation) of the Act of 1930 ;

"The Minister" means the Minister of Transport.

Additional trolley vehicle route.

3.—(1) The Corporation may use trolley vehicles upon the following route in the borough in addition to any routes upon which they are already authorised to use trolley vehicles (that is to say):—

A route (4 furlongs 5 chains or thereabouts in length) commencing at the junction of Ashbourne Road with Prince Charles Avenue and proceeding thence in a south-westerly direction along the said Prince Charles Avenue (including Barnes Green) to Morden Green:

Provided that—

(*a*) before equipping that route to include a turning point or arranging for a new turning point on that route the Corporation shall submit plans of the turning point to the Minister for approval ;

(*b*) if the Corporation shall not have commenced to use trolley vehicles along the route authorised by this Order within five years from the passing of the Act confirming this Order or such extended time as the Minister may upon the application of the Corporation allow the powers conferred by this Order with reference to the use of trolley vehicles upon that route shall cease to be exercisable.

(2) The application of the provisions of the Act of 1930 as amended by the Road Traffic Act 1930 to this Order in accordance with subsection (1) of section 33 of the Act of 1930 shall have effect with any necessary modification and so far only as the

same are applicable for the purpose and for the purpose of such application the expression "trolley vehicle route" where used in the Act of 1930 shall be deemed to include the route authorised by this Order:

Provided that section 34 (Restricting running of omnibuses in competition) of the Derby Corporation Act 1929 shall not apply to the route authorised by this Order.

Borrowing powers.

4.—(1) Subject to the provisions of this Order the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for or in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all money so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(*a*) The provision of trolley vehicles ...	£9,800	Twelve years
(*b*) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	£5,300	Twenty years
(*c*) The payment of the costs charges and expenses of this Order.	The sum requisite	Five years

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Order shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

(3) In the application of the said provisions of the Local Government Act 1933 to the borrowing of any further money for the purposes of this Order the Minister shall be the sanctioning authority.

Saving for powers of Treasury.

5. It shall not be lawful to exercise the powers of borrowing conferred by this Order (other than the power of borrowing to pay the costs charges and expenses of this Order) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Application of certain provisions of Order of 1936.

6. The following provisions of the Order of 1936 shall with any necessary modifications extend and apply to the exercise of

the powers of this Order as if the same were set out in this Order (that is to say):—

Section 5 (Application of byelaws);

Section 6 (Procedure for making byelaws);

Section 7 (Inquiries by Minister of Transport).

Saving for town and country planning.

7. This Order shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Order.

8. All costs charges and expenses of and incidental to the preparing and obtaining and confirming of this Order or otherwise incurred in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

Table of Statutes referred to in this Act

Short title	Session and chapter
Derby Corporation Act 1929	19 & 20 Geo. 5. c. xxiii.
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Derby Corporation Act 1930	20 & 21 Geo. 5. c. lxvi.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Local Authorities Loans Act 1945	8 & 9 Geo. 6. c. 18.
Borrowing (Control & Guarantees) Act 1946 ...	9 & 10 Geo. 6. c. 58.

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