CHAPTER xci.

An Act to extend the time for the construction of certain authorised tramways of the Imperial Tramways Company Limited and to revive the powers and extend the time for the acquisition of lands in connexion therewith and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS the Imperial Tramways Company Limited (in this Act called "the Company") are under or by virtue of the Middlesbrough Stockton-on-Tees and Thornaby Tramways Order 1897 (in this Act called "the Order of 1897") the owners of tramways and other works in the North Riding of the county of York and the county palatine of Durham:

And whereas by the Middlesbrough Stockton-on-Tees and Thornaby Tramways Acts 1904 and 1907 (herein-after called "the Act of 1904" and "the Act of 1907" respectively) the Company were authorised to construct the tramways in those Acts described and to acquire certain lands and widen certain streets and roads in those Acts specified:

And whereas it is expedient that the powers conferred by the said Acts for the construction of such of the tramways and works thereby authorised as are to be situate in the parish of Thornaby in the borough of Thornaby-on-Tees should be extended as by this Act provided and that the powers for the compulsory purchase of lands for the purposes of the said tramways and works should be revived and extended as by this Act provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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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:—

Short and collective titles.

1. This Act may be cited for all purposes as the Middlesbrough Stockton-on-Tees and Thornaby Tramways Act 1911 and the Order of 1897 the Act of 1904 and the Act of 1907 and this Act may be cited together as the Middlesbrough Stockton-on-Tees and Thornaby Tramways Acts and Order 1897 to 1911.

Extension of time for construction of certain tramways under Act of 1904.

2. The time limited by the Act of 1904 for the construction of such of the tramways and works thereby authorised as are to be situate in the parish of Thornaby in the borough of Thornaby-on-Tees as extended by the Act of 1907 is hereby extended for a period of two years from the fifteenth day of August one thousand nine hundred and twelve and the Act of 1904 shall be read and construed as if the period limited by this Act for the completion of the said tramways and works had been the period limited by the Act of 1904 for the completion thereof.

Revival of powers and extension of time for purchase of certain lands under Act of 1904.

3. The powers granted by the Act of 1904 for the compulsory purchase of the lands in the parish of Thornaby in the borough of Thornaby-on-Tees by that Act authorised to be acquired as extended by the Act of 1907 are hereby revived and may be exercised by the Company during a period of three years from the passing of this Act and on the expiration of that period those powers shall cease.

Extension of time for construction of certain works under Act of 1907.

4. The time limited by the Act of 1907 for the construction of such of the works authorised by the said Act as are to be situate in the parish of Thornaby in the borough of Thornaby-on-Tees is hereby extended for the period of two years from the second day of August one thousand nine hundred and twelve and the Act of 1907 shall be read and construed as if the period limited by this Act for the completion of the said works had been the period limited by the Act of 1907 for the completion thereof.

Revival of powers and extension of time for

5. The powers granted by the Act of 1907 for the compulsory purchase of the lands in the parish of Thornaby in the borough of Thornaby-on-Tees by that Act authorised to be acquired are

hereby revived and may be exercised by the Company during a period of three years from the passing of this Act and on the expiration of that period those powers shall cease. A.D. 1911. purchase of lands under Act of 1907.

6.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Company in connexion with the tramways authorised by the Act of 1904 and the Act of 1907 (in this section together referred to as "the tramways") and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:— Use of tramway posts by Postmaster-General.

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(B) The Postmaster-General shall give to the Company not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as herein-after provided:

(c) Unless otherwise agreed between the Postmaster-General and the Company the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Company

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or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(D) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as herein-after provided:

(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in proper condition and state of repair:

(G) The Postmaster-General shall make good to the Company and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Company their officers or servants:

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Company and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Company or failing agreement determined as herein-after provided:

(I) The Company shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by

the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Company of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Company their officers or servants:

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Company the value of the same Provided that if the Company or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Company from using their posts standards or brackets for the support of any of their electric wires and apparatus in connexion with their tramways or shall take away any existing right of the local authority of using the posts standards or brackets of the Company in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Company" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

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Copy of Act to be registered.

7. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily There shall be paid to the Registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than the memorandum or the abstract required to be filed with the Registrar by a receiver or manager or the statement required to be sent to the Registrar by the liquidator in a winding up in England.

Provision as to general Tramway Acts.

8. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken by the Company.

Costs of Act.

9. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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