CHAPTER 1.

An Act to confirm a Provisional Order made by the Minister of Transport under the Southend-on-Sea Corporation Act 1926 relating to Southend-on-Sea Corporation trolley vehicles. A.D. 1934.

[12th July 1934.]

WHEREAS under the authority of section sixty of the Southend-on-Sea Corporation Act 1926 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed: 16 & 17 Geo. 5. c. civ.

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 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:—

1. This Act may be cited as the Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation Act 1934. Short title.

A.D. 1934.

Confirmation of Order in schedule.

2. 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.

SCHEDULE.

SOUTHEND-ON-SEA CORPORATION (TROLLEY VEHICLES).

Order authorising the mayor aldermen and burgesses of the borough of Southend-on-Sea to use trolley vehicles upon a route in the borough of Southend-on-Sea.

Short and collective titles.

1. This Order may be cited as the Southend-on-Sea Corporation (Trolley Vehicles) Order 1934 and the Southend-on-Sea Corporation (Trolley Vehicles) Orders 1927 and 1929 the Southend-on-Sea Corporation Act 1930 and this Order may be cited together as the Southend-on-Sea Corporation (Trolley Vehicles) Act and Orders 1927 to 1934.

Incorporation of Acts.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable for the purposes of this Order) hereby incorporated with and form part of this Order (namely) :—

(1) The Lands Clauses Acts but with the following exceptions (namely) :—

(*a*) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement;

(*b*) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) :

(2) The following provisions of the Tramways Act 1870 (namely) :—

Part II (relating to the construction of tramways) except sections 25 28 and 29;

Section 41 (Tramways to be removed in certain cases);

Section 46 (Byelaws by local authority Promoters may make certain regulations);

Section 47 (Penalties may be imposed in byelaws);

Section 48 (Power to local authority to license drivers conductors &c.);

Section 49 (Penalty for obstruction of promoters in laying out tramway);

Section 51 (Penalty on passengers practising frauds on the promoters);

Section 53 (Penalty for bringing dangerous goods on the tramway);

A.D. 1934.

Section 55 (Promoters or lessees to be responsible for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

Section 61 (Power for local or police authorities to regulate traffic in roads):

Provided that—

(*a*) such provisions shall be read and have effect as if trolley vehicle equipment were tramways and as if trolley vehicles were carriages used on tramways; and

(*b*) nothing in this subsection shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any waggon cart or other carriage is to be kept.

Interpretation.

3. In this Order the following expressions have unless the subject or context otherwise requires the meanings hereinafter assigned to them (namely):—

"The Corporation" means the mayor aldermen and burgesses of the borough of Southend-on-Sea;

"The borough" means the borough of Southend-on-Sea;

"Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source:

"Trolley vehicle equipment" means and includes all posts poles standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting the trolley vehicles;

"Trolley vehicle route" means the route upon which the Corporation are by this Order authorised to work and use trolley vehicles;

"The Order of 1899" "the Order of 1904" "the Act of 1909" "the Order of 1909" "the Act of 1913" "the Order of 1920" "the Order of 1927" "the Order of 1929" and "the Act of 1930" mean respectively the Southend-on-Sea and District Light Railways Order 1899 the Southend-on-Sea and District Light Railways (Extensions) Order 1904 the Southend-on-Sea Corporation Act 1909 the Southend-on-Sea Light Railways (Revival and Extension of Time) Order 1909 the

Southend-on-Sea Corporation Act 1913 the Southend-on-Sea Light Railways (Extension) Order 1920 the Southend-on-Sea Corporation (Trolley Vehicles) Order 1927 the Southend-on-Sea Corporation (Trolley Vehicles) Order 1929 and the Southend-on-Sea Corporation Act 1930;

"Revenues of the Corporation" has the meaning assigned to "revenues" (in relation to the Corporation) by section 218 of the Local Government Act 1933.

Additional trolley vehicle route.

4. The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may (subject to the restrictions contained in the proviso to subsection (1) of section 60 of the Southend-on-Sea Corporation Act 1926) use the same upon the following trolley vehicle route within the borough (that is to say):—

Route No. 1 (3 miles or thereabouts in length) commencing at the junction of the Eastern Esplanade with Marine Parade and Southchurch Avenue by a junction with route No. 1 authorised by the Order of 1929 at its termination proceeding along the Eastern Esplanade Thorpe Bay Esplanade South Shoebury Common Road and Ness Road and terminating at the junction of that road with Campfield Road Grove Walk and Seaview Road:

Provided that—

(*a*) the Corporation shall not equip any portion of so much of the trolley vehicle route as is situate between Shoebury Cottage South Shoebury Common Road and the point of termination of the route until the Minister of Transport after inspection is satisfied of the suitability of such portion of the route for trolley vehicles;

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

(*c*) if the Corporation shall not have commenced to use trolley vehicles along the whole of the trolley vehicle route within five years from the passing of the Act confirming this Order or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Order so far as they relate to the portion of the route upon which the Corporation have not commenced to use trolley vehicles shall cease to be exerciseable.

A.D. 1934.

Power to borrow.

5.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
(*a*) For the provision of trolley vehicles	£30,315	Ten years from the date or dates of borrowing.
(*b*) For the provision of trolley vehicle equipment and the construction of other works necessary for or in connection with the working of the trolley vehicles authorised by this Order.	£9,733	Twenty years from the date or dates of borrowing.
(*c*) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the passing of this Order.

(2) For the purposes of subsection (2) of section 38 (Power to borrow) of the Act of 1930 as modified by section 197 of the Local Government Act 1933 the purposes of this Order shall be deemed to be purposes of the trolley vehicle undertaking of the Corporation.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 49 (Power to use one form of mortgage for all purposes) of the Act of 1909.

Application of provisions of previous enactments.

6.—(1) Subject to the provisions of this Order the following sections of the Order of 1899 the Order of 1904 the Act of 1909 the Order of 1909 the Act of 1913 the Order of 1920 the Order of 1927 the Order of 1929 and the Act of 1930 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) :—

The Order of 1899—

Section 51 (Temporary railways may be made where necessary);

Section 54 (Provisions as to motive power);

Section 55 (Special provisions as to use of electric power as motive power);
Section 56 (Byelaws by Board of Trade);
Section 60 (Rates authorised);
Section 61 (Rates for passengers);
Section 62 (As to fares on Sundays and holidays);
Section 63 (Passengers' luggage);
Section 64 (Tolls for use of railway);
Section 65 (Cheap fares for labouring classes);
Section 66 (Rates for goods &c.);
Section 67 (Payment of rates and charges);
Section 68 (Periodical revision of rates and charges);
Section 74 (Power to lease).

The Order of 1904—
Section 18 (For the protection of the Postmaster-General).

The Act of 1909—
Section 28 (Temporary stoppage of streets);
Section 44 (Appointment of receiver);
Section 53 (Application of section 265 of Public Health Act 1875).

The Order of 1909—
Section 10 (As to use of posts by Postmaster-General).

The Act of 1913—
Section 87 (Recovery of penalties &c.).

The Order of 1920—
Section 13 (Shelters or waiting-rooms);
Section 16 (Through cars);
Section 17 (Attachment of signs indicating stopping-places to lamp-posts &c.);
Section 18 (Attachment of brackets to buildings).

The Order of 1927—
Section 4 (Power to use trolley vehicles) (subsections (2) and (3));
Section 5 (As to electrical works);
Section 6 (Corporation to have exclusive right of using apparatus for working trolley vehicles);
Section 7 (Vehicles not to be deemed light locomotives or motor cars) (subsection (2) only);

A.D. 1934.

Section 8 (Licence duties on trolley vehicles);
Section 9 (Approval of vehicles by Minister of Transport);
Section 10 (Inspection by Minister of Transport);
Section 11 (Conveyance of mails);
Section 12 (As to abandonment of light railways) except subsection (4) thereof;
Section 13 (Penalty for malicious damage);
Section 14 (Power for Corporation to suspend traffic);
Section 15 (Use for sanitary purposes);
Section 16 (Trolley vehicles to form part of light railway undertaking);
So much of section 17 (As to lands) as relates to the purchase and acquisition of land;
Section 20 (For protection of Southend-on-Sea and District Gas Company).

The Order of 1929—

Section 7 (Undertaking to form part of trolley vehicle undertaking).

The Act of 1930—

Section 19 (Amendment of section 18 of Order of 1904).

(2) Provided that for the purposes of such application—

(*a*) the said section 65 of the Order of 1899 shall be read and have effect as if the word "eight" were inserted therein in lieu of the word "seven" and as if the word "six" were inserted therein in lieu of the words "half-past five" and as if the words "one penny" were inserted therein in lieu of the words "one halfpenny";

(*b*) the said section 20 of the Order of 1927 shall be read and have effect as if the Gas Light and Coke Company were referred to therein instead of the Southend-on-Sea and District Gas Company.

(3) In the application of the above-mentioned provisions to the trolley vehicles authorised by this Order the same shall (where necessary) be read and have effect as if trolley vehicle equipment were light railways within the meaning of the said provisions and as if trolley vehicles were carriages used on light railways.

Application of byelaws.

7. All regulations and byelaws relating to the trolley vehicles authorised by the Southend-on-Sea Corporation (Trolley Vehicles) Orders 1927 and 1929 and the Act of 1930 and made in pursuance of those Orders or that Act or any other statutory

enactment shall with any necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Order.

As to certain byelaws.

8. The provisions of section 250 (Procedure &c. for making byelaws) of the Local Government Act 1933 shall not apply in respect of byelaws to be made under section 46 (Byelaws by local authority Promoters may make certain regulations) of the Tramways Act 1870.

Inquiries by Minister of Transport.

9. The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Order and section 290 of the Local Government Act 1933 shall apply accordingly.

Costs of Order.

10. 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.

Printed by EYRE AND SPOTTISWOODE LIMITED
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2
York Street, Manchester 1; 1, St. Andrew's Crescent, Cardiff
80, Chichester Street, Belfast
or through any Bookseller