

CHAPTER xlix.

An Act to confirm a Provisional Order made by the Minister of Transport under the St. Helens Corporation Act 1921 relating to St. Helens Corporation trolley vehicles. [12th July 1934.] A.D. 1934.

WHEREAS under the authority of section fifty-five of the St. Helens Corporation Act 1921 the Minister of Transport has made the Provisional Order which as amended is set out in the schedule to this Act annexed: 11 & 12 Geo. 5. c. lxviii.

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 as amended 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 St. Helens Corporation (Trolley Vehicles) Order Confirmation Act 1934. Short title.

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Confirmation of Order in schedule.

2. The Order as amended 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.

ST. HELENS CORPORATION (TROLLEY VEHICLES).

Order authorising the mayor aldermen and burgesses of the borough of St. Helens to provide maintain and use trolley vehicles upon certain routes in the borough of St. Helens the urban district of Prescot and the township of Eccleston in the rural district of Whiston.

Short and collective titles.

1. This Order may be cited as the St. Helens Corporation (Trolley Vehicles) Order 1934 and the St. Helens Corporation (Trolley Vehicles) Orders 1924 to 1930 and this Order may be cited together as the St. Helens Corporation (Trolley Vehicles) Orders 1924 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);

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

Section 52 (Transient offenders);

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

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;

(*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 St. Helens;

"The borough" means the borough of St. Helens;

"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 routes" means the routes upon which the Corporation are authorised to work and use trolley vehicles by the St. Helens Corporation (Trolley Vehicles) Orders 1924 to 1930 and this Order;

"Road authority" means with reference to any road or part of a road over which any proposed trolley vehicle service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

"The Act of 1869" "the Act of 1879" "the Act of 1883" "the Act of 1898" "the Order of 1900" "the Act of 1911" "the Act of 1921" "the Order of 1924" "the Order of 1927" "the Order of 1930" and "the Act of 1933" mean respectively the St. Helens Improvement Act 1869 the Saint Helens and District Tramways Act 1879 the Saint Helens and District Tramways Act 1883 the St. Helens Corporation Act 1898 the St. Helens Corporation Tramways Order 1900 (confirmed by the Tramways Orders Confirmation (No. 2) Act 1900) the St. Helens Corporation Act 1911 the St. Helens Corporation Act 1921 the St. Helens Corporation (Trolley Vehicles) Order 1924 the St. Helens Corporation (Trolley Vehicles) Order 1927 the St. Helens Corporation (Trolley Vehicles) Order 1930 and the St. Helens Corporation Act 1933.

Additional trolley vehicle routes.

4. The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following routes (that is to say):—

Route No. 1 (1 mile 1 furlong 2·72 chains or thereabouts in length to be situate in the borough) commencing at the junction of Duke Street with North Road by a junction with Route No. 2 authorised by the Order of 1927 proceeding thence westwards along Duke Street Dentons Green Lane and Rainford Road to and terminating in that road at the borough boundary;

Route No. 1A (1 furlong 0·45 chain or thereabouts in length to be situate in the borough) commencing at the junction of Ormskirk Street with Westfield Street by a junction with Route No. 1 authorised by the Order of 1927 proceeding thence northwards along Ormskirk Street to and terminating at the junction of Ormskirk Street with Duke Street by a junction with Route No. 1 above described;

Route No. 2 (2 miles 2 furlongs 6·50 chains or thereabouts in length to be situate in the borough) commencing at the junction of Warrington New Road with Parr Street by a junction with Route No. 4A authorised by the Order of 1927 proceeding thence along Warrington New Road Peasley Cross Lane Marshalls Cross Road

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Robins Lane Station Road Helena Road and Bold Road to and terminating in that road at the borough boundary;

Route No. 2A (2 furlongs 0·23 chain or thereabouts in length to be situate in the borough) commencing at the junction of Peckers Hill Road with Station Road by a junction with Route No. 2 above described proceeding thence first in a north-easterly and then in a south-easterly direction along Peckers Hill Road and Junction Lane to and terminating at the junction of Junction Lane with Station Road by a junction with Route No. 2 above described;

Route No. 3 (2 miles 3·91 chains or thereabouts in length to be situate in the borough and in the township of Eccleston in the rural district of Whiston and in the urban district of Prescot) commencing at the junction of Prescot Road with Lugsmore Lane and at the termination of Route No. 1 authorised by the Order of 1927 proceeding thence westwards along Prescot Road St. Helens Road and High Street Prescot to and terminating at the junction of High Street with Moss Street Prescot;

Route No. 3A (5·13 chains or thereabouts in length to be situate in the urban district of Prescot) commencing at the junction of Grosvenor Road with St. Helens Road by a junction with Route No. 3 above described proceeding first in an easterly and then in a southerly direction along Grosvenor Road and Wycherley Street to and terminating at the junction of Wycherley Street with Warrington Road by a junction with Route No. 2 authorised by the Order of 1924;

Route No. 4 (1 furlong 7·68 chains or thereabouts in length to be situate in the borough) commencing at the junction of Shaw Street with Church Street by a junction with Route No. 4A authorised by the Order of 1927 proceeding thence along Shaw Street to and terminating at the junction of Shaw Street with Hall Street;

Route No. 5 (2 furlongs 0·36 chain or thereabouts in length to be situate in the borough) commencing at the junction of Hall Street with Shaw Street at the termination of Route No. 4 above described proceeding thence southwards along Hall Street to and terminating at the junction of Hall Street with Church Street by a junction with Route No. 4A authorised by the Order of 1927;

Route No. 6 (3 furlongs 0·02 chain or thereabouts in length to be situate in the borough) commencing at the junction of Knowsley Road with Dunriding Lane and at the termination of Route No. 5 authorised by the Order of 1927 proceeding thence first in a westerly then in a northerly direction along Knowsley Road and Mill Brow to and terminating at the borough boundary;

Route No. 7 (2 furlongs 7·41 chains or thereabouts in length to be situate in the borough) commencing at the junction of Kiln Lane with Dentons Green Lane by a junction with Route No. 1 above described proceeding thence in a south-westerly direction along Kiln Lane to and terminating in that lane at the borough boundary;

Route No. 8 (6 furlongs 4·86 chains or thereabouts in length to be situate in the borough) commencing at the junction of Kiln Lane with Dentons Green Lane by a junction with Route No. 1 above described proceeding thence across Greenfield Road and along Hard Lane to and terminating at the junction of Hard Lane with City Road by a junction with Route No. 2 authorised by the Order of 1927 :

Provided that before equipping any of the said routes to include a turning point or before arranging for a new turning point thereon the Corporation shall submit plans of the turning point to the Minister of Transport for approval and (in the case of any turning point on any part of Route No. 3 which is outside the borough or on any part of Route No. 3A) shall also submit a copy of such plans to the road authority and that before approving any such plans the said Minister shall give to the local authority and the road authority an opportunity of making representations with reference thereto and shall consider any such representations which may be made to him :

Provided also that the Corporation shall not except with the consent in writing of the Minister of Transport run trolley vehicles simultaneously in both directions along any portion of Route No. 8 in which the carriageway is less than twenty feet in width until such carriageway has been widened to a width of not less than twenty feet and in giving any such consent the Minister of Transport may impose such conditions in regard to such running as he may think fit.

Power to borrow.

5.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and 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 moneys so borrowed within such periods as the Corporation may determine not

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exceeding those respectively 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	45,250	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 working trolley vehicles along the routes authorised by this Order.	16,200	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) (*a*) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of their trolley vehicle undertaking.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Transport.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 125 (Security for principal moneys) of the Act of 1898 or by section 140 (Consolidated loans fund) of the Act of 1933.

Application of provisions of previous enactments.

6.—(1) The following sections of the Act of 1869 the Act of 1879 the Act of 1883 the Act of 1898 the Order of 1900 the Act of 1911 the Act of 1921 the Order of 1924 the Order of 1927 and the Act of 1933 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) :—

Act of 1869—

Section 385 (Regulations as to mortgages);

Section 386 (Transfers of mortgages);

Section 388 (Power to mortgagees to obtain a receiver) as amended by section 91 of the Act of 1921;

Section 389 (Accounts open to mortgagees).

Act of 1879—

Section 56 (Passengers' luggage);

Section 58 (Company to carry small parcels) as amended by section 25 of the Act of 1898;

Section 59 (Tolls for small parcels).

Act of 1883—

Section 37 (As to recovery of penalties);

Section 38 (Amendment of the Tramways Act 1870 as to byelaws by local authority).

Act of 1898—

Section 15 (Fares on Sundays or public holidays not to be raised);

Section 17 (Provisions as to motive power);

Section 19 (Special provisions as to use of electric power);

Section 21 (Byelaws);

Section 23 (Repeal of section 57 of Act of 1879 Charges for animals and goods);

Section 24 (Corporation &c. not bound to carry goods &c.);

Section 25 (Amendment of section 58 of Act of 1879);

Section 130 (paragraph (*b*) (Periods for repayment of principal moneys));

Section 139 (Consolidation of loans).

Order of 1900—

Section 15 (Mechanical power works);

Section 16 (Mechanical power works to be subject section 30 of Tramways Act 1870);

Section 17 (Working agreements);

Section 19 (Protection of local authority);

Section 20 (Provisions as to arbitration).

Act of 1911—

Section 106 (Moneys borrowed to be principal moneys within meaning of Act of 1898).

Act of 1921—

Section 9 (Temporary stoppage of streets);

Section 30 (Power to acquire patent rights);

Section 31 (Shelters or waiting rooms);

Section 33 (Cloak-rooms &c.);

Section 34 (Power to reserve cars for special purposes);

Section 35 (Power to require intending passengers to wait in lines or queues);

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Section 36 (Stopping and starting places);
Section 37 (For protection of railway companies);
Section 38 (Through cars and omnibuses);
Section 39 (Attachment of signs indicating stopping places to lamp-posts &c.);
Section 40 (Lopping of trees overhanging highways);
Section 41 (Lost property);
Section 43 (For protection of Postmaster-General);
Section 44 (Tolls for passengers on tramways);
Section 45 (Cheap fares for labouring classes);
Section 46 (Payment of fares rates and charges);
Section 47 (Periodical revision of rates and charges);
Section 49 (Penalty for malicious damage);
Section 50 (Removal of obstructions);
Section 51 (Attachment of brackets &c. to buildings);
Section 52 (Power for Corporation to suspend traffic);
Section 53 (Use of tramways for sanitary purposes);
Section 54 (Tramway working agreements);
Section 56 (As to byelaws under this Part of this Act).

Order of 1924—

Section 6 (As to electrical works);
Section 7 (Corporation to have exclusive right of using apparatus for working trolley vehicles);
Section 9 (Licence duties on trolley vehicles);
Section 10 (Approval of vehicles by Minister of Transport);
Section 11 (Inspection by Minister of Transport);
Section 12 (Conveyance of mails);
Section 13 (Use of posts &c. by Postmaster-General);
Section 14 (Trolley vehicles to form part of tramway undertaking);
Section 15 (Accounts to be furnished to Minister of Transport);
Section 16 (As to lands) paragraph (*a*) and so much of paragraph (*b*) as relates to the purchase and acquisition of land.

Order of 1927—

Section 5 (Vehicles not to be deemed light locomotives or motor cars) (subsection (2) only);
Section 6 (For protection of certain railway companies).

Act of 1933—

Section 138 (Power to borrow) (subsection (2) only);

Section 148 (As to abandonment of tramways);

Section 149 (For protection of London Midland and Scottish Railway Company).

(2) (*a*) In the application of the above-mentioned provisions (other than the provisions of the Order of 1924 the Order of 1927 and the Act of 1933) to the trolley vehicles authorised by this Order the same shall be read and have effect as if trolley vehicle equipment were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on tramways and as if the trolley vehicle undertaking authorised by this Order formed part of the tramway undertaking of the Corporation.

(*b*) The powers of section 9 of the Act of 1921 for the purposes of this Order shall be subject to the consent of the road authority (where it is not the Corporation) but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

(*c*) The powers conferred upon the Corporation by section 40 of the Act of 1921 may be exercised outside the boundaries of the borough with regard to any tree hedge or shrub which overhangs any road forming part of any trolley vehicle route.

(*d*) Subsection (B) (4) of section 43 (For protection of Postmaster-General) of the Act of 1921 shall be read and have effect as if the words " generated or used by or supplied to the Corporation " were inserted in that subsection in substitution for the words " generated by the Corporation."

Procedure for making byelaws.

7. 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 or under section 56 (As to byelaws under this Part of this Act) of the Act of 1921.

Application of byelaws.

8. All regulations and byelaws relating to the trolley vehicles authorised by the St. Helens Corporation (Trolley Vehicles) Orders 1924 to 1930 and made in pursuance of those Orders or of any other statutory enactment shall with any necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Order.

Adaptation of roads &c.

9.—(1) (*a*) Before the Corporation commence to use trolley vehicles upon any road or part of a road it shall be determined by agreement between the Corporation and the road authority (where it is not the Corporation) or failing agreement by the

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Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Order of a trolley vehicle service upon any such road or part of a road) to adapt alter or reconstruct such road or part of a road and whether any and if so what sum of money per mile of road so to be adapted altered or reconstructed shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration or reconstruction.

(*b*) Within six months after the date upon which all questions to be agreed or determined in pursuance of paragraph (*a*) of this subsection have been so agreed or determined the Corporation shall give notice in writing to the road authority as to whether they intend to use trolley vehicles upon the road or part of a road in question.

(*c*) If the Corporation give notice in writing to the road authority that they intend to use trolley vehicles upon the road or part of a road in question and if it shall have been agreed or determined that the Corporation are to make any payment to the road authority under the provisions of paragraph (*a*) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

(*d*) Notwithstanding anything in this subsection the Corporation shall not be required to pay any sum in respect of any work towards or in respect of the adaptation alteration or reconstruction of any such road or part of a road which is not executed within three years from the date on which the Corporation shall commence to use trolley vehicles upon the road or part of a road to be adapted altered or reconstructed.

(*e*) Not more than one payment or (in the case of a payment by instalments in accordance with paragraph (*c*) of this subsection) one series of payments shall be made in respect of any such road or part of a road so adapted altered or reconstructed.

(2) Any payment made to a road authority under this section in respect of any county road maintained and repaired by them under section 32 of the Local Government Act 1929 shall be credited to the county council in ascertaining the amount payable by them under section 33 of the said Act and any such payment made to a road authority in respect of an unclassified road in

respect of which an agreement exists under section 34 of the said Act shall be credited to the council of the urban district in ascertaining the amount payable by them to the county council under the said Act.

(3) If any such adaptation alteration or reconstruction as aforesaid shall involve an alteration of any telegraphic line as defined by the Telegraph Act 1878 belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

(4) The road authority shall not under section 54 of the Road Traffic Act 1930 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any road by the trolley vehicles of the Corporation.

(5) An agreement under this section with respect to any county road maintained by a local authority at the expense of any county council shall not be made except with the concurrence of that county council.

Inquiries by Minister of Transport.

10. 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.

11. 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.

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