CHAPTER xli.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Bury Corporation Tramways and Hull Corporation Tramways. [2nd July 1915.]

A.D. 1915.

WHEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed: 33 & 34 Vict. c. 78.

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

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act 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 Tramways Orders Confirmation Act 1915. Short title.

2. The several Orders as amended and set out in the schedule to this Act annexed shall be and the same are 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 dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

A.D. 1915.

SCHEDULE.

LIST OF ORDERS.

BURY CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of Bury to construct additional tramways in the said borough and for other purposes.

HULL CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Citizens of the City and County of Kingston-upon-Hull to construct additional tramways in the said city and for other purposes.

BURY CORPORATION.

A.D. 1915.

Bury Corporation.

Order authorising the Mayor Aldermen and Burgesses of the County Borough of Bury to construct additional tramways in the said borough and for other purposes.

Short title.

1. This Order may be cited as the Bury Corporation Tramways Order 1915.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking) and of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order.

Interpretation.

3. The several words terms and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings Provided that in this Order—

The expression "the Act of 1909" means the Bury Corporation Act 1909;

The expression "the tramways" means the tramways and works by this Order authorised;

The expression "the Corporation tramways" has the meaning assigned thereto by the Act of 1909;

The expression "the borough" means the county borough of Bury.

Promoters.

4. The mayor aldermen and burgesses of the borough acting by the Council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Construction of tramways.

5. Subject to the provisions of this Order the Promoters may construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order the tramways herein-after described with all necessary and proper rails plates sleepers channels tubes cables mains wires and electric lines junctions turntables turnouts crossings passing-places poles posts conduits section boxes tramway plant machinery apparatus appliances works and conveniences connected therewith or as may be necessary or proper therefor and for connecting and using the same with the Corporation tramways:

Provided that nothing in this Order or in any Act wholly or in part incorporated herewith shall extend to or authorise any interference

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with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The tramways will be wholly situated within the borough and are as follows :—

Tramway No. 1.—5 furlongs in length of which 4 furlongs 8·64 chains will be double line and 1·36 chains will be single line commencing by a junction with the existing Tramway No. 6 authorised by the Bury Corporation Tramways Act 1901 at its termination in Walmersley Road at Limefield passing thence along the said road in a northerly direction and terminating in the centre of such road at a point measured 2·09 chains in a northerly direction from the northerly corner of the "New Inn":

Tramway No. 1 will be laid as a double line throughout except at the following place where it will be laid as a single line viz. for a distance of 1·36 chains from the termination of the tramway.

Tramway No. 2.—3 furlongs 5 chains in length of which 2 furlongs 9 chains will be single line and 6 chains will be double line commencing by a junction with that portion of Tramway No. 25 authorised by the said Act which has been completed at its termination in Rochdale Old Road passing thence along the same road in an easterly direction and terminating in the centre of such road at the boundary of the borough and of the borough of Heywood :

Tramway No. 2 will be laid as a single line throughout except at the following places where it will be laid as a double line viz. :—

(*a*) Between points 2·28 chains and 5·28 chains respectively east of the commencement of the tramway ;

(*b*) Between a point 10 yards measured in a south-westerly direction from the south-westerly corner of the house numbered 519 Rochdale Old Road and a point 16 yards measured in an easterly direction from the easterly corner of the house numbered 531 Rochdale Old Road.

Tramways to form part of Corporation tramways.

6. Subject to the provisions of this Order the tramways shall for all purposes form part of the Corporation tramways and the Promoters and their lessees and licencees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and

stipulations as they are subject and liable to with respect to the Corporation tramways and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways defined in section 27 of the Act of 1909:

Provided that—

(*a*) In the exercise of the powers of section 49 (Mechanical power works) of the Act of 1909 no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade;

(*b*) Nothing in this Order shall authorise the attachment of brackets wires and apparatus to any house bridge or building without the consent of the owner and occupier thereof.

Consent of Treasury to borrowing.

7. Notwithstanding anything in this Order contained the consent of the Treasury shall during the continuance of the present War and twelve months thereafter be required in addition to any other consent for the exercise of any power of borrowing for the purposes of this Order.

Saving for general Acts.

8. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates tolls or charges authorised by this Order.

HULL CORPORATION.

Order authorising the Mayor Aldermen and Citizens of the City and County of Kingston-upon-Hull to construct additional tramways in the said city and for other purposes.

Hull Corporation.

Short title.

1. This Order may be cited as the Kingston-upon-Hull Corporation Tramways Order 1915.

Incorporation of Acts.

2. The provisions of the Tramways Act 1870 are hereby incorporated with this Order except where the same are inconsistent with or expressly varied by this Order

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Hull Corporation.

Interpretation.

3. The several words terms and expressions to which by the Tramways Act 1870 meanings are assigned have in this Order the same respective meanings Provided that in this Order—

The expression "the tramways" means the tramways and works by this Order authorised;

The expressions "the Act of 1906" and "the Act of 1911" mean respectively the Kingston-upon-Hull Corporation Act 1906 and the Kingston-upon-Hull Corporation Act 1911.

Promoters.

4. The mayor aldermen and citizens of the city and county of Kingston-upon-Hull acting by the Council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Power to make tramways.

5. Subject to the provisions of this Order the Promoters may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the plans and sections deposited at the office of the Board of Trade for the purposes of this Order with all proper rails plates junctions turn-outs crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith.

The tramways herein-before referred to and authorised by this Order will be wholly situate in the city and are—

Tramway No. 1 (double line 2 furlongs 9·40 chains in length)—commencing in Anlaby Road by a junction with the existing tramway at a point ·70 chain or thereabouts measured in an easterly direction from the intersection of the centre lines of Wheeler Street and Anlaby Road and passing in a westerly and north-westerly direction along and terminating in Anlaby Road at the city boundary at a point ·15 chain or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Calvert Lane and Anlaby Road:

Tramway No. 2 (single line 1 furlong in length)—commencing in Carr Lane by a junction with the existing tramway at a point ·70 chain or thereabouts measured in a westerly direction from the intersection of the centre lines of Chariot Street and Carr Lane and passing in a northerly direction along part of Chariot Street and from thence in an easterly direction along Waterworks Street and terminating in Queen Victoria Square by a junction with the existing tramway at a point 1·20 chains measured in a southerly direction from the intersection of the centre lines of New Cross Street and King Edward Street.

Tramways to form part of tramway

6.—(1) The tramways shall for all purposes form part of the tramway undertaking of the Promoters and the provisions of Part II.

(Tramways) of the Act of 1906 and of the enactments incorporated therewith and any byelaws and regulations made in pursuance thereof respectively shall extend and apply to the tramways as if they had formed part of the tramways and works authorised by the Act of 1906 and were Corporation tramways within the meaning of that Act: **undertaking of Promoters.**

Provided that—

(*a*) In the exercise of the powers of section 8 (As to electrical works &c.) of the Act of 1906 no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade;

(*b*) The powers of subsection (1) of section 19 (Power to make additional crossovers and to double tramway lines) of the Act of 1906 shall not be exercised except with the consent of the Board of Trade;

(*c*) Nothing in this Order shall authorise the attachment of brackets wires and apparatus to any house bridge or building without the consent of the owner and occupier thereof.

(2) The provisions of section 9 (Use of tramway posts by Postmaster-General) of the Act of 1911 shall extend to the tramways.

For protection of North Eastern Railway Company.

7. The provisions of subsections 3 to 13 of section 10 (For protection of North Eastern Railway Company) of the Act of 1911 shall unless otherwise agreed in writing between the Corporation and the North Eastern Railway Company (in this section called "the Company") extend and apply in all respects to the construction working use and maintenance of Tramway No. 1 by this Order authorised across the rails of the Company now laid upon the level of the Anlaby Road and known as the Anlaby Road level crossing in the same manner and to the same extent as if the provisions contained in subsections 3 to 13 above mentioned had been re-enacted in this Order with reference to the said Anlaby Road level crossing.

Consent of Treasury to borrowing.

8. Notwithstanding anything in this Order contained the consent of the Treasury shall during the continuance of the present War and twelve months thereafter be required in addition to any other consent for the exercise of any power of borrowing for the purposes of this Order.

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