CHAPTER cxix.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the Tramways Act 1870 relating to Gravesend Rosherville and Northfleet Tramways (Amendment) and Warrington Corporation Tramways (Extension). [4th August 1920.]

A.D. 1920.

WHEREAS the Minister of Transport has made the Provisional Orders set out in the schedule to this Act under the authority of the Tramways Act 1870:

33 & 34 Vict. c. 78.

And whereas a Provisional Order made by the Minister of Transport 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 requisite that the said Provisional Orders should 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:—

Short title.

1. This Act may be cited as the Tramways Orders Confirmation Act 1920.

Confirmation of Orders in schedule.

2. The several Orders set out in the schedule to this Act 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.

[*Price 9d. Net.*]

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SCHEDULE.

LIST OF ORDERS.

GRAVESEND ROSHERVILLE AND NORTHFLEET TRAMWAYS (AMENDMENT).—Order authorising the Gravesend and Northfleet Electric Tramways Limited to increase the tolls and charges to be demanded and taken on the Tramways in the County of Kent in the Borough of Gravesend in the Urban District of Northfleet in the Rural District of Dartford and in the Parish of Swanscombe authorised by the Gravesend Rosherville and Northfleet Tramways Orders 1881 1884 and 1899.

WARRINGTON CORPORATION TRAMWAYS (EXTENSION).—Order authorising the Mayor Aldermen and Burgesses of the Borough of Warrington to construct additional Tramways in the said borough and for other purposes.

GRAVESEND ROSHERVILLE AND NORTHFLEET TRAMWAYS (AMENDMENT).

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Order authorising the Gravesend and Northfleet Electric Tramways Limited to increase the tolls and charges to be demanded and taken on the Tramways in the County of Kent in the Borough of Gravesend in the Urban District of Northfleet in the Rural District of Dartford and in the Parish of Swanscombe authorised by the Gravesend Rosherville and Northfleet Tramways Orders 1881 1884 *and* 1899.

Gravesend Rosherville and Northfleet Tramways (Amendment).

Short and collective titles.

1. This Order may be cited as the Gravesend Rosherville and Northfleet Tramways (Amendment) Order 1920 and this Order and the Gravesend Rosherville and Northfleet Tramways Order 1881 (in this Order referred to as "the Order of 1881") the Gravesend Rosherville and Northfleet Tramways (Extension) Order 1884 (in this Order referred to as "the Order of 1884") and the Gravesend Rosherville and Northfleet Tramways Order 1899 (in this Order referred to as "the Order of 1899") may be cited together as the Gravesend Rosherville and Northfleet Tramways Orders 1881 to 1920.

Tolls and charges increased.

2.—(1) Notwithstanding anything contained in the Order of 1881 the Order of 1884 and the Order of 1899 or in any Act incorporated therewith or relating thereto the Gravesend and Northfleet Electric Tramways Limited (in this Order referred to as "the Promoters") may demand and take for every passenger travelling upon the tramways authorised by the Order of 1881 the Order of 1884 and the Order of 1899 or upon any part thereof including every expense incidental to such conveyance any tolls or charges not exceeding one penny and one halfpenny per mile and in computing the said tolls and charges the fraction of a mile shall be deemed a mile but the Promoters may not charge for any passenger any sum exceeding four pence and one halfpenny.

(2) Subsection (1) of section 22 of the Order of 1899 is hereby repealed except so much thereof as repeals section 26 of the Order of 1881.

Cheap fares for labouring class increased.

3.—(1) The Promoters shall issue return tickets for artisans mechanics and daily labourers going to and returning from their work on the carriages run in pursuance of subsection (2) of section 22 of the Order of 1899 and may demand and take for every such workman tolls or charges for the return journey between any two points not exceeding the ordinary tolls or charges for the time being charged

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by the Promoters to other passengers for the single journey between the same points Provided that in no case shall the Promoters charge under the provisions of this section any sum exceeding four pence.

(2) So much of subsection (2) of section 22 of the Order of 1899 as relates to tolls or charges is hereby repealed.

Periodical revision of tolls.

4. Section 31 of the Order of 1881 shall apply as though the tolls or charges by this Order authorised were the tolls or charges authorised by the Order of 1881.

WARRINGTON CORPORATION TRAMWAYS (EXTENSION.)

Warrington Corporation Tramways (Extension).

Order authorising the Mayor Aldermen and Burgesses of the Borough of Warrington to construct additional Tramways in the said borough and for other purposes.

Short and collective titles.

1. This Order may be cited as the Warrington Corporation Tramways (Extension) Order 1920 and the Warrington Corporation Tramways Order 1900 and this Order may be cited as the Warrington Corporation Tramways Orders 1900 and 1920.

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.

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 borough" means the borough of Warrington;

The expression "the Corporation" means the mayor aldermen and burgesses of the borough acting by the council;

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

The expression "the Order of 1900" means the Warrington Corporation Tramways Order 1900 confirmed by the Tramways Orders Confirmation (No. 4) Act 1900.

Promoters.

4. The Corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

5. Subject to the provisions of this Order the Promoters may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the plans and sections deposited at the office of the Ministry of Transport for the purposes of this Order with all proper rails points junctions plates works and conveniences connected therewith.

Power to make tramways.

The tramways hereinbefore referred to and authorised by this Order will be wholly situate in the borough and are—

Tramway No. 12 (double line 1 furlong 8·02 chains in length) commencing by a junction with the existing tramway in Butter Market Street at a point 90 feet measured in an easterly direction from the south-west corner of Scotland Road and terminating in Bridge Street by a junction with the existing tramway in that street at Rylands Street:

Tramway No. 13 (single line 1 furlong 5·15 chains in length) commencing by a junction with the existing tramway in Butter Market Street passing along Mersey Street Napier Street and Parr Street and terminating in the last-named street at a point 36 yards east of Napier Street.

6. The tramways shall form part of the tramway undertaking of the Promoters and the provisions of the Order of 1900 (except sections 9 10 11 and 12 of that Order) and of the enactments incorporated with that Order 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 Order of 1900 (except sections 9 10 11 and 12 of that Order) Provided that except with the consent of the Minister of Transport Tramway No. 13 authorised by this Order shall not be used for the carriage of passengers.

Tramways to form part of tramway undertaking.

7.—(*a*) Notwithstanding anything in this Order or in the Order of 1900 contained if any of the works authorised to be executed by this Order or the Order of 1900 involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Postmaster-General.

(*b*) In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect:—

(1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the

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Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Promoters as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of their undertaking the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) Before any electric line is laid down or any act or work for working the tramways of the Promoters by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Promoters as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Promoters is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Promoters' works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Promoters enter any of the works of the Promoters for the purpose of inspecting the plant and the working of the same and the Promoters shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection

of the Postmaster-General the records kept by the Promoters pursuant to the Ministry of Transport regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding ten pounds for every day during which such contravention or non-compliance continues after conviction thereof or if the telegraphic communication is wilfully interrupted to a fine not exceeding fifty pounds and to a further fine not exceeding fifty pounds for every day on which such interruption continues after conviction thereof:

(6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister of Transport on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed

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against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages on any of the tramways of the Promoters:

(13) Section 28 (For protection of Postmaster-General) of the Order of 1900 is hereby repealed.

Use of tramway posts by Postmaster-General.

8.—(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 Promoters in connexion with any tramways of the Promoters 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:—

(*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 of the Promoters:

(*b*) The Postmaster-General shall give to the Promoters 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 hereinafter provided:

(*c*) Unless otherwise agreed between the Postmaster-General and the Promoters 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 expenses 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 of the Promoters or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Minister of Transport 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 hereinafter 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 hereinafter 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 a proper condition and state of repair:

(*g*) The Postmaster-General shall make good to the Promoters 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 Promoters 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 Promoters 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 Promoters or failing agreement determined as hereinafter provided:

(*i*) The Promoters 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 of the Promoters or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

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(*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 Promoters the value of the same Provided that if the Promoters 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 hereinafter provided.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter 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 Promoters" 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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