



## CHAPTER CX.

An Act to empower the Brighton Hove and Preston United Omnibus Company Limited to work their omnibuses by means of railless traction and for other purposes. A.D. 1911.

[18th August 1911.]

**W**HEREAS the Brighton Hove and Preston United Omnibus Company Limited (in this Act referred to as "the Company") were incorporated as a limited company in the year one thousand eight hundred and eighty-four and have for many years past provided an efficient service of omnibuses between Brighton Hove Shoreham Preston Rottingdean and Worthing:

And whereas the Company are providing a means of transit which is of the greatest convenience and advantage to the public and it is expedient that the Company should be authorised to improve the method of locomotion over part of their system between Brighton and Rottingdean and provide trolley cars for the more speedy and efficient handling of their traffic:

And whereas it is expedient that further powers should be conferred upon the Company in connection with the above matters:

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

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 (that is to say):—

1. This Act may be cited as the Brighton Hove and District Railless Traction Act 1911. Short title.

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Incorporation of Acts.

2. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with or expressly varied by the provisions of this Act are hereby incorporated with this Act:—

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) :

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

Section 3 (Interpretation of terms) ;

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

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

Section 42 (Proceedings in case of insolvency of promoters) ;

Section 44 (Power of sale) ;

Section 45 (Tolls &c.) ;

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

Section 47 (Penalties may be imposed in byelaws) ;

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) ;

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

Section 62 (Reservation of right of public to use roads) ;

Section 63 (Regulating inquiries before referee appointed by the Board of Trade) ;

Section 64 (Rules for carrying Act into effect) :

Provided that the provisions of the Tramways Act 1870 incorporated with this Act shall be read and have effect as if the overhead equipment to be constructed in the streets for

moving trolley cars by electrical power were tramways and as if trolley cars were carriages used on tramways. A.D. 1911.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. And Interpretation.

The expression "the Company" means the Brighton Hove and Preston United Omnibus Company Limited and the expression "the undertaking" means the undertaking by this Act authorised;

The expression "the council" means the county council of the administrative county of East Sussex;

The expression "the local authority" means the rural district council of Newhaven and the expression "the road authority" means the council;

The expression "trolley car" means a mechanically propelled vehicle adapted for use upon roads and moved by electrical power transmitted thereto from some external source;

The expression "overhead equipment" means and includes all cables wires posts poles brackets and all other necessary or convenient apparatus and equipment for the purpose of working trolley cars.

4.—(1) The Company may purchase hire manufacture provide maintain and equip trolley cars and may use the same upon the route hereinafter mentioned (in this Act referred to as "the railless traction route") and may place erect and maintain in and along the streets and roads forming such route any necessary or convenient overhead equipment for the purpose of working such trolley cars. Power to use trolley cars.

(2) The route herein referred to commences at the western boundary of the parish of Ovingdean near Arundel Road and terminates at the White Horse Inn High Street Rottingdean.

5. Subject to the provisions of this Act trolley cars shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 and neither the regulations made under that Act nor the enactments Trolley cars not to be deemed light locomotives or motor cars.

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A.D. 1911. mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley cars.

Saving of  
excise duties. **6.** Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for trolley cars as carriages or light locomotives or hackney carriages.

Approval of  
trolley cars  
by Board of  
Trade. **7.**—(1) Trolley cars shall be of such form construction and dimensions as the Board of Trade may approve and no trolley car shall be used by the Company which does not comply with the requirements of the Board of Trade and no such trolley car (excluding the weight of its load) shall exceed a weight of five tons or including the weight of its load a weight of seven tons eighteen hundredweight.

(2) No post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade.

Period for  
completion  
of overhead  
equipment. **8.** If the overhead equipment by this Act authorised is not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Fares rates  
and charges. **9.**—(1) Trolley cars may be used for the carriage of passengers and personal luggage carried by passengers and not exceeding twenty-eight pounds in weight.

(2) The Company may demand and take in respect of the carriage of parcels upon trolley cars such reasonable charges as they may prescribe.

Payment of  
fares rates  
and charges. **10.** The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley cars and in such manner and under such regulations as the Company may by notice to be annexed to the list of fares rates and charges appoint.

Conveyance  
of mails. **11.** The Company shall perform in respect of trolley cars all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Agreements  
with local  
authorities **12.** The Company on the one hand and any local authority company or person authorised by any Act or Order to supply

electrical energy on the other hand may from time to time enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say):—

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—  
as to supply  
of electrical  
energy.

(1) The supply to the Company by any such local authority company or person of electrical energy for working and lighting the trolley cars of the Company for the time being worked by the Company under the foregoing provisions of this Act whether such working and lighting is or is not situate wholly or partly beyond the district of such authority company or person:

(2) The payments to be made or other consideration to be given in respect of any such supply of electrical energy.

For the purpose of such supply any such local authority company or person may lay pipes tubes and wires from any generating station of such local authority company or person from or to the overhead equipment in under over across or along any street or road (including the footpaths thereof) bridge footpath or public place in any borough district or parish in which the overhead equipment will be or is situate Provided always that the laying by such local authority company or person of such pipes tubes and wires and the supply of electrical energy under this section shall be carried out only in accordance with and subject to the provisions of the Act or Order authorising such local authority company or person to supply electrical energy.

**13.** The following provisions shall apply to the use of electrical energy under this Act unless such energy is entirely contained in and carried along with the trolley cars:—

Special pro-  
visions as to  
use of elec-  
trical energy.

(1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any

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wire line or apparatus from time to time used for the purpose of transmitting electrical energy or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

- (3) The electrical energy shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Company and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of

Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be. A.D. 1911.

**14.** No railless traction route shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade. Inspection by Board of Trade.

**15.** Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the 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. Alteration of telegraph lines of Postmaster-General.

**16.**—(1) The Company 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 His Majesty's 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 Company as to compliance with this subsection shall be determined by arbitration. For protection of Post Office telegraph lines.

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company 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 trolley cars by electrical energy is done within ten yards of a telegraphic line of the Postmaster-General (other than repairs) the Company 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 Company and their

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A D. 1911. 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 Company 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 Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of the 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 Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company 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 Company pursuant to the Board of Trade regulations.

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

(6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognizance 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. A.D. 1911.

(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 Act.

(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 Board of Trade 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 Company 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 against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

(12) In this section the expression "the Company" includes any person owning working or running trolley cars upon the railless traction route.

**17.**—(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 connection with the trolley cars authorised by this Act 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 posts  
and standards  
by Postmas-  
ter-General.

(a) In placing maintaining or altering such telegraph no obstruction shall be caused to the working or user of the trolley cars:

(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

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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 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 trolley cars or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Company 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 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 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: A.D. 1911.

(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 hereinafter 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 trolley cars 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 hereinafter provided.

(2) Nothing in this section contained shall prevent the Company from using their posts standards or brackets for the

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(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 any person owning working or running trolley cars upon the railless traction route;

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.

For protection of East Sussex County Council.

**18.** For the protection of the county council of East Sussex (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the council and the Company have effect (that is to say):—

(1) All overhead equipment and works laid in or along any main road shall be erected or laid in such position in or at the side thereof and in the case of underground works at such depth as the council in writing under the hand of their surveyor may direct:

(2) The weight and design of all posts poles and brackets shall be such as may be reasonably approved by the council and no advertisements shall be exhibited on any overhead equipment or other works or apparatus of the Company but nothing in this subsection shall be deemed to prevent the Company from using the trolley cars for advertising purposes:

(3) The width of tyre on the back wheels of trolley cars used under the powers of this Act shall not be less than 8 inches and the diameter of the back wheel

on each such car shall not be less than 3 feet The A.D. 1911.  
tyres of all wheels used on the said trolley cars shall  
be of rubber or some other substance approved by  
the Council and the said trolley cars shall not be used  
for the conveyance of goods other than the personal  
luggage of passengers:

- (4) If the Company abandon their undertaking or any part of the same they shall forthwith take up and remove from the whole or such part thereof as may be abandoned all overhead equipment and works laid in or along any main road with all convenient speed and in all cases within six weeks at the most (unless the council otherwise consent in writing) fill in the ground and make good the surface and to the satisfaction of the council restore the portion of the main road upon or in which such overhead equipment and works were erected or laid to as good condition as that in which it was before such overhead equipment and works were erected or laid and clear away all metalling material or rubbish occasioned by such work and they shall in the meantime cause all places in which any works are being carried out by the Company under the provisions of this section to be fenced and watched and properly lighted at night:
- (5) If the Company in the execution of any works in or affecting any such main road shall cause any damage injury or disturbance to such main road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of the Tramways Act 1870 then it shall be lawful for the council after reasonable notice to the Company of the alleged failure and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Company shall repay to the council all costs charges and expenses which the council shall reasonably and properly incur in carrying out such works including all reasonable expense of superintendence:
- (6) The Company shall pay to the council a contribution of a  $\frac{1}{2}d.$  per car mile run by the Company over the

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main road between the eastern boundary of the county borough of Brighton and Rottingdean towards the cost of the maintenance by the council of that road or the sum of 120*l.* a year whichever shall be the greater Provided always that if in the opinion of the council the said sum of  $\frac{1}{2}d.$  per car mile run is inadequate to recoup the council the extra expense incurred by them in maintaining the said road by reason of the user thereof by the trolley cars of the Company the Company shall pay to the council such additional sum as may be agreed between the Company and the council or failing agreement determined by arbitration as hereinafter provided The said minimum payment of 120*l.* a year shall be payable by the Company to the council quarterly in advance and the first such quarterly payment shall become due on the day on which the Company first run trolley cars under the powers of this Act and any balance due to the council under the provisions of this section shall be paid by the Company within one month after the council shall have demanded the same in writing and all sums of money payable to the council under the provisions of this section shall be deemed to be a debt due to the council and recoverable from the Company accordingly :

- (7) The Company shall produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act stamped with duty at the rate of two shillings and sixpence for every five pounds of the sum of one hundred and twenty pounds per annum payable to the council under this section and in default of such production within six months after the passing of this Act the duty with interest thereon at the rate of five per centum per annum shall become a debt from the Company to His Majesty :
- (8) The Company shall keep proper accounts for the purposes of this section showing in proper detail the mileage run by each trolley car of the Company on the said main road and shall furnish copies of such accounts quarterly to the council and the Company shall allow any person duly authorised by the council in that

behalf at all reasonable times to inspect and take copies of all accounts kept by the Company relating to the running of all such trolley cars : A.D. 1911.

- (9) All work shall be so executed by the Company as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road :
- (10) If any difference at any time arises between the council and the Company under the provisions of subsections (2) (4) or (5) or as to the payment to be made to the council under subsection (6) of this section such difference shall be settled by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (11) The council shall not be liable for or in respect of any damage or injury done to any work of the Company (a) by reason of such work being laid at a depth below the surface of any main road insufficient for its protection from injury arising from the use by the council of any steam or other roller not exceeding fifteen tons in weight for the repair of such road or of any traction engine not exceeding the weight aforesaid or (b) from the passage of the traffic in such road or (c) in repairing any such road or (d) by reason of the non-repair of any such road.

**19.** The Company may demand and take for every passenger travelling upon the trolley cars including every expense incidental to such conveyance a fare not exceeding twopence per mile and in computing the said fare the fraction of a mile shall be deemed a mile The Company shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary weekdays. Fares for passengers.

**20.** The rural district council of Newhaven shall have the like power of making and enforcing rules and regulations and of granting licences with respect to trolley cars and to all drivers chauffeurs conductors and other persons having charge of or using the same as the local authority are for the time being Licensing of drivers &c.

A.D. 1911. entitled to make enforce and grant with respect to hackney carriages and the drivers and other persons having the charge thereof in the streets and district of or under the control of such local authority.

For protection of Brighton Corporation.

**21.** For the protection of the mayor aldermen and burgesses of the county borough of Brighton (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Company have effect (that is to say):—

(1) In this section "apparatus" means any mains pipes tubes wires apparatus and other appliances belonging to the corporation:

(2) The plan and section to be delivered by the Company under section 30 of the Tramways Act 1870 shall (in addition to any other particulars to be shown thereon) show all posts poles transformer boxes and other apparatus intended to be erected or constructed as part of or connected with the overhead equipment and such plan shall be delivered fourteen days before the commencement of any works and if the erection or construction of any such post pole transformer box or apparatus in the position proposed would in the opinion of the corporation endanger or prevent access to any of their apparatus the Company shall (subject as hereinafter provided) if so required by the corporation alter the position of such post pole transformer box or apparatus of the Company to such extent as the corporation may reasonably require in order to remove such danger Provided that if the Company dispute the necessity of any such alteration of position as aforesaid or contend that the matter can be more properly dealt with having regard to all the circumstances by lowering or altering the position of the apparatus of the corporation in accordance with section 30 of the Tramways Act 1870 then the question in dispute shall be settled by arbitration under this section:

If the cost of repairing relaying altering or otherwise dealing with any apparatus of the corporation shall be increased by reason or in consequence of the existence



of any such post pole transformer box or apparatus of the Company as aforesaid the amount of such additional cost shall be borne by the Company and shall be repaid by them on demand to the corporation :

- (3) If within seven days after a notice under section 30 of the Tramways Act 1870 shall have been served upon the corporation the corporation so elect they may themselves execute all alterations to their apparatus as may from time to time be necessary and the reasonable cost of executing such alterations shall be repaid by the Company to the corporation Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the engineer of the Company and the corporation will furnish to the Company upon request details of all such costs :
- (4) The Company shall not for the purposes of the works by this Act authorised cause any street to be lowered or raised nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering less than the covering then existing nor (unless the Company provide special means of access to the same to the satisfaction of the corporation) more than the covering then existing Provided that nothing in this subsection shall prejudice or interfere with the rights of the corporation under the said section 30 of the Tramways Act 1870 to require the Company to lower or otherwise alter the position of any apparatus :
- (5) The corporation may if they deem fit employ watchmen or inspectors to watch any works to be executed by the Company under this section or any other provision of this Act whereby any apparatus of the corporation will or may be interfered with or affected and the reasonable expenses thereof shall be borne by the Company and be paid by them upon demand to the corporation :
- (6) If any difference shall arise between the corporation and the Company with respect to any matters under this section such difference shall be settled by an engineer to be agreed upon between the corporation

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and the Company or failing such agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers :

- (7) The Company shall not be entitled under the provisions of the section of this Act the marginal note whereof is "Shelters or waiting rooms" to erect or maintain any shelters or waiting rooms in any public street or road over or so as to interfere with or render more difficult the access to any apparatus of the corporation :
- (8) The provisions of this section shall be in addition to and not in substitution for or derogation of any other provisions of this Act to the benefit of which the corporation would otherwise have been entitled.

For protection of Brighton and Hove General Gas Company.

**22.** For the protection of the Brighton and Hove General Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Company and the gas company apply and have effect (that is to say):—

- (1) At least fourteen days before the commencement of any works under the powers of this Act which will in any way interfere with or affect any mains pipes or apparatus of the gas company (in this section referred to as "apparatus") or before breaking up any street or road or part thereof in or under which apparatus of the gas company has been laid down the Company shall submit to the gas company plans sections and a description of the works so proposed to be executed describing the proposed manner of executing the same and a notice stating the date when it is proposed to commence such works and if within fourteen days from the submission of such plans sections and descriptions the gas company make any further requirements in relation thereto for the protection of the apparatus such works shall not be commenced until such requirements have been agreed or settled by arbitration as hereinafter provided All such works as aforesaid shall be done under the superintendence and to the reasonable satisfaction of the gas company or their engineer and the reasonable

costs charges and expenses of such superintendence shall be paid to the gas company by the Company :

- (2) The gas company on giving not less than forty-eight hours' notice (except in cases of emergency) in writing of their intention so to do may by their own engineer and workmen execute any work in connection with their apparatus that may be reasonably necessary for the diversion shoring up or supporting or otherwise altering the position of and restoring and protecting any such apparatus which it may be necessary to divert shore up support alter restore or protect by reason of the execution of any works of the Company and for preventing any interruption to the supply of gas by the gas company and the Company shall on completion pay to the gas company the reasonable expenses incurred by them in the execution of such works :
- (3) The Company shall make good all damage done to the apparatus of the gas company and shall make full compensation to the gas company for any loss or damage which they may sustain or be put to by reason of any interference by the Company with such apparatus or by reason of the working of the trolley cars and if the supply of gas in or through the mains and pipes of the gas company shall by reason of such working or of any act or omission of the Company or by the act or acts of any of their contractors agents workmen or servants or any person in their employ be interfered with or interrupted the Company shall compensate the gas company for and indemnify them against all damages losses claims or expenses incurred by or caused to them by or by reason or in consequence of such interference or interruption :
- (4) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the gas company :
- (5) Any dispute or difference which may arise between the Company and the gas company or their respective engineers touching any of the matters referred to in this section or concerning any plans sections or descriptions to be delivered to the gas company

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thereunder shall unless otherwise agreed be determined by an engineer to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Provisions  
for safety of  
public.

**23.** The trolley cars used by the Company may be moved by electrical energy subject to the following provisions (that is to say) :—

(1) The electrical energy shall not be used except according to a system approved by the Board of Trade :

(2) The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of electrical energy for propelling the trolley cars of the Company and for regulating the use of electrical energy :

(3) The Company using any electrical energy contrary to the provisions of this Act or of the Board of Trade regulations shall for every offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :

(4) The Board of Trade if they are of opinion—

(a) That the Company has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(b) That the use of electrical energy as authorised under this Act is a danger to the passengers or the public ;

may by order either direct the Company to cease to use such electrical energy or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

**24.** The Company may with the consent of the owner of any building wall or bridge attach to such structure such brackets wires and apparatus as may be required for the working of the trolley cars of the Company by electrical energy Provided that—

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Attachment  
of brackets  
to buildings.

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the structure and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the structure but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

(3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the structure and the Company shall comply with such requirement at their own expense.

For the purpose of this section any occupier whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

**25.** The Company may appoint stages upon any of the railless traction routes and may demand and take for every passenger travelling upon any such stage such reasonable fares rates or charges not exceeding the fares rates and charges authorised to be taken by this Act as may be determined by the Company.

Power to  
appoint  
stages.

A.D. 1911.

Company  
may appoint  
stopping and  
starting  
places.

**26.** The Company may appoint the stations and places from which the trolley cars used by the Company shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such trolley cars shall be allowed to remain at any such place.

Shelters or  
waiting  
rooms.

**27.** The Company may erect and maintain shelters or waiting rooms for the accommodation of passengers and of the servants of the Company and may with the consent of the local authority and road authority use for that purpose portions of any public street or road within the district of such authority.

Consents of  
local autho-  
rities not to  
be unreason-  
ably with-  
held.

**28.** Where the consent or approval of any local authority or of the surveyor or other officer of any such authority is by this Act required before the exercise of any powers by the Company such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration.

Byelaws.

**29.** Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the trolley cars for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the trolley cars :

For providing that trolley cars shall be brought to a stand at such places as the Board of Trade may deem proper for securing safety :

For regulating the entrance to exit from and accommodation in the trolley cars and the protection of passengers from the machinery of any engine used for drawing or propelling such trolley cars :

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the trolley cars by exhibition of the same in some conspicuous place in the office of the Company :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

**30.** All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

A.D. 1911.  
Orders  
of Board  
of Trade.

**31.** If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the trolley cars of the Company anything which is calculated to obstruct or interfere with the working of such trolley cars or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Penalty for  
malicious  
damage.

**32.** Any penalty under this Act or under any byelaws made in pursuance of this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of  
penalties.

**33.** Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply thereto.

Provisions  
as to arbitra-  
tion.

**34.** With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely):—

Form and  
delivery of  
notices.

(1) Every notice shall be in writing and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:

(2) Any notice to be delivered by or to the Company or to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company as the case may be or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company as the case may be may from time to time by notice to the other request that such notices may be sent or delivered.

[Ch. cx.] *Brighton Hove and District Railless* [1 & 2 GEO. 5.]  
*Traction Act, 1911.*

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Copy of Act  
to be regis-  
tered.

**35.** 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 every director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty and every penalty under this Act shall be recoverable summarily.

There shall be paid to the Registrar by the Company on such copy being registered a fee of five shillings.

Costs of Act.

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

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