

[14 & 15 GEO. 5.] *Keighley Corporation* [Ch. lxxxiii.]
(*Trolley Vehicles*) Order Confirmation Act, 1924.



CHAPTER lxxxiii.

An Act to confirm a Provisional Order made by the Minister of Transport under the Keighley Corporation Act 1912 relating to Keighley Corporation trolley vehicles. [7th August 1924.] A.D. 1924.

WHEREAS under the authority of section sixty-four of the Keighley Corporation Act 1912 the Minister of Transport has made the Provisional Order set out in the schedule in this Act annexed: 2 & 3 Geo. 5. c. cvii.

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

And whereas it is expedient that the Provisional Order made by the Minister of Transport under the authority of the said section and set out in the schedule to this Act annexed be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Keighley Corporation (Trolley Vehicles) Order Confirmation Act 1924. Short title.

2. The Order as amended and 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. Confirmation of Order in schedule.

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SCHEDULE.

KEIGHLEY CORPORATION (TROLLEY
VEHICLES).

*Order authorising the Mayor Aldermen and Burgesses
of the borough of Keighley to provide maintain and
use trolley vehicles upon routes in their borough.*

Short title.

1. This Order may be cited as the Keighley Corporation
(Trolley Vehicles) Order 1924.

Incorpora-
tion 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 excep-
tions namely :—

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

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

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

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

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

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

Section 47 (Penalties may be imposed in byelaws) ;

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

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

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

Section 52 (Transient offenders) ;

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

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- Section 55 (Promoters or lessees to be responsible for all damages); A.D. 1924.
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 wagon cart or other carriage is to be kept.

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

“ The Corporation ” means the mayor aldermen and burgesses of the borough of Keighley;

“ The borough ” means the borough of Keighley;

“ The borough fund ” and “ the borough rate ” mean respectively the borough fund and the borough rate of the borough;

“ 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 routes upon which the Corporation are authorised to work and use trolley vehicles;

“ The Act of 1912 ” means the Keighley Corporation Act 1912.

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

Route No. 1 (one mile three furlongs twelve yards in length) commencing at the terminus of the existing

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trolley vehicle route at Utley thence proceeding along the Keighley and Kendal main road to and terminating at the south side of High Street ;

Route No. 3 (four chains twenty yards in length) commencing at the junction of St. John's Road with the Keighley and Kendal main road thence proceeding along St. John's Road to Aireville Street ;

Route No. 4 (five furlongs six chains five yards in length) along the Keighley and Halifax main road commencing at the north side of Goulbourne Street and terminating at the terminus of the existing trolley vehicle route at Ingrow ;

Route No. 5 commencing at the junction of Ingrow Lane with the Keighley and Halifax main road thence proceeding along Ingrow Lane for a distance of two chains six yards measured in a south-westerly direction ;

Route No. 6 (one mile one furlong two chains four yards in length) commencing at the borough boundary at Stockbridge thence proceeding along the Keighley and Bradford main road and Cavendish Street to and terminating at the junction of that street with the Keighley and Kendal main road ;

Route No. 7 (four furlongs five chains seven yards in length) commencing at the junction of Dalton Lane with the Keighley and Bradford main road thence proceeding along Dalton Lane and Marlow Street to and terminating at the junction of that street with Aireworth Road ;

Route No. 8 (two furlongs one chain one yard in length) commencing at the junction of Airedale Road with Marlow Street thence proceeding along Airedale Road to and terminating at its junction with Marley Road ;

Route No. 9 (two furlongs seven chains six yards in length) commencing at the junction of Aireworth Road with the Keighley and Bradford main road thence proceeding along Aireworth Road and Marley Road to the junction of the latter road with the continuation of Ribble Street and thence along the continuation of Ribble Street to and terminating at its junction with Airedale Road :

Provided that before equipping any trolley vehicle route for the working of trolley vehicles or arranging for a new turning point on any route the Corporation shall submit plans of the turning points to the Minister of Transport for approval.

As to opening for traffic of Route No. 9.

5. The Corporation shall not use trolley vehicles upon so much of Route No. 9 described in the section of this Order of

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which the marginal note is " Power to use trolley vehicles " as is situate between the junction of Aireworth Road with Marley Road and the termination of the said route until the roads forming that part of the said route have been widened to at least twenty-three feet.

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6.—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised under the provisions of this Order to run trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station lands depôts sheds or property of the Corporation place erect and maintain trolley vehicle equipment and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Order open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

As to electrical works.

Provided that :—

- (a) No post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport Provided that before giving such consent with regard to any main road the Minister shall give to the county council an opportunity of submitting to him any observations upon the proposal ;
- (b) The route in which any trolley vehicle equipment is to be laid or erected for the purpose of connecting the trolley vehicle routes or any of them authorised by this Order with a generating station shall be approved by the road authority on any part of a route where the Corporation are not the road authority.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) The Corporation may also adapt and use for the purpose of working trolley vehicles any apparatus and equipment already provided by them for working tramways in streets or roads along which they are authorised to run trolley vehicles.

(4) In this section the expression " generating station " has the meaning assigned to it by section 25 of the Electric Lighting Act 1909.

7. Subject to the provisions of this Order the Corporation shall have the exclusive right of using any apparatus provided

Corporation to have exclusive right

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of using
apparatus
for working
trolley
vehicles.

Approval of
vehicles by
Minister of
Transport.

For protec-
tion of the
West Riding
County
Council.

erected or maintained by them in the borough for the purpose of working trolley vehicles under the provisions of this Order and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

8. The trolley vehicles and the electrical equipment thereof used by the Corporation shall be of such form construction weight and dimensions as the Minister of Transport may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Minister of Transport.

9. The following provisions for the protection of the county council of the West Riding of Yorkshire (in this section called "the county council") shall have effect unless otherwise agreed upon in writing between the county council and the Corporation :—

- (1) Notwithstanding anything in this Order the Corporation shall not run trolley vehicles on any main road until such road has been reconstructed to such extent and in such manner and on such terms and conditions as to cost or otherwise as are specified in an agreement dated the fourth day of June nineteen hundred and twenty-four and made between the Corporation of the one part and the county council of the other part except so far as may be necessary to maintain a transport service during the period of such reconstruction as aforesaid but in no case for a longer period than twelve months unless the county council otherwise agree :
- (2) Trolley vehicles shall not be run over Stockbridge or the approaches thereto until such bridge shall have been widened or reconstructed :
- (3) The Corporation shall be responsible for and make good to the county council all losses damage and expenses which may be occasioned to the county council in relation to the structure of any county or main road bridge by or by reason of the execution or failure of any of the works authorised by this Order or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the county council from all claims or demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (4) If the county council find it necessary that the working of the trolley vehicles over any such bridge be wholly or in part stopped or delayed for the purposes of any

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repairs to or alteration of such bridge and if the county council accordingly give the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as required by such notice but no such working shall be stopped or delayed for a longer period or to a greater extent than may be absolutely necessary for effecting such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid :

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- (5) The Corporation shall not without the consent in writing of the county council which consent shall not be unreasonably withheld place erect or attach any post or other support for any wire or any feeder box on or to the structure of any bridge as aforesaid and shall on receiving three months' notice in writing remove any post support or box which shall with such consent have been so placed erected or attached :
- (6) If any post or other work becomes an obstruction to a main road the Corporation shall alter the position thereof in such manner as will prevent any such obstruction and the cost so incurred including the cost of any incidental alteration of cables or other works shall be charged to the account of the trolley vehicle undertaking or the tramway undertaking of the Corporation :
- (7) If any such reconstruction or widening 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 seven of the Telegraph Act 1878 shall apply to any such alteration and the Corporation or the county council (as the case may be) shall be deemed to be "undertakers" within the meaning of the said Act.

10.—(1) At any time after the passing of this Order the Minister of Transport may by order require the Corporation to abandon or discontinue temporarily or permanently any of their tramways (for the time being) along the route of which the Corporation have provided and equipped trolley vehicles under the provisions of this Order.

As to abandonment of tramways.

(2) Before making any such order the Minister of Transport may hold such inquiry as he may consider desirable.

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order

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A.D. 1924. relating to any tramway to be abandoned or discontinued in pursuance of such order and may provide for the removal of the rails of such tramway and the restoration of the portion of the road upon which such rails were laid to as good a condition as that in which it was before such rails were laid down. If the Corporation act in contravention or fail to comply with the provisions of any such order the Corporation shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(4) Where the Minister of Transport causes any inquiry to be held under the provisions of this section all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct and the Minister may certify the amount of the expenses incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

Trolley vehicles to form part of tramway undertaking.

11. Subject to the provisions of this Order the trolley vehicle undertaking authorised by this Order shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the income and expenditure upon and in connection with trolley vehicles shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connection with the remainder of such undertaking.

Accounts to be furnished to Minister of Transport.

12. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking.

As to lands.

13. The Corporation may—

(a) Subject to the sanction of the Minister of Health and under such conditions as he may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands vested in them but not dedicated to public use :

(b) By agreement from time to time purchase and acquire for the purposes of the trolley vehicle undertaking authorised under the provisions of this Order such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes. Provided that all sums received by the Corporation from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Minister of Health :

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Provided that—

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- (a) The Corporation shall not at any time under the provisions of this section hold for such purposes more than five acres of land;
- (b) Nothing in this section shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

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

Power to borrow.

1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For the provision of trolley vehicles.	£ 33,000	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Ten years from the date or dates of borrowing.
(b) For the provision of overhead equipment.	8,000	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Twenty years from the date or dates of borrowing.
(c) For land and buildings.	500	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Forty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Order.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Order.

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(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) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Transport.

(c) 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 57 (Power to use one form of mortgage for all purposes) of the Act of 1912.

Application
of provisions
of previous
enactments.

15.—(1) The following sections of the Act of 1912 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (that is to say) :—

Section 57 (Vehicles not to be deemed light locomotives or motor cars);

Section 58 (Suspension of licence and disqualification);

Section 61 (Fares rates and charges);

Section 65 (Application of provisions of Keighley Corporation Tramways Order 1903);

Section 66 (For protection of Postmaster-General);

Section 67 (Duties on licences for trolley vehicles);

Section 76 (Penalty for malicious damage);

Section 84 (Application of financial provisions of Acts of 1891 1898 and 1908).

(2) In the application of the above-mentioned provisions 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.

Application
of provisions
of the Act of
1912 for the
protection of
the London
Midland and

16. The provisions of section 62 (For further protection of Midland Railway Company) and section 75 (Repeal of section 21 of Act of 1908) so far as it relates to the Midland Railway (now the London Midland and Scottish Railway) of the Act of 1912 shall so far as they are applicable and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis

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to and in relation to this Order and to the trolley vehicles authorised by it as if those trolley vehicles had formed part of the trolley vehicle system authorised by that Act.

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Scottish
Railway
Company.

Costs of
Order.

17. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Order as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of money to be borrowed under the powers of this Order for that purpose.

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