



CHAPTER cxvi.

An Act to empower the mayor aldermen and burgesses of the county borough of Darlington to substitute trolley vehicles and omnibuses for their light railways and for other purposes. A.D. 1925.

[7th August 1925.]

WHEREAS the county borough of Darlington in the county of Durham (in this Act called "the borough") is a municipal borough subject to the Acts relating to municipal corporations and a county borough within the meaning of the Local Government Act 1888 and is under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the Corporation acting by the council are also the urban sanitary authority for the district comprising the borough :

And whereas in pursuance of powers conferred upon them by the Darlington Light Railways Orders 1902 and 1917 the Corporation are the owners of and are working a system of light railways in the borough and are empowered to construct and work partly in the borough and partly in the adjoining parish of Haughton-le-Skerne in the rural district of Darlington a portion (not yet constructed) of another light railway in the Darlington Light Railways Order 1902 referred to as Railway No. 3 :

And whereas it is expedient to empower the Corporation to substitute for their light railways vehicles

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A.D. 1925. — moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") and to provide and work omnibuses and to confer upon the Corporation all necessary and convenient powers with regard thereto :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the provision of the trolley vehicles authorised by this Act - - -	51,200
For the provision and erection of posts standards brackets and other apparatus works and conveniences for the purposes of the trolley vehicles authorised by this Act - - -	27,000
For the provision and equipment of omnibuses - - - - -	10,000

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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) :—

Short title.

1. This Act may be cited as the *Darlington Corporation (Transport &c.) Act 1925.*

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be

something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires :— A.D. 1925.

- “ The borough ” means the borough of Darlington;
- “ The Corporation ” means the mayor aldermen and burgesses of the borough;
- “ The town clerk ” means the town clerk of the borough;
- “ The borough fund ” and “ the borough rate ” mean respectively the borough fund and the borough rate of the borough;
- “ The Order of 1902 ” and “ the Order of 1917 ” mean respectively the Darlington Light Railways Order 1902 and the Darlington Light Railways Order 1917;
- “ 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 routes ” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;
- “ The trolley vehicle undertaking ” and “ the omnibus undertaking ” mean respectively the trolley vehicle undertaking and the omnibus undertaking by this Act authorised;
- “ The light railway undertaking ” means the light railway undertaking of the Corporation for the time being authorised including where the context so requires the trolley vehicle undertaking and the omnibus undertaking;
- “ Road authority ” means the authority company or person (other than the Corporation) charged with or liable to contribute to the maintenance of any road over which any trolley vehicle or omnibus worked by the Corporation under the provisions of this Act will pass;
- “ County road ” means any road for the time being vested in or repairable by the county council or for or towards the cost of the maintenance and repair of which the county council are liable to pay and situate within any part of the administrative county of Durham;

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“ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“ Revenues of the Corporation ” includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation.

Power to use trolley vehicles.

3. The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may work the same along the following trolley vehicle routes in the county of Durham :

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

The routes hereinbefore referred to are :—

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Routes No. 1 No. 2 No. 2A and No. 3 being the routes of the light railways (Railways No. 1 No. 2 No. 2A and No. 3 respectively) which the Corporation are by the Order of 1902 authorised to make form lay down and maintain;

Route No. 4 Commencing by a junction with Route No. 1 in the road leading from Cockerton Bridge to Newton Lane opposite West Auckland Road thence proceeding northwards along that road and terminating at the borough boundary;

Route No. 5 Commencing by a junction with Route No. 1 at the corner of Woodland Road and Greenbank Road thence along Greenbank Road Salisbury Terrace Surtees Street Wilson Street and Brinkburn Road and terminating at the junction of Brinkburn Road and West Auckland Road;

Route No. 6 Commencing by a junction with Route No. 1 at the termination of that route in Yarm Road thence proceeding eastwards along that road and terminating at the borough boundary;

Route No. 7 Commencing by a junction with Route No. 2 at the termination of that route in Durham Road thence proceeding northwards along that road and terminating at the borough boundary;

Route No. 8 Commencing by a junction with Route No. 1 in High Row opposite the Horse Market thence proceeding along Horse Market Feethams Victoria Road Clifton Road and the unnamed road leading from the southern end of Clifton Road to Geneva Road and terminating at the southern end of such unnamed road;

Route No. 9 Commencing by a junction with Route No. 8 in Clifton Road opposite Milner Road thence proceeding along Milner Road and Park Lane and the unnamed road leading from Park Lane southwards to a point

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on the borough boundary near the place where the London and North Eastern Railway is carried over Geneva Road and terminating at the southern end of the unnamed road last mentioned.

All the above-mentioned routes are situate in the borough except Route No. 3 which is situate partly in the borough and partly in the parish of Haughton-le-Skerne in the rural district of Darlington and Routes No. 8 and No. 9 which are situate partly in the borough and partly in the parish of Blackwell in the same rural district. The power to construct so much of Railway No. 3 authorised by the Order of 1902 as would be situate outside the borough is hereby repealed.

As to electrical works.

4.—(1) (a) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are authorised 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 in the borough place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Act 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 :

Provided that all posts and apparatus erected by the Corporation under the powers of this Act in any county road shall be placed in such position as the council of the administrative county of Durham may approve and that no post or other apparatus shall be erected upon the carriageway of any public street or road except with the consent of the Minister of Transport.

(b) The route in which any electrical apparatus is to be placed erected or maintained for the purpose of connecting the trolley vehicle routes or any of them with a

generating station shall so far as the same shall follow any county road be approved by the council of the administrative county of Durham. A.D. 1925.
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(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 the light railways.

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

5.—(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 Corporation in connection with the trolley vehicles 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
&c. by
Postmaster-
General.

(a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle routes;

(b) The Postmaster-General shall give to the Corporation 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;

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- (c) Unless otherwise agreed between the Postmaster-General and the Corporation 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 trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation 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 Corporation 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 Corporation their officers or servants;

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(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 Corporation 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 Corporation or failing agreement determined as hereinafter provided;

(i) The Corporation 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 vehicle routes or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation 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 Corporation the value of the same. Provided that if the Corporation 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 Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their trolley

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vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection 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 Corporation” includes their lessees;

The expression “telegraph” has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meanings as in the Telegraph Act 1878.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

6. Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working trolley vehicles 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.

Vehicles not to be deemed light locomotives or motor cars.

7. The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the bye-laws and regulations made thereunder nor shall they be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889 nor motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 and the provisions necessary for enforcing that subsection section 6 and the provisions as amended by the Roads Act 1920 relating to the licensing and licences of drivers) and subject to those exceptions neither that Act nor the regulations made under that Act nor the enactments mentioned in the

schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 nor the Town Police Clauses Act 1889 shall apply to the said trolley vehicles. A.D. 1925.

8. Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for the trolley vehicles authorised by this Act as hackney carriages. Duties on licences for trolley vehicles.

9. The trolley vehicles and the electrical equipment thereof used under the authority of this Act 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. Approval of vehicles by Minister of Transport.

10. No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by the Minister of Transport. Inspection by Minister of Transport.

11. The trolley vehicles used by the Corporation may be moved by electrical energy subject to the following provisions (that is to say):— Provisions for safety of public.

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

(2) The Minister of Transport shall make regulations (in this section referred to as "the Ministry of Transport 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 vehicles and for regulating the use of electrical energy :

(3) The Corporation using any electrical energy contrary to the provisions of this Act or of the Ministry of Transport regulations shall for every offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds :

(4) The Minister of Transport if he is of opinion—
(a) that the Corporation have made default in complying with the provisions of this Act or of the Ministry of Transport

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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 Corporation to cease to use such electrical energy or permit the same to be continued only subject to such conditions as the Minister of Transport may impose and the Corporation shall comply with every such order. In every such case the Minister of Transport shall make a special report to Parliament notifying the making of such order.

Rates for passengers on trolley vehicles.

12.—(1) The Corporation may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to the conveyance of such passenger any rates or charges not exceeding the following (that is to say):—

For a stage not exceeding half-a-mile	One penny;
Exceeding half-a-mile and not exceeding 1 mile	Two pence;
Exceeding 1 mile and not exceeding 2 miles	Three pence;
Exceeding 2 miles and not exceeding 3 miles	Four pence;
Exceeding 3 miles and not exceeding 4 miles	Five pence.

(2) A list of all rates and charges authorised to be taken for passengers shall be exhibited in a conspicuous place inside each of the trolley vehicles.

Passengers' luggage on trolley vehicles.

13. Every passenger travelling upon the trolley vehicles may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage must be carried by hand and at the responsibility of the passenger and must not be placed so as to occupy any part of a seat and must not be of a form or description to annoy or inconvenience other passengers.

14. The Corporation may if they think fit carry on the trolley vehicles dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger.

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 Dogs on trolley vehicles.

15.—(1) The Corporation at all times after the opening of the trolley vehicle routes for public traffic shall run a proper and sufficient service of trolley vehicles for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and bank holidays excepted) at such times not being later than eight o'clock in the morning or earlier than five o'clock in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares—

Cheap fares for labouring classes.

For a stage not exceeding 1 mile One penny;

Exceeding 1 mile and not exceeding 2 miles Two pence;

Exceeding 2 miles and not exceeding 3 miles Three pence;

Exceeding 3 miles and not exceeding 4 miles Four pence:

Provided that on Saturdays the Corporation instead of running such vehicles after five o'clock in the evening shall run the same at such times between noon and two o'clock in the afternoon as may be most convenient for the said purpose.

(2) If complaint is made to the Minister of Transport that such proper and sufficient service is not provided the Minister after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Minister to be reasonable.

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

16. The Corporation may demand and take in respect of any parcels conveyed by them on the trolley

Rates for parcels on

A.D. 1925. vehicles including every expense incidental to such conveyance any rates or charges not exceeding the following (that is to say) :—
 —
 trolley vehicles.

		Any distance
		s. d.
For any parcel not exceeding seven pounds in weight - - - - -	0	6
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight	0	10
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	1	2
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - -	1	6
For any parcel exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight such sum as the Corporation think fit.		

Periodical revision of rates and charges on trolley vehicles.

17. If at any time after three years from the opening for public traffic of the trolley vehicle routes or after three years from the date of any order made in pursuance of this section in respect of the trolley vehicle routes it is represented in writing to the Minister of Transport by twenty inhabitant ratepayers of the borough or by any local authority (including the Corporation) of any district in which the trolley vehicles are run that under the circumstances then existing all or any of the rates and charges on the trolley vehicle routes should be revised the Minister may (if he thinks fit) direct an inquiry to be held by a referee to be appointed by the Minister in accordance with the provisions of the Tramways Act 1870. If such referee reports that it has been proved to his satisfaction that all or any of such rates and charges should be revised the Minister may make an order in writing altering modifying reducing or increasing the same in such manner as he thinks fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Minister of Transport made in pursuance of this section. Provided that the rates and charges prescribed by any such order shall not exceed in amount the maximum rates and charges by this Act authorised.

18.—(1) The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act and shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the streets or roads for moving the trolley vehicles by electrical power were tramways and as if the trolley vehicles were carriages used on tramways:—

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Application of certain provisions of Tramways Act 1870 to trolley vehicles.

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

Part III. (General provisions):

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 bye-laws);

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

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

Section 59 (Penalty on passengers practising frauds on the promoters);

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

Section 55 (Promoters or lessees to be responsible for all damages);

Section 56 (Recovery of tolls penalties &c.);

Section 57 (Right of user only);

Section 60 (Reserving powers of street authorities to widen &c. roads); and

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

(2) Nothing in this Act 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.

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Application
of provisions
of Order of
1902.

19.—(1) The following provisions of the Order of 1902 shall subject as hereinafter provided extend and apply to the trolley vehicles and the trolley vehicle undertaking as if those provisions were with all necessary modifications re-enacted in this Act:—

Section 7 (Power to generate electricity);

Section 14 (Appropriation and acquisition by agreement of lands);

Section 15 (Persons under disability may grant easements);

Section 30 (For the protection of owners of bridges and culverts);

Section 31 (For the protection of the North Eastern Railway Company);

Section 43 (Service of cars);

Section 50 (Board of Trade regulations);

Section 51 (Special provisions as to use of electric power as motive power);

Section 54 (For the protection of the Postmaster-General);

First Schedule :

Provided that in the application of such provisions the same shall be read and have effect as if the apparatus and equipment for working the trolley vehicles and the trolley vehicle routes (together or separately as the context may require) were "the railway" within the meaning of the Order of 1902 and as if trolley vehicles were engines or carriages used on such railway and as if the undertaking authorised by and the purposes of the Order of 1902 included the undertaking authorised by and the purposes of this Act. Provided also that in the application of sections 14 and 31 of the Order of 1902 the same shall be read and have effect as if the Minister of Health and the London and North Eastern Railway Company were mentioned therein instead of the Local Government Board and the North Eastern Railway Company respectively.

(2) In the application of the above mentioned provisions any matter or thing to be determined by arbitration shall be determined by arbitration under and subject to the provisions of the Light Railways Act 1912.

20. As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation in lieu of a service of light railway vehicles upon Routes No. 1 No. 2 and No. 3 the revenue of the light railway undertaking shall to such extent as the Corporation may from time to time by resolution determine cease to be charged with any expense incurred by the Corporation upon or in connection with the maintenance and repair of roads under any statutory enactment relating to that undertaking but nothing in this section shall relieve the Corporation of any liability attached to them in respect of such maintenance and repair.

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As to repair of roads where railways are laid.

21. So soon as trolley vehicle Routes No. 1 No. 2 and No. 3 shall have been opened for public traffic and the Corporation have commenced to provide a service of trolley vehicles thereon the Corporation shall not be required to provide a service of carriages on their light railways and may remove the rails of those railways from the surface of the roads in which the same are laid and make good such surface.

Discontin-
uance of
light rail-
ways.

22.—(1) (a) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Act hereinbefore referred to) they may make application to the Minister of Transport and the Minister of Transport is hereby empowered to make a Provisional Order authorising the use by the Corporation of trolley vehicles subject to such conditions and restrictions (if any) as he may think fit upon any road or roads to which such application relates and subject to the terms of the Provisional Order the provisions of this Act shall apply as if the use of trolley vehicles upon such road were authorised by this Act.

Minister of
Transport
may autho-
rise new
routes.

(b) The Minister of Transport shall not make any Provisional Order under this section relating to any road outside the borough except with the consent of the local authority and (where the local authority is not the road authority) of the road authority of the district in which such road is situate Provided that the consent of a road authority (not being the local authority of the district) shall not be unreasonably withheld and that any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

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(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall—

- (a) Have published once in each of two successive weeks in the months of October or November notice of their intention to make such application in some newspaper or newspapers circulating in the area to which the application relates;
- (b) Have also published such notice once in the months of October or November in the London Gazette;
- (c) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Minister of Transport any objections to the grant of such application.

(3) The Minister of Transport may and he is hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Minister of Transport shall consider any such application and may if he thinks fit direct an inquiry to be held in relation thereto or may otherwise inquire as to the propriety of proceeding upon such application and he shall consider any objection to such application that may be lodged with him in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Minister of Transport expedient that the application be granted he may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to

the Bill and until confirmation with or without amend- A.D. 1925.
ment by such Act of Parliament a Provisional Order
under this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a select committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *prima facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Minister of Transport in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Minister of Transport in connection with any inquiry under this section shall be paid by the Corporation.

23.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and with the consent of the Minister of Transport and the local authority of the district along any route without the borough. Provided that the consent of a local authority shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport.

Power to
provide and
run omni-
buses.

(2) In the case of any application under the provisions of this section for the consent of the Minister of Transport the Corporation shall give notice in writing of their proposals to the road authority (where it is not also the local authority) and shall publish notice of such proposals in the London Gazette and in such other manner as the Minister of Transport shall direct stating the manner in which and the time within which any persons affected by such proposals may object thereto and

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if any objection shall be made by any such person or the consent of the local authority is withheld the Minister of Transport may direct an inquiry to be held.

(3) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor-houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The provisions of section 51 (Penalty on passengers practising frauds on the promoters) and section 56 (Recovery of tolls penalties &c.) of the Tramways Act 1870 shall apply to and in relation to the omnibuses of the Corporation as if they were carriages used on tramways.

(6) The Corporation may make byelaws for regulating the travelling of passengers in or upon and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Corporation in connection therewith.

For protec-
tion of
United
Automobile
Services
Limited.

24. Notwithstanding anything in this Act the Corporation shall not except with the consent of the United Automobile Services Limited provide maintain or run omnibus services (whether reserved for any special purpose or otherwise) beyond a distance of one mile from the nearest point on the boundary of the borough as at present constituted.

For protec-
tion of
London and
North East-
ern Railway
Company.

25. Notwithstanding anything in this Act the Corporation shall not except with the consent of the London and North Eastern Railway Company in each case provide maintain or run any omnibus service (whether reserved for any special purpose or otherwise) beyond a distance of one mile from the nearest point on the boundary of the borough as for the time being constituted

Provided that the consent of the said company shall not in any such case be unreasonably withheld and that any question whether or not such consent has been unreasonably withheld shall be determined by the Minister of Transport. A.D. 1925.

26.—(1) The Corporation and any local authority empowered to run omnibuses in any borough or urban or rural district adjacent to the borough or adjacent to any borough or urban or rural district in which any route over which the Corporation are for the time being empowered to run omnibuses is situate may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of any Act or Acts under which such omnibus services are respectively authorised. Working and other agreements.

(2) The Corporation and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services within the borough or on any route over which the Corporation are for the time being empowered to run omnibuses.

(3) The Corporation and any such local authority company body or persons as aforesaid may also enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(a) The working user management and maintenance of any omnibuses lands depôts buildings sheds and property provided in connection with any of such omnibus services as aforesaid by either of the contracting parties and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement under this section of omnibuses and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

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- (c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties;
- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such omnibus service as aforesaid.

(4) The Corporation shall not enter into or carry into effect any agreement under the provisions of this section in relation to any omnibus service lands depôts buildings sheds or property beyond the borough otherwise than with the consent of the local authority of the district within which such omnibus service lands depôts buildings sheds or property are situate Provided that on complaint being made to the Minister of Transport that such consent is unreasonably withheld the Minister may if he thinks fit by order dispense with such consent.

Cesser of powers.

27.—(1) The powers of running omnibuses under the provisions of this Act on any road or part of a road outside the borough may at the expiration of ten years from the date on which such running commences and at the expiration of any subsequent period of ten years be determined by the Minister of Transport on the application of the local authority of the district in which such road or part of a road is situate upon such terms as the said Minister may determine.

(2) Before issuing an order to determine the said powers the Minister of Transport shall hold a local inquiry at which opportunity shall be afforded to any person interested to object to the continuance or cesser of such powers.

Determina-
tion of
powers in
certain
events;

28. If the Corporation do not within a period of three years from the giving of the consent of the Minister of Transport to the running by the Corporation of omnibuses on any route without the borough provide a service of omnibuses on such route or having provided shall discontinue any such service the Minister of Transport may on the application of any local authority within whose district the route or any part of the route is situate and after considering any representation which may be made on behalf of the Corporation by order declare that unless a service of omnibuses be provided within such period as the Minister of Transport may by such order

prescribe the powers of the Corporation under this Act in respect of the provision and running of omnibuses on such route or part of such route shall determine and if within the prescribed period such service be not provided then as from the expiration of such period the powers of the Corporation under this Act in relation to the provision and running of omnibuses on such route or part of a route shall cease : A.D. 1925.

Provided that this section shall not apply or have effect in the event of the failure of the Corporation to provide a service of omnibuses on any route being due to strikes unforeseen accident or circumstances beyond the control of the Corporation.

29.—(1) (a) Before the Corporation commence to run trolley vehicles or omnibuses under the powers of this Act over any road or part of a road in respect of which they are not the road authority it shall be determined by agreement between the Corporation and the road authority or failing agreement by the Minister of Transport whether it is necessary (in order to provide for the running under the powers of this Act of a trolley vehicle or omnibus service over any such road or part of a road) to adapt alter or reconstruct such road or part of a road or to strengthen any county bridge or district bridge and if so what sum of money (if any) per mile of road so to be adapted altered or reconstructed or what sum of money (if any) in respect of any such bridge shall be payable by the Corporation to the road authority by way of contribution towards the cost incurred in such adaptation alteration reconstruction or strengthening. Provision as to adaptation of roads &c.

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

(c) If the Corporation give notice in writing to the road authority that they intend to run trolley vehicles or omnibuses over the road or part of a road or bridge in question and if it shall have been agreed or determined that the Corporation are to make any payment to the

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road authority under the provisions of paragraph (a) of this subsection the Corporation shall on receipt of any certificate which may from time to time be issued by the engineer in charge of the work of adaptation alteration or reconstruction of such road or part of a road or of strengthening such bridge pay to the road authority such proportion of the total amount of the contribution agreed or determined to be payable by the Corporation as the amount so certified to have been expended upon such work bears to the total amount estimated to be expended by the road authority on such work. Provided that the aggregate amount to be so paid by the Corporation shall not exceed the amount of the contribution agreed or determined to be payable by them as aforesaid.

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

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

(f) For the purposes of this subsection the expression "county bridge" shall include every bridge maintainable by a county council and in respect of such bridge the county council shall be deemed to be the road authority and the expression "district bridge" shall include every bridge maintainable by a district council and in respect of such bridge the district council shall be deemed to be the road authority.

(2) Any payment made to a road authority under this section in respect of any main road retained by them under subsection (2) of section 11 of the Local Government Act 1888 or maintained by them under subsection (4) of that section shall be credited to the county

council in ascertaining the amount payable by them under either of the said subsections of the Local Government Act 1888. A.D. 1925.

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

(4) The road authority shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the user of any highway by the trolley vehicles or omnibuses of the Corporation.

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

(6) Nothing in this Act shall impose any obligation upon any railway or canal company to strengthen adapt alter or reconstruct any bridge maintainable by them or enlarge any existing obligation.

30. The Corporation may on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the running of trolley vehicles on any trolley vehicle route or part thereof shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof. Power for Corporation to suspend traffic.

31. If any person wilfully and unlawfully does or causes to be done with respect to any apparatus used for or in connection with the working of the trolley vehicles of the Corporation anything which is calculated to Penalty for malicious damage.

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obstruct or interfere with the working of such trolley vehicles or to cause injury to any person he shall be liable to a penalty not exceeding twenty pounds.

Use of
trolley
vehicles for
sanitary
purposes.

32. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to trolley vehicles) use trolley vehicles for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation.

Attachment
of brackets
&c. to
buildings.

33. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of their trolley vehicles by mechanical power :

Provided that—

- (1) Where in the opinion of the Corporation 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 building 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 building 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 Corporation 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 Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose interest in the premises occupied is not less than that of a yearly tenant and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

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34.—(1) Subject to the provisions of this section the Corporation may demand and take for passengers and parcels carried on the omnibuses of the Corporation fares and charges not exceeding such maximum fares and charges as may from time to time be approved by the Minister of Transport.

Fares and charges &c. for omnibuses.

Any application for a revision of such maximum fares or charges may be made by the Corporation or by twenty inhabitant ratepayers of the borough or by the local authority of any district in which such omnibuses are run.

Before approving any maximum fares or charges or any revision thereof under this section the Minister of Transport may direct an inquiry to be held.

(2) The Corporation may if they think fit carry on the omnibuses small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by the passenger.

(3) Every passenger travelling upon the omnibuses of the Corporation may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof but all such personal luggage must be carried by hand and at the responsibility of the passenger and must not be placed so as to occupy any part of a seat and must not be of a form or description to annoy or inconvenience other passengers.

35. The Corporation may run through trolley vehicles or omnibuses along any route on which the Corporation are for the time being authorised to run trolley vehicles or omnibuses and such trolley vehicles and omnibuses shall be distinguished from other trolley vehicles and omnibuses in such manner as the Corporation may direct and they may demand and take for every passenger by such trolley vehicles and omnibuses a fare or charge not exceeding the maximum fare or charge

Through trolley vehicles and omnibuses.

A.D. 1925. — authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such trolley vehicle or omnibus. Provided that during the running of such through trolley vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles or omnibuses as the case may be.

Attachment
of signs
indicating
stopping
places to
lamp-posts
&c.

36.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the trolley vehicles or omnibuses of the Corporation signs or directions indicating the position of stopping places for trolley vehicles and omnibuses. Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

Power to
reserve cars
for special
purposes.

37.—(1) Notwithstanding anything contained in this or any other Act to the contrary the Corporation may subject to the provisions of this Act on any occasion run and reserve trolley vehicles or omnibuses on any route on which the Corporation are for the time being authorised to run the same for any special purpose which the Corporation may consider necessary or desirable. Provided that such special trolley vehicles and omnibuses shall be distinguished from other trolley vehicles and omnibuses in such manner as the Corporation may direct and that during the running of such special trolley vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of trolley vehicles or omnibuses as the case may be.

(2) The Corporation may make byelaws and regulations for prohibiting the use of any such trolley vehicles or omnibuses by any persons other than those for whose conveyance the same are reserved.

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(3) The restrictions contained in this or any other Act of the Corporation as to fares rates or charges for passengers shall not extend to any special trolley vehicles or omnibuses run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

38. For the better regulation of persons desiring to travel in the trolley vehicles or omnibuses of the Corporation the Corporation may make byelaws requiring persons waiting to enter such trolley vehicles or omnibuses at any stopping place or terminus upon any of their trolley vehicle or omnibus routes to wait in lines or queues and to enter the trolley vehicles or omnibuses in which they respectively desire to travel in the order in which they stand in such line or queue and in the event of the Corporation making any such byelaws they may erect and maintain barriers and posts at any stopping place or terminus and for that purpose may with the consent of the road authority use part of any highway within the borough.

Power to require intending passengers to wait in lines or queues.

39. Notwithstanding anything in this Act contained the following provisions for the protection of the London and North Eastern Railway Company (in this section called "the railway company") shall unless otherwise agreed between the Corporation and the railway company apply and have effect (that is to say):—

For further protection of London and North Eastern Railway Company.

(1) Nothing in the section of this Act of which the marginal note is "As to electrical works" contained shall authorise any interference with any bridge or approach thereto or with any street or road belonging to and forming the approach to any station or depôt of the railway company or the carrying out by the Corporation of the works authorised by this section so as to obstruct or interfere with the convenient access to any such street or road without in any of such cases obtaining the consent in writing of the company:

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- (2) All works carried out by the Corporation under the powers of the section of this Act of which the marginal note is "Discontinuance of light railways" which affect the property of the railway company shall be so carried out in accordance with plans sections and specifications to be previously submitted to and approved by the engineer of the railway company and under the superintendence (if such superintendence shall be given) and to the reasonable satisfaction of the said engineer :
- (3) The Corporation shall not attach any bracket wire apparatus sign or direction to any building lamp-post pole standard or other erection belonging to the railway company except with their consent in writing :
- (4) The Corporation shall not erect maintain or provide any shed shelter waiting room gangway cloak-room room barrier or post nor require persons waiting at any stopping place or any terminus to wait in any line or queue so as to cause interference with or render less convenient the access to or exit from any station depôt or property belonging to the railway company nor except with the consent in writing of that company shall any shed shelter waiting room gangway cloak-room room barrier or post other than posts erected under the powers of the section of this Act of which the marginal note is "As to electrical works" be erected maintained or provided on any bridge carrying any street or road over the railways of such company :
- (5) No consent or approval of the railway company or their engineer which is required under the foregoing provisions of this section shall be unreasonably withheld :
- (6) If any dispute shall arise between the railway company or their engineer and the Corporation under the foregoing provisions of this section the same shall be submitted to and determined by a single arbitrator to be appointed failing agreement by the Minister of Transport on the

application of either party after notice in writing to the other and the provisions of the Arbitration Act 1889 shall apply to any such submission. A.D. 1925.

40. The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their trolley vehicle and omnibus undertakings and car sheds offices and other buildings for the purposes of those undertakings and may erect maintain and let dwelling-houses for such persons and offices and other buildings for the purposes of those undertakings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertakings. Dwelling-houses for persons in Corporation's employment and other buildings.

41. The Corporation may erect and maintain within and with the consent of the local and road authorities without the borough sheds shelters or waiting rooms and gangways for the accommodation of passengers on any trolley vehicle or omnibus routes established under the authority of this Act and may (with the like consents without the borough) use for that purpose portions of the public streets or roads. Shelters or waiting rooms.

42. The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their trolley vehicle and omnibus undertakings and at any places on any trolley vehicle or omnibus route and the Corporation may make charges for the use of such cloak-rooms and sheds and for the deposit of articles and things and bicycles and tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority. Cloak-rooms &c.

43. Any property found in any trolley vehicle or omnibus of the Corporation or in any cloak-room shed shelter or waiting room erected maintained or provided in connection with the trolley vehicle or omnibus undertakings shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding Lost property.

A.D. 1925. — thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the trolley vehicle or omnibus undertaking as the case may require.

Conveyance of mails. **44.** The Corporation shall perform in respect of trolley vehicles and omnibuses such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

Payment of fares rates and charges. **45.** The fares rates and charges authorised by this Act or by the provisions incorporated therewith shall be paid to such persons and at such places upon or near to the trolley vehicles or omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the lists of fares rates and charges appoint.

Trolley vehicles omnibuses and light railways to constitute Darlington Corporation Transport Undertaking. **46.** Subject to the provisions of this Act the trolley vehicle and omnibus undertakings authorised by this Act shall be deemed to form part of the light railway undertaking and that undertaking shall after the passing of this Act be called " the Darlington Corporation Transport Undertaking " Provided that in the accounts of the Corporation relative to their transport undertaking the receipts and expenditure upon and in connection with light railways trolley vehicles and omnibuses shall (so far as may be reasonably practicable) be shown separately.

Accounts to be furnished to Minister of Transport. **47.** 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 transport undertaking.

Power to borrow. **48.**—(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 (which for the purposes of this Act and of any enactment incorporated therewith or applied thereby shall respectively be "the prescribed period") mentioned in the fourth column thereof (namely):—

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(1)	(2)	(3)	(4)
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For the provision of trolley vehicles.	£ 51,200	The revenue of the light railway undertaking and the borough fund and borough rate.	Twelve years from the date or dates of borrowing.
(b) For the adaptation to the running of trolley vehicles of the existing light railways and the provision of additional trolley vehicle equipment.	27,000	The revenue of the light railway undertaking and the borough fund and borough rate.	Twenty years from the date or dates of borrowing.
(c) For the provision of omnibuses.	10,000	The revenue of the light railway undertaking and the borough fund and borough rate.	Eight years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

(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 this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of

A.D. 1925. interest thereon the Corporation may mortgage or charge the revenue of the light railway undertaking and the borough fund and borough rate.

(3) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act of which the marginal note is "Power to use one form of mortgage."

Certain provisions of Public Health Acts not to apply.

49. In calculating the amount which the Corporation may borrow under the provisions of the Public Health Acts any sums which the Corporation may borrow under or for the purposes of this Act shall not be reckoned and the powers of the Corporation of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Application of financial provisions of Order of 1902.

50. The following provisions of the Order of 1902 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act namely:—

Section 72 (Mode of raising money);

Section 74 (Mode of repayment of money borrowed) except the proviso thereto;

Section 75 (Power to re-borrow);

Section 76 (Protection of lender from inquiry);

Section 77 (Application of money borrowed);

Section 82 (Application of capital moneys);

Paragraphs 1 and 2 of the Second Schedule:

Provided that section 72 shall be read and have effect as if subsection (2) thereof had been expressed to be made subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage":

Provided also that paragraph 1 of the Second Schedule shall be read and have effect as if in lieu of the words "three pounds per centum per annum" there were inserted the words "three pounds ten shillings per centum per annum or at such higher rate as from time to time may be approved by the Minister of Health."

51.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

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—
Power to
use one
form of
mortgage.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the dates of the respective mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) (i) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

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(ii) Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) There shall be kept at the office of the town clerk a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a fine not exceeding twenty pounds.

Corporation not to regard trusts &c.

52. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages or books of the Corporation shall

be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

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53. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the town clerk by any other of them.

Interest on mortgages held jointly.

54. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Receipt in case of persons not sui juris.

55.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

Appointment of receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

56. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of moneys borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to invest all sinking funds in statutory securities.

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Power to
use sinking
fund instead
of borrow-
ing.

57.—(1) Where the Corporation are authorised by any statutory borrowing power to raise money they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of moneys borrowed by the Corporation. Provided that the Corporation shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on mortgage and shown by the mortgage to have been raised in exercise of a particular borrowing power. Provided also that when exercising the powers of this section the Corporation shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than

one in such proportions as the Corporation shall determine. Provided that the amount of the moneys deemed to be discharged in respect of any borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

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58.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power.

Return to
Minister of
Health with
respect to
repayment
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by a statutory declaration of the town clerk or other the chief accounting officer of the Corporation and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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(4) The following enactments are hereby repealed (namely):—

(a) Article VIII. of the Darlington Order 1896 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 18) Act 1896;

(b) Article IX. (Return as to provision for repayment of debt) of the Darlington Order 1902 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1902;

(c) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt.

Retention
and disposal
of lands.

59.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or to be acquired by them under any grant or award or any general or local Act for the time being in force in the borough (other than the Housing Acts 1890 to 1924) or any Provisional or other Order and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any moneys for equality of exchange:

Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests.

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the approval of any Government department to any sale lease appropriation or other disposition of any lands acquired under any Act for which such approval would be required but for the provisions of this section.

A.D. 1925.
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(3) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

(4) Any capital moneys received by the Corporation under this section on the resale or exchange of or by leasing any lands acquired under any Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

60.—(1) Where any notice or demand under this Act or under any Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

Authentica-
tion and
service of
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough may notwithstanding anything in such Act or Order contained be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or

A.D. 1925. document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Evidence of appointments authority &c.

61. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Damages and charges to be settled by justices.

62. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled or determined by a court of summary jurisdiction before whom any offender is convicted.

Recovery of demands.

63. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of penalties &c.

64. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

65. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough. A.D. 1925.
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Informations by whom to be laid.

66. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

67. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

68. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges &c. not disqualified.

69. Any byelaws and regulations made by the Corporation under the provisions contained in this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws. As to byelaws &c. under this Act.

70. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hands of the President or of one of the secretaries of the Board." Inquiries by Minister of Transport.

71. Where the Minister of Transport causes any inquiry to be held under the provisions of this Act all expenses incurred by the Minister in relation to that inquiry shall be paid as the Minister may by order direct. Expenses of inquiry by Minister of Transport.

A.D. 1925. — either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties 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.

Powers of
Act cumu
lative.

72. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee (as the case may be) may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Costs of
Act.

73. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of the borough fund and borough rate or the revenue of the light railway undertaking or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act. A.D. 1925.
(Section 51.)

FORM OF MORTGAGE.

BOROUGH OF DARLINGTON.

By virtue of the Darlington Corporation (Transport &c.) Act 1925 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Darlington (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ of (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation (which expression includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation) as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until the payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the town clerk of the said borough (subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____ by _____ :

Provided always and it is hereby agreed and declared that the before mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the mayor or the town clerk of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of

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A.D. 1925. rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____

Town Clerk.

THE ENDORSEMENT WITHIN REFERRED TO.

The within named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is hereby extended to the _____ day of _____ one thousand nine hundred and _____ [and the interest to be paid thereon on and from the _____ day of _____ one thousand nine hundred and _____ is hereby declared to be at the rate of _____ per centum per annum].

Dated this _____ day of _____ one thousand nine hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within named] _____ [of _____] in consideration of the sum of _____ pounds paid to me by _____ of _____ (hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number _____ of the revenues of the mayor aldermen and burgesses of the borough of Darlington bearing date the _____ day of _____] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this _____ day of _____ one thousand nine hundred and _____

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