



## CHAPTER Iv.

An Act to confirm a Provisional Order made by the Minister of Transport under the Southend-on-Sea Corporation Act 1926 relating to Southend-on-Sea Corporation trolley vehicles. A.D. 1927.

[29th July 1927.]

**W**HEREAS under the authority of section sixty of the Southend-on-Sea Corporation Act 1926 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed : 16 & 17 Geo. 5. c. civ.

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

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

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

1. This Act may be cited as the Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation Act 1927. Short title.

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Confirma-  
tion of  
Order in  
schedule.

2. The Order as amended and set out in the schedule to this Act annexed shall be and the same is hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full force and validity and the date of the same shall be the date of the passing of this Act.

SCHEDULE.

A.D. 1927.

SOUTHEND-ON-SEA CORPORATION  
(TROLLEY VEHICLES).

*Order authorising the mayor aldermen and burgesses of the borough of Southend-on-Sea to provide maintain and use trolley vehicles upon a route in the borough of Southend-on-Sea.*

1. This Order may be cited as the Southend-on-Sea Corporation (Trolley Vehicles) Order 1927. Short title.

2. The following Acts and parts of Acts are (subject to the provisions of and so far as applicable for the purposes of this Order) hereby incorporated with and form part of this Order (namely):— Incorporation of Acts.

(1) The Lands Clauses Acts but with the following exceptions namely:—

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

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

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

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

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

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

Section 47 (Penalties may be imposed in byelaws);

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

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

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

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- 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):

Provided that such provisions shall be read and have effect as if trolley vehicle equipment were tramways and as if trolley vehicles were carriages used on tramways.

Interpreta-  
tion.

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

“The Corporation” means the mayor aldermen and burgesses of the borough of Southend-on-Sea;

“The borough” means the borough of Southend-on-Sea;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough or (until the date when the first new valuation list made under Part II. of the Rating and Valuation Act 1925 comes into force in the borough) the borough fund and borough rate of the borough;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“Trolley vehicle equipment” means and includes all posts poles standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting the trolley vehicles;

“Trolley vehicle route” means the route upon which the Corporation are by this Order authorised to work and use trolley vehicles;

“The Order of 1899” “the Order of 1904” “the Act of 1909” “the Order of 1909” “the Act of 1913” and “the Order of 1920” mean respectively the Southend-on-Sea and District Light Railways Order 1899 the Southend-on-Sea and District Light Railways (Extensions) Order 1904 the Southend-on-Sea Corporation Act

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1909 the Southend-on-Sea Light Railways (Revival and Extension of Time) Order 1909 the Southend-on-Sea Corporation Act 1913 and the Southend-on-Sea Light Railways (Extension) Order 1920. A.D. 1927.  
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4.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may (subject to the restrictions contained in the proviso to subsection (1) of section 60 of the Southend-on-Sea Corporation Act 1926) use the same upon the following trolley vehicle route within the borough (that is to say) :—

Power to use trolley vehicles.

Route No. 1 (6 furlongs 6 chains or thereabouts in length) commencing in Victoria Circus passing through Victoria Circus and along Victoria Avenue North Street and Rochford Road and terminating in that road at a point near to the southern entrance of Priory Park ;

and with the consent of the Minister of Transport along any other street in the borough which the Corporation think it necessary or convenient to use for the purpose of obtaining access from the trolley vehicle route to any depot building garage or work of the Corporation :

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

(2) Notwithstanding anything contained in the Southend-on-Sea and District Light Railways Orders 1899 to 1920 when an order has not been made by the Minister of Transport under the section of this Order of which the marginal note is "As to abandonment of light railways" in relation to any light railway cars along trolley vehicle routes it shall not be necessary to provide a service of light railway cars upon the route of any of such light railways along which a service of trolley vehicles is provided by the Corporation under the provisions of this Order so long as such service of trolley vehicles continues to be so provided.

(3) As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation in lieu of a light railway service upon the route or routes of any of the light railways of the Corporation the revenue of the light railways undertaking of the Corporation shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged with any expenses incurred by the Corporation upon or in connection with the maintenance and repair of roads along the route or routes upon which such service of trolley

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As to electrical works.

5.—(1) The Corporation may in or 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 lands depots sheds or property of the Corporation place erect and maintain trolley vehicle equipment and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Order open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy for the purpose of working the trolley vehicles :

Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Minister of Transport.

(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 1926 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 light railways in streets or roads along which they are authorised to run trolley vehicles.

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

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

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

7.—(1) The trolley vehicles authorised by this Order shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 nor shall they be deemed

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to be 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 that exception neither the Motor Car Acts 1896 and 1903 nor any byelaws or regulations made thereunder nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

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 locomotives  
 or motor  
 cars.

(2) The trolley vehicles authorised by this Order shall not be deemed to be omnibuses within the meaning of the Town Police Clauses Act 1889.

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

Licence  
 duties on  
 trolley  
 vehicles.

9. The trolley vehicles and the electrical equipment thereof used under the authority of this Order 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 Trans-  
 port.

10. The trolley vehicle route shall not be opened for public traffic until it has been inspected and certified to be fit for traffic by an officer appointed by the Minister of Transport.

Inspection  
 by Minister  
 of Trans-  
 port.

11. The Corporation shall perform in respect of trolley vehicles 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.

Conveyance  
 of mails.

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

As to aban-  
 donment  
 of light  
 railways.

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

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

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or Order relating to any light railway to be abandoned or discontinued in pursuance of such order and may provide for the removal of the rails of such light railway from the surface of the road and for the portion of the road upon which such rails were laid to be left in good repair and condition.

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

Penalty for malicious damage.

13. 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 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.

Power for Corporation to suspend traffic.

14. The Corporation may 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.

Use for sanitary purposes.

15. The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Order and to any byelaws for the time being in force with respect to trolley vehicles) use the trolley vehicles of the Corporation 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 free of all rates and charges in respect of such use.

Trolley vehicles to form part of light railway undertaking.

16. Subject to the provisions of this Order the trolley vehicle undertaking authorised by this Order shall be deemed to form part of the light railway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their light railway undertaking the income and expenditure upon and



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in connection with trolley vehicles shall (so far as may be reasonably practicable) be distinguished from the income and expenditure upon or in connection with the remainder of such undertaking and in such accounts capital shall be distinguished from revenue. A.D. 1927.

17. The Corporation may—

As to lands.

- (a) Subject to the sanction of the Minister of Health and under such conditions as he may prescribe from time to time appropriate and use for any of the purposes of this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands vested in them but not dedicated to public use;
- (b) By agreement from time to time purchase and acquire for the purposes of their trolley vehicle undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes. Provided that all sums received by the Corporation from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Minister of Health:

Provided that—

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

18.—(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 of the said sums and the payment of interest thereon they may mortgage or charge the revenue of the light railway undertaking of the Corporation and the general rate fund and general rate and they shall pay off all Power to borrow.

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1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the provision of trolley vehicles	£ 3,300	Ten years from the date or dates of borrowing.
(b) For the provision of trolley vehicle equipment and the construction of other works necessary for working the trolley vehicles authorised by this Order.	1,706	Twenty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the passing of this Order.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of their trolley vehicle undertaking.

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

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Transport.

(3) The provisions of this section shall not limit the powers conferred upon the Corporation by section 49 (Power to use one form of mortgage for all purposes) of the Act of 1909.

Application of provisions of previous enactments. 19.—(1) The following sections of the Order of 1899 the Order of 1904 the Act of 1909 the Order of 1909 the Act of 1913 and the Order of 1920 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order. (that is to say) :—

The Order of 1899.

Section 51 (Temporary railways may be made where necessary);

Section 54 (Provisions as to motive power);

Section 55 (Special provisions as to use of electric power as motive power);

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- Section 56 (Byelaws by Board of Trade);      A.D. 1927.  
Section 60 (Rates authorised);  
Section 61 (Rates for passengers);  
Section 62 (As to fares on Sundays and holidays);  
Section 63 (Passengers' luggage);  
Section 64 (Tolls for use of railway);  
Section 65 (Cheap fares for labouring classes);  
Section 66 (Rates for goods &c.);  
Section 67 (Payment of rates and charges);  
Section 68 (Periodical revision of rates and charges);  
Section 74 (Power to lease);  
Section 88 (Application of revenue).

The Order of 1904.

- Section 18 (For the protection of the Postmaster-General).

The Act of 1909.

- Section 28 (Temporary stoppage of streets);  
Section 37 (Certain regulations of Public Health Act 1875  
as to borrowing not to apply);  
Section 38 (Mode of raising money);  
Section 39 (Provisions of Public Health Act 1875 as to  
mortgages to apply);  
Section 40 (Mode of payment off of money borrowed);  
Section 42 (Protection of lender from necessity of in-  
quiry);  
Section 43 (Corporation not to regard trusts);  
Section 44 (Appointment of receiver);  
Section 47 (Application of money borrowed);  
Section 53 (Application of section 265 of Public Health  
Act 1875).

The Order of 1909.

- Section 10 (As to use of posts by Postmaster-General).

The Act of 1913.

- Section 87 (Recovery of penalties &c.).

The Order of 1920.

- Section 13 (Shelters or waiting rooms);  
Section 15 (Rates for special cars);  
Section 16 (Through cars);  
Section 17 (Attachment of signs indicating stopping-  
places to lamp-posts &c.);  
Section 18 (Attachment of brackets to buildings).

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(2) Provided that—

(a) The said section 65 of the Order of 1899 in its application to this Order shall be read and have effect as if the word "eight" were inserted therein in lieu of the word "seven" and as if the word "six" were inserted therein in lieu of the words "half-past five" and as if the words "one penny" were inserted therein in lieu of the words "one halfpenny."

(b) Subsection (b) (4) of section 18 (For the protection of the Postmaster-General) of the Order of 1904 shall be read and have effect as if the words "generated" or "used by or supplied to the Corporation enter any" of the Corporation's works" were inserted in that subsection in substitution for the words "generated" for the purposes of this Order or of the Order of 1899" at any works of the Corporation enter thereon."

(3) In the application of the above-mentioned provisions to the trolley vehicles authorised by this Order the same shall be read and have effect as if trolley vehicle equipment were light railways within the meaning of the said provisions and as if trolley vehicles were carriages used on light railways and as if the trolley vehicle undertaking authorised by this Order formed part of the light railway undertaking of the Corporation.

(4) Where the Minister of Transport causes any inquiry under the provisions of the said section 68 of the Order of 1899 (as extended and applied to the provisions of this Order) to be held all expenses incurred by the Ministry in relation to that inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representations 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 so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

For protec-  
tion of  
Southend-  
on-Sea and  
District  
Gas Com-  
pany.

20. If any structure erected by the Corporation under the powers of section 13 (Shelters or waiting rooms) of the Order of 1920 as extended and applied to the exercise of the powers of this Order is situate over any mains pipes or apparatus of the Southend-on-Sea and District Gas Company (in this section referred to as "the Company") laid or placed before the erection of such structure and the Company at any time after such erection give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall either remove temporarily such structure or so much thereof as shall require to be so removed in order to afford such access or (if the Corporation determine not to remove such structure or part thereof) bear any

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additional expense due to the existence of such structure which may reasonably be incurred by the Company in obtaining such access.

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21. The Corporation shall not except with the consent of the London and North Eastern Railway Company permit any trolley vehicle to be stopped in front of the entrances to the Southend Station of the Company or within a distance of ten yards on either side of such entrances.

For protection of London and North Eastern Railway Company.

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

Costs of Order.

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