



CHAPTER lviii.

An Act to confirm a Provisional Order made by the Minister of Transport under the Maidstone Corporation Act 1923 relating to Maidstone Corporation trolley vehicles. [29th July 1927.]

A.D. 1927

WHEREAS under the authority of section seventeen of the Maidstone Corporation Act 1923 the Minister of Transport has made the Provisional Order set out in the schedule to this Act annexed :

13 & 14
Geo. 5.
c. xxxi.

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 Maidstone Corporation (Trolley Vehicles) Order Confirmation Act 1927.

Short title.

2. The Order set out in the schedule to this Act annexed shall be and the same is hereby confirmed

Confirmation of Order in schedule.

[Price 4d. Net.]

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(*Trolley Vehicles*) *Order Confirmation Act, 1927.*

A.D. 1927. — 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.

MAIDSTONE CORPORATION (TROLLEY
VEHICLES).

Order authorising the mayor aldermen and burgesses of the borough of Maidstone to use trolley vehicles upon routes in the borough of Maidstone and the parish of Loose.

1. This Order may be cited as the Maidstone Corporation (Trolley Vehicles) Order 1927. Short title.

2. The Lands Clauses Acts except—

Incorporation of Acts.

(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)

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.

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

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

“The borough” means the borough of Maidstone;

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

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

“Trolley vehicle” has the meaning assigned to it by section 4 (Interpretation) of the Act of 1923;

“The Act of 1923” means the Maidstone Corporation Act 1923.

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Power to use
trolley
vehicles.

4.—(1) Subject to the provisions of this Order the Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following trolley vehicle routes in the borough and in the parish of Loose (that is to say) :—

Route No. 1 (one mile seven furlongs two chains in length) in the borough commencing at the junction of High Street with King Street Gabriel's Hill and Week Street passing along High Street Broadway and Tonbridge Road to and terminating at the boundary of the borough in that road :

Route No. 2 (two miles three furlongs six chains in length) in the borough and the parish of Loose commencing in the borough at the junction of High Street with Mill Street passing along Mill Street Knightrider Street Upper Stone Street and Loose Road to and terminating at the top of Loose Hill in the parish of Loose :

Route No. 3 (six furlongs eight chains in length) in the borough commencing at the junction of Knightrider Street with Mill Street and College Road passing along College Road Hayle Road King Edward Road Old Tovil Road Tovil Road and Tovil Hill to and terminating at the boundary of the borough in Tovil Hill :

Route No. 4 (one mile four furlongs four chains in length) in the borough commencing at the junction of Loose Road with Sutton Road passing along Sutton Road to and terminating at the boundary of the borough in that road :

Provided that before equipping any route for working trolley vehicles 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 for approval Provided also that in erecting placing or maintaining any standard post pole conductor main or other apparatus over upon or adjoining the London or Tonbridge Road tunnel of the Southern Railway Company the Corporation shall not in any way interfere with the structure of the said tunnel.

(2) (a) 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 railways 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.

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(b) As from the date upon which and so long as a service of trolley vehicles is provided by the Corporation upon the route or routes of any of the light railways of the Corporation the revenue of the light railway 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 under any statutory enactment relating to that undertaking but nothing in this subsection shall relieve the Corporation of any liability attaching to them in respect of such maintenance and repair.

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5. The Corporation may 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 or may be authorised to run trolley vehicles.

Adaptation
of existing
equipment.

6.—(1) At any time after the passing of this Order the Minister of Transport may by order authorise or require the abandonment or discontinuance temporarily or permanently of the 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 rail-
ways.

(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 by any Act or Order relating to the light railways to be abandoned or discontinued in pursuance of such order and may provide for the removal of the rails of such light railways and the restoration of the portion of the road upon which such rails were laid to as good a condition as that in which it was before such rails were laid down.

(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.

7. The provisions of Part II. (Trolley vehicles omnibuses and light railways) of the Act of 1923 (except section 13 of that Act) and of the enactments incorporated therewith or applied thereby in so far as those provisions relate to trolley vehicles and are not inconsistent with or rendered unnecessary by the provisions of this Order shall extend and apply to and in respect

Application
of Part II.
of Act of
1923.

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A.D. 1927. of the trolley vehicle routes authorised by this Order as if the same were with any necessary modifications set out in this Order Provided that for the purposes of such extension and application—

(a) Section 8 (Vehicles not to be deemed light locomotives or motor cars) of the Act of 1923 shall be read and have effect as if the words “ omnibuses within the “ meaning of the Town Police Clauses Act 1889 nor shall “ they be deemed to be ” were inserted after the words “ shall not be deemed to be ” and the words “ or of the byelaws and regulations made thereunder ” were omitted and the words “ (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 ” were substituted for the words “ (except subsection (1) of “ section 1 of that Act and the provisions necessary for “ enforcing that subsection) and subject to that excep- “ tion neither that Act nor the regulations made under “ that Act ” :

(b) Subsection (B) (4) of section 58 (For the protection of the Postmaster-General) of the Maidstone Corporation Light Railways Order 1903 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 at any works of the Corporation enter thereon.”

As to lands.

8. The Corporation may—

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

(b) by agreement from time to time purchase and acquire for the purposes of 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 purpose 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

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of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Minister of Health:

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Provided that—

- (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.

9.—(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 borough fund and borough rate and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table namely—

Power to borrow.

(1)	(2)	(3)
Purpose.	Amount.	Period for Repayment
(a) The provision of trolley vehicles	£ 35,000	Ten years from the date or dates of borrowing.
(b) The provision of electrical equipment and the construction of other works necessary for working the trolley vehicles authorised by this Order.	12,500	Twenty years from the date or dates of borrowing.
(c) The purchase of lands and buildings and the adaptation of and additions to existing buildings at the light railway depôt of the Corporation.	2,500	Thirty years from the date or dates of borrowing.
(d) The payment of 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

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(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 prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by Article II. (Power to use one form of mortgage for all purposes) of the *Maidstone Order 1916.*

Application
of financial
provisions of
Act of 1923.

10. The following sections of the Act of 1923 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (that is to say) :—

Section 158 (Certain provisions of Public Health Acts not to apply);

Section 159 (Mode of raising money);

Section 160 (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 161 (Mode of payment off of money borrowed);

Section 162 (Sinking fund);

Section 164 (Application of money borrowed);

Section 171 (Expenses of execution of Act);

Section 174 (Appointment of receiver);

Section 176 (Application of revenue of trolley vehicle and omnibus undertakings);

Section 212 (Inquiries by Minister of Transport).

Costs of
Order.

11. 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 the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of the money to be borrowed under the powers of this Order for that purpose.

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