



CHAPTER lxxxiv.

An Act to empower the mayor aldermen and burgesses of the borough of Colchester to provide and work trolley vehicles and omnibuses and for other purposes. A.D. 1927.
[29th July 1927.]

WHEREAS the borough of Colchester is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough of Colchester (in this Act called "the Corporation"):

And whereas the Corporation are the owners of and are working a system of tramways within the said borough and it is expedient to empower them to provide and work vehicles adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source (in this Act called "trolley vehicles") along the routes described in this Act along some of which routes or some part thereof tramways have been constructed and to confer upon the Corporation all necessary and convenient powers in regard thereto:

And whereas it is expedient to confer powers upon the Corporation for the running of omnibuses:

And whereas it is expedient to make further provision with regard to the finances of the Corporation and the application of revenue derived from their several undertakings:

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

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

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

	£
The provision of trolley vehicles - - -	25,800
The provision of electrical equipment and the construction of other works necessary for working trolley vehicles - - - - -	7,825
The reconstruction of the roads upon which the tramways to be removed or discontinued under the provisions of this Act are situate - - -	9,038
The adaptation of buildings for the purposes of the trolley vehicles of the Corporation - - - - -	200
The provision of omnibuses - - - -	13,000

And whereas the several 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):—

PRELIMINARY.

Short title.

1. This Act may be cited as the Colchester Corporation Act 1927.

Incorporation of Acts.

2. The Lands Clauses Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act 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).

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3. 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—

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—
Interpreta-
tion.

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

“The borough” means the borough of Colchester;

“The council” means the council of the borough;

“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general 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 routes” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

“Omnibus” means any stage carriage moved by animal power or by mechanical power (including in that expression steam electrical and every other motive power not being animal power) obtained from some internal source;

“Road authority” means with reference to any road or part of a road over which any proposed trolley vehicle or omnibus service will pass the authority company or person charged with or liable to contribute to the maintenance of such road or part of a road;

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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;

“The Act of 1892” “the Order of 1901” and “the Order of 1905” mean respectively the Colchester Corporation Act 1892 the Colchester Corporation Tramways Order 1901 confirmed by the Tramways Orders Confirmation (No. 3) Act 1901 and the Colchester Corporation Tramways Order 1905 confirmed by the Tramways Orders Confirmation (No. 2) Act 1905.

TROLLEY VEHICLES OMNIBUSES AND TRAMWAYS.

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

Power to
use trolley
vehicles.

Route No. 1 Commencing at the junction of Mile End Road and Bergholt Road passing along North Station Road North Bridge Middleborough North Hill Head Street Headgate Crouch Street Lexden Road Lexden Street and London Road to and terminating at the borough boundary;

Route No. 1A Commencing at the borough boundary in London Road passing along King Coel Road and Halstead Road to and terminating in London Road by a junction with Route No. 1;

Route No. 2 Commencing in High Street at its junction with North Hill and Head Street passing along High Street Queen Street St. Botolph Street St. Botolph's Corner Magdalen Street Barrack Street Hythe Hill to and terminating at its junction with Hythe Quay Road;

Route No. 3 Commencing in High Street at its junction with Queen Street passing along High Street East Hill East Bay East Bridge and East Street to and terminating in East Street at its junction with Ipswich Road;

Route No. 4 Commencing in Magdalen Street at its junction with Military Road passing along Military Road and Old Heath Road and terminating at the junction of the last-named road with Recreation Road;

and with the consent of the Minister of Transport along any other street or road in the borough which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access thereto from any dépôt garage building or work of the Corporation.

(2) 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 for approval.

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(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 tramway service upon the route of any of the tramways of the Corporation the revenue of the tramway 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 vehicles is provided 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.

As to electrical works.

5.—(1) 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 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 the 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 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

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tramways in streets or roads along which they are or may be authorised to run trolley vehicles. A.D. 1927.

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

6.—(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 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;
- (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

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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;
- (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

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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 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.

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(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression “the Corporation” includes their lessees;

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

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

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

7. 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 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 locomotives or motor cars.

8.—(1) 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 nor shall they be deemed 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.

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

Licence duties on trolley vehicles.

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

Approval of vehicles by Minister of Transport.

10.—(1) 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.

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(2) Before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight. Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

11. No trolley vehicle route shall 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.

12.—(1) The following provisions of the Tramways Act 1870 (so far as the same are applicable for the purposes 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 said trolley vehicles were carriages used on tramways:—

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;

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);

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- Section 48 (Power to local authority to license drivers conductors &c.);
- Section 49 (Penalty for obstruction of promoters in laying out tramway);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 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 section 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.

Application of certain tramway provisions to trolley vehicles.

13.—(1) Subject to the provisions of this Act the following provisions of the Order of 1901 and the Order of 1905 (as amended by this Act) shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act (that is to say):—

The Order of 1901—

- Section 14 (Additional cross-over roads &c. may be made where necessary);
- Section 15 (Temporary tramways may be made when necessary);
- Section 16 (Application of road materials excavated in construction of works);
- Section 19 (Provisions as to motive power);
- Section 20 (Electrical power works);
- Section 22 (Byelaws);
- Section 24 (Special provisions as to use of electrical power);
- Section 27 (Promoters not bound to carry animals goods &c.);

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Section 28 (Provisions as to carriage of animals goods &c.); A.D. 1927.

Section 29 (Interchange of traffic);

Section 30 (Passengers' fares);

Section 31 (As to fares on Sundays and holidays);

Section 32 (Passengers' luggage);

Section 33 (Cheap fares for labouring classes);

Section 34 (Rates and charges for animals goods &c.);

Section 35 (Payment of rates);

Section 36 (Periodical revision of rates and charges);

Section 46 (Power to hold patents);

The Schedule.

The Order of 1905—

Section 8 (Notice of alteration of tramways &c.);

Section 9 (For protection of Postmaster-General);

Section 10 (Delivery of notices).

(2) Provided that in the application of the provisions referred to in subsection (1) of this section—

(a) The same shall be read and have effect as if the working equipment for trolley vehicles were tramways within the meaning of the said provisions and as if trolley vehicles were carriages used on the tramways of the Corporation and as if the trolley vehicle undertaking authorised by this Act formed part of the tramway undertaking authorised by the Orders of 1901 and 1905;

(b) Section 30 of the Order of 1901 shall be read and have effect as if the word "halfpenny" were inserted therein after the words "one penny";

(c) Section 33 of the Order of 1901 shall be read and have effect as if the word "eight" were substituted therein for the word "seven" and as if the word "five" were substituted therein for the word "six" wherever that

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word occurs and as if the word "penny" were substituted therein for the word "half-penny."

(d) Subsection (b) (4) of section 9 of the Order of 1905 shall be read and have effect as if the words "generated or used by or supplied to the promoters enter any of the promoters' works" were inserted in that subsection in substitution for the words "generated for tramway purposes at any works of the promoters enter thereon."

(3) Provided also that the trolley vehicles shall only be used for the purpose of conveying—

- (a) passengers and their luggage;
- (b) dogs in the care of passengers the charge for any such dog to be a sum not exceeding the fare payable by a passenger;
- (c) parcels not exceeding fifty-six pounds in weight;
- (d) materials required by the Corporation in the exercise of the powers conferred upon them by the section of this Act of which the marginal note is "Use for sanitary purposes"; and
- (e) materials required for the purposes of the Corporation or for or in connection with the several undertakings of the Corporation;

and save as aforesaid shall not be used for the carriage of animals minerals or goods.

Minister of
Transport
may autho-
rise new
routes.

14.—(1) 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 in the borough (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 containing such incidental provisions as the said Minister may deem expedient 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.

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(2) No such application shall be entertained by the Minister of Transport unless the Corporation shall— A.D. 1927.

(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 borough;

(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 amendment by such Act of Parliament a Provisional Order under this Act shall not have any operation.

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(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.

For protection of
London and
North
Eastern
Railway
Company.

15. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers of this Act with regard to trolley vehicles (that is to say):—

(1) In this section the word "apparatus" includes standards brackets conductors mains cables wires posts poles and any other apparatus and equipment for the purposes of working trolley vehicles :

(2) All apparatus authorised by or in pursuance of this Act where the same shall be erected or placed upon across or under any bridge or other work belonging to or maintainable by the company or will otherwise affect the same shall be erected or placed and maintained so as not to affect injuriously the structure of any such bridge or other work of the company and according to plans and particulars to be previously submitted to and reasonably approved by the company or in case of difference between

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them and the Corporation by an arbitrator to be appointed as hereinafter provided. Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans and particulars they shall be deemed to have approved thereof. All such apparatus shall be erected or placed under the superintendence (if the same be given) and to the reasonable satisfaction of the company. The Corporation shall so construct maintain and use the apparatus and trolley vehicles as not to affect injuriously any such bridge or work and in the event of any injury being occasioned to such bridge or work by the construction maintenance user or removal of the apparatus or trolley vehicles upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expense of so doing :

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- (3) The Corporation shall bear and on demand pay to the company the reasonable expense (if any) incurred by the company of and in connection with the superintendence by the company of the works of the Corporation and of and in connection with the employment by the company during the execution or repair by the Corporation under or in pursuance of this Act of any work or apparatus affecting any railway (which expression in this section does not include the existing siding situate in Hythe Quay Road) bridge or other work belonging to or maintainable by the company of such inspectors signalmen and watchmen (if any) as may be reasonably necessary for inspecting watching and protecting any such railway and the conduct of the traffic thereon with reference to and during the execution or repair of any work or apparatus of the Corporation and for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise :
- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any

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apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to or maintainable by the company or any traffic thereon :

- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to any works or property which they may be liable to maintain or to the traffic on their railway or to any company or person using the same by or by reason of the execution or failure of any of the said works or apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the said works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (6) If the company shall hereafter require under their existing powers to widen lengthen strengthen reconstruct alter or repair any of their bridges approaches or other works under or upon which any apparatus is laid or to widen or alter any of their railways thereunder or thereover the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it shall be necessary for such purpose that such works and apparatus be taken up diverted or removed and if the company accordingly give to the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the works and apparatus shall be stopped or delayed or such part of the works or apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed

for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the works and apparatus shall be restored with all practicable despatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

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—

- (7) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the works or apparatus :
- (8) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed and if it shall be reasonably necessary for them so to do the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (9) If having regard to the proposed position of any works or apparatus of the Corporation authorised by or in pursuance of this Act when considered in relation to the position of the works of the company at any point where any works or apparatus will be constructed over or under any railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that any electric telegraphic telephonic or signal wires or apparatus or electrical works or apparatus for traction purposes of the company shall be altered the company may execute any works

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reasonably necessary for such alteration and the reasonable expense of so doing shall be repaid to the company by the Corporation :

- (10) The Corporation shall not make attachments to any part of any bridge station depôt or other property forming part of the railway of the company or to any lamp-post or other similar erection belonging to the company without the consent in writing of the engineer of the company which consent shall not be unreasonably withheld and any such attachments if allowed shall be temporarily removed at any time when required by the said engineer in connection with the maintenance and reconstruction or alteration of any such bridge station depôt or other property :
- (11) The Corporation shall not permit any trolley vehicle to be stopped under the bridge carrying the company's railway over North Station Road nor in front of the approach roads to the Colchester North Station or entrances to the St. Botolph's Station or to any goods depôt of the company for a longer period than is absolutely necessary for the purpose of taking up and setting down passengers unless such stoppage be occasioned by circumstances over which the Corporation have no control :
- (12) Notwithstanding anything contained in this Act no shed shelter or waiting-room or cloak-room room or shed for the storage of bicycles tricycles or other vehicles shall be provided erected or maintained nor shall any stopping place be appointed so as to cause interference with or to render less convenient the access to or exit from any station depôt or property belonging to the company ;
- (13) If any difference arises under this section between the Corporation and the company the same shall be settled by arbitration the arbitrator being appointed on the application of either party after notice in writing to the other by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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16.—(1) At any time after the passing of this Act the Minister of Transport may by order authorise or require the Corporation to abandon or discontinue temporarily or permanently any of the Corporation's tramways (for the time being) along the route of which the Corporation have provided and equipped or are about to provide and equip trolley vehicles or have provided omnibuses under the provisions of this Act or any Provisional Order made thereunder.

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—
As to
abandon-
ment of
tramways.

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

(3) Any order made under the provisions of this section may as from such date as may be specified therein provide for the cesser of all or any of the powers liabilities duties or obligations conferred or imposed upon the Corporation by any Act or Order relating to any tramway to be abandoned or discontinued in pursuance of such Order and may provide for the removal of the rails of such tramway 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 so as to comply with the requirements of section 41 of the Tramways Act 1870.

17. All subsisting regulations and byelaws relating to the tramways made in pursuance of the Tramways Act 1870 or of any other statutory enactment so far as the same are applicable shall with the necessary modifications apply to the trolley vehicles provided by the Corporation in pursuance of this Act.

Tramway
regulations
to apply to
trolley
vehicles.

18.—(1) Subject to the provisions of this Act the Corporation may provide and maintain (but shall not manufacture) and may run omnibuses—

Power to
provide
and run
omnibuses.

(a) within the borough; and

(b) outside the borough—

(i) along any road or part of a road along which the boundary of the borough runs for such distance as that boundary extends along such road or part of a road; and

(ii) along Gosbecks Road in the parish of Stanway from Shrub End Road (Bottle End) to Layer Road.

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(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by or belonging to 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.

(3) 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.

(4) 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.

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

Adaptation
of roads.

19.—(1) (a) Before the Corporation commence to run omnibuses over any road or part of a road outside the borough 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 an 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 per mile of road so to be adapted altered or reconstructed or what sum of money 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.

(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

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to the road authority as to whether they intend to run omnibuses over the road or part of a road or bridge in question. A.D. 1927.

(c) If the Corporation give notice in writing to the road authority that they intend to run 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 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 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

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A.D. 1927. 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.

(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 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.

As to bridges
&c. of London
and North
Eastern
Railway
Company.

20. Nothing contained in this Act shall impose any obligation upon or enlarge any existing obligation of the London and North Eastern Railway Company to strengthen adapt alter or reconstruct any bridge or road maintainable by them.

Fares and
charges &c.

21.—(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 Any application for a revision of such maximum fares or charges may be made by the Corporation 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) Every passenger travelling upon the omnibuses of the Corporation may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge but all such luggage shall be carried by hand and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

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(3) The Corporation may if they think fit convey 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 a passenger but they shall not carry any other goods or animals.

(4) Where the Minister of Transport causes any such inquiry as aforesaid to be held all expenses incurred by the Minister 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 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 so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

22. If any obstruction to the traffic on any of the tramways of the Corporation is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction.

Removal of obstructions.

23. The Corporation may for the purpose of regulating and facilitating the traffic 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 working of the tramways of the Corporation or any part thereof or the running of trolley vehicles on any trolley vehicle route or part thereof shall be stopped delayed or suspended but so that such stoppage

Power for Corporation to suspend traffic.

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A.D. 1927. — 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.

24. 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 tramways or trolley vehicles) use the tramways or 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.

Working
and other
agreements.

25.—(1) 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 trolley vehicle and omnibus services within the borough or of any omnibus services on any route outside the borough over which the Corporation are empowered by this Act to run omnibuses.

(2) The Corporation and any such company body or person 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 trolley vehicles omnibuses lands depôts buildings sheds and property provided in connection with any such trolley vehicle and 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 trolley vehicles and omnibuses and conveniences in connection therewith respectively necessary for the purposes of such agreement and the employment of officers and servants;

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or

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coming from or destined for any trolley vehicle or omnibus service of the contracting parties;

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- (d) The payment collection and apportionment of the fares and charges and other receipts arising from any such trolley vehicle or omnibus service as aforesaid.

26. The Corporation may run through cars along any of the routes of the tramways of the Corporation or any specified portion thereof and 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 cars trolley vehicles and omnibuses shall be distinguished from other cars trolley vehicles and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars trolley vehicles and omnibuses a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car trolley vehicle or omnibus Provided that during the running of such through cars trolley vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars trolley vehicles or omnibuses as the case may be.

Through cars vehicles and omnibuses.

27. The Corporation may appoint the stations and places from which cars on their tramways and their trolley vehicles and their omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may fix the time during which such cars vehicles and omnibuses shall be allowed to remain at any such place.

Corporation may appoint stopping and starting places.

28.—(1) Notwithstanding anything contained in this or any other Act or Order to the contrary the Corporation may on any occasion run and reserve cars on any of the tramways of the Corporation and trolley vehicles or omnibuses on any route on which the Corporation are for the time being authorised to run trolley vehicles or omnibuses for any special purpose which the Corporation may consider necessary or desirable provided that such special cars trolley vehicles and omnibuses shall be distinguished from other cars trolley vehicles and omnibuses in such manner as the Corporation may direct and that during the running of such special cars trolley

Power to reserve cars for special purposes.

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A.D. 1927. — vehicles or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of cars trolley vehicles or omnibuses as the case may be.

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

(3) The restrictions contained in this or any other Act or Order of the Corporation as to fares rates or charges for passengers shall not extend to any special cars run upon the tramways of the Corporation or 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.

Shelters or
waiting-
rooms.

29. The Corporation may erect and maintain sheds shelters or waiting-rooms for the accommodation of passengers on any trolley vehicle or omnibus routes established under the authority of this Act and may use for that purpose portions of the public streets or roads due regard being given to the convenience of the general traffic along any such street or road but shall not use for the purpose any part of the highway without the consent of the local and road authorities.

Cloak-
rooms &c.

30. The Corporation may provide cloakrooms 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 tramway undertaking (including the trolley vehicle and omnibus undertakings authorised by this Act) and at suitable places on the routes of the tramways of the Corporation or of any of their trolley vehicle or omnibus routes and the Corporation may make charges for the use of such cloakrooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Lost
property.

31. Any property found in any tramcar trolley vehicle or omnibus of the Corporation or in any shelter or waiting-room in connection with their tramway trolley vehicle or omnibus undertakings shall forthwith be handed to the conductor of the car vehicle or omnibus

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or 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 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 tramway undertaking. A.D. 1927.

32. 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 or expedient for the working of their trolley vehicles by mechanical power : Attachment of brackets &c. to buildings.

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 to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

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For the purposes of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

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

33.—(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 tramways trolley vehicles or omnibuses of the Corporation signs or directions indicating the position of stopping places for tramcars 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 said owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said 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 said 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.

Penalty for
malicious
damage.

34. 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.

Conveyance
of mails.

35. 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.

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36. 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.

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Payment of fares rates and charges.

37. 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 bye-laws &c. under this Act.

38. Subject to the provisions of this Act the omnibus and trolley vehicle undertakings authorised by this Act shall be deemed to form part of the tramway undertaking of the Corporation. Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with omnibuses and trolley vehicles respectively shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking and each other.

Omnibuses and trolley vehicles to form part of tramway undertaking.

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

Accounts to be furnished to Minister of Transport.

FINANCIAL PROVISIONS.

40.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with 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 revenues of the Corporation 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

Power to borrow.

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A.D. 1927. period") mentioned in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period of Repayment.
(a) The provision of trolley vehicles -	£ 25,800	Ten years from the date or dates of borrowing.
(b) The provision of electrical equipment and the construction of other works necessary for working trolley vehicles.	7,825	Twenty years from the date or dates of borrowing.
(c) The reconstruction of the roads upon which the tramways to be removed or discontinued under this Act are situate.	9,038	Twenty years from the date or dates of borrowing.
(d) The adaptation of buildings for the purposes of the trolley vehicles of the Corporation.	200	Thirty years from the date or dates of borrowing.
(e) The provision of omnibuses -	13,000	Eight years from the date or dates of borrowing.
(f) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also borrow with the consent of the Minister of Transport such further moneys as may be necessary for any of the purposes of the foregoing provisions of this Act and (except as otherwise in this section provided) with the consent of the Minister of Health such moneys as may be necessary for any of the other provisions of this Act.

(b) The Corporation may also borrow such further moneys as may be necessary for the purpose of providing a fund for working capital—

- (i) as respects the tramway undertaking of the Corporation or the trolley vehicle or omnibus undertakings authorised by this Act with the consent of the Minister of Transport;
- (ii) as respects the electricity undertaking with the consent of the Electricity Commissioners;
- (iii) as respects any undertaking of the Corporation other than the tramway trolley vehicle omnibus and electricity undertakings with the consent of the Minister of Health :

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby. A.D. 1927.

(d) 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 the revenues of the Corporation.

41. The following provisions of the Act of 1892 shall extend and apply with the necessary modifications in regard to moneys to be borrowed and mortgages granted under the powers of this Act (that is to say):— Application of provisions of Act of 1892.

Section 34 (Incorporation of certain provisions of Public Health Act);

Section 39 (Corporation not to regard trusts);

Section 41 (Protection of lenders from inquiry).

42. 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 power 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. Certain provisions of Public Health Acts not to apply.

43.—(1) The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Mode of raising money.

(2) Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act.

44. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or Mode of payment off of money borrowed.

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A.D. 1927. — by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments within six months from the date of borrowing.

Application of money borrowed. **45.** All moneys borrowed by the Corporation under the powers of this Act shall be applied only to purposes for which they are authorised to be borrowed and (except in the case of money borrowed for working capital) to which capital is properly applicable.

Investment of and payments into sinking fund. **46.** When under the provisions of this Act or 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 or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):—

(1) The Corporation may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities :

(2) The accumulations of the said yearly sums shall be paid and provided out of the general rate fund and general rate and any interest dividends and proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be paid into and form part of the general rate fund.

Use of moneys forming part of sinking and other funds. **47.** Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent or insurance or other similar

fund (in this section referred to as "the lending fund") subject to the following conditions:— A.D. 1927.

- (1) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power:

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

48.—(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 in pursuance of any statutory borrowing power.

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

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(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 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 or other officer 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 purposes 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.

(4) 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 is hereby repealed.

Expenses of
execution of
Act.

49. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund and borough rate.

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Act, 1927.

50. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Minister of Health shall in each case prescribe.

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Period for
repayment of
loans under
Municipal
Corporations
Act 1882.

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,

Power to
use one
form of
mortgage
for all
purposes.

(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 date of the 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 and by the means within and by 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.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section

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A.D. 1927. 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.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section 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 penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate 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 Corporation 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 estate 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 penalty not exceeding twenty pounds.

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Act, 1927.

52.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after 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 Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received—

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Consolidated loans fund.

- (a) all moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date as from which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation; or
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

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A.D. 1927. — And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the interest arising from the investments thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

Power to
re-borrow.

53.—(1) The Corporation shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion

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of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

54. In calculating under subsection (2) of section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 the amount which the Corporation may borrow the amount at the time of such calculation of any sinking fund or redemption fund accumulated for the purpose of providing for the payment of loans contracted by the Corporation under the sanitary Acts and the Public Health Act 1875 shall be deducted from the outstanding loans contracted by the Corporation under those Acts.

As to section 234 of Public Health Act 1875.

55.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

Sinking fund.

- (a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

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(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund".

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be

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derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments. A.D. 1927.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister of Health that any such increase is necessary the Corporation shall increase the payments to such extent as that Minister may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay

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A.D. 1927. — the moneys in respect of which the sinking fund is formed within the prescribed period the Corporation may with the consent of that Minister discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister of Health may determine.

(12) All moneys which at the commencement of this Act are standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Interest on mortgages held jointly.

56. 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 treasurer by any other of them.

Evidence of transfer or transmission of securities.

57. It shall not be obligatory on the Corporation to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Receipt in case of persons not sui juris.

58. 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.

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59. The Corporation may pay out of the borough fund as expenses incurred by them under the Municipal Corporations Act 1882—

- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;
- (b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

60.—(1) Subject to the provisions of subsection (2) of this section notwithstanding anything contained in any previous enactment all money received by the Corporation on account of the revenue of the following undertakings of the Corporation (namely):—

- (a) the tramway undertaking (including the trolley vehicle and omnibus undertakings);
- (b) the water undertaking;
- (c) the electricity undertaking;
- (d) the baths undertaking;
- (e) the harbour undertaking;
- (f) the markets undertaking;

shall be carried to and shall form part of the revenue for that year of the general rate fund and all payments and expenses made and incurred in respect of each of those undertakings in the same year shall be paid out of that fund.

(2) Nothing contained in this section shall be deemed to authorise the Corporation to apply or dispose

A.D. 1927.

—
Subscriptions to local government associations and other expenses.

Application of revenue and payment of expenses of undertakings.

[Ch. lxxxiv.] Colchester Corporation [17 & 18 GEO. 5.]
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A.D. 1927. — of the surplus revenue of the electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926.

(3) The Corporation may (if they think fit) apply money received by them on account of the revenue of the tramway undertaking (including the trolley vehicle and omnibus undertakings) the water undertaking the baths undertaking the harbour undertaking and the markets undertaking in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertakings respectively.

Separate
accounts to
be kept.

61.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as regards revenue accounts so as to show under a separate heading or division in respect of each of the following undertakings of the Corporation (that is to say) the tramway undertaking (including the trolley vehicle and omnibus undertakings) the water undertaking the electricity undertaking and the harbour undertaking (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund which the Corporation are by this or any other Act or Order (whether passed before or after the date of this Act) authorised to maintain.

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(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose. A.D. 1927.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to either of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

62.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely):— Reserve funds.

- (a) the tramway undertaking (including the trolley vehicle and omnibus undertakings);
- (b) the water undertaking;
- (c) the harbour undertaking;

by setting aside and investing such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation not exceeding in the case of the harbour undertaking the sum of ten thousand pounds and in the case of each of the above-mentioned undertakings respectively other than the harbour undertaking one-tenth of the aggregate capital for the time being expended by the Corporation upon the undertaking.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the commencement of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof.

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or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Commence-
ment of
certain
sections and
repeal of
section 32
of Act of
1892.

63.—(1) The sections of this Act of which the marginal notes are :—

Investment of and payments into sinking fund ;

Application of revenue and payment of expenses of undertakings ;

Separate accounts to be kept ;

Reserve funds ;

shall not come into operation until the date upon which the first new valuation list made under Part II of the Rating and Valuation Act 1925 comes into force in the borough.

(2) As from the said date section 32 (Application of harbour revenue) of the Act of 1892 is hereby repealed.

MISCELLANEOUS PROVISIONS.

Further
powers for
acquisition
of lands.

64.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any moneys so borrowed shall be repaid within such period as may be prescribed by the Minister of Health.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account

in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the borough fund and borough rate. Provided that nothing in this subsection shall authorise the Corporation to create or permit any nuisance on any lands so appropriated. A.D. 1927.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health; or

(b) in such other manner as may be approved by the Minister of Health.

65.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings 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 those purposes. Dwelling-houses for persons in Corporation's employment.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

66.—(1) Any water rate or charge for electricity payable to the Corporation may be collected together with the general rate and the same books may be used for the said charges and rates. Water rate &c. may be collected with general rate.

(2) The general rate and the demand note and any other necessary documents to be used for the purposes of or in connection with the general rate water rates or

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A.D. 1927. — charges for electricity shall be in such form as the Minister of Health may from time to time prescribe.

(3) The Corporation may demand water rates and charges by half-yearly instalments in advance on the twenty-fifth day of March and the twenty-ninth day of September in each year but so that the same shall not be recoverable until the expiration of two months from the said twenty-fifth day of March and twenty-ninth day of September respectively.

(4) 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 expression "the general rate" in this section means the borough rate.

As to
breach of
conditions
of consent
of Corpora-
tion.

67. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consent of
Corporation
to be in
writing.

68. All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Evidence of
appoint-
ments
authority
&c.

69. 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

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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. A.D. 1927.

70. Proceedings for the recovery of any demand made under the authority of any local 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 demands in county court.

71. Where the payment of more than one sum by any person is due under any Act or Order for the time being in force in the borough any summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Summons or warrant may contain several sums.

72. 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.

73. 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 not disqualified.

74.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875. Inquiries by Minister of Health.

(2) The Corporation shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

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Inquiries by
Minister of
Transport.

75. 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 or any existing Act or Order of the Corporation 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 hand of the President or of one of the secretaries of the Board."

Costs of Act.

76. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act 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 moneys to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the
foregoing Act.

A.D. 1927.

FORM OF MORTGAGE.

BOROUGH OF COLCHESTER.

By virtue of the Colchester Corporation Act 1927 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Colchester (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 _____ (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 in the said Act defined 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 _____ nineteen hundred and _____ until 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 town hall in the said borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [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 town clerk 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 rate of interest the provisions thereof

[Ch. lxxxiv.] Colchester Corporation [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927. 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 _____ nineteen hundred and

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 _____
nineteen hundred and _____ [and the interest
to be paid thereon on and from the _____ day of
_____ nineteen hundred and _____
is hereby declared to be at the rate of _____ per centum
per annum].

Dated this _____ day of _____
nineteen 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 trans-
feree [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 Colchester 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 _____
nineteen hundred and _____

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