



CHAPTER xxvii.

An Act to confirm a Provisional Order made by the Minister of Transport under the Southend-on-Sea Corporation Act 1926 relating to Southend-on-Sea Corporation Trolley Vehicles. A.D. 1929.
[10th May 1929.]

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

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

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

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

1. This Act may be cited as the Southend-on-Sea Corporation (Trolley Vehicles) Order Confirmation Act 1929. Short title.

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—
Confirma-
tion of
Order in
schedule.

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

SCHEDULE.

A.D. 1929.

SOUTHEND-ON-SEA CORPORATION
(TROLLEY VEHICLES).

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

1. This Order may be cited as the Southend-on-Sea Corporation (Trolley Vehicles) Order 1929 and the Southend-on-Sea Corporation (Trolley Vehicles) Order 1927 and this Order may be cited together as the Southend-on-Sea Corporation (Trolley Vehicles) Orders 1927 and 1929. Short and collective titles.

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

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

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

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

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

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

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

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

Section 47 (Penalties may be imposed in bye-laws);

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

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- 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):

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

Inter-
pretation.

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

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

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

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

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

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

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

“The Order of 1899” “the Order of 1904” “the Act of 1909” “the Order of 1909” “the Act of 1913” “the Order of 1920” and “the Order of 1927” mean respectively the Southend-on-Sea and District Light Railways Order 1899 the Southend-on-Sea and District

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Light Railways (Extensions) Order 1904 the Southend-on-Sea Corporation Act 1909 the Southend-on-Sea Light Railways (Revival and Extension of Time) Order 1909 the Southend-on-Sea Corporation Act 1913 the Southend-on-Sea Light Railways (Extension) Order 1920 and the Southend-on-Sea Corporation (Trolley Vehicles) Order 1927.

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

Additional
trolley
vehicle
route.

Route No. 1 (7 furlongs 5 chains or thereabouts in length) commencing at the junction of High Street with Victoria Circus passing along High Street (between Victoria Circus and Whitegate Road) Whitegate Road (between High Street and Bankside) Bankside Corsham Road Darnley Road Seaway Hartington Road (between Seaway and Marine Parade) and Marine Parade (between Hartington Road and Southchurch Avenue) and terminating at the junction of Marine Parade with Southchurch Avenue;

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

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

Provided also that the Corporation shall not use trolley vehicles on the route after the thirty-first day of December nineteen hundred and thirty unless the carriageway in that part of Hartington Road along which the route lies has been increased to a width of not less than twenty feet.

5.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenue of the light railway undertaking of the Corporation and the general rate fund and general rate and they shall pay

Power to
borrow.

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A.D. 1929. off all moneys so borrowed within the respective periods mentioned
 — in the third column of the said table (namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For the provision of trolley vehicles.	£5,850	Ten years from the date or dates of borrowing.
(b) For the provision of trolley vehicle equipment and the construction of other works necessary for or in connection with the working of the trolley vehicles authorised by this Order.	£3,256	Twenty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the passing of this Order.

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

Applica-
tion of
provisions
of previous
enactments.

6.—(1) The following sections of the Order of 1899 the Order of 1904 the Act of 1909 the Order of 1909 the Act of 1913 the Order of 1920 and the Order of 1927 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (that is to say) :—

The Order of 1899—

- Section 51 (Temporary railways may be made where necessary);
- Section 54 (Provisions as to motive power);
- Section 55 (Special provisions as to use of electric power as motive power);
- Section 56 (Byelaws by Board of Trade);
- Section 60 (Rates authorised);
- Section 61 (Rates for passengers);
- Section 62 (As to fares on Sundays and holidays);
- Section 63 (Passengers' luggage);
- Section 64 (Tolls for use of railway);
- Section 65 (Cheap fares for labouring classes);
- Section 66 (Rates for goods &c.);
- Section 67 (Payment of rates and charges);
- Section 68 (Periodical revision of rates and charges);

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Section 74 (Power to lease);

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Section 88 (Application of revenue).

The Order of 1904—

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

The Act of 1909—

Section 28 (Temporary stoppage of streets);

Section 37 (Certain regulations of Public Health Act 1875
as to borrowing not to apply);

Section 38 (Mode of raising money);

Section 39 (Provisions of Public Health Act 1875 as to
mortgages to apply);

Section 40 (Mode of payment off of money borrowed);

Section 42 (Protection of lender from necessity of in-
quiry);

Section 43 (Corporation not to regard trusts);

Section 44 (Appointment of receiver);

Section 47 (Application of money borrowed);

Section 53 (Application of section 265 of Public Health
Act 1875).

The Order of 1909—

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

The Act of 1913—

Section 87 (Recovery of penalties &c.).

The Order of 1920—

Section 13 (Shelters or waiting-rooms);

Section 15 (Rates for special cars);

Section 16 (Through cars);

Section 17 (Attachment of signs indicating stopping-
places to lamp-posts &c.);

Section 18 (Attachment of brackets to buildings).

The Order of 1927—

Section 4 (Power to use trolley vehicles) (subsections (2)
and (3));

Section 5 (As to electrical works);

Section 6 (Corporation to have exclusive right of using
apparatus for working trolley vehicles);

Section 7 (Vehicles not to be deemed light locomotives
or motor cars);

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- Section 8 (Licence duties on trolley vehicles);
Section 9 (Approval of vehicles by Minister of Transport);
Section 10 (Inspection by Minister of Transport);
Section 11 (Conveyance of mails);
Section 12 (As to abandonment of light railways);
Section 13 (Penalty for malicious damage);
Section 14 (Power for Corporation to suspend traffic);
Section 15 (Use for sanitary purposes);
Section 16 (Trolley vehicles to form part of light railway undertaking);
Section 17 (As to lands);
Section 20 (For protection of Southend-on-Sea and District Gas Company).

(2) Provided that—

- (a) The said section 65 of the Order of 1899 in its application to this Order shall be read and have effect as if the word "eight" were inserted therein in lieu of the word "seven" and as if the word "six" were inserted therein in lieu of the words "half-past five" and as if the words "one penny" were inserted therein in lieu of the words "one half-penny."
- (b) Subsection (b) (4) of the said section 18 (For the protection of the Postmaster-General) of the Order of 1904 shall be read and have effect as if the words "generated or used by or supplied to the Corporation enter any of the Corporation's works" were inserted in that subsection in substitution for the words "generated for the purposes of this Order or of the Order of 1899 at any works of the Corporation enter thereon."

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

(4) Where the Minister of Transport causes any inquiry under the provisions of the said section 68 of the Order of 1899 (as extended and applied to the provisions of this Order) to be held all expenses incurred by the Ministry in relation to that inquiry shall be paid as the Minister may by order direct either

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by the Corporation or by any of the parties on whose representations the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown.

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7. The undertaking authorised by this Order shall be deemed to form part of the trolley vehicle undertaking authorised by the Order of 1927.

Undertaking to form part of trolley vehicle undertaking.

8. All costs charges and expenses of and incidental to the preparing and obtaining and confirming of this Order or otherwise incurred in relation thereto 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 general rate fund and the general rate or out of money to be borrowed under the powers of this Order for that purpose.

Costs of Order.

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