



## CHAPTER lxxv.

An Act to authorise the abandonment of the tramways of the Portsmouth Street Tramways Company and to provide for the running of omnibuses in substitution therefor to alter the existing powers of the Company to run omnibuses and to change the Company's name and for other purposes. A.D. 1929.

[10th May 1929.]

**W**HEREAS the Portsmouth Street Tramways Company (hereinafter referred to as "the Company") were incorporated by the Portsmouth Street Tramways Act 1870 and by that Act and the Portsmouth Street Tramways (Extensions) Order 1874 and the Portsmouth &c. Tramways Act 1879 were authorised to construct tramways in the borough of Portsmouth and the parish of Cosham in the rural district of Fareham:

And whereas by the Portsmouth Street Tramways (Amalgamation) Act 1883 the undertaking of the Gosport Street Tramways Company under the Gosport Street Tramways Acts 1879 and 1881 and the undertaking of the General Tramways Company of Portsmouth Limited under the Landport and Southsea Tramway Act 1863 the Landport Southsea and Portsea Street Tramways Order 1876 and the Portsea Street Tramways Order 1877 were amalgamated with the undertaking of the Company and by that amalgamation the Company became the owners of further tramways in the borough of Portsmouth and the parish of Cosham and of other tramways

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A.D. 1929. — situate in areas which are now comprised in the borough of Gosport and the urban district of Fareham :

And whereas by the Portsmouth Street Tramways Act 1896 the Company were empowered to electrify all tramways then belonging to them and to construct works for that purpose :

And whereas in pursuance of powers conferred on them by the Portsmouth Corporation Tramways Act 1898 the Portsmouth Corporation acquired all the tramways of the Company in the borough of Portsmouth and the parish of Cosham and the tramway system of the Company became thus limited to the tramways authorised by the before mentioned Acts and Orders in the areas which are now comprised in the borough of Gosport and the urban district of Fareham :

And whereas under powers conferred on the Company by the Gosport and Fareham Tramways Act 1903 and the Gosport and Fareham Tramways Act 1905 the Company have constructed further tramways in the borough of Gosport the urban district of Fareham and the parish of Rowner in the rural district of Fareham and have erected a generating station where electricity is generated for working the tramways and for supply to authorities and companies authorised to distribute electricity :

And whereas by section 28 of the said Act of 1905 the Company were also empowered to run omnibuses in connection with their tramways and in the events in that section mentioned and in pursuance of that power the Company are running omnibuses on certain routes in the borough of Gosport :

And whereas the authorised share capital of the Company after the amalgamation effected by the said Act of 1883 was £131,000 divided into 13,100 shares of £10 each all of which shares were and are fully paid up and the Company are by the said Acts of 1896 and 1903 authorised to raise but have not raised further share capital of the total amount of £118,000 :

And whereas the Company are empowered by the aforesaid Acts and Orders to borrow money on mortgage of their undertaking but no such mortgages are now outstanding and the Company have no existing loan capital :

And whereas by sections 7 and 8 of the said Act of A.D. 1929.  
1903 the respective local authorities for the borough of  
Gosport and the urban district of Fareham were granted  
powers of purchasing the whole of the undertaking of  
the Company within their respective borough and district  
in the events and on the terms in those sections men-  
tioned but have not yet exercised those powers :

And whereas the public needs for road transport on  
the routes of the Company's tramways could be wholly  
met by services of omnibuses and the Company are  
willing to provide such services and it is expedient that  
the Company be empowered to abandon their said tram-  
ways and run services of omnibuses in substitution  
therefor subject to the provisions of this Act and that the  
power of the Company to run omnibuses be altered as  
by this Act provided :

And whereas it is expedient that the name of the  
Company be changed and that the other provisions of this  
Act be enacted :

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

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 :—

#### PRELIMINARY.

1. This Act may be cited as the Gosport and Fare- Short title.  
ham Omnibus Services Act 1929.

2. The following parts of Acts (so far as applicable Incorpora-  
to the provisions of this Act and not varied by or incon- tion of  
sistent with the provisions of the existing Acts and this parts of  
Act) are incorporated with and form part of this Act (that general  
is to say):— Acts.

The provisions of the Companies Clauses Consolida-  
tion Act 1845 with respect to—

The general meetings of the Company and  
the exercise of the right of voting by the  
shareholders ;

The appointment and rotation of directors ;

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The appointment and duties of auditors;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part IV (relating to change of name) of the Companies Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by section 3 of the Companies Clauses Consolidation Act 1845 have the same respective meanings unless there be something in the subject or context repugnant to such construction And unless the context otherwise requires—

“The Company” means the Portsmouth Street Tramways Company;

“The appointed day” means the first day of September nineteen hundred and twenty-nine;

“The date of abandonment” means the date on which the working of the tramways shall be discontinued under the section of this Act of which the marginal note is “Abandonment of tramways”;

“The Act of 1870” means the Portsmouth Street Tramways Act 1870;

“The Order of 1874” means the Portsmouth Street Tramways (Extensions) Order 1874;

“The Act of 1879” means the Portsmouth &c. Tramways Act 1879;

“The Act of 1883” means the Portsmouth Street Tramways (Amalgamation) Act 1883;

“The Act of 1896” means the Portsmouth Street Tramways Act 1896;

“The Act of 1903” and “the Act of 1905” respectively mean the Gosport and Fareham Tramways Act of those respective years;

“The existing Acts” means the Act of 1870 the Order of 1874 the Act of 1879 the Act of 1883 the Act of 1896 the Act of 1903 and the Act of 1905 and also includes the provisions of the Gosport Street Tramways Act 1879 and the Gosport Street Tramways Act 1881 so far as

those Acts relate to the tramways belonging to the Company at the passing of this Act; A.D. 1929.

“The tramways” means such of the tramways constructed under the powers of the existing Acts as at the passing of this Act are situate in the borough of Gosport the urban district of Fareham and the parish of Rowner in the rural district of Fareham and belong to the Company;

“Equipment” means posts standards brackets cables wires works and apparatus forming part of or provided and used in connection with the tramways but does not include the rails and paving setts thereof;

“The tramway routes” means the routes of the tramways;

“The prescribed routes” means—

(i) The tramway routes; and

(ii) The following further roads in the borough of Gosport viz. Bury Road (between the north-eastern end of Foster Road and Gordon Road) Gordon Road Whitworth Road Leesland Road Annshill Road (between Leesland Road and Brockhurst Road) Elson Road St. Thomas’s Road (between Elson Road and Grove Road North) Grove Road North Grove Road South (crossing San Diego Road) and The Crossway;

“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;

“The borough of Gosport” “the urban district of Fareham” and “the parish of Rowner” respectively mean that borough urban district and parish as respectively constituted from time to time;

“The corporation” means the mayor aldermen and burgesses of the borough of Gosport;

“The urban council” means the Fareham Urban District Council;

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—

“The local authorities” means the corporation the urban council and the Fareham Rural District Council;

“The county council” means the county council of the administrative county of Southampton;

“The railway company” means the Southern Railway Company;

“The Minister” means the Minister of Transport;

“Road authority” means with reference to any road or bridge with the immediate approaches thereto or any part thereof the authority company or person charged with or liable to contribute to the maintenance of such road or bridge with the immediate approaches thereto or any part thereof;

“Licensing authority” means an authority having jurisdiction to grant licences for an omnibus to ply for hire;

“Authorised undertakers” has the meaning given to that expression by the Electricity (Supply) Act 1919.

## CHANGE OF NAME AND OBJECTS.

Change of name.

4. After the appointed day the name of the Company shall be the Gosport and Fareham Omnibus Company.

Objects of Company.

5.—(1) After the appointed day the Company shall be deemed to be incorporated for the purpose of providing road transport services and for other the purposes of the existing Acts as amended by this Act and of this Act and of any other Act or Order from time to time relating to the Company.

(2) So much of section 4 (Company incorporated) of the Act of 1870 as is inconsistent with subsection (1) of this section is hereby repealed.

## ABANDONMENT OF TRAMWAYS.

Abandonment of tramways.

6.—(1) The Company shall on a date (to be determined by them and in this Act referred to as “the date of abandonment”) between the appointed day and the first day of September nineteen hundred and thirty abandon and discontinue the working of the tramways.

(2) As from the date of abandonment all powers obligations and liabilities of the Company in relation to the tramways and the rails and paving setts thereof and the equipment and the maintenance of the roads in which they are situate existing under or by virtue of the existing Acts or any other Act Order lease agreement or other instrument whatsoever shall (except as hereinafter expressly provided in this Act) cease and determine and the provisions of the next succeeding section of this Act shall have effect. A.D. 1929.

(3) The Company shall not less than one month before the date of abandonment give notice in writing to each of the local authorities and the county council of their intention to abandon and discontinue the working of the tramways on that date.

7.—(1) Subject to the provisions of subsections (5) and (6) of this section and except as may be otherwise agreed between the Company and the local authorities and the county council or any of them under section 9 (Agreements with local authorities and county council) of this Act the Company— Provisions consequent on abandonment of tramways.

(i) shall within one year from the date of abandonment or within such longer period as may be agreed between the Company and the road authority concerned take up and remove the tramways and the rails and paving setts thereof and the equipment other than any underground cables wires works and apparatus; and

(ii) may within the said period of one year or such longer period as aforesaid take up and remove any underground cables wires works and apparatus forming part of the equipment.

(2) The Company shall with all convenient speed after any such taking up and removal under subsection (1) of this section fill in the ground and make good the surface of and where the rails paving setts or equipment so taken up and removed were situate in the carriageway or footpath of any public road restore to the reasonable satisfaction of the road authority the portion of the carriageway or footpath disturbed by such taking up and removal to as good a condition as that in which it was before such rails paving setts and equipment were laid or placed therein and clear away all surplus paving

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(3) If the Company fail to comply with their obligations under paragraph (i) of subsection (1) of this section within the period of one year from the date of abandonment or such longer period as may be agreed with the road authority or fail to comply with their obligations under subsection (2) of this section within the period of one month after the expiration of the said one year or longer period as aforesaid or after compliance with the said paragraph (i) (whichever is the earlier) the road authority may at any time after such respective periods themselves do the works and things necessary for complying with such obligations and may recover from the Company the cost reasonably incurred by them in so doing.

(4) The Company may appropriate use sell or otherwise dispose of any rails paving setts and equipment taken up and removed by them under subsection (1) of this section.

(5) Notwithstanding anything in the foregoing provisions of this section the Company may—

- (a) with the approval of the road authority concerned leave in the road and sell to the road authority all or any part of the rails and paving setts of the tramways;
- (b) enter into and carry into effect agreements with any authorised undertakers empowered to lay electric lines or cables in any road in which any part of the equipment may be laid or placed for the sale subject to the approval of the road authority (which approval shall not be unreasonably withheld) of any part of the equipment and on the execution of any such agreement the part of the equipment comprised therein shall vest in the authorised undertakers as part of their undertaking subject nevertheless to the provisions of any Act or Order which would have applied to such part of the equipment if it had been laid or placed in such road or footpath by the authorised undertakers.



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(6) (i) If any underground cables wires works and apparatus forming part of the equipment be not taken up and removed by the Company under the provisions of this section then as from the date of abandonment or (ii) if any rails and paving setts be left in any road by agreement with the road authority under paragraph (a) of subsection (5) of this section then as from the date of such agreement or (iii) if any part of the equipment be purchased by any authorised undertakers under paragraph (b) of the said subsection (5) then as from the date of such purchase any and every obligation or liability imposed on the Company by the existing Acts or this Act or any other Act Order lease agreement or instrument whatsoever with respect to the maintenance of or the taking up and removal of or otherwise relating to such equipment or rails and paving setts shall cease and the provisions of the existing Acts and of any Acts incorporated with those Acts and of the Tramways Act 1870 shall cease to apply to such equipment or rails and paving setts (as the case may be).

(7) If any difference shall arise under subsection (2) or subsection (3) of this section between the Company and any road authority or under subsection (5) (b) of this section as to whether any approval of any road authority has been unreasonably withheld the difference shall on the application of any party thereto be referred to and determined by the Minister whose decision shall be final.

8.—(1) If the Company abandon and discontinue the working of the tramways under and by virtue of the powers of this Act the Company shall not less than fourteen days before commencing the work or any part of the work of removal and taking up pursuant to the provisions of the immediately preceding section of this Act give notice in writing to the Admiralty of their intention so to do and in the execution of the work they shall comply with such directions as the Admiralty may reasonably give for the purpose of avoiding undue interference with any means of access to and damage to Admiralty property.

For pro-  
tection of  
Admiralty.

(2) If by reason of the exercise by the Company of any of the powers by this Act conferred upon them any damage shall be caused directly or indirectly to any Admiralty lands mains drains cables or other property

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Agreements with local authorities and county council.

9. The Company on the one hand and the local authorities and the county council or any of them on the other hand may enter into and carry into effect agreements for and with respect to the removal or non-removal of any of the tramways and the rails and paving setts thereof and the equipment and the reinstatement of the carriage-way or footpath in which any such tramway rails paving setts or equipment is or are situate and for and with respect to any other of the purposes or provisions of section 7 (Provisions consequent on abandonment of tramways) of this Act.

Cesser of wayleave payments.

10. As from the date of abandonment subsection (5) of section 7 (For protection of urban district council of Gosport and Alverstoke) of the Act of 1903 shall become and be repealed.

PROVISIONS AS TO OMNIBUSES.

Power to run omnibuses.

11.—(1) The Company may provide maintain work and run omnibuses on the prescribed routes and with the consent of the local and road authority on any other route within the borough of Gosport the urban district of Fareham and the parish of Rowner in the rural district of Fareham. Provided that the consent of a local or road authority shall not be unreasonably withheld and any question whether or not any such consent has been unreasonably withheld shall be determined by the Minister.

(2) The Town Police Clauses Acts 1847 and 1889 so far as they apply to omnibuses shall (subject to the provisions of this Act) apply to any omnibus provided by the Company under this Act.

(3) The powers of this section shall only be exercisable by the Company subject to such byelaws as the local authority or authorities as the case may be within whose borough or district such omnibuses may be run

are now or may hereafter be empowered to make and enforce with reference to omnibuses. A.D. 1929.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line (as defined by the Telegraph Act 1878) of the Postmaster-General.

12.—(1) (a) On and after the appointed day the Company shall (subject to the provisions of subsection (4) of this section) run on each of the prescribed routes which is not one of the tramway routes services of omnibuses which are adequate and satisfactory within the meaning mentioned in subsection (2) of this section. Obligatory omnibus services.

(b) From the appointed day until the date of abandonment the Company shall (subject to the provisions of subsection (4) of this section) run on each of the prescribed routes which is a tramway route services of tramcars which or services of tramcars and omnibuses which together are adequate and satisfactory within the meaning aforesaid.

(c) On and after the date of abandonment the Company shall (subject to the provisions of subsection (4) of this section) run on each of the prescribed routes which was before the date of abandonment a tramway route services of omnibuses which are adequate and satisfactory within the meaning aforesaid.

(2) In this section the expression "adequate and satisfactory service" whether in relation to omnibuses or tramcars shall mean such service as may from time to time be agreed between the Company and the local authority concerned or in case of difference settled on application of the Company or the local authority by the Minister.

(3) The licensing authorities for the areas in which the prescribed routes are situate shall (subject to any rights possessed by them to approve or disapprove the fitness of vehicles for which a licence to ply for hire is desired) grant to the Company such number of licences for omnibuses to ply for hire as the Company may from time to time deem necessary for the purpose of complying with their obligations under this section.

(4) If the Company shall at any time satisfy the Minister that the whole of the services then being run

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by the Company in pursuance of the foregoing provisions of this section does not yield a reasonable profit (after paying all proper expenses of and in connection with the working of those services and all other costs charges and expenses properly chargeable to revenue in connection with those services and making proper allowance for depreciation) the Minister may authorise such variation of those services or any of them or the discontinuance of such one or more of those services as he may think fit in order that the whole of the services to be run by the Company under this section shall yield a reasonable profit and if the Company satisfy the Minister that no adequate and satisfactory services of omnibuses can be run in accordance with the provisions of this section so as to yield a reasonable profit the Minister may declare that the Company's obligations and liabilities under this section shall cease and determine.

(5) If the Company fail to run such adequate and satisfactory services of omnibuses as they are for the time being required to run under this section they shall forfeit and pay to the local authority for the borough or district where the failure occurs (who may sue for and recover the same) a sum not exceeding five pounds for every day on which the failure occurs. Provided that where the failure occurs in more than one borough or district the Company shall not be liable for more than one penalty for any one day on which any such failure occurs.

Restrictions  
on competi-  
tion.

**13.**—(1) If and so long as the Company are running on any of the prescribed routes such services of omnibuses or tramcars or of omnibuses and tramcars as they are for the time being required to provide under the immediately preceding section of this Act it shall not be lawful (except as hereinafter in this section provided or in pursuance of a working agreement to which the Company are a party) for any other company (except the railway company in pursuance of their statutory powers) or for any local authority body or person to run omnibuses or other passenger road transport services along such prescribed route or along any other route in competition with such services of the Company.

(2) (a) The licensing authority of any area in which any prescribed route or part thereof is situate shall on receiving any application (otherwise than from the Company or from the railway company acting under

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their statutory powers) for a licence for an omnibus to ply for hire on any road in that area forthwith give notice in writing to the Company of the application and the Company shall be entitled to submit to the licensing authority either in writing or in person any objections to or representations on the grant of the licence which they may think fit.

(b) The licensing authority when considering such an application as aforesaid shall have regard to the provisions of subsection (1) of this section and shall also consider any objections or representations submitted by the Company with reference thereto and if they decide to grant the licence they shall attach thereto such conditions as to the routes along which the omnibus to which the licence relates shall or shall not ply for hire and such other conditions as may be necessary or desirable to protect the services for the time being provided by the Company under the immediately preceding section of this Act. Provided that the right of the applicant for the licence of appeal to the Minister from the decision of the licensing authority under section 14 (3) of the Roads Act 1920 shall not be affected but the Minister in making any order under that section shall have regard to the provisions of this section.

(3) (a) The licensing authority shall on making their decision with respect to any application for such a licence as is referred to in subsection (2) of this section forthwith give notice in writing to the Company of their decision.

(b) If the Company object to the decision of the licensing authority or to any conditions attached or to the non-attachment of any conditions to the licence the Company shall have a right of appeal to the Minister within a period of fourteen days after receiving notice of the decision of the licensing authority and if the Company so appeal to the Minister with respect to any such licence as aforesaid the licence shall not come into force until the matter has been determined by the Minister under subsection (4) of this section.

(4) Any appeal by the Company to the Minister under the foregoing provisions of this section and any question at any time arising as to whether or not the Company are providing along any prescribed route such service as they are for the time being required to provide

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A.D. 1929: under the immediately preceding section of this Act shall be determined by the Minister on the application of the Company and the Minister shall have power to make such order thereon as he thinks fit Any order made by the Minister under this section shall be final and binding and not subject to appeal to any court and shall on the application of the Minister or of the Company or of the licensing authority or of the applicant for a licence be enforceable by writ of mandamus.

(5) If any failure by the Company to provide an adequate and satisfactory service on any prescribed route is due to the refusal by any licensing authority to grant any licences for which the Company have applied for omnibuses to ply for hire or to any strike or unforeseen accident or other circumstances beyond the control of the Company such failure shall not render the Company liable to any penalty under subsection (5) of the immediately preceding section of this Act nor entitle any other company or any local authority body or person to run omnibuses or other passenger road transport services along such route or along any other route in competition therewith or deprive the Company of any benefit or protection conferred on them by the foregoing provisions of this section.

(6) Nothing in this section shall be deemed—

(a) to restrict the running of any omnibus by any such company authority body or person along any prescribed route or any other route in competition therewith if (i) such omnibus serves a district or districts beyond the borough and districts in which the prescribed routes are situate and (ii) no passenger conveyed by such omnibus is both taken up and set down on any one journey on any prescribed route or any route in competition therewith; or

(b) to prevent the grant or renewal by a licensing authority of any licence to ply for hire with an omnibus on the condition that no passenger conveyed by the omnibus to which the licence relates shall be both taken up and set down on any one journey on any prescribed route or any route in competition therewith; or

- (c) to prevent the renewal (in the name of the licensee or his personal representative) by a licensing authority of any licence to ply for hire with an omnibus along a prescribed route or a particular part of a prescribed route or a route in competition with a prescribed route if the licence was on the first day of November nineteen hundred and twenty-eight in force and applicable to and used for a service of omnibuses which service was on that date being operated on and has since that date been regularly in operation on the same route or part of a route as aforesaid or to prevent the grant of a licence to ply for hire with an omnibus substituted by the licensee or his personal representative for any omnibus to which the protection of this paragraph applies or to restrict the running of any such last-mentioned omnibus or substituted omnibus along such route or part of a route as aforesaid Provided that no omnibus proprietor (other than the Company) shall be entitled to operate along any prescribed route or any part thereof or along any route in competition therewith during any period of the year a greater number of omnibuses than were required to operate the services which were worked along that route by that omnibus proprietor during the corresponding period of the year preceding the said first day of November nineteen hundred and twenty-eight and have been regularly in operation along that route during the same period of each year; or
- (d) prevent the picking up and setting down on any prescribed route within the urban district of Fareham of any passenger in or from an omnibus which for the time being—
- (i) belongs to a person or to the personal representative successor or assignee of a person who on the first day of March nineteen hundred and twenty-nine held a licence granted by the urban council for an omnibus to ply for hire within the said urban district; and

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(ii) is operated within the urban district as part of a service which on the said first day of March was operated by such person as aforesaid from any point within the said urban district to any place outside that district and not situate in the borough of Gosport.

Power to provide garages &amp;c.

**14.** The Company may purchase by agreement take on lease and hold lands and buildings and may erect on any lands acquired by them omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running equipment maintenance and repair of their omnibuses or may use and adapt any of their existing car sheds and buildings for the said purposes or any of them but the Company shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds.

Power to provide vehicles and equipment.

**15.** The Company may for the purpose of exercising the powers conferred on them under this Act provide purchase and hire omnibuses and other road vehicles and any apparatus and things which may be necessary for or incidental to the working of such omnibuses and road vehicles.

Provisions as to Company's omnibuses.

**16.**—(1) The Company shall perform in respect of the omnibuses provided by them under this Act 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.

(2) 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 so provided by the Company as aforesaid as if they were carriages used on tramways.

(3) The Company may make byelaws for regulating the travelling in or upon the omnibuses so provided by them and for the prevention of nuisances in or upon such omnibuses or in or against any premises held by the Company in connection therewith.

Fares and charges.

**17.**—(1) The Company may demand and take for every passenger conveyed on an omnibus provided by



them under this Act including every expense incidental to such conveyance a fare or charge not exceeding one penny-halfpenny per mile and in computing the said fare or charge any fraction of a mile shall be deemed a mile. Provided that the Company may appoint stages each of not less than half a mile in length and may demand and take for every passenger travelling on any such omnibus including every expense incidental to the conveyance of such passenger any fare or charge not exceeding one penny-halfpenny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed to be a stage: A.D. 1929.

Provided also that any passenger conveyed by any omnibus so provided by the Company for a journey comprising only one stage or part of one stage shall not be required to pay for that journey a fare or charge of more than one penny.

(2) Every passenger conveyed on an omnibus so provided by the Company 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 required for a passenger nor be of a form or description to annoy or inconvenience other passengers.

(3) The Company may if they think fit carry on the omnibuses so provided by them small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers but they shall not carry any other goods or animals.

(4) The Company may demand and take for any dog a sum not exceeding the fare payable by the passenger and for parcels other than those referred to in subsection (2) of this section carried in the omnibuses so provided by them charges not exceeding such maximum charges as may from time to time be approved by the Minister.

(5) The fares and charges for the time being authorised under the provisions of this Act shall be paid to such persons and in such manner as the Company may by notice annexed to the list of fares and charges appoint.

**18.**—(1) The Company shall at all times after the date of abandonment run on all routes where they are for the time being providing a service of omnibuses under the powers of this Act a proper and sufficient service of Workmen's services.

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omnibuses for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and bank and other public holidays excepted) at such times not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one penny for every mile or fraction of that distance Provided that on Saturdays the Company instead of running such omnibuses after five o'clock in the evening shall run them at such times between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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

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

Periodical  
revision of  
fares and  
charges.

**19.**—(1) If at any time after one year from the date of abandonment or if at any time after one year from the date of any order made in pursuance of this section in respect of any omnibus route provided by the Company under this Act it is represented in writing to the Minister by the local authority of the borough or district in which that route is wholly or partly situate or by twenty inhabitant ratepayers of that borough or district or by the Company that all or any of the fares or other charges demanded and taken in respect of the traffic on that route should be revised the Minister may (if he thinks fit) direct an inquiry and if the person holding the inquiry reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the Minister may by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of that route and thenceforth such order shall be observed until the same is revoked or modified by another order of the Minister made in pursuance of this section.

(2) In considering any representation under this section the Minister shall have regard to the capital of the Company and the provision of a reasonable return thereon subject to such adjustment as the Minister may

think fit in respect of any capital expended upon works which by reason of the exercise of the powers of this Act have been superseded.

A.D. 1929.

**20.** A list of the fares and charges by this Act authorised to be demanded and taken in respect of traffic on the omnibuses provided by the Company under this Act shall be exhibited in a conspicuous place inside each of those omnibuses.

List of fares &c. to be exhibited.

**21.** It shall not be lawful for the Company in respect of any omnibus service provided by them under this Act to take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week-days.

As to fares on Sundays or holidays.

**22.** The Company may run through omnibuses along any of their omnibus routes or any specified portion of any such route and those omnibuses shall be distinguished from other omnibuses in such manner as may be directed by the Company and they may demand and take for every passenger carried by those omnibuses a fare or charge not exceeding the maximum fare or charge for the time being authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such omnibuses. Provided that during the running of such through omnibuses the Company shall maintain a reasonably sufficient ordinary service of omnibuses.

Through omnibuses.

**23.—(1)** Notwithstanding anything in this Act to the contrary the Company on any route along which they are for the time being empowered to run omnibuses may on any occasion run and reserve omnibuses for any special purpose which the Company may consider necessary or desirable. Provided that such special omnibuses shall be distinguished from other omnibuses in such manner as the Company may direct and that during the running of such special omnibuses the Company shall maintain a reasonably sufficient ordinary service of omnibuses.

Power to reserve omnibuses for special purposes.

(2) The Company may make byelaws and regulations for prohibiting the use of any such omnibuses by any persons other than those for whose conveyance they are reserved.

(3) The restrictions contained in this Act as to fares or charges shall not extend to any omnibus run for

A.D. 1929. — special purposes and in respect thereof the Company may demand and take such fares or charges as they shall think fit.

Working  
and other  
agreements.

24.—(1) The Company on the one hand and any local authority empowered to run omnibuses in any borough or district in which the Company are for the time being empowered to run omnibuses on the other hand may enter into and carry into effect agreements for the working user management and maintenance of all or any of the omnibus services which the contracting parties are empowered to provide subject to the provisions of the respective Acts and Orders under which those omnibus services are authorised.

(2) The Company and any company body or person may enter into and carry into effect agreements for the working user management and maintenance subject to the provisions of this Act of any omnibus services which the Company are empowered to provide.

(3) Any agreement under subsection (1) or (2) of this section may provide for all or any of the following matters (that is to say) :—

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

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

(c) The interchange accommodation conveyance transmission and delivery of traffic arising on or coming from or destined for any omnibus service of the contracting parties ;

(d) The payment collection and apportionment of the fares and charges and other receipts and the division of the profits arising from any such omnibus service as aforesaid.

(4) The Company may subscribe for purchase hold and dispose of shares stock or securities in any company with whom the Company may have entered into any agreement under the provisions of this section or in any company manufacturing or dealing in any omnibuses vans and other road vehicles or appliances and articles used in or in connection with the manufacture provision or running of road vehicles and may lend money on mortgage bond or other security to any such company or to any firm or person manufacturing or dealing in such vehicles appliances or articles Provided that the amount subscribed and lent by the Company under this subsection shall not at any time exceed one-half of the issued capital of the Company for the time being. A.D. 1929.

**25.**—(1) The starting places of the omnibus services of the Company provided under this Act and the places at which any omnibuses run by the Company on any of their omnibus routes shall be required to stop for the purpose of picking up or setting down passengers shall be suitable starting or stopping places (as the case may be) to be appointed by the local authority of the borough or district in which such starting place or stopping place is situate in consultation with the Company. Appoint-ment of stopping and starting places.

(2) Any dispute between the Company and any such local authority as to the suitability of such starting or stopping place shall be determined by the Minister.

**26.** The Company may erect and maintain shelters or waiting-rooms for the accommodation of passengers on any of their omnibus routes and may with the consent of the local and road authority use for that purpose portions of the public streets or roads. Shelters and waiting-rooms.

**27.** The Company may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connection with their omnibus services and at suitable places on any of their omnibus routes and the Company may make charges for the use of such cloak-rooms rooms 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 a highway without the consent of the road authority. Cloak-rooms &c.

**28.** Any property found in any omnibus of the Company or in any shelter or waiting-room in connection Lost property.

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with their omnibus services shall forthwith be handed to the conductor of the vehicle or be taken to the head office of the Company and if not claimed within six months after the finding thereof the property 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.

Byelaws  
and  
regulations.

**29.** All byelaws and regulations made by the Company under the provisions of this Act shall be made subject to and in accordance with the provisions of the Tramways Act 1870 with respect to the making of byelaws.

## MISCELLANEOUS.

Power to  
apply  
existing  
funds.

**30.** The Company may from time to time apply towards any of the purposes of this Act or to the general purposes of their undertaking (being purposes to which capital is properly applicable) any moneys which they have raised or may hereafter raise under any Act or Order and which may not be required for the purposes to which by the respective Act or Order such moneys are made applicable.

Ordinary  
meetings.

**31.** After the passing of this Act the ordinary meetings of the Company shall be held yearly in the month of April or May or in such other month as the directors may from time to time determine.

Interim  
dividends  
and annual  
accounts.

**32.—(1)** It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting.

(2) The balance sheet and accounts of the Company made in accordance with section 116 of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Accounts to  
be sent to  
Minister.

**33.** The Company shall in every year within three months after the end of their financial year or such longer period as the Minister may allow send to the Minister a copy of the annual accounts of their undertaking.

Directors.

**34.—(1)** The number of directors of the Company shall be three but the Company may vary the number between a maximum of six and a minimum of three.

(2) The quorum of a meeting of directors shall be such number (not being less than two) as the directors may from time to time determine. A.D. 1929.

(3) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that if he is or becomes interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

(4) The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of directors of the Company holding office shall be less than the minimum number prescribed by this section the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.

**35.**—(1) The directors may appoint any member of their body to be a managing director of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him from office and appoint another in his place. Managing director.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office

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A.D. 1929. of director from any other cause he shall ipso facto cease  
— to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by all or any of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or any of such powers.

Share-  
holders'  
register.

**36.** Notwithstanding anything in the Companies Clauses Consolidation Act 1845 it shall not be obligatory upon the Company—

(a) to keep separately a register of shareholders and a shareholders' address book but in lieu thereof the Company may if they think fit keep one register only containing such particulars as are required by the said Act to be entered in the register of shareholders and the shareholders' address book respectively; or

(b) to authenticate by the affixing of their common seal or otherwise the register of shareholders or any register which the Company may keep in lieu thereof under the powers of this section.

Auditors.

**37.**—(1) The Company shall annually appoint one person or two persons or a firm of accountants who shall be a chartered accountant or chartered accountants or a member or members of the Society of Incorporated Accountants and Auditors or an accountant or accountants approved by the Minister to be the auditor or auditors of the Company.

(2) It shall not be necessary for any auditor to hold any shares or stock in the Company.

As to remuneration of secretary and auditors.

**38.** In addition to the powers which the directors may exercise under the Companies Clauses Consolidation Act 1845 they may determine the remuneration of the secretary and auditors.

Power to sell &c. lands &c.

**39.**—(1) In addition and without prejudice to any other powers conferred on the Company by the existing Acts or this Act to sell lease exchange dispose of retain



hold use or otherwise deal with any lands belonging to them the Company may (notwithstanding anything in the existing Acts or this Act or any enactment incorporated with any of those Acts) retain hold and use for such time and for such purpose as they may think fit or sell lease mortgage exchange or otherwise dispose of in such manner and for such consideration as they may think fit any lands generating station transforming station buildings works or other property whatsoever or any interest in lands acquired or held by them under or for the purposes of the existing Acts or this Act and may sell exchange and dispose of any interest in lands reserved on the sale lease exchange or disposition of such lands or interest as aforesaid and may make do and execute any deed act or thing proper for effectuating any such sale lease mortgage exchange or disposition Provided that nothing in this section shall affect or authorise anything to the prejudice of any covenant restriction or trust relating to any such lands. A.D. 1929.

(2) If the Company shall under the powers of this section sell the generating station in the urban district of Fareham or the transforming station in the borough of Gosport or the respective sites of those stations or the transmission cables between those stations or any of the buildings plant works apparatus and conveniences of the Company forming part of or connected with those stations and used for the generation of electricity to any authorised undertakers having power to purchase the same then on the completion of the sale the stations sites cables buildings plant works apparatus and conveniences so sold shall belong to the authorised undertakers as part of their undertaking.

40. For the protection of the railway company the following provisions shall unless otherwise agreed between the Company and the railway company have effect (that is to say) :— For protection of railway company.

(1) On the taking up or removal by the Company under the section of this Act of which the marginal note is "Provisions consequent on abandonment of tramways" of any rails paving setts or equipment situate on or attached to any bridge bridge approaches or level crossing belonging to or maintainable by the railway company the Company shall to the reasonable

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satisfaction of the railway company restore the surface of any road on such bridge or the level crossing disturbed by such taking up or removal and make good all damage to any such bridge :

- (2) The Company shall give to the railway company not less than seven days' previous notice in writing of their intention to carry out any such works as is referred to in subsection (1) of this section and shall state in such notice the place and time at which they propose to commence those works and the railway company may where reasonably necessary employ watchmen or inspectors to watch any of the works and operations of the Company and the reasonable cost thereof together with any expense to which the railway company may reasonably be put in consequence of such works and operations shall be borne by the Company :
- (3) Any difference which may arise between the Company and the railway company under the foregoing provisions of this section shall be referred to and determined by an engineer to be appointed (failing agreement) by the President of the Institution of Civil Engineers on the application of either party and the provisions of the Arbitration Act 1889 shall apply to the reference :
- (4) The Company shall not exercise the powers of the sections of this Act of which the marginal notes respectively are "Shelters and waiting-rooms" and "Cloak-rooms &c." nor shall any starting or stopping place be appointed under the section of this Act of which the marginal note is "Appointment of stopping and starting places" on any bridge or road belonging to or maintained by the railway company or so as to obstruct the convenient access to or exit from any station depôt or other property of the railway company :
- (5) Nothing in this Act shall impose any obligation on or enlarge any existing obligation of the railway company to strengthen adapt alter or reconstruct any bridge or road maintainable by them.

41. For the protection of the Gosport Waterworks Company (in this section referred to as "the waterworks company") the following provisions shall unless otherwise agreed in writing between the waterworks company and the Company apply and have effect (that is to say) :—

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—  
For  
protection  
of Gosport  
Waterworks  
Company.

(1) The provisions of section 30 of the Tramways Act 1870 shall extend and apply to the taking up and removal under the powers of this Act of the tramways and the rails and paving setts thereof and the equipment so far as such taking up and removal would affect any mains pipes or apparatus of the waterworks company :

(2) If any structure erected by the Company under the powers of the section of this Act of which the marginal note is "Shelters and waiting-rooms" is situate over or near any mains pipes or apparatus of the waterworks company laid or placed before the erection of such structure and the waterworks company at any time after such erection give to the Company notice in writing of their desire to obtain access to such mains pipes or apparatus the Company shall either remove temporarily such structure or so much thereof as shall require to be so removed in order to afford such access or (if the Company determine not to remove such structure or part thereof) bear any additional expense due to the existence of such structure which may reasonably be incurred by the waterworks company in obtaining such access.

42. For the protection of the Gosport District Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the gas company and the Company apply and have effect notwithstanding any other provision of this Act (that is to say) :—

For  
protection  
of Gosport  
District  
Gas Com-  
pany.

(1) The provisions of the existing Acts and of the Tramways Act 1870 which at the passing of this Act enure for the protection of the gas company in relation to the tramways shall continue in force and enure for the protection of the gas company until the date when the taking up and removal of the tramways or any part

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thereof or the rails and paving setts thereof shall be commenced :

- (2) If any injury shall be caused to any main pipe syphon valve or other work or apparatus (all of which are in this section referred to as " apparatus ") of the gas company during and by reason of the taking up or removal of any of the tramways or any part thereof or of the rails paving setts or equipment thereof or the execution by the Company of any works for or in connection with such taking up or removal or for or in connection with the restoration of the portion of the carriageway or footpath disturbed by such taking up or removal the Company shall bear and on demand repay to the gas company the amount of the expense reasonably incurred by them in making good such injury and shall indemnify the gas company against all claims demands costs charges and expenses arising out of such injury :
- (3) If any structure erected by the Company under the powers of either of the sections of this Act of which the marginal notes are respectively " Shelters and waiting-rooms " and " Cloak-rooms &c." is situate over any apparatus of the gas company laid or placed before the erection of such structure and the gas company at any time after such erection give to the Company notice in writing of their desire to obtain access to such apparatus the Company shall either remove temporarily such structure or so much thereof as shall require to be removed in order to afford such access or (if the Company determine not to remove such structure or part thereof) bear any additional expense due to the existence of such structure which may be reasonably incurred by the gas company in obtaining such access :
- (4) If any difference shall arise between the gas company and the Company under this section the same shall be referred to and determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party after notice in writing to the other

of them by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination. A.D. 1929.

43. In respect of the exercise of any powers or duties conferred or imposed on the Minister or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister 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." Inquiries by Minister of Transport.

44. Proceedings for the recovery of any demand made under the authority of this Act or any other Act or Order relating to the Company or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter Provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

45. Save as otherwise by the existing Acts or this Act expressly provided all offences against the existing Acts or this Act or any incorporated enactment and all penalties forfeitures costs and expenses imposed or recoverable under the existing Acts or this Act or any by-law made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

46.—(1) If in the session of the year nineteen hundred and forty or of any subsequent seventh year the Corporation with the consent of the urban council or the urban council with the consent of the corporation or the corporation and the urban council together shall promote a Bill for an Act to authorise the Company to sell and the corporation or the urban council or the corporation and the urban council together (as the case may be) to purchase the whole of the omnibus undertaking of the Company (as constituted at the date of such intended purchase) on the terms of paying the fair market value of As to purchase of omnibus undertaking.

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the said undertaking as a going concern and to operate the said undertaking when purchased and to run omnibuses along such routes (if any) in addition to the routes along which the Company may at the date of such purchase be authorised to run omnibuses as may be specified or referred to in the said Bill and for prohibiting the Company from running omnibuses in the borough of Gosport the urban district of Fareham and the rural district of Fareham the Company shall not oppose such Bill except so far as may be necessary to secure the insertion therein of such clauses for the protection of their interests as are compatible with the provisions of this subsection.

(2) If at any time after the passing of this Act the corporation with the consent of the urban council or the urban council with the consent of the corporation or the corporation and the urban council together shall promote a Bill for an Act to authorise the Company to sell and the corporation or the urban council or the corporation and the urban council together (as the case may be) to purchase the whole of the omnibus undertaking of the Company (as constituted at the date of such intended purchase) at such price as may be agreed between the Company and the corporation or the urban council or the corporation and the urban council (as the case may be) and containing such other provisions as are referred to in subsection (1) of this section the Company shall not oppose such Bill further or otherwise than as is mentioned in subsection (1) of this section with reference to the Bill referred to in that subsection.

(3) All rights and powers of the local authorities or any of them or of any other authority under the Tramways Act 1870 or the existing Acts or any other Act or Order to purchase the tramways or the undertaking of the Company or any part thereof are hereby repealed.

Winding-up  
of Company  
in event of  
purchase.

47. If the omnibus undertaking of the Company be purchased in accordance with the provisions of the immediately preceding section of this Act then on the completion of the purchase the Company shall be wound up in the same manner and with the same incidents as if the Company were a company registered under the Companies Acts 1908 to 1928 or any Act consolidating

amending or extending those Acts and had on the day of the completion of the said purchase duly passed a special resolution requiring the Company to be wound up voluntarily For the purposes of such winding-up the Company shall from and after the appointed day be deemed to be registered in England under the said Acts and for the purposes of calling and holding meetings and passing resolutions and other matters incident to such winding-up resolutions of meetings of the Company convened and held in pursuance of and in accordance with the provisions of the Acts relating to the Company may and shall take effect as resolutions of a company duly registered as aforesaid and the purchase moneys shall be paid to the liquidator of the Company and shall be applied by him as part of the assets of the Company.

A.D. 1929.

48. Without prejudice to the generality of any repeal effected by the foregoing provisions of this Act the sections hereinafter mentioned of the existing Acts are hereby repealed:—

Repeal.

Act of 1870—

Section 52 (Number of directors);

Section 54 (Quorum).

Act of 1896—

Section 31 (Mortgage to comprise purchase money paid on compulsory sale);

Section 32 (Indorsement of notice of power of future purchase by local authority).

Act of 1903—

Section 57 (Mortgage to comprise purchase money paid on compulsory sale);

Section 58 (Endorsement of notice of power of future purchase by local authority);

Section 66 (Recovery of demands under fifty pounds);

Section 68 (Recovery of penalties).

Act of 1905—

Section 28 (Power to provide and run omnibuses).

49.—(1) The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of

Copy of Act to be registered.

A.D. 1929. — this Act and he shall retain and register it. If such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty.

(2) Every penalty under this section shall be recoverable summarily.

(3) There shall be paid to the registrar by the Company on such copy being registered the fee of five shillings.

Costs of  
Act.

**50.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and otherwise in relation thereto shall be paid by the Company and may be paid out of any moneys which they have raised or are authorised to raise under the existing Acts or out of revenue.

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