



**CHAPTER lvii.**

An Act to empower the mayor aldermen and burgesses of the county borough of Brighton to provide and use trolley vehicles and for other purposes. A.D. 1912.

[7th August 1912.]

**W**HEREAS the borough of Brighton is a municipal borough under the government of the mayor aldermen and burgesses thereof (hereinafter referred to as "the Corporation") and is a county borough under the Local Government Acts 1888 and 1894:

And whereas the Corporation own and work tramways within the borough and it is expedient that provision should be made as in this Act contained with respect to the provision and use by the Corporation of trolley vehicles as defined by this Act:

And whereas it is expedient that the further powers hereinafter contained should be conferred upon the Corporation:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

For purchase of lands and construction of sheds and buildings underground cableways and cables - - - - -	£ 22,600
For overhead line equipment shelters and miscellaneous equipment - - - - -	11,700
For trolley vehicles - - - - -	27,250
For and in connection with the provision and running of omnibuses by this Act authorised	15,000

[Price 2s. 6d.]

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And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas an absolute majority of the whole number of the members of the council of the said borough at a special meeting held on the sixteenth day of November one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Sussex Daily News* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate and the district fund and general district rate of the said borough in such proportions as may be determined by the Corporation :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the council of the said borough at a further special meeting held in pursuance of a similar notice on the eighteenth day of January one thousand nine hundred and twelve being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the first schedule to the *Borough Funds Act 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) :—

## PART I.

### PRELIMINARY.

Short title.

1. This Act may be cited as the *Brighton Corporation Act 1912.*

Act to be carried out by council.

2. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

3. This Act is divided into Parts as follows (that is to say):—

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Act divided  
into Parts.

- Part I.—Preliminary.
- Part II.—Trolley Vehicles.
- Part III.—Motor Omnibuses.
- Part IV.—Electricity.
- Part V.—Finance and Miscellaneous.

4. The following provisions of the Tramways Act 1870 so far as the same are applicable for the purposes of and are not inconsistent with or expressly varied by this Act are hereby incorporated with and form part of this Act (that is to say):—

Incorporation of Tramways Act 1870.

- Section 3 Interpretation of terms;
- Part II Relating to the construction of tramways (except sections 22 25 28 and 29);
- Section 41 Tramways to be removed in certain cases;
- Section 45 Tolls &c;
- Section 46 Byelaws by local authority Promoters may make certain regulations;
- Section 47 Penalties may be imposed in byelaws;
- Section 49 Penalty for obstruction of promoters in laying out tramway;
- Section 51 Penalty on passengers practising frauds on the promoters;
- Section 52 Transient offenders;
- 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;
- Section 61 Power for local or police authorities to regulate traffic in roads;
- Section 62 Reservation of right of public to use roads;
- Section 63 Regulating inquiries before referee appointed by the Board of Trade;
- Section 64 Rules for carrying Act into effect:

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Provided that the provisions of the Tramways Act 1870 incorporated with this Act shall be read and have effect as if the trolley vehicle equipment as hereinafter defined in this Act were tramways and as if trolley vehicles were carriages used on tramways and as if the expression road included the footway.

Interpre-  
tation.

5. In this Act unless the subject or context otherwise requires the following words and expressions have the following meanings (that is to say):—

“The borough” means the county borough of Brighton;

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

“The council” means the town council of the borough;

“The town clerk” means the town clerk of the borough;

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

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

“The Order of 1883” means the Brighton Electric Lighting Order 1883;

“The Act of 1900” means the Brighton Corporation Act 1900;

“The Order of 1902” means the Brighton Corporation Tramways Order 1902;

“The Act of 1903” means the Brighton Corporation Act 1903;

“The Corporation tramways” means and includes the tramways authorised by the Act of 1900 the Order of 1902 and the Act of 1903 and any other tramways for the time being belonging to the Corporation;

“Mechanical power” means electric and every other motive power (other than steam locomotives or animal power);

The expression “trolley vehicles” means mechanically propelled vehicles adapted for use upon roads and moved by electrical power transmitted thereto from some external source;

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

trolley vehicles or for the purpose of connecting or signalling or telephonic communication with or between any generating station sub-station street boxes pillars or depôt or between officers and servants of the Corporation in connection with the working of trolley vehicles or the Corporation tramways ;

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The expression "the trolley vehicle routes" means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles.

## PART II.

### TROLLEY VEHICLES.

6. The Corporation may provide maintain and equip but shall not manufacture trolley vehicles and may work and use the same upon the routes in the borough hereinafter mentioned (that is to say) :—

Power to use trolley vehicles.

Route No. 1 Commencing at the south-east corner of the Old Steine and thence following the existing tramway track along the east side of Old Steine Pavilion Parade Grand Parade St. George's Place York Place and London Road and terminating at Preston Circus :

Route No. 2 Commencing in Preston Circus aforesaid passing thence along Preston Road and terminating in such road at or near the northern boundary of the borough :

Route No. 3 Commencing in St. George's Place opposite the south end of St. Peter's church enclosure and thence passing southward following the existing tramway track along Gloucester Place Marlborough Place Church Street Pavilion Parade and along the west and south sides of Old Steine and terminating at the commencement of Route No. 1 :

Route No. 4 Commencing in Grand Parade opposite the northern end of the southern enclosure of Victoria Gardens and passing thence along the existing tramway track along North Road and Queen's Road to the Central Railway Station :

Route No. 5 Commencing in Queen's Road at its point of intersection by Gloucester Road and passing westward along Gloucester Road and thence along Surrey Street Terminus Road Buckingham Place and Goldsmid Road and

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terminating in such last-mentioned road at the boundary of the borough:

Route No. 5A Commencing in Church Street at or near its junction with Marlborough Place passing thence in a westerly direction along Church Street into and along New Road and terminating in that road at its junction with North Street:

Route No. 6 Commencing at the eastern boundary of the borough at or near the junction of Arundel Road with Bristol Gardens thence passing along Arundel Road York Street Rock Street Chesham Road Eaton Place St. George's Road Bristol Road Upper St. James's Street and St. James's Street across the Old Steine and passing thence westward along Castle Square North Street and Western Road and terminating in that road at the boundary of the borough:

Route No. 6A Commencing in Eastern Road at its junction with Rock Street and passing thence along Eastern Road and St. Mark's Street and terminating at the junction of St. Mark's Street with Rock Street:

Route No. 7 Commencing in North Street at or near its junction with Queen's Square thence passing along North Street Quadrant and Queen's Road and terminating in that road at a point opposite its junction with North Road:

Route No. 7A Commencing in North Street near its junction with Queen's Road and passing into Queen's Road and terminating at the junction of Air Street with Queen's Road.

Power to lay down trolley vehicle equipment.

7.—(1) The Corporation may subject to the provisions of this Act place erect lay down and maintain trolley vehicle equipment on over under along and across any streets or roads forming part of the trolley vehicle routes and any public streets or roads adjoining or intersecting the same or in which it may be necessary to lay down the same for the purpose of connecting with any generating station sub-station street boxes pillars or depôt of the Corporation or for the purpose of signalling or telephonic communication in connection with the working of trolley vehicles or the Corporation tramways and may make and maintain openings and ways for the purpose of such equipment and for that purpose may subject to the provisions contained in

Part II. of the Tramways Act 1870 and to the provisions of 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: A.D. 1912.

All posts and poles erected by the Corporation under the powers of this Act in any street or road shall be placed in such position as the local authority and road authority may reasonably approve Provided that no posts or poles shall be erected on the carriageway except with the consent of the Board of Trade.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

(3) The Corporation shall not use the trolley vehicle equipment or any part thereof for the purpose of the transmission of telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

8. The trolley vehicle equipment shall subject to the provisions hereinafter contained be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

9. Subject to the provisions of this Act trolley vehicles shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of the Motor Car Act 1903 save for the purposes of sections 1 and 6 of that Act and neither the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to trolley vehicles. Trolley vehicles not to be deemed light locomotives or motor cars.

10. 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 as carriages or light locomotives or hackney carriages. Saving of excise duties.

11. Trolley vehicles shall be of such form weight construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not Approval of trolley vehicles by Board of Trade.

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Fares for passengers.

**12.** The Corporation may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than two pence.

Payment of fares and charges.

**13.** The fares and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares and charges appoint.

Corporation to have exclusive right of using trolley vehicle equipment.

**14.** Subject to the provisions of this Act the Corporation shall have the exclusive right of using any trolley vehicle equipment provided erected or maintained by them and any person using the said equipment otherwise than by agreement with the Corporation shall for every offence be liable to a penalty not exceeding twenty pounds.

As to completion of east and west routes and running powers to Hove Corporation.

**15.—(A)** The following provisions shall unless otherwise agreed between the Corporation and the Hove Corporation have effect (viz.):—

- (1) The Corporation shall within two years from the date of the passing of this Act construct and complete to the satisfaction of the Board of Trade overhead equipment and other works and conveniences necessary for the running of trolley vehicles over the portion of Route No. 4 from the junction of North Road with Queen's Road to the junction of Queen's Road with Gloucester Road Route No. 5 as far as the junction of Buckingham Place with Dyke Road and Routes Nos. 6 6a 7 and 7a (hereinafter in this section referred to as "the Brighton through routes") with all necessary apparatus for working the same by means of a system to be agreed between the Corporation and the Hove Corporation or in the event of difference settled by an arbitrator to be appointed by the Board of Trade and shall provide or make



provision for the necessary electrical energy for the same so as to provide a through trolley vehicle service in conjunction with trolley vehicle routes to be provided by the Hove Corporation in the borough of Hove:

- (2) The Hove Corporation may construct and maintain all works necessary for effecting junctions of the trolley vehicle equipment of the Hove Corporation authorised by the Hove Corporation Act 1912 and the trolley vehicle equipment of the Corporation on the Brighton through routes and for utilising the apparatus and machinery for working the trolley vehicles over the Brighton through routes and the Hove Corporation or any company body or person for the time being working the trolley vehicles of the Hove Corporation may run over and use with their trolley vehicles for the purpose of conveying passengers parcels and passengers' luggage only the trolley vehicle equipment of the Corporation on the Brighton through routes together with all machinery motive apparatus works and conveniences of and connected with the same and as regards traffic conveyed by the Hove Corporation or any such company body or person as aforesaid may demand and take rates and charges upon and in respect of the working of trolley vehicles over the said routes of the Corporation not exceeding the rates and charges from time to time authorised to be demanded in respect thereof under this Act:
- (3) The terms and regulations in respect of the use of and the consideration to be paid for the same shall if not agreed upon between the Corporation and the Hove Corporation be from time to time determined by an arbitrator to be appointed on the application of either party by the Board of Trade:
- (4) In running over and using the Brighton through routes and in using any conveniences in accordance with the provisions hereinbefore contained the regulations and byelaws for the time being in force on such routes shall be at all times observed so far as such regulations and byelaws are applicable:
- (5) For the purposes of this section Route No. 6 shall be deemed to mean any variation of that route made

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in pursuance of the provisions of the section of this Act the marginal note whereof is "For protection of owners and occupiers of Kemp Town estate."

(B) During the exercise of any running powers under the provisions of this section the trolley vehicle routes of the Hove Corporation and the Brighton through routes shall for the purpose of calculating the fares rates and charges to be taken in respect of traffic conveyed thereon be deemed to be one undertaking.

Cheap fares  
for labouring  
classes.

**16.**—(1) The Corporation at all times after the opening of the trolley vehicle routes for public traffic shall and they are hereby required to run a proper and sufficient service of trolley vehicles for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and other public holidays always excepted) at such hours 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 halfpenny for every mile or fraction of that distance but in no case shall the Corporation be bound to charge a less sum than one penny On Saturdays the Corporation in lieu of running such trolley vehicles after five o'clock in the evening shall run the same at such hours 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 Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation 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.

Board of  
Trade may  
authorise  
new routes.

**17.**—(1) If at any time hereafter the Corporation desire to use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets or roads hereinbefore specified) they may make application to the Board of Trade and the Board of Trade shall be and are hereby empowered to make a Provisional Order authorising the use of trolley vehicles upon any route or routes to which such application relates and to insert in such Provisional Order any provisions which may be necessary

or expedient to give full effect to the powers of such Provisional Order. A.D. 1912.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(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 district to which such application relates;

(b) 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 Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an enquiry to be held in the district to which the same relates in relation thereto or may otherwise enquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them 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 Board of Trade expedient and proper that the application be granted they 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.

(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

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The Act of Parliament confirming a Provisional Order under this Act shall be deemed a Public General Act.

(7) The making of a Provisional Order under this section shall be primâ 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.

(8) The Board of Trade shall not make a Provisional Order under this section relating to a road or portion of a road outside the borough except with the consent of the local authority of the district in which such road or portion of a road is situate and of the road authority for such road or portion of a road.

(9) In the case of any application by the Corporation under this section relating solely to a route or routes on which any Corporation tramways exist or solely to a route required for obtaining access to any depôt the provisions of subsections (2) to (8) of this section shall not apply and subsection (1) shall be read and have effect as if the word "provisional" had been omitted throughout such subsection.

(10) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order or Order and any expenses incurred by the Board of Trade in connection with any enquiry under this section shall be paid by the Corporation.

Application of certain provisions of Acts of 1900 and 1903 to trolley vehicles.

**18.** The provisions contained in the sections of the Act of 1900 and the Act of 1903 the marginal notes of which are set forth in this section shall so far as applicable apply with reference to the trolley vehicles and the apparatus and equipment for working the same and in construing these provisions in their application to this Part of this Act unless the context otherwise requires the expression "the Promoters" shall be deemed to mean the Corporation and the expression "the tramways" or "the Corporation tramways" shall mean the trolley vehicles and trolley vehicle equipment.

The sections hereinbefore referred to are—

Act of 1900—

Section 8 Inspection by Board of Trade;

Section 18 Power to Corporation to work tramways;

- Section 20 Passengers' luggage;  
Section 21 Animals and goods;  
Section 22 Corporation not bound to carry animals goods  
&c.;  
Section 25 Periodical revision of rates and charges;  
Section 26 Provisions as to motive power;  
Section 27 Special provisions as to use of electrical power;  
Section 28 Byelaws;  
Section 29 Amendment of Tramways Act 1870 as to  
byelaws by Corporation:

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Act of 1903—

- Section 8 Attachment of brackets to buildings;  
Section 9 For protection of Postmaster-General.

**19.**—(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 vehicle equipment 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 tram-  
way 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 equipment:
- (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

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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 working or user of the trolley vehicle equipment 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 Board of Trade 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 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 equipment 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 the 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 four and five of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "Corporation" includes their lessees and any person owning working or running trolley vehicles;

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.

Conveyance  
of mails.

**20.** The Corporation shall perform in respect of trolley vehicles and motor omnibuses all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Power to  
appoint  
stages.

**21.** The Corporation may appoint stages upon any of the trolley vehicle routes each of not less than half a mile in length and may demand and take for every passenger travelling upon any such trolley vehicle route including every expense incidental to the conveyance of such passenger a fare not exceeding one penny for any two consecutive stages or portion thereof travelled by such passenger. Provided that in no case shall the Corporation be bound to charge a less sum than two pence.

Corporation  
may appoint  
stopping and  
starting  
places.

**22.** The Corporation may with the approval of the local authority of the district appoint the stations and places in such district from which the trolley vehicles used by the Corporation shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such trolley vehicles shall be allowed to remain at any such place.

Shelters or  
waiting  
rooms.

**23.** The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers using the trolley vehicles or the Corporation tramways or motor omnibuses and of the servants and officers of the Corporation and may use for that purpose portions of any public street or road or public park or recreation ground or public or private gardens or enclosures provided that such powers shall only be exercised in the case of a public street or road with the consent of the local and road authority in the case of any public park or recreation



ground or public gardens or public enclosures with the consent of the local authority and in the case of private gardens or enclosures with the consent of the owners or trustees of such gardens or enclosures. A.D. 1912.

**24.**—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the working of the trolley vehicles or the erection of any trolley vehicle equipment or with the clear and safe passage of the trolley vehicles and the passengers thereon the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage. Trees or shrubs overhanging streets and footpaths.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

**25.** If the Corporation at any time find it necessary or desirable to remove snow or other matter impeding the working of trolley vehicles on the trolley vehicle routes the Corporation may at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Corporation shall not use salt or other unsuitable material for thawing the snow on any road Provided that any snow or other matter removed by the Corporation under this section shall not be allowed to remain on the road but shall be at once taken away by the Corporation. As to removal of snow &c.

**26.** The Corporation may purchase provide and hire but shall not manufacture trolley vehicles motors trolley vehicle equipment and all other apparatus and things which may be necessary for or incidental to the working of trolley vehicles. Power to provide vehicles and equipment.

**27.** The Corporation may acquire and hold patent and other rights and licences (not being exclusive) in relation to the use Power to hold patent rights.

A.D. 1912. of trolley vehicles and trolley vehicle equipment and of electrical power for the purposes of this Act.

Penalty for malicious damage.

**28.** If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any 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 (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Corporation may provide buildings &c.

**29.** The Corporation may for all or any the purposes of this Act purchase by agreement take on lease and hold lands and buildings not exceeding five acres and may erect on any lands acquired by them buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of trolley vehicles or motor omnibuses.

Agreements for working running powers &c.

**30.** Subject to the provisions of this Act and with the approval of the Board of Trade the Corporation on the one hand and the Hove Corporation or any other local authority company body or person owning leasing or working any trolley vehicle system with which any trolley vehicle system of the Corporation connects or any one or more of them on the other hand may enter into and carry into effect contracts and agreements for all or any of the following purposes (that is to say):—

- (1) The alteration reconstruction or equipment working running over use management and maintenance by the contracting parties of all or any of their trolley vehicles or trolley vehicle equipment or system or any part or parts thereof respectively:
- (2) The supply by the working party of rolling stock plant machinery electrical energy or any motive power necessary for the purposes of and during the continuance of such agreement and the employment appointment and removal of officers and servants:
- (3) The payments to be made and conditions to be performed in respect of such working use management and maintenance and the interchange accommodation conveyance transmission and delivery of traffic coming

from or destined for the respective undertakings of the contracting parties: A.D. 1912.

- (4) The payment collection division and apportionment of the tolls rates or other receipts arising upon the respective undertakings:
- (5) The appointment of a joint committee or joint committees consisting of members of the Corporation and the Hove Corporation and of such other local authority or of any of such bodies or persons for the purpose of carrying out the provisions of any such agreement.

The Corporation the Hove Corporation and any other local authority company body or persons working running over or using any trolley vehicles or trolley vehicle equipment under the powers of this section shall be subject to all the regulations and restrictions so far as the same are applicable to which the working and user of such trolley vehicles or trolley vehicle equipment by or in the hands of the owners of the same is subjected by the Act or Order authorising the construction thereof or by any byelaw or regulation made under such Act or Order.

Any difference or dispute as to the construction of or in any way arising out of any such contract or agreement shall be referred to arbitration and section 33 of the Tramways Act 1870 shall apply to any such arbitration.

During the continuance of any agreement which may be entered into under the provisions of this section for the working or running over of any trolley vehicle system the trolley vehicle systems of the parties to such agreement shall for the purpose of calculating the fares rates and charges to be taken in respect of traffic conveyed partly upon one and partly upon the other or others of such systems be deemed to be one undertaking.

**31.** The Corporation with the consent of the Board of Trade and subject to the provisions of this Act by lease to be approved by the Board of Trade may demise to any person persons corporation or company the right of user by such person persons corporation or company of the trolley vehicle equipment and of running trolley vehicles by means thereof and of demanding and taking in respect of the same the fares rates and charges authorised by this Act.

Corporation may lease trolley vehicle equipment.

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Notice of the intention to make such lease shall be published by the corporation by advertisement and a copy of such lease shall be deposited according to the regulations contained in Part I. of the Schedule C to the Tramways Act 1870 annexed and unless such notice is given and such copy deposited such lease shall not be approved of by the Board of Trade.

Every such lease shall be made for a term or terms not exceeding in the whole twenty-one years.

On the determination of any lease made under this section the Corporation may from time to time with the consent of the Board of Trade by lease demise such rights for such further term or terms not exceeding in any case twenty-one years as the said Board may approve.

Every such lease shall imply a condition of re-entry if at any time after the making of the same the lessees discontinue the working of trolley vehicles and of the trolley vehicle equipment leased or of any part thereof for the space of three calendar months such discontinuance not being occasioned by circumstances beyond the control of such lessees for which purpose the want of funds shall not be considered a circumstance beyond their control.

The person persons corporation or company to whom any such lease may be made are in this section referred to as "lessees."

Accounts.

**32.**—(1) All expenses and receipts incurred in or arising from the exercise by the Corporation of the powers of this Part of this Act shall be deemed to be part of the expenses and receipts of the tramway undertaking of the Corporation.

(2) In the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles shall (as far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connection with the remainder of such undertaking.

For protection of owners and occupiers of Kemp Town estate.

**33.** For the protection of the owners and occupiers of the Kemp Town estate the following provisions shall have effect unless otherwise agreed:—

The Corporation will as soon as reasonably practicable after the passing of this Act apply to the Board of Trade

under the provisions of the section of this Act of which the marginal note is "Board of Trade may authorise new routes" for a Provisional Order authorising a route for trolley vehicles commencing at the junction of Eastern Road with Church Place and passing along Church Place and Bristol Gardens to the junction of Arundel Road with Bristol Gardens and will use their best endeavours to obtain the passing of such Provisional Order and of the Bill for the confirmation thereof by Parliament and after such Order has been obtained and confirmed by Parliament the Corporation will construct the trolley vehicle equipment along such last-mentioned route instead of along so much of the Route No. 6 as is situate between the junction of Eastern Road with Church Place and Arundel Road with Bristol Gardens.

**34.** For the protection of the London Brighton and South Coast Railway Company (in this section referred to as "the Brighton Company") the following provisions shall unless otherwise agreed between the Corporation and the Brighton Company have effect (that is to say):—

For protection of London Brighton and South Coast Railway Company.

- (1) All works authorised by this Act or by any Provisional Order made by the Board of Trade under the provisions thereof where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the Brighton Company (hereinafter referred to as "the said bridges") or will otherwise affect the said bridges shall be executed so as to interfere as little as possible with the structure of the said bridges and according to plans sections and specifications to be previously submitted to and reasonably approved by the Brighton Company or in case of difference between the Brighton Company and the Corporation to be determined by an arbitrator to be appointed as hereinafter provided Provided that if the Brighton Company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed and thereafter maintained according to the plans sections and specifications so approved or

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determined by arbitration and under the superintendence (if the same be given) and to the satisfaction of the Brighton Company:

- (2) The Corporation shall so construct maintain and use the trolley vehicle equipment and shall so maintain and use the trolley vehicles as not to injuriously affect the structure of the said bridges and in the event of any injury being occasioned to the structure of the said bridges by the construction maintenance user or removal of the trolley vehicle equipment or by reason of the user of the trolley vehicles upon across under or over the said bridges the Brighton Company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:
- (3) If by reason of the construction of the trolley vehicle equipment over the said bridges or the user of trolley vehicles thereover it becomes necessary to strengthen or reconstruct the said bridges the Brighton Company shall give notice accompanied by sufficient plans and specifications to the Corporation of such works as may be reasonably necessary and may after fourteen days from the date of the notice or forthwith in case of emergency proceed to execute the same but in all things at the expense of the Corporation and the Brighton Company may recover from the Corporation all moneys reasonably expended by the Brighton Company in the execution of such works as aforesaid or in connection therewith:
- (4) In the event of the Corporation disputing the question of the necessity of any such strengthening or reconstruction of the said bridges and giving a counter notice to the Brighton Company thereof the question of the necessity or otherwise of such works except in case of emergency shall be settled by arbitration under the provisions of this section:
- (5) The Corporation shall on demand pay to the Brighton Company the reasonable expense of the superintendence by the engineer of the Brighton Company of any works by the Corporation affecting the said bridges and all costs of lighting watching and protecting the railways and works of the Brighton

Company during the execution or repair by the Corporation of the trolley vehicle equipment or of any work affecting the said bridges but such superintendence lighting watching and protection shall not relieve the Corporation from liability for any accident or damage which may be occasioned by or through any such works of the Corporation or by the contractors agents or workmen of the Corporation:

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- (6) The Corporation shall not in any manner obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Brighton Company or any traffic thereon and shall be responsible for and make good to the Brighton Company all losses damages and expenses which may be occasioned to the Brighton Company or to any company or person using or being upon the railways and works of the Brighton Company by or by reason of injury to the structure of the said bridges through the user of trolley vehicles thereon or of the execution or failure of the trolley vehicle equipment or other works of the Corporation or by or by reason of any act default or omission of the Corporation or of their contractors agents or workmen and the Corporation shall effectually indemnify and hold harmless the Brighton Company from all claims and demands upon or against them by reason of such injury execution or failure or of any such act default or omission:
- (7) If the Brighton Company hereafter require to widen lengthen strengthen reconstruct alter or repair any of the said bridges under upon or over which the trolley vehicle equipment is constructed or to widen or alter any railway thereunder or thereon or to lift or support any of the said bridges the Corporation shall afford to the Brighton Company all reasonable and proper facilities for the purpose and if the Brighton Company find it necessary for such purpose that the working of trolley vehicles under or upon any of the said bridges be wholly or in part stopped or delayed or that the trolley vehicle equipment be wholly or in part temporarily diverted or removed and if the Brighton Company accordingly give to the Corporation twenty-one days' notice in writing (or in

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case of emergency such notice as may be reasonably practicable) requiring such stoppage delay diversion or removal then the working of trolley vehicles shall be stopped or delayed or the trolley vehicle equipment shall be temporarily diverted or removed by and at the expense of the Corporation as required in such notice or failing such diversion or removal by the Corporation the Brighton Company may themselves divert or remove the trolley vehicle equipment and may recover from the Corporation the reasonable expense of so doing but no such working shall be stopped or delayed for a longer period than may be reasonably necessary for effecting such purpose as aforesaid and such part of the trolley vehicle equipment may be restored by and at the expense of the Corporation after such period and in such case the Brighton Company shall not be liable to pay compensation in respect of such stoppage delay diversion or removal as aforesaid :

- (8) The Corporation shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering repairing lifting or supporting as is mentioned in the last preceding subsection or in the maintenance of the structure of the said bridges which may be occasioned by reason of the existence thereunder or thereon of the trolley vehicle equipment or of the working of trolley vehicles thereunder or thereon :
- (9) If and when the Brighton Company shall require to reconstruct alter repair or paint any bridge or work under which the trolley vehicle equipment has been placed 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 vehicle equipment under such bridge or work at such times as shall be agreed between the Corporation and the engineer of the Brighton Company or failing agreement as shall be determined by arbitration unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :



(10) If at any point where the trolley vehicle equipment will be constructed over under or adjoining the railway or other works of the Brighton Company it becomes advisable in order to avoid damage by the breaking or falling of wires or from electrical interference from the trolley vehicle equipment that the electric telegraphic telephonic or signal wires or apparatus of the Brighton Company shall be cabled or otherwise altered the Brighton Company may execute any works reasonably necessary for such purpose and the reasonable expense of executing such works shall be repaid to the Brighton Company by the Corporation :

(11) Notwithstanding anything contained in the section of this Act the marginal note whereof is " Corporation may appoint stopping and starting places " no trolley vehicle shall without the consent of the Brighton Company stop in front of the entrance to or exit from any station of the Brighton Company so as to impede the traffic to and from such station :

(12) Notwithstanding anything contained in the section of this Act the marginal note whereof is " Shelters or waiting rooms " no shelters or waiting rooms shall be placed in any street or road so as to interfere with or render less convenient the access to or exit from any station of the Brighton Company :

(13) If any difference arises under this section between the Corporation and the Brighton Company touching anything to be done or omitted to be done or not to be done or as to the advisability or otherwise or the reasonableness of any works or requirements or of any charges or in any manner in connection with the foregoing provisions of this section the matters in difference shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

**35.** Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions

Power to  
retain sell  
&c. lands.

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as they think fit and in the case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands to be treated as capital.

**36.** The proceeds of the sale of any lands acquired by the Corporation under the powers of this Act and the fines and premiums on any leases granted by the Corporation under this Act shall be applied in or towards the discharge of any moneys borrowed by the Corporation under the powers of this Act and for the time owing or if there be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Corporation Provided that any moneys so received by the Corporation when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

For protection of Brighton and Hove General Gas Company.

**37.** For the protection of the Brighton and Hove General Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect (that is to say):-

- (1) Any plans and sections which the Corporation are required by section 30 of the Tramways Act 1870 as incorporated with this Act to submit to the gas company shall be submitted to the gas company at least fourteen days before the commencement of any works to which the said plans and sections relate and shall be accompanied by a description of the proposed works and notice of the date on which the Corporation propose to commence the same and if the gas company give any notice under the said section in relation to such proposed works the same shall not be commenced except in case of emergency until the requirements of the gas company have been agreed or settled by arbitration as by such section is provided The power of the gas company

under the said section 30 to require the lowering or other alterations of their mains pipes and apparatus in this section called "apparatus" shall be deemed to extend so as to authorise the gas company to require the shoring up or supporting and restoring and protecting of any such apparatus which it may be reasonably necessary to shore up support restore or protect by reason of the execution of any works of the Corporation or for preventing any interruption to the supply of gas by the gas company. All such works as aforesaid shall be done under the superintendence and to the reasonable satisfaction of the gas company or their engineer and the reasonable costs charges and expenses of such superintendence shall be paid to the gas company by the Corporation and if the gas company before the Corporation are entitled to commence any such work elect by notice in writing to the Corporation so to do the gas company may themselves execute any work relating to any apparatus of the gas company to which any such notice or requirement relates under the superintendence and to the reasonable satisfaction of the surveyor of the Corporation and the amount reasonably expended by the gas company in so doing shall be repaid to them by the Corporation but if for seven days after giving any such notice the gas company do not proceed with due diligence to execute any such work as aforesaid the Corporation may forthwith execute the same:

- (2) Nothing in this Act shall relieve the Corporation or any other authority body or person from any liability for any damage which the gas company may sustain by reason or in consequence of any injury caused to their apparatus by reason of the working of trolley vehicles or motor omnibuses under the powers of this Act:
- (3) Nothing in this Act shall empower the Corporation or any local authority company or person to construct or lay in under or over that part of the towing-path of Shoreham Harbour situate between the electricity works of the Corporation and its junction with the high road leading from Brighton to Shoreham any electric conduit wire rail cable or other apparatus for the transmission of electrical energy:

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- (4) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the gas company :
- (5) Any dispute or difference which may arise between the Corporation and the gas company or the surveyor to the Corporation and the engineer of the gas company touching any of the matters referred to in this section or concerning any plans sections or descriptions to be delivered to the gas company thereunder shall unless otherwise agreed be determined by an engineer to be appointed failing agreement on the application of either party 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 arbitration.

Confirming agreement with Brighton Hove and Preston United Omnibus Company Limited.

**38.** The heads of agreement set out in the schedule to this Act and made between the Corporation of the one part and the Brighton Hove and Preston United Omnibus Company Limited of the other part are hereby sanctioned and confirmed and made binding upon the parties thereto and may and shall be carried into effect accordingly.

### PART III.

#### MOTOR OMNIBUSES.

Power to provide omnibuses.

**39.** In addition to the powers conferred by section 17 of the Act of 1903 with reference to the running of motor omnibuses the Corporation may provide maintain work and run but shall not manufacture omnibuses (1) within the borough and (2) in the borough of Hove and the urban districts of Portslade-by-Sea Southwick and Shoreham-by-Sea:—

- (a) On any trolley vehicle route pending the construction of trolley vehicle equipment and running of trolley vehicles thereon; and
- (b) In connection with the trolley vehicle routes or the Corporation tramways or when the running of trolley vehicles is impracticable or during the construction alteration or repair of the trolley vehicle equipment or any part thereof or in prolongation of any trolley vehicle route or tramway or for testing the amount of traffic along any route or between any particular points:

And the provisions of section 17 of the Act of 1903 shall apply in all respects to and in connection with the provision maintenance and working of omnibuses under this section Provided that no such powers shall be exercised outside the borough except with the consent of the local authority of the borough or district in which and of the road authority for the road in which such powers are proposed to be exercised. A.D. 1912.

40. The Corporation may enter into and carry into effect agreements with the Hove Corporation for the purposes of the joint exercise by such Corporations of all or any of the powers of the section of this Act of which the marginal note is "Power to provide omnibuses" and such agreements may provide for the sole exercise of any such powers by either of such Corporations in any particular locality or localities and for the purpose of carrying into effect the provisions of any such agreement it shall be lawful for the Hove Corporation to exercise all or any of the powers conferred on the Corporation by such section. Agreements with Hove Corporation as to joint running of motor omnibuses.

#### PART IV.

##### ELECTRICITY.

41. The purposes for which the Corporation may under the powers of the Order of 1883 the Act of 1900 and the Act of 1903 and the Acts incorporated therewith generate and supply electricity and exercise the powers of such Order or Acts shall include the purposes of working by electrical power and lighting any trolley vehicles in the borough and with the consent of the Hove Corporation in the borough of Hove or which may be hereafter sanctioned by an Order of the Board of Trade made in pursuance of the provisions of this Act and of carrying into effect any agreements made by the Corporation under the powers conferred by the section of this Act the marginal note whereof is "Agreements for working running powers &c." As to supply of electricity for trolley vehicles.

#### PART V.

##### FINANCE AND MISCELLANEOUS.

42. The Corporation may from time to time borrow at interest— Power to borrow.

(a) On the security of the tramway revenue and if they think fit (as a collateral security) of the borough fund and borough rate:—

(1) For lands sheds and buildings underground cableways and cables twenty-two thousand six hundred pounds;

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(2) For overhead line equipment shelters and miscellaneous equipment eleven thousand seven hundred pounds

(3) For trolley vehicles twenty-seven thousand two hundred and fifty pounds;

(4) For motor omnibuses fifteen thousand pounds:

(b) On the security of the borough fund and borough rate and district fund and general district rate or either of them for payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act" such sum as may be ascertained as hereinafter provided:

Provided always that in case further moneys may be required for any of the aforesaid purposes or other the purposes of this Act the Board of Trade in the case of any such purposes other than those included in Part IV. of this Act and the Local Government Board in the case of any purposes included in Part IV. of this Act may from time to time at the request of the Corporation authorise them to borrow such further sums for all or any of such purposes as the Board of Trade or the Local Government Board as the case may be may from time to time think fit and the provisions of this Act (other than those of the section of this Act the marginal note whereof is "As to repayment of borrowed moneys" relating to the postponement of the first payment of instalments or to a sinking fund) shall mutatis mutandis apply to the further sums so borrowed:

And in calculating the amount which the Corporation may borrow under the provisions of any other enactment the amount 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 reborrowing 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.

The provisions of sections 236 237 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority (except where the same are in this Act expressly altered or varied) shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act:

Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the revenue fund and rate comprised in their mortgages respectively according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sum so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or the dates of any such mortgages respectively.

**43.** A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection  
of lenders  
from inquiry.

**44.** All moneys borrowed by the Corporation under the provisions of this Act without the consent of the Board of Trade or the Local Government Board may be borrowed for any terms not exceeding the terms hereinafter respectively mentioned (that is to say):—

As to repay-  
ment of bor-  
rowed  
moneys.

As regards moneys borrowed for the purpose of paying the costs charges and expenses aforesaid five years from the passing of this Act;

As regards moneys borrowed for purposes of lands sheds and buildings underground cableways and cables forty years from the date of the original loan;

As regards moneys borrowed for purposes of overhead line equipment shelters and miscellaneous equipment twenty years from the date of the original loan;

As regards moneys borrowed for purposes of trolley vehicles ten years from the date of the original loan;

As regards moneys borrowed for the purpose of Part III. of this Act five years from the date of the original loan;

And all moneys borrowed by the Corporation under the authority of this Act with the consent of the Board of Trade or the Local Government Board may be borrowed for such term not exceeding sixty years as the Board of Trade or the Local Government Board as the case may be may prescribe:

And subject as aforesaid all moneys borrowed by the Corporation under the authority of this Part of this Act shall be repaid by yearly or half-yearly instalments or by means of

A.D. 1912. a sinking fund. Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

But it shall not be obligatory on the Corporation in the case of moneys borrowed for trolley vehicles or trolley vehicle equipment or for lands or buildings in connection therewith to commence any such repayment by instalments or to set apart or appropriate any moneys to or for a sinking fund under this Act until the expiration of one year after the trolley vehicle system in respect of which such moneys shall have been borrowed shall have been completed and opened for public traffic or two years from the borrowing thereof whichever period shall be the earlier. Provided that nothing in this section shall be deemed to relieve the Corporation from any obligation as to payment of interest on loans in the case of loans repayable by instalments of principal and interest.

Application of sections 50 51 53 and 54 of Act of 1903 to moneys borrowed under this Act.

45. The provisions of sections 50 (Sinking fund) 51 (Annual return to Local Government Board with respect to repayment of moneys borrowed on mortgage) 53 (Power to reborrow) and 54 (Power to borrow under Local Loans Act) of the Act of 1903 shall subject to the provisions of the section of this Act the marginal note whereof is "As to repayment of borrowed moneys" apply in all respects to and in the case of moneys to be borrowed under the powers of this Act and such sections shall be incorporated in this Act and be read and have effect as if they had reference to moneys borrowed under the powers of this Act.

Application of money borrowed.

46. All money borrowed under the foregoing provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Saving existing charges.

47. Nothing in this Act shall prejudicially affect any charge on the borough fund and borough rate or district fund or general district rate by way of mortgage or otherwise subsisting at the passing of this Act and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the



property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or other security granted created or issued under this Act. A.D. 1912.

**48.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. Corporation not to regard trusts.

**49.** Any property found in any tramcar trolley vehicle or motor omnibus of the Corporation shall forthwith 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 tramways undertaking. Lost property.

**50.** It shall be lawful for the Corporation to appropriate and use a strip of land in the borough forming part of the north-east corner of the northern enclosure of the Victoria Gardens which is coloured green on the map signed in duplicate by the Right Honourable Baron Newton the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy whereof has been deposited in the Private Bill Office of the House of Commons and one copy in the Office of the Clerk of the Parliaments in the House of Lords for the purpose of any street improvement which may hereafter be carried out by the Corporation under the powers of the Public Health Act 1875 or otherwise and in the event of the Corporation appropriating and using the same such land As to appropriation of northern enclosure for street improvement.

A.D. 1912. shall be freed from the provisions of the Brighton Corporation Act 1896 or any other Act affecting the same.

Corporation may advertise borough.

**51.** The Corporation may advertise the advantages and amenities of the borough or any part thereof as a health resort or watering place by handbooks or leaflets or by the insertion of advertisements in newspapers not published within the borough or otherwise with the exception of posters and placards as they may see fit and may in lieu of carrying to the credit of the district fund the moneys received by them in respect of the year ending thirty-first March one thousand nine hundred and twelve or any subsequent year from the letting of chairs and sale of programmes in pursuance of the powers of section 27 of the Brighton Corporation Act 1896 apply such moneys for the purpose of defraying the expenses incurred by them under this section and the Corporation shall not be entitled to apply any other moneys for such purpose and the sums so expended shall not in any one financial year exceed the amount that could be raised by a rate of one halfpenny in the pound on the rateable value of the borough.

Provisions as to swimming baths and open bathing places.

**52.** Notwithstanding anything to the contrary in the Baths and Washhouses Acts contained the following provisions shall have effect:—

- (1) The power of the Corporation to make byelaws for the management use and regulation of the public baths shall extend to enable them to permit any swimming bath to be used for the purpose of family bathing (that is to say by any males and females members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males above eight years old and females respectively and proper costumes worn:
- (2) The provisions of sections 10 and 11 of the Baths and Washhouses Act 1878 shall apply in reference to such byelaws as if the same were made under such Act and the Corporation may accordingly exercise all the powers conferred upon them by such section in reference to the enforcement of such byelaws.

**53.** In addition to the powers conferred by section 81 of the Act of 1900 the Corporation may apply the tramway revenue in providing if they think fit an accident fund in connection with the tramway undertaking and the Corporation may if they think fit after setting aside any sum to reserve or renewal fund under the powers of such section or in lieu of setting aside any such sums set aside out of the tramway revenue such sums as they may from time to time think reasonable and invest the same in securities in which the Corporation are by section 75 of such Act authorised to invest moneys set apart under that section and such accident fund shall be applicable to answer any claim demand or liability made against or incurred by the Corporation in respect of any accident occurring in the execution of any of the powers of the Corporation in connection with their tramway undertaking or trolley vehicles.

A.D. 1912.  
Power to establish accident fund.

**54.—(1)** For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their water electricity tramway trolley vehicle pavilion or aquarium undertakings respectively and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one third of the amount of the before mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Corporation authorising such borrowing pari passu with any Corporation stock bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

As to temporary borrowing.

- (a) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit

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of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year:

(b) The treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:

(c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(2) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March one thousand nine hundred and thirteen unless they shall have been continued by Act of Parliament or Provisional Order made by the Local Government Board and confirmed by Parliament which Order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such Order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Tramway  
revenue.

**55.** The expression "tramway revenue" shall have the same meaning as in section 55 of the Act of 1903 and the provisions of section 85 of the Act of 1900 shall extend and apply to the keeping and auditing of accounts and to the accounts kept of moneys received and paid under this Act in relation to trolley vehicles.

**56.** Any penalty under this Act or under any byelaws made in pursuance of this Act may be recovered in manner provided by the Summary Jurisdiction Acts. A.D. 1912.  
Recovery of penalties.

**57.** Proceedings for the recovery of any demand made under the authority of this Act 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.

**58.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to an arbitrator appointed by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply thereto. Provisions as to arbitration.

**59.** Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Corporation such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to arbitration Provided that the provisions of this section shall not apply in the case of any consent under the sections of this Act the marginal notes whereof are "Board of Trade may authorise new routes" and "Power to provide omnibuses." Consents of local or road authorities.

**60.** All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board. Orders &c. of Board of Trade.

**61.** With respect to notices under this Act and the delivery thereof by or to the Corporation the following provisions shall have effect (namely):— Form and delivery of notices.

- (1) Every notice shall be in writing and if given by the Corporation or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk:
- (2) Any notice to be delivered by or to the Corporation or to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of

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the Corporation as the case may be or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Corporation as the case may be may from time to time by notice to the other request that such notices may be sent or delivered.

Powers of Act cumulative.

**62.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Public Health Acts or any of them and the Municipal Corporations Act 1882 and any Act amending the same and the Corporation may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Costs of Act.

**63.** The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed by the Taxing Officer of the House of Lords or of the House of Commons and the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds Acts 1872 and 1903 with respect to the Bill for this Act shall be paid by the Corporation out of the borough fund and borough rate and the district fund and general district rate in proportions to be hereafter determined by the Corporation or out of moneys borrowed under the authority of this Act for that purpose and before borrowing such moneys the Corporation shall by resolution determine the proportions in which the funds on the security of which such moneys are borrowed shall contribute in respect of such loans.

The SCHEDULE referred to in the foregoing Act.

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**HEADS OF AGREEMENT** between the **MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF BRIGHTON** (hereinafter called "the Corporation") of the one part and the **BRIGHTON HOVE AND PRESTON UNITED OMNIBUS COMPANY LIMITED** (hereinafter called "the company") of the other part.

1. The company will withdraw their Bill promoted by them in the present session of Parliament intituled "the Brighton Hove and District Railless Traction Bill."

2. The company hereby agree to transfer to the Corporation all their rights and powers under the Brighton Hove and District Railless Traction Act 1911 (hereinafter called "the Rottingdean powers") if called upon by the Corporation to do so within two years from the date on which the Bill promoted by the Corporation intituled "the Brighton Corporation Bill" (hereinafter called "the Corporation Bill") shall become an Act of Parliament.

3. The company also agree to hand over to the Corporation sixteen electric omnibuses with lamps and all other usual appliances as generally carried and with batteries complete and in good running order at the expiration of two years from the date on which the Corporation Bill shall become an Act of Parliament and on payment of the sum mentioned in paragraph 5 hereof.

4. The company will at the expiration of the same period and on payment as aforesaid surrender to the Corporation the residue of the unexpired term of fifty years on which they hold from the Corporation the premises built and used by them as a garage and charging station in Montague Place Brighton and will hand over all fittings and apparatus therein in good working order.

5. In consideration of the aforesaid agreements by the company the Corporation agree that in the event of their obtaining powers from Parliament in the present session to construct and work trackless trolleys on the east and west route from the eastern boundary to the western boundary of the borough and in the event of their constructing the same they will on the completion of the construction thereof pay to the company the sum of twelve thousand one hundred pounds.

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6. The Corporation agree not to commence to run trolley vehicles on any equipment constructed on the east and west route until the expiration of two years from the date of their Act authorising the construction of such routes.

7. In the event of the Corporation calling upon the company to transfer the Rottingdean powers under clause 2 hereof the Corporation shall as soon as possible apply to Parliament to sanction the transfer to them of the Rottingdean powers including works if any then already constructed by the company and shall include in such application any provision required for extension of time for the exercise of such powers and in the event of such transfer being sanctioned the Corporation shall pay to the company any moneys expended by them in the execution of the works authorised by the Brighton Hove and District Railless Traction Act 1911 in addition to the sum of twelve thousand one hundred pounds hereinbefore mentioned. In the event of Parliament refusing to sanction the transfer the payment to be made to the company under paragraph 5 hereof shall be reduced by the sum of two thousand one hundred pounds or if paid shall be refunded to the Corporation.

8. This agreement save and except paragraph 1 is subject to the necessary sanction of Parliament being obtained by the Corporation either in the present session or in the year one thousand nine hundred and thirteen to enable them to make the payments to the company under paragraph 5 hereof and is made subject to such alterations as Parliament shall think fit to make therein.

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Printed by EYRE and SPOTTISWOODE, Ltd.,

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ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

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